

Form of order sought

The applicant claims that the Court should:

- annul the Commission's Decision, set out in a letter of 6 July 2022 ('the Decision under Challenge') by which the Commission rejected a request for internal review dated 3 February 2022 brought by the applicant pursuant to Article 10 of the Aarhus Regulation ⁽¹⁾ of Commission Delegated Regulation (EU) 2021/2139 of 4 June 2021 ⁽²⁾ made pursuant to Regulation (EU) 2020/852 ⁽³⁾ ('the Taxonomy Regulation'); and,
- order the defendant to pay the applicant's 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 decision under challenge discloses a number of errors of law as to the scope of the Commission's competence, insofar as the Commission disregarded a number of essential elements of the Taxonomy Regulation when making the Delegated Regulation.
2. Second plea in law, alleging that the decision under challenge discloses two manifest errors of assessment as to the scientific evidence concerning combustion of forest biomass for energy.
3. Third plea in law, alleging that the decision under challenge discloses several manifest errors of assessment as to the manufacture of OBCs.
4. Fourth plea in law, alleging that the decision under challenge also discloses manifest errors as to the manufacture of bioplastic.

⁽¹⁾ Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ 2006, L 264, p. 13) (the 'Aarhus Regulation').

⁽²⁾ Delegated Regulation of 4 June 2021 supplementing Regulation (EU) 2020/852 of the European Parliament and of the Council by establishing the technical screening criteria for determining the conditions under which an economic activity qualifies as contributing substantially to climate change mitigation or climate change adaptation and for determining whether the economic activity causes no significant harm to any of the other environmental objectives (OJ 2021 L 442, p. 1).

⁽³⁾ Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ 2020, L 198, p. 13).

Action brought on 31 October 2022 — SBM Développement v Commission

(Case T-667/22)

(2023/C 45/26)

Language of the case: English

Parties

Applicant: SBM Développement SAS (Ecully, France) (represented by: B. Arash and H. Lindström, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- declare the application admissible and well-founded;

- annul the Commission's Implementing Decision (EU) 2022/1388 of 23 June 2022 on the unresolved objections regarding the terms and conditions of the authorisation of the biocidal product Pat'Appât Souricide Canadien Foudroyant referred by France and Sweden in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council (OJ 2022, L 208, p. 7);
- order the Commission to pay the costs of these proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of rule of law relating to the application of Article 48 and infringement of Articles 1(1) and 32 of Regulation (EU) 528/2012, (the 'BPR').⁽¹⁾
2. Second plea in law, alleging infringement of Articles 33, 35 and 36 of the BPR.
3. Third plea in law, alleging infringement of rule of law relating to the application of the Treaties — principles of legal certainty and legitimate expectations.
4. Fourth plea in law, alleging infringement of Article 19 of the BPR and manifest error in assessment.
5. Fifth plea in law, alleging exceedance of power and infringement of rule of law relating to the application of the Treaties — principles of legal certainty, protection of legitimate expectations, proportionality and Article 16 of the Charter of fundamental rights of the EU.

⁽¹⁾ Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products, OJ 2012, L 167, p. 1.

Action brought on 28 November 2022 — UniSystems Luxembourg and Unisystems systimata pliroforikis v ESMA

(Case T-750/22)

(2023/C 45/27)

Language of the case: English

Parties

Applicants: UniSystems Luxembourg Sàrl (Bertrange, Luxembourg), Unisystems systimata pliroforikis monoprosopi anonymi emporiki etairia (Kallithea, Greece) (represented by: N. Korogiannakis, lawyer)

Defendant: European Securities and Markets Authority (ESMA)

Form of order sought

The applicants claim that the Court should:

- annul the decision of the ESMA to select the tender of the applicants as second in the cascade at the open call for tenders for ICT Consultancy — PROC/2021/12 'External Provision of IT Services', and to award the first cascade contract at the same call for tenders to the first cascade consortium, notified to the applicants by a letter of the ESMA dated 17 September 2022;