

GENERAL COURT

Judgment of the General Court of 26 April 2023 — CV v Commission

(Case T-20/18) ⁽¹⁾

(Civil service — Officials — Social security — Article 73 of the Staff Regulations — Common rules on the insurance against the risk of accident and of occupational disease — Occupational disease — Medical Committee — Article 22 — Refusal to recognise the occupational nature of a disease — Proper conduct of the pre-litigation procedure — Obligation to state reasons)

(2023/C 216/48)

Language of the case: French

Parties

Applicant: CV (represented by: F. Moyse and L. Heisten, lawyers)

Defendant: European Commission (represented by: T.S. Bohr and L. Vernier, acting as Agents)

Re:

By his action under Article 270 TFEU, the applicant seeks, first, the annulment of the decision of the European Commission of 20 March 2017 rejecting his application for recognition of the occupational origin of his disease and the decision of the Commission of 15 March 2017 imposing on the applicant certain costs and fees of the members of the Medical Committee that ruled on that application and, secondly, compensation for the material and non-material damage which the applicant claims to have suffered as a result of those decisions.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders CV to pay the costs.

⁽¹⁾ OJ C 112, 26.3.2018.

Judgment of the General Court of 26 April 2023 — SRB v EDPS

(Case T-557/20) ⁽¹⁾

(Protection of personal data — Procedure for granting compensation to shareholders and creditors following the resolution of a bank — Decision of the EDPS in which it found that the SRB failed to fulfil its obligations concerning the processing of personal data — Article 15(1)(d) of Regulation (EU) 2018/1725 — Concept of personal data — Article 3(1) of Regulation 2018/1725 — Right of access to the file)

(2023/C 216/49)

Language of the case: English

Parties

Applicant: Single Resolution Board (represented by: H. Ehlers, M. Fernández Rupérez, A. Lapresta Bienz, acting as Agents, and by H.-G. Kamann, M. Braun, F. Louis, and L. Hesse, lawyers)

Defendant: European Data Protection Supervisor (EDPS) (represented by: P. Candellier, X. Lareo and T. Zerdick, acting as Agents)

Re:

By its action based on Article 263 TFEU, the Single Resolution Board (SRB) seeks, first, annulment of the revised decision of the European Data Protection Supervisor (EDPS) of 24 November 2020 adopted following the SRB's request for review of the decision of the EDPS of 24 June 2020 concerning five complaints submitted by several complainants (Cases 2019-947, 2019-998, 2019-999, 2019-1000 and 2019-1122) and, second, a declaration that the decision of the EDPS of 24 June 2020 is illegal.

Operative part of the judgment

The Court:

1. Annuls the revised decision of the European Data Protection Supervisor (EDPS) of 24 November 2020 adopted following the request from the Single Resolution Board (SRB) for review of the decision of the EDPS of 24 June 2020 concerning five complaints submitted by several complainants (Cases 2019-947, 2019-998, 2019-999, 2019-1000 and 2019-1122);
2. Dismisses the action as to the remainder;
3. Orders the EDPS to pay the costs.

⁽¹⁾ OJ C 390, 16.11.2020.

Judgment of the General Court of 26 April 2023 — OHB System v Commission

(Case T-54/21) ⁽¹⁾

(Public supply contracts — Tendering procedure — Competitive dialogue — Procurement of Galileo transition satellites — Rejection of a tenderer's tender — Exclusion criteria — Serious professional misconduct on the part of a tenderer — No final judgment or final administrative decision — Referral to the panel referred to in Article 143 of the Financial Regulation — Equal treatment — Abnormally low tender — Manifest error of assessment)

(2023/C 216/50)

Language of the case: German

Parties

Applicant: OHB System AG (Bremen, Germany) (represented by: W. Würfel and F. Hausmann, lawyers)

Defendant: European Commission (represented by: G. Wilms, L. André, J. Estrada de Solà and L. Mantl, acting as Agents)

Interveners in support of the defendant: Italian Republic (represented by: G. Palmieri, acting as Agent, and by P. Gentili and G. Santini, avvocati dello stato) and Airbus Defence and Space GmbH (Taufkirchen, Germany) (represented by: P.-E. Partsch, F. Dewald and C.-E. Seestädt, lawyers)

Re:

By its action under Article 263 TFEU, the applicant seeks annulment of the decisions of the European Commission, communicated to the applicant by letter of 19 January 2021 and by fax of 22 January 2021, not to accept its tender, submitted in the context of Call for Tenders in the form of a competitive dialogue 2018/S 091-206089 relating to the procurement of Galileo transition satellites, and to award the contract to two other tenderers.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders OHB System AG to bear its own costs and to pay those incurred by the European Commission, including those relating to the proceedings for interim relief;