

Form of order sought

The applicant claims that the General Court should:

- annul Decision D(2014) 15503 of the Secretary-General of the European Parliament of 17 April 2014 and Debit Note No 2014-575 adopted on the basis of that decision on 5 May 2014;
- order the defendant to pay all of the legal costs incurred by the applicant.

Pleas in law and main arguments

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

The correctness of the payment and the validity and lawfulness of its recovery

The applicant submits that, in Decision D(2014) 15503, the Secretary-General of the European Parliament decided in an entirely unfounded and unlawful manner that the amount of EUR 37 728 had been unduly paid to the applicant and, in a manner which was unfounded and unlawful under Article 68 of the Implementing Measures for the Statute for Members of the European Parliament and Article 80 of the Rules of Application for the Financial Regulation, instructed the Accounting Officer of the European Parliament to recover from the applicant the payment of EUR 37 728 and, in accordance with the procedure laid down, to notify the applicant of that matter by Debit Note No 2014-575.

According to the applicant, the Secretary-General of the European Parliament, when adopting the decision, took into account only two elements: the OLAF report and the fact that the applicant had not adduced evidence that the payment was used for its intended purpose. However, the applicant claims, no information was collected which confirms that he used the payment received for purposes other than that for which it was intended, in breach of Article 14 of the Rules governing the payment of expenses and allowances to Members of the European Parliament.

The limitation period and the application of the principles of a reasonable period, legal security and the protection of legitimate expectations

The applicant claims that, in Decision D(2014) 15503 of the Secretary-General of the European Parliament and in Debit Note No 2014-575, the limitation period provided for in Article 81 of the Financial Regulation and in Article 93 of the Rules of Application for the Financial Regulation was not respected, and that the requirements of the principles of a reasonable period, legal security and the protection of legitimate expectations were not complied with.

According to the applicant, the relevant EU institutions delayed, in an unfounded and unfair manner and for an unreasonably long time, in exercising their powers and taking the relevant decisions. In this way, the applicant's rights were infringed, including the right of defence and the proper implementation of that right, since, owing to the long period between the events under investigation and the taking of the relevant decisions, the applicant was objectively deprived of the opportunity effectively to defend himself against the accusations made, to present evidence and to take all other necessary steps to ensure that the matter under examination would be resolved equitably.

Action brought on 3 November 2015 — Transtec v Commission**(Case T-616/15)****(2016/C 027/85)***Language of the case: French***Parties**

Applicant: Transtec (Brussels, Belgium) (represented by: L. Levi, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the set-off decisions of the European Commission contained in its letters of 25 August, 27 August, 7 September, 16 September and 23 September 2015 by which it recovered the sum of EUR 624 388,73;
- order the defendant to pay EUR 624 388,73 plus late payment interest on that sum, to be determined on the basis of the European Central Bank reference rate plus two percentage points;
- order the defendant to pay compensation for non-material damage, set at the symbolic amount of EUR 1;
- order the defendant to pay all the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of the principle of legal certainty, in so far as the contested decisions have no valid legal basis.
2. Second plea in law, alleging infringement of the principle of unjust enrichment, in so far as the sum of EUR 607 096,08 plus interest was deducted from the applicant's assets and increased the wealth of the Commission without any legal basis for that enrichment.
3. Third plea in law, alleging infringement of Articles 42, 44, 45 and 47 of the Financial Regulation of 27 March 2003 applicable to the 9th European Development Fund, in so far as the Commission did not exercise the discretion conferred on it by those provisions, and infringement of the principle of proportionality.
4. Fourth plea in law, alleging infringement of the principle of good administration, in so far as the Commission disregarded Article 41 of the Charter of Fundamental Rights of the European Union.
5. Fifth plea in law, alleging that the Commission committed manifest errors of assessment.

Action brought on 6 November 2015 — Badica and Kardiam v Council

(Case T-619/15)

(2016/C 027/86)

Language of the case: French

Parties

Applicants: Bureau d'achat de diamant Centrafrique (Badica) (Bangui, Central African Republic), Kardiam (Antwerp, Belgium) (represented by: D. Luff and L. Defalque, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicants claim that the Court should:

- annul Article 1 of Council Implementing Regulation (EU) 2015/1485 of 2 September 2015 and point B 1 of the Annex to that regulation in so far as the applicants are added to Annex I to Council Regulation (EU) No 224/2014 of 10 March 2014 concerning restrictive measures in view of the situation in the Central African Republic;