

2. Second ground of appeal, alleging several errors of law in the interpretation of Article 20 of Annex VIII to the Staff Regulations, in relation to paragraphs 31, 57 to 60, and 61 to the first sentence of paragraph 65 of the judgment under appeal.
3. Third ground of appeal, alleging several errors of law and infringement of the obligation to state reasons, in relation to paragraphs 65 and 67 to 79 of the judgment under appeal.

Action brought on 23 September 2016 — Trasta Komerbanka a.o. v ECB

(Case T-698/16)

(2016/C 441/34)

Language of the case: English

Parties

Applicants: Trasta Komerbanka AS (Riga, Latvia) and 6 others (represented by: O. Behrends, L. Feddern and M. Kirchner, lawyers)

Defendant: European Central Bank

Form of order sought

The applicants claim that the Court should:

- annul the ECB's decision dated 3 March 2016 withdrawing the banking license of Trasta Komerbanka AS; and
- order the defendant to pay all costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the ECB violated Article 24 SSM Regulation (¹), and related provisions in connection with the review of the ECB's earlier decision by the Administrative Board of Review.
2. Second plea in law, alleging that the ECB failed to examine and appraise carefully and impartially all factual aspects including without limitation that the ECB did not respond appropriately to the fact that the information and documents submitted by the local Latvian regulatory authority were inaccurate.
3. Third plea in law, alleging that the ECB violated the principle of proportionality by failing to recognize the availability of alternative measures.
4. Fourth plea in law, alleging that the ECB violated the principle of equal treatment.
5. Fifth plea in law, alleging that the ECB violated Article 19 and Recital 75 SSM Regulation and committed a *détournement de pouvoir*.
6. Sixth plea in law, alleging that the ECB violated the principles of legitimate expectations and legal certainty.

7. Seventh plea in law, alleging that the ECB violated procedural rules including the right to be heard, the right of access to the file, the right to an adequately reasoned decision, and violation of Article 83(1) SSM Framework Regulation.

⁽¹⁾ Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (OJ L 287, 29.10.2013, p. 63)

Appeal brought on 30 September 2016 José Barroso Truta, Marc Forli, Calogero Galante, Bernard Gradel against the judgment of the Civil Service Tribunal of 20 July 2016 in Case F-126/15, Barroso Truta and Others v Court of Justice

(Case T-702/16 P)

(2016/C 441/35)

Language of the case: French

Parties

Appellants: José Barroso Truta (Bofferdange, Luxembourg), Marc Forli (Lexy, France), Calogero Galante (Aix-Sur-Cloie, Belgium), Bernard Gradel (Konacker, France) (represented by S. Orlandi and T. Martin, lawyers)

Other party to the proceedings: Court of Justice of the European Union

Form of order sought by the appellants

The appellants claim that the Court should:

— Set aside the judgment of the Civil Service Tribunal in Case F-126/15, *Barroso Truta and Others v CJEU*;

and, giving judgment itself,

— Order the Court of Justice to pay EUR 61 121,08 on behalf of Mr Barroso Truta, EUR 129 440,98 on behalf of Mr Forli, EUR 76 324,29 on behalf of Mr Galante and EUR 99 565,13 on behalf of Mr Gradel, to any fund or insurance policy in the appellants' names;

— In the alternative, order the Court of Justice to pay the abovementioned amounts to the appellants, those sums to be paid together with interest calculated at a rate of 3,1 % per annum from the date of the transfer of the appellants' pension rights to the pension scheme of the EU institutions;

— Order the Court of Justice to pay the costs in both sets of proceedings.

Pleas in law and main arguments

In support of the appeal, the appellants rely on three pleas in law.

1. First plea in law, alleging that the Civil Service Tribunal (CST) erred in law by holding that the action for damages was inadmissible on the ground that the appellants did not observe the pre-litigation procedure, which allegedly should have commenced with the submission of a complaint, followed by a possible action for annulment of the decisions recognising the crediting of pensionable years in the pension scheme of the EU institutions.
2. Second plea in law, alleging that the CST erred in law by holding that the AECC had committed no administrative error when communicating proposals concerning additional pensionable years, which nevertheless proved to be incomplete or incorrect with regard to contract agents in function group I.