

5. This action maintains that it is not possible for a Member State of the European Union and more particularly the Eurozone, to undertake *ex proprio motu* within its domestic legal order (Parliament — Council of Ministers — Ministerial Decisions) a unilateral restructuring of its sovereign debt, without the authorisation or tacit consent of the ECB; there would otherwise be financial chaos. In the present case there existed the tacit consent of the ECB, and consequently its non-contractual liability is engaged with respect to losses amounting to 53.5 %, a level that strikes at the heart of the right to property. It is manifest that there is a causal link between the responsibility, by omission, of the ECB for the losses at issue, the culpability of its agencies and its non-contractual liability.

Action brought on 11 March 2017 — Le Pen v Parliament

(Case T-161/17)

(2017/C 151/49)

Language of the case: French

Parties

Applicant: Marine Le Pen (Saint-Cloud, France) (represented by: M. Ceccaldi and J.-P. Le Moigne, lawyers)

Defendant: European Parliament

Form of order sought

The applicant claims that the Court should:

- annul the decision of the Secretary-General of the European Parliament of 6 January 2017, adopted pursuant to Articles 33, 43, 62, 67 and 68 of Decision 2009/C 159/01 of the Bureau of the European Parliament of 19 May and 9 July 2008 ‘concerning implementing measures for the Statute for Members of the European Parliament’, as amended, making a claim against the applicant for an amount of EUR 41 554 by way of sums unduly paid for parliamentary assistance and giving reasons for its recovery, and ordering the competent authorising officer, in cooperation with the accounting officer of that institution, to recover that amount in accordance with Article 68 of the implementing measures and Articles 66, 78, 79 and 80 of the Financial Regulation;
- annul Debit Note No 2017-22 of 11 January 2017 informing the applicant that a claim for EUR 41 554 has been made against her following the Secretary-General’s decision of 6 January 2017 ordering the recovery of sums unduly paid for parliamentary assistance in accordance with Article 68 of the implementing measures and Articles 78, 79 and 80 of the Financial Regulation;
- order the European Parliament to pay the costs in their entirety;
- order the European Parliament to pay Ms Le Pen the sum of EUR 50 000 by way of compensation for the recoverable costs.

Pleas in law and main arguments

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

1. First plea in law, alleging defects affecting the procedural legality of the contested measures. This plea is divided into five parts.
 - First part, alleging that the power to make financial decisions concerning Members rests with the Bureau of the European Parliament and not with the Secretary-General.
 - Second part, alleging that the Bureau of the European Parliament cannot alter the nature and scope of its powers. The Secretary-General has not provided evidence of any lawful delegation by the President of the Bureau of the Parliament of the power to adopt and notify the contested measures in order to settle financial issues concerning a Member.
 - Third part, alleging that the contested measures do not contain a sufficient statement of reasons, and that they are of an arbitrary nature.
 - Fourth part, alleging infringement of essential procedural requirements.

- Fifth part, alleging that the Secretary-General of the European Parliament did not personally examine the case-file.
- 2. Second plea in law, alleging defects affecting the substantive legality of the contested measures. This plea is divided into six parts.
 - First part, alleging infringement of the principles of legitimate expectations and legal certainty.
 - Second part, alleging that there are no facts to support the contested measures.
 - Third part, alleging that the contested measures are vitiated by a misuse of powers.
 - Fourth part, alleging that the contested measures are vitiated by an abuse of process.
 - Fifth part, alleging that the contested measures are discriminatory and that there is *fumus persecutionis*.
 - Sixth part, alleging a lack of independence on the part of OLAF.

Action brought on 8 March 2017 — EKETA v Commission

(Case T-166/17)

(2017/C 151/50)

Language of the case: Greek

Parties

Applicant: Ethniko Kentro Erevnas kai Technologikis Anaptyxis (EKETA) (Thessaloniki, Greece) (represented by: V. Christianos and S. Paliou, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

- declare that the request made by the European Commission to EKETA to reimburse the amount of EUR 197 799,52 of the payment received by it for the SENSATION project, that request being made in the debit note 3241615291/29.11.2016, is unfounded with respect to the sum of EUR 191 039,55;
- declare that the sum of EUR 191 039,55 constitutes eligible costs and that EKETA is not obliged to repay that sum to the European Commission, and
- order the European Commission to pay the applicant's costs.

Pleas in law and main arguments

1. By this action, the Ethniko Kentro Erevnas kai Technologikis Anaptyxis (EKETA) challenges the requests made by the Commission by means of its debit note 3241615291/29.11.2016, in relation to participation in the SENSATION project. By means of that debit note, the Commission requested that EKETA reimburse part of the payment received by it for the SENSATION project, a sum of EUR 197 799,52. The request follows an on-the-spot audit which was carried out by the European Commission at the applicant's premises.
 2. In that context, the applicant claims that the General Court of the European Union, under Article 272 TFEU, should declare that, out of the above amount stated in the debit note, the sum of EUR 191 039,55 constitutes eligible costs and that EKETA is not obliged to repay that sum to the Commission.
 3. EKETA maintains that the above amount of EUR 191 039,55 constitutes eligible staff costs, subcontracting costs and indirect costs, which the Commission wrongly rejected as being ineligible. The eligibility of the applicant's costs is demonstrated by the evidence that it submitted to the European Commission at the on-the-spot audit and in subsequent correspondence and that it submits to the General Court.
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