

Operative part of the order

1. *The action is dismissed as inadmissible;*
2. *Prezes Urzędu Komunikacji Elektronicznej is ordered to pay the costs.*

(¹) OJ C 209, 31.7.2010.

Action brought on 18 April 2011 — Staelen v Ombudsman

(Case T-217/11)

(2011/C 204/44)

Language of the case: French

Parties

Applicant: Claire Staelen (Bridel, Luxembourg) (represented by: L. Levi and M. Vandenbussche, lawyers)

Defendant: European Ombudsman

Form of order sought

— The applicant requests the Court to:

- order the Ombudsman to pay to the applicant the net amount of EUR 559 382,13 as compensation for past material damage, plus default interest calculated at the rate of two points above the European Central Bank rate;
- order the Ombudsman to pay to the Community pension fund the pension contributions in favour of the applicant corresponding to the basic salaries calculated for the period from June 2005 to April 2011, that is, on the basis of a total amount of EUR 482 225,97;
- order the Ombudsman to pay to the applicant on a monthly basis from May 2011 to March 2026 the net amounts corresponding to the fixed salaries for AD officials from grade AD 9, step 2, second year, taking account of the normal career path of an official of the same grade, together with corresponding contributions to the pension fund in favour of the applicant as well as sickness fund contributions;
- order the Ombudsman to pay to the applicant the amount of EUR 50 000 as compensation for non-pecuniary damage;
- order the Ombudsman to pay all the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on four pleas in law.

1. First plea in law, alleging a failure to carry out all the inquiries warranted to clarify any possible case of improper administration in the management of the applicant's file by the European Parliament. The applicant alleges that the defendant's actions were wrongful and, consequently, in breach of Article 3(1) of Decision 94/262/ECSC, EC, Euratom, on the regulations and general conditions governing the performance of the Ombudsman's duties (OJ 1994 L 113, p. 15).

2. Second plea in law, alleging a manifest error of assessment, insofar as the defendant exceeded the powers of assessment at his disposal to examine the merits of the complaint and erred in the exercise of his tasks so as to cause harm to the applicant.
3. Third plea in law, alleging a lack of impartiality, objectivity and independence, bad faith and misuse of powers, insofar as the defendant, firstly, entered into a cooperation agreement with the European Parliament and, secondly, evaded, without justification, the central questions concerning the complaint lodged.
4. Fourth plea in law, alleging a breach of the principles of the duty of care and proper administration. The applicant alleges that the defendant, firstly, did not take into consideration all the elements capable of influencing the decision taken at the time of the examination of the applicant's situation, secondly, refused to produce the documents upon which the defendant based his decision and, thirdly, breached the principle that the procedure must take place within a reasonable time.

Action brought on 28 April 2011 — Hellenic Republic v Commission

(Case T-233/11)

(2011/C 204/45)

Language of the case: Greek

Parties

Applicant: Hellenic Republic (represented by: V. Asimakopoulos, G. Kanellopoulos, A. Iosifidou and P. Milonopoulos)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

- annul the contested decision and
- order the Commission to pay the costs.

Pleas in law and main arguments

By this action the applicant seeks the annulment of the decision of the European Commission of 23 February 2011, E(2011) 1006 final, on the State Aid No C 48/2008 (ex NN 61/2008) implemented by Greece in favour of Ellinikos Xrysos SA.