

In this plea, the applicant claims that the Commission, by the adoption of the contested regulation, exceeded its delegated power to adopt non-legislative acts pursuant to Article 290 TFEU.

### 3. Third plea in law, alleging infringement of Article 13(2) TEU

In this regard, the applicant submits that the Commission, by the adoption of the contested regulation, exceeded the limits of the powers conferred on it in the Treaties.

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<sup>(1)</sup> Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport (OJ 2010 L 207, p. 1).

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## Action brought on 12 December 2013 — Czech Republic v European Commission

(Case T-660/13)

(2014/C 45/71)

*Language of the case: Czech*

### Parties

*Applicant:* Czech Republic (represented by: M. Smolek, J. Vlácil, Agents)

*Defendant:* European Commission

### Form of order sought

The applicant claims that the Court should:

- annul in its entirety Commission Delegated Regulation (EU) No 886/2013 of 15 May 2013 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to data and procedures for the provision, where possible, of road safety-related minimum universal traffic information free of charge to users (OJ 2013 L 247, p. 6) and
- order the European Commission to pay the costs of the proceedings.

In the alternative, the applicant claims that the Court should:

- annul Article 5(1), Article 9 and Article 10(1)(a) of the contested regulation, and
- order the European Commission to pay the costs of the proceedings.

### Pleas in law and main arguments

In support of the action, the applicant relies on 3 pleas in law.

1. First plea in law, alleging infringement of Article 7(1) of Directive No 2010/40/EU <sup>(1)</sup> in conjunction with Article 5(1) and Article 6 thereof

In this connection, the applicant states that the Commission, by adopting the contested regulation, exceeded the limits of the authority laid down by Article 7(1) of Directive No 2010/40, in conjunction with Article 5(1) and Article 6 thereof.

2. Second plea in law, alleging infringement of Article 209 TFEU

In this plea, the applicant claims that the Commission, by the adoption of the contested regulation, exceeded its delegated power to adopt non-legislative acts pursuant to Article 290 TFEU.

3. Third plea in law, alleging infringement of Article 13(2) TEU

In this regard, the applicant submits that the Commission, by the adoption of the contested regulation, exceeded the limits of the powers conferred on it in the Treaties.

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<sup>(1)</sup> Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport (OJ 2010 L 207, p. 1).

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## Action brought on 16 December 2013 — K Chimica v ECHA

(Case T-675/13)

(2014/C 45/72)

*Language of the case: Italian*

### Parties

*Applicant:* K Chimica Srl (Mirano (VE), Italy) (represented by: R. Buizza and M. Rota, lawyers)

*Defendant:* European Chemicals Agency (ECHA)

### Form of order sought

The applicant claims that the Court should:

- annul ECHA Decision No (2013) 3665 of 15 October 2013 and grant K Chimica SME status;

- apply the preferential fees provided for SMEs;
- annul invoice No 10029302 in the amount of EUR 9 300 representing the difference due in respect of the full fee tariff applied to K Chimica;
- annul the administrative charge in the amount of EUR 19 900 imposed by ECHA by way of invoice No 10043954.

### Pleas in law and main arguments

In support of its action, the applicant puts forward two pleas.

1. First plea, concerning the interpretation of Commission Recommendation No 2003/361 with respect to the criteria for classifying SMEs.

- The applicant claim in this regard that, for purposes of classification as an SME, it is necessary to verify whether the target enterprise is an autonomous enterprise or rather forms part of a group of companies. Depending on the role performed by the target enterprise, it will be necessary to evaluate the financial data of the enterprises in the group and, in particular, the financial data of the 'partner' enterprises and those of the 'linked' enterprises.

- On this point, the applicant submits that the basic rule for assessing the size of the target enterprise is the rule according to which, in addition to data relating to its size, the following data are to be added:

- (i) the data of any partner enterprise of the target enterprise situated immediately upstream or downstream of the target enterprise, to an extent equivalent to the interest in the capital or percentage of voting rights. 100 % of the data of any enterprise 'linked' to those 'partner' undertakings must be aggregated with the data relating to the target enterprise thus calculated,
- (ii) 100 % of the data relating to the enterprises directly or indirectly 'linked' to the target enterprise. The data of any partner enterprise of the enterprises linked to the target undertaking immediately upstream or downstream of the target enterprise, to an extent equivalent to the interest in the capital or percentage of voting rights, must be aggregated with 100 % of the data relating to the enterprises linked to the target enterprise.

2. Second plea, concerning the failure to recognise K. Chimica as an SME.

- The applicant claims in this regard that, on the basis of Article 6 of the annex to Commission Recommendation No 2003/361, the data relating to K. Chimica's possible classification as an SME are:

- (i) 100 % of the data relating to K. Chimica;
- (ii) 100 % of the data relating to I.C.B. S.r.l.;
- (iii) 40 % of the data relating to Medini Ltd;
- (iv) 36.66 % of the data relating to ALO Immobilien GmbH.

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### Action brought on 18 December 2013 — Italian international film v EACEA

(Case T-676/13)

(2014/C 45/73)

*Language of the case: Italian*

### Parties

*Applicant:* Italian international film Srl (Rome, Italy) (represented by: A. Fratini and B. Bettelli, lawyers)

*Defendant:* Education, Audiovisual and Culture Executive Agency (EACEA)

### Pleas in law and main arguments

The applicant claims that the Court should:

- grant the form of order sought, and consequently annul EACEA's decision of 8 October 2013 concerning the rejection of the project relating to the film 'Only God Forgives' under the call for proposals EACEA/21/12;
- direct EACEA to take all measures resulting therefrom;
- order EACEA to pay the costs of the proceedings.

### Pleas in law and main arguments

The present action is directed against the decision of the Education, Audiovisual and Culture Executive Agency concerning the rejection of the project relating to the film 'Only God Forgives' under EACEA's call for proposals EACEA/21/12 (MEDIA 2007 — Support for the transnational distribution of European films — the 'Selective' scheme 2013) (OJ 2012 C 300, p. [5]).