

2. Second plea in law, alleging infringement of the obligation to state reasons and of the principles of equal treatment, non-discrimination and of protection against arbitrary action by the Commission resulting from the exclusion from the operative part of the decision of airlines which took part in the practices. That plea in law consists of two parts:
 - First part, based on the argument that the exclusion of airlines that took part in the practices from the operative part of the decision is vitiated by a failure to state reasons;
 - Second part, based on the argument that the exclusion of airlines that took part in the practices from the operative part of the decision is vitiated by an infringement of the principles of equal treatment, non-discrimination and of protection against arbitrary action by the Commission.
3. Third plea in law, alleging infringement of the rules delimiting the territorial jurisdiction of the Commission, which, it claims, was committed as a result of the inclusion of the EEA inbound traffic in the single and continuous infringement. This plea in law is divided into two parts:
 - First part, based on the fact that the practices relating to the EEA inbound traffic were not implemented within the EEA;
 - Second part: the Commission has not, it claims, established the existence of qualified effects within the EEA connected with the practices relating to the EEA inbound traffic.
4. Fourth plea in law, alleging contradictory reasoning and manifest error of assessment which vitiates the finding that the refusal to commission the freight forwarders constitutes a separate element of the single and continuous infringement. That plea in law consists of two parts:
 - First part, according to which that finding is vitiated by contradictory reasoning;
 - Second part, according to which that finding is vitiated by a manifest error of assessment.
5. Fifth plea in law, relating to the incorrect nature of the value of sales considered for the calculation of Air France's fine and which is divided into two parts:
 - First part, alleging that the inclusion of the tariffs in the value of sales is based on contradictory reasoning, several errors of law and a manifest error of assessment;
 - Second part, alleging that the inclusion of 50 % of the EEA inbound revenue in the value of sales infringes the 2006 Fining Guidelines and the principle of *ne bis in idem*.
6. Sixth plea in law, alleging erroneous assessment of the seriousness of the infringement, and consisting of two parts:
 - First part, relying on the argument that the overestimation of the seriousness of the practices was based on several manifest errors of assessment and an infringement of the principles of proportionality of penalties and equal treatment;
 - Second part, based on the argument that the overestimation of the seriousness of the practices resulted from the inclusion in the scope of the infringement contacts relating to practices implemented outside of the EEA, in breach of the rules of territorial jurisdiction of the Commission.
7. Seventh plea in law, alleging incorrect calculation of the duration of the infringement.
8. Eighth plea in law, alleging failure to state reasons and the insufficiency of the 15 % reduction granted by the Commission under the regulatory regimes.

Action brought on 15 June 2017 — SQ v EIB

(Case T-377/17)

(2017/C 277/70)

Language of the case: French

Parties

Applicant: SQ (represented by: N. Cambonie and P. Walter, lawyers)

Defendant: European Investment Bank

Form of order sought

The applicant claims that the Court should:

- partially annul the contested decision in so far as the President incorrectly concludes therein, first, that the practices implemented by the Director for Communication in respect of the applicant, which are referred to in paragraphs 20 to 24, 25, 31, 34, 46, 50 and 51 of the report, did not constitute psychological harassment, second, that there was no need to initiate disciplinary proceedings against that Director and, third, that the contested decision finding that the applicant had been subjected to psychological harassment must remain strictly confidential;
- order the EIB to pay her compensation because of (i) the non-material damage which she suffered as a result of the psychological harassment by the Director for Communication confirmed in the contested decision and award her EUR 121 992 (one hundred and twenty-one thousand nine hundred and ninety-two euros) in that regard, (ii) the non-material damage which she suffered, and which can be separated from the illegality on which the partial annulment of the contested decision is based, and award her EUR 25 000 (twenty-five thousand euros) in that regard, and (iii) the non-material damage resulting from, first, the breach by the Director-General for Personnel of the independence of the reporting procedure conducted by the Compliance Officer and, second, the intimidation of the applicant or the threat of retaliation made by the Director-General for Personnel, and award the applicant EUR 25 000 (twenty-five thousand euros) in that regard;
- order the EIB to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging errors of law and manifest errors of assessment as regards the categorisation of some of the practices complained of by the applicant by which the decision of the European Investment Bank (EIB) of 20 March 2017 ('the contested decision') is vitiated. This plea is divided into two parts:
 - First part, alleging errors of law in the application of the requirement that acts of psychological harassment must be repetitive;
 - Second part, alleging manifest errors of assessment resulting from the fact that some of the practices complained of were objectively such as to damage self-confidence and self-esteem.
2. Second plea in law, alleging errors connected with a failure to initiate disciplinary proceedings, and divided into two parts:
 - First and main part, alleging an error of law;
 - Second part, raised in the alternative, alleging a manifest error of assessment and/or infringement of the principle of proportionality.
3. Third plea in law, alleging errors of law and manifest errors of assessment as regards the obligation imposed on the applicant to keep confidential the contested decision finding that she had been subjected to psychological harassment by the Director for Communication.

Action brought on 28 June 2017 — Dalli v Commission

(Case T-399/17)

(2017/C 277/71)

Language of the case: English

Parties

Applicant: John Dalli (St. Julians, Malta) (represented by: L. Levi and S. Rodrigues, lawyers)

Defendant: European Commission