

Pleas in law and main arguments

In support of the action, the applicant relies on one plea in law alleging a breach of Articles 8 and 47 of the EU Charter of Fundamental Rights.

- (¹) Decision of the European Data Protection Supervisor in complaint case 2020 — 0908 against the European Union Agency for Law Enforcement Cooperation (Europol) of 8 September 2022.
- (²) Regulation (EU) 2022/991 of the European Parliament and of the Council of 8 June 2022 amending Regulation (EU) 2016/794 as regards Europol's cooperation with private parties, the processing of personal data by Europol in support of criminal investigations and Europol's role in research and innovation (OJ 2022 L 169, p. 1).

Action brought on 14 November 2022 — Spain v Commission

(Case T-681/22)

(2023/C 24/63)

Language of the case: Spanish

Parties

Applicant: Kingdom of Spain (represented by: A. Gavela Llopis and M.J. Ruiz Sánchez, acting as Agents)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul Commission Implementing Regulation (EU) 2022/1614 (¹) of 15 September 2022 determining the existing deep-sea fishing areas and establishing a list of areas where vulnerable marine ecosystems are known to occur or are likely to occur, as regards the establishment of a list of areas where vulnerable marine ecosystems are known to occur or are likely to occur, set out in Article 2 and in Annex II.
- in addition, declare Article 9(6) and (9) of Regulation 2016/2336 (²) to be invalid, in accordance with Article 277 TFEU.
- order the European Commission to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that Implementing Regulation 2022/1614, in so far as it establishes areas where vulnerable marine ecosystems are known to occur or are likely to occur, infringes the basic Regulation and the principle of proportionality:
 - In that regard, the applicant submits that:
 - (i) the failure to analyse the impact of passive deep-sea fishing gears infringes the basic Regulation and the principle of proportionality;
 - (ii) the determination of the areas where vulnerable marine ecosystems are known to occur or are likely to occur infringes the basic Regulation and the principle of proportionality.
2. Second plea in law, alleging that paragraphs 6 and 9 of Article 9 of Regulation 2016/2336 are unlawful:
 - In that regard, the applicant submits that:
 - (i) the reference to an implementing act to supplement essential elements of Regulation 2016/2336 infringes Article 291 TFEU;

- (ii) the indiscriminate prohibition on fishing with bottom gear in all areas where vulnerable marine ecosystems are known to occur or are likely to occur infringes the Common Fisheries Policy rules and the principle of proportionality.

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- (¹) Commission Implementing Regulation (EU) 2022/1614 of 15 September 2022 determining the existing deep-sea fishing areas and establishing a list of areas where vulnerable marine ecosystems are known to occur or are likely to occur (OJ 2022 L 242, p. 1).
- (²) Regulation (EU) 2016/2336 of the European Parliament and of the Council of 14 December 2016 establishing specific conditions for fishing for deep-sea stocks in the north-east Atlantic and provisions for fishing in international waters of the north-east Atlantic and repealing Council Regulation (EC) No 2347/2002 (OJ 2016 L 354, p. 1).

Action brought on 11 November 2022 — Newalliance v Commission

(Case T-683/22)

(2023/C 24/64)

Language of the case: Portuguese

Parties

Applicant: Newalliance Comércio Internacional, Lda (Zona Franca da Madeira) (Funchal, Portugal) (represented by: S. Gemas Donário and S. Soares, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

- annul Commission Decision C(2020) 8550 final of 4 December 2020 on aid scheme SA.21259 (2018/C) (ex 2018/NN) implemented by Portugal for Zona Franca da Madeira (ZFM) — Regime III;
- order the Commission to pay the costs.

Pleas in law and main arguments

In support of its action, the applicant relies on five pleas in law that are essentially identical or similar to those relied on in Case T-553/22, *Thorn Investments v Commission*.

Action brought on 11 November 2022 — Norwood v Commission

(Case T-684/22)

(2023/C 24/65)

Language of the case: Portuguese

Parties

Applicant: Norwood — Trading e Serviços, Lda (Zona Franca da Madeira) (Funchal, Portugal) (represented by: S. Gemas Donário and S. Soares, lawyers)

Defendant: European Commission