

- In that regard, the applicant alleges infringement of Articles 4 and 13 TEU, which require the European Parliament — like the other EU Institutions — at all times to protect situations where legitimate expectations have been created, within the legal order of the European Union, by any of the persons who are part of that institution.
- He also alleges breach of the principle of the protection of legitimate expectations and the principle of good faith, both of which are general and fundamental principles of EU law acknowledged and affirmed by the case-law of the Court of Justice of the European Union, which requires compliance with those principles at all times in cases concerning the repayment of sums paid to an individual in good faith.
- Lastly, the applicant alleges infringement of Article 1 of the Protocol to the ECHR concerning the protection of property, to which reference is made in Article 6 TEU and which has the same binding force as the Treaties, which requires protection of the legitimate expectation engendered in an individual regarding his lawful receipt of monies to which he is entitled.

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**Action brought on 15 January 2015 — Italy v Commission**

(Case T-17/15)

(2015/C 081/35)

*Language of the case: Italian*

**Parties**

*Applicant:* Italian Republic (represented by: P. Gentili, avvocato dello Stato, and G. Palmieri, acting as Agent)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- Annul the notice of Competition EPSO/AD/294/14 — Administrators (AD 6) in the field of data protection;
- Order the Commission to pay the 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 infringement of Article 263 TFEU, Article 264 TFEU and Article 266 TFEU.
  - The applicant argues that the Commission breached the principle of *res judicata* in relation to the judgment of the Court of Justice in Case C-566/10 P [*Italy v Commission*], which declares that notices restricting the choice of a second language for individuals taking part in open competitions of the European Union to only English, French or German are unlawful.
2. Second plea in law, alleging infringement of Article 342 TFEU and Articles 1 and 6 of Regulation No 1/58.
  - In that regard, the applicant maintains that, by restricting the number of languages from which individuals taking part in open competitions of the European Union may select their second language to three, the Commission in practice laid down a new rule concerning the languages of the institutions, impinging on the Council's exclusive competence in that area.
3. Third plea in law, alleging infringement of: (i) Article 12 EC, now Article 18 TFEU; (ii) Article 22 of the Charter of Fundamental Rights of the European Union; (iii) Article 6(3) TEU; (iv) Article 1(2) and (3) of Annex III to the Staff Regulations; (v) Articles 1 and 6 of Regulation No 1/58; and (vi) Article 1d(1) and (6), the second paragraph of Article 27, and Article 28(f) of the Staff Regulations.
  - The applicant submits, in that regard, that the language restriction applied by the Commission is discriminatory, as the provisions cited above prohibit the imposing on EU citizens or on officials of the institutions language restrictions not (or not yet) generally and objectively laid down by those institutions' internal rules of procedure as envisaged by Article 6 of Regulation No 1/58; they also prohibit the introduction of such restrictions except in response to a specific and justifiable interest of the service concerned.

4. Fourth plea in law, alleging infringement of Article 6(3) TEU in so far as that provision enshrines the principle of the protection of legitimate expectations as a fundamental right resulting from the constitutional traditions common to the Member States.
  - In that regard, the applicant claims that the Commission undermined citizens' faith in the possibility of choosing as their second language any language of the European Union, as had continually been the case until 2007 and as was authoritatively reiterated in the judgment of the Court of Justice in Case C-566/10 P.
5. Fifth plea in law, alleging a misuse of powers, infringement of the substantive rules relating to the nature and purpose of competition notices (particularly Article 1d(1) and (6), Article 28(f), the second paragraph of Article 27, Article 34(3), and Article 45(1) of the Staff Regulations), and a breach of the principle of proportionality.
  - The applicant argues, in that regard, that, by restricting in advance and across the board the number of languages from which a second language may be chosen to three, the Commission has brought testing the candidates' language skills forward to the notice and conditions for admission stage, when such testing should instead be carried out during the competition itself. Thus, language skills become more important than professional ones.
6. Sixth plea in law, alleging infringement of: (i) Article 18 TFEU and the fourth paragraph of Article 24 TFEU; (ii) Article 22 of the Charter of Fundamental Rights of the European Union; (iii) Article 2 of Regulation No 1/58; and (iv) Article 1d(1) and (6) of the Staff Regulations.
  - In that regard, the applicant submits that, in making it compulsory for candidates to send applications in English, French or German, and for EPSO to send those candidates communications relating to the conduct of the competition in one of those languages, the Commission infringed the right of EU citizens to communicate with the institutions in their own language, and introduced further discrimination to the detriment of anyone not having a thorough knowledge of one of those three languages.
7. Seventh plea in law, alleging: (i) infringement of Articles 1 and 6 of Regulation No 1/58, Article 1d(1) and (6) and Article 28(f) of the Staff Regulations, Article 1(1)(f) of Annex III to the Staff Regulations, and the second paragraph of Article 296 TFEU (failure to provide a statement of reasons); (ii) breach of the principle of proportionality; and (iii) distortion of the facts.
  - The applicant notes, in that regard, that the Commission justified the restriction to three languages on the basis of the need for new recruits to be able immediately to communicate within the institutions. That statement of reasons is, it argues, a distortion of the facts because the three languages in question are not the ones used most frequently in communications between different language groups within the institutions; the restriction is also a disproportionate restriction of the fundamental right not to be discriminated against on the grounds of language, since there are less restrictive means of ensuring quicker communication within the institutions.

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**Action brought on 21 January 2015 — International Management Group v Commission**

**(Case T-29/15)**

(2015/C 081/36)

*Language of the case: English*

**Parties**

*Applicant:* International Management Group (Brussels, Belgium) (represented by: M. Burgstaller and C. Farrell, Solicitors, and E. Wright, Barrister)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul the amended Annex to the Commission Implementing Decision of 7.11.2013 on the Annual Action Programme 2013 in favour of Myanmar/Burma to be financed from the general budget of the European Union adopted on 16 December 2014; and
- order the European Commission to pay for the costs.