

**Action brought on 4 April 2022 — Mellish v Commission**

(Case T-176/22)

(2022/C 222/53)

*Language of the case: French***Parties***Applicant:* Philip Mellish (Uccle, Belgium) (represented by: N. de Montigny, lawyer)*Defendant:* European Commission**Form of order sought**

The applicant claims that the Court should:

- annul the applicant's payslip for June 2021 and the note from the Commission's HR Service of 14 June 2021 informing him that from 2021 onwards and following Brexit he would no longer receive the flat-rate sum for reimbursement of the costs of travelling to his place of origin;
- annul, in so far as it is deemed to supplement the statement of reasons for the contested decision, the decision of 22 December 2021 rejecting the complaint of 1 September 2021;
- order the defendant 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, claiming that the Staff Regulations of Officials of the European Union ('the Staff Regulations') should be applied teleologically and effectively and alleging that the administration made an error of law, that Article 7(4) of Annex VII to the Staff Regulations was infringed, and that the general implementing provisions on the place of origin infringe the Staff Regulations.
2. Second plea in law, alleging infringement of the principle of equal treatment and unjustified discrimination, raising a plea of illegality and claiming that the provisions providing for the total abolition of reimbursement in the event of loss of citizenship should be disapplied.
3. Third plea in law, in the alternative, first, claiming that the provisions at issue should be applied in accordance with the flexibility promised by the European Union regarding the interpretation of the Staff Regulations in a way that is generous to United Kingdom nationals and consistent with other internal rules and, second, alleging that the principle of compensation for the staff member's expatriation status was infringed.

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**Action brought on 4 April 2022 — Chambers and Others v Commission**

(Case T-177/22)

(2022/C 222/54)

*Language of the case: French***Parties***Applicants:* Alexander Chambers (Barcelona, Spain) and nine other applicants (represented by: N. de Montigny, lawyer)*Defendant:* European Commission

**Form of order sought**

The applicants claim that the Court should:

- annul the applicants' payslips for June 2021 in so far as they are indicative of a decision to withdraw the flat-rate allowance owed by way of reimbursement of the costs of travelling from the place of employment to the place of origin;
- annul, in so far as it supplements the statement of reasons for the contested decision, the decision of 22 December 2021 rejecting the complaint of 30 August 2021;
- order the defendant to pay the costs.

**Pleas in law and main arguments**

In support of the action, the applicants rely on three pleas in law, which are, in essence, identical or similar to those relied on in Case T-177/22, *Mellish v Commission*.

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**Action brought on 13 April 2022 — Polynt v ECHA**

(Case T-192/22)

(2022/C 222/55)

*Language of the case: English*

**Parties**

*Applicant:* Polynt SpA (Scanzorosciate, Italy) (represented by: C. Mereu and S. Abdel-Qader, lawyers)

*Defendant:* European Chemicals Agency

**Form of order sought**

The applicants claim that the Court should:

- declare the application admissible and well-founded;
- annul the decision of the European Chemicals Agency, sent by letter of 4 February 2022 (FUP-DEV-01-21200655590-58-0000-CCH-1-2\_FTR\_NOTIF), informing of a failure to respond to a dossier evaluation decision;
- declare — or order ECHA to adopt a new measure declaring — that the Applicant is released from the obligation to provide any information to ECHA following the cease of production and consequent unavailability of the substance concerned due to *force majeure*; and
- order ECHA to pay all costs of these proceedings.

**Pleas in law and main arguments**

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

1. First plea in law, alleging that the Defendant breached the principle of force majeure when it held that the cease of manufacture of the substance 1,3-dioxo-2-benzofuran-5- carboxylic acid with nonan-1-ol (EC Number 941-303-6) (hereinafter 'the substances') after the adoption of the final compliance check decision for reasons of force majeure does not relieve the Appellant from the obligation to provide the information requested in the initial compliance check decision on the substances.