



C/2024/3918

1.7.2024

Action brought on 23 April 2024 – YU v Commission

(Case T-217/24)

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Language of the case: French

Parties

Applicant: YU (represented by: L. Frölich, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- order the European Union (the European Commission) to pay compensation to the applicant of EUR 87 000 000,00 in respect of non-pecuniary damage (anxiousness, anxiety, pain, suffering and a deterioration in health);
- order the European Union (the European Commission) to pay the applicant interest due on the sum of EUR 10 038 973 802,36, from 25 August 2023 and until the European Commission adopts valid decisions in cases SA.46963 and SA.52275. The applicable statutory interest rate is to be based on the marginal reference rate of *Mémorial B* published separately by the Judicial Authority of Luxembourg at the start of each six-month period, increased by 8 percentage points. In the event of decisions finding that action for recovery of the aid at issue is time-barred, the European Union (the European Commission) is to be ordered to pay to the applicant his occupational income of a definitive principal amount of EUR 45 000 000,00 in case SA.46966 and of EUR 20 032 947 604,71 for case SA.52275, without prejudice to interest and other ancillary amounts;
- order the European Union (the European Commission) to pay the applicant compensation of EUR 14 000,00 in respect of legal costs. In the event that action for recovery of the aid at issue is time-barred, that compensation is to be increased to EUR 72 000,00;
- order the European Union 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 infringement of rules of law which are intended to confer rights on the applicant. The applicant submits that the European Commission, following the answers provided on 25 July 2023, has adopted an inactive stance, consisting in its refusal to rectify the errors made in its letters of 14 and 20 July 2023. Those errors infringe the European Treaties and Directive 2019/1937 and entail unlawful conduct on the part of the European Commission, which takes the form in particular of a failure to act, which engages the liability of the European Union, for the purposes of Article 41(3) of the Charter of Fundamental Rights of the European Union and the second paragraph of Article 340 TFEU.
2. Second plea in law, claiming the fact of damage. According to the applicant, the unlawful conduct of the European Commission, in particular its failure to act, prevents the applicant from obtaining, through the national judicial system, the execution of payment of his occupational income, which causes damages to be due to him.
3. Third plea in law, alleging a causal link. The applicant argues that the unlawful conduct of the European Commission, in particular its failure to act, is the direct cause of the damages due to him, which he is seeking as compensation within the application.