

Parties to the main proceedings

Applicant: Eamonn Donnellan

Defendant: The Revenue Commissioners

Questions referred

Is the High Court of Ireland precluded by Article 14(1) and (2) of Directive 2010/24/EU⁽¹⁾ when determining the enforceability in Ireland of a 'uniform instrument permitting enforcement' issued on 14th November, 2012 by the customs office of Patras for administrative penalties and fines in the sum of EUR 1 097 505,00 imposed on 15th July, 2009 for alleged smuggling on 26th July, 2002[, which was increased to EUR 1 507 971,88 by virtue of interest and penalties] from:

- (i) applying the right to an effective remedy and to a fair trial within a reasonable time for a citizen of Ireland and of the European Union in relation to the enforcement request [(see Article 47 of the Charter and Articles 6 and 13 of the ECHR which correspond with rights for citizens under Articles 34, 38 and 40.3 of the Irish Constitution), in circumstances where the procedure involved was only first explained to Mr. D in a 'non-official translation' into English (an official language of Ireland where Mr. D has always resided) in a letter dated 29 December 2015 from the Ministry of Finance of the Hellenic Republic at Piraeus to the Irish Revenue and the solicitors in Ireland for Mr. D];
- (ii) taking account of the objectives of Directive 2010/24/EU to provide mutual assistance (recital 20 to Directive 2010/24) and to abide by the obligation to provide wider assistance ensuing from the ECHR (recital 17 of Directive 2010/24) such as the right to an effective remedy for citizens under Article 47 of the Charter and Article 13 of the ECHR;
- (iii) considering the full effectiveness of community law for its citizens [and particularly paragraph 63 of [the judgment of 14 January 2010, *Kyrian v Celní úřad Tábor*, C-233/08, EU:C:2010:11].

⁽¹⁾ Council Directive 2010/24/EU of 16 March 2010 concerning mutual assistance for the recovery of claims relating to taxes, duties and other measures (OJ 2010, L 84, p. 1).

Appeal brought on 25 January 2017 by Liam Jenkinson against the order of the General Court (First Chamber) delivered on 9 November 2016 in Case T-602/15 *Liam Jenkinson v European External Action Service, Council of the European Union, European Commission, Eulex Kosovo*

(Case C-43/17 P)

(2017/C 104/52)

Language of the case: French

Parties

Appellant: Liam Jenkinson (represented by: N. de Montigny, J.-N. Louis, avocats)

Other parties to the proceedings: European External Action Service, Council of the European Union, European Commission, Eulex Kosovo

Form of order sought

The appellant claims that the Court should:

- set aside the order of the General Court of 9 November 2016 in Case T-602/15 in so far as it dismisses the action brought by the appellant and orders him to pay the costs of the proceedings;
- adjudicate on the action;
- order the defendants to pay the costs of both sets of proceedings.

Pleas in law and main arguments

The appellant disputes the General Court's having declared itself to have jurisdiction in relation only to a dispute based on the latest fixed-term contract signed by the appellant.

He also disputes, even supposing the General Court's reasoning in that regard were correct, *quod non*, the fact that the General Court did not rule on several of his requests based on the termination of the contractual relationship at issue and thus on the latest fixed-term contract. The illegality of the order under appeal is apparent from the conciseness of the reasoning, which is so succinct that it does not make it possible to understand how the General Court could, without analysing the merits of the case, conclude that it had no jurisdiction, with the exception of the dispute relating to the latest fixed term contract, solely on the basis of the existence of an arbitration clause even though the appellant disputed the validity and legality of such a clause.

The appellant also disputes the failure to take into account his entire argument as to the existence of wrongful conduct on the part of the institutions relating to the lack of legal framework offering the applicant and all the personnel of rule of law missions established by the Union guarantees that their most fundamental social rights will be respected, including the right of effective access to a court and right to a fair trial.

In support of his appeal, the appellant consequently invokes the General Court's infringement:

- of applicable EU law for the determination of the law applicable to contractual disputes;
- of provisions of Belgian employment law;
- of minimum requirements on fixed-term work applicable at Community level;
- of the rights enshrined by the Charter of Fundamental Rights;
- of the obligation to state reasons;
- of the prohibition on ruling *ultra petita*.

Action brought on 9 February 2017 — French Republic v European Parliament

(Case C-73/17)

(2017/C 104/53)

Language of the case: French

Parties

Applicant: French Republic (represented by: F. Alabrune, D. Colas, B. Fodda and E. de Moustier, acting as Agents)

Defendant: European Parliament

Form of order sought

- annul the agenda of the meeting of the European Parliament of Wednesday 30 November 2016 (document P8_0J (2016)11-30), in so far as it makes provision for plenary debates on the joint text on the draft general budget agreed by the Conciliation Committee; the agenda of the meeting of Thursday 1 December 2016 (document P8_0J (2016)12-01), in so far as it makes provision for a vote followed by explanations of votes on the joint text on the draft general budget; the European Parliament legislative resolution of 1 December 2016 on the joint text on the draft general budget (document TS-0475/2016, P8_TA-PROV(2016)0475 in its provisional version), and the act by which, in accordance with the procedure laid down in Article 314(9) TFEU, the President of the European Parliament concluded that the general budget had been definitively adopted;