

Defendant: Council of the European Union (represented by: B. Driessen and S. Van Overmeire, acting as Agents)

Re:

By its action under Article 263 TFEU, the applicant seeks annulment of:

- Council Decision (CFSP) 2021/142 of 5 February 2021 updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, and repealing Decision (CFSP) 2020/1132 (OJ 2021 L 43, p. 14);
- Council Implementing Regulation (EU) 2021/138 of 5 February 2021 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Implementing Regulation (EU) 2020/1128 (OJ 2021 L 43, p. 1);
- Council Decision (CFSP) 2021/1192 of 19 July 2021 updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, and repealing Decision 2021/142 (OJ 2021 L 258, p. 42);
- Council Implementing Regulation (EU) 2021/1188 of 19 July 2021 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Implementing Regulation 2021/138 (OJ 2021 L 258, p. 14);
- Council Decision (CFSP) 2022/152 of 3 February 2022 updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, and repealing Decision 2021/1192 (OJ 2022 L 25, p. 13);
- Council Implementing Regulation (EU) 2022/147 of 3 February 2022 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Implementing Regulation 2021/1188 (OJ 2022 L 25, p. 1), in so far as those measures concern the applicant.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders each party to bear its own costs.

(¹) OJ C 217, 7.6.2021.

Judgment of the General Court of 14 December 2022 — SU v EIOPA

(Case T-296/21) (¹)

(Civil service — Members of the temporary staff — Contract for a fixed period — Non-renewal — Renewal procedure — Taking into account of appraisal reports — Non-finalised appraisal report — Liability — Material damage — Loss of opportunity — Non-material damage — Unlimited jurisdiction — Implementation of a judgment of the General Court)

(2023/C 63/46)

Language of the case: English

Parties

Applicant: SU (represented by: L. Levi, lawyer)

Defendant: European Insurance and Occupational Pensions Authority (EIOPA) (represented by: C. Coucke and E. Karatza, acting as Agents, and by B. Wägenbaur, lawyer)

Re:

By her action based on Article 270 TFEU, the applicant seeks, first, annulment of the decision of the European Insurance and Occupational Pensions Authority (EIOPA) of 15 July 2020 by which the latter did not renew her contract and, so far as necessary, of the decision of 11 February 2021 by which it rejected her complaint and, secondly, compensation for the material and non-material damage she claims to have suffered as a result.

Operative part of the judgment

The Court:

1. Annuls the decision of the European Insurance and Occupational Pensions Authority (EIOPA) of 15 July 2020 not to renew SU's contract as a member of the temporary staff;
2. Annuls the decision of EIOPA of 11 February 2021 rejecting SU's complaint;
3. Orders EIOPA to pay EUR 10 000 as compensation for the material damage sustained by SU;
4. Orders EIOPA to pay EUR 5 000 as compensation for the non-material damage sustained by SU;
5. Dismisses the action as to the remainder;
6. Orders EIOPA to pay the costs.

(¹) OJ C 320, 9.8.2021.

Judgment of the General Court of 14 December 2022 — SY v Commission

(Case T-312/21) (¹)

(Civil service — Recruitment — Notice of competition — Open Competition EPSO/AD/374/19 — Decision not to include the applicant's name on the competition reserve list — Action for annulment — Amendment of the notice of competition after a part of the admission tests have been carried out — Lack of legal basis — Legitimate expectations — Legal certainty — Force majeure — Equal treatment — Entitlement to special arrangements — Organisation of the tests remotely — High pass rate of internal candidates — Action for failure to act)

(2023/C 63/47)

Language of the case: German

Parties

Applicant: SY (represented by: T. Walberer, lawyer)

Defendant: European Commission (represented by: L. Hohenecker, T. Lilamand and D. Milanowska, acting as Agents)

Re:

By his action based on Article 270 TFEU and on Article 91 of the Staff Regulations of Officials of the European Union, the applicant seeks, in essence, first, the annulment of the addendum to the notice of Open Competition EPSO/AD/374/19 (OJ 2020 C 374 A, p. 3), which amended the rules for the tests in that competition on account of the outbreak of the COVID-19 pandemic, of the invitation by the European Commission of 20 November 2020 to sit a test, of the reserve list drawn up at the end of that competition in the field of competition law, of the decisions concerning the recruitment of candidates carried out on the basis of that reserve list and of the review decision of the competition selection board confirming the decision not to include his name on the reserve list. He requests, secondly, in the alternative, that, in the judgment to be delivered, the Court specify the detailed requirements to be complied with by the Commission in order to restore the applicant to the legal position he was in prior to the illegality committed by that selection board, in order to enable the latter to include his name on the reserve list. He requests, thirdly, that the Court find that the Commission infringed Article 265 TFEU by failing to issue a decision in respect of the applicant's administrative complaint of 17 January 2021.