

- The defendants were not lawfully entitled to include applicants on the sole basis of assertions that they are a ZANU-PF member of the Government of Zimbabwe or an associate of such a person; and
 - The defendants were not lawfully entitled to include applicants on the basis of vague unsupported allegations of misconduct stated to have taken place in the past, in many cases before the Government of National Unity was formed.
3. Third plea in law, alleging that the defendants failed to give adequate or sufficient reasons for including individuals and entities in the contested measures.
4. Fourth plea in law, alleging that the defendants failed to safeguard the applicants' rights of defence and to effective judicial review, in that:
- The defendants provided no particulars or evidence in support of their vague assertions of serious misconduct, and
 - The defendants provided no opportunity for the applicants to comment on the case and evidence against them.
5. Fifth plea in law, alleging that the defendants infringed, without justification or proportion, the applicants' fundamental rights, including their right to protection of their property, business, reputation and private and family life.

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Action brought on 2 May 2012 — PAN Europe v Commission

(Case T-192/12)

(2012/C 194/43)

Language of the case: English

Parties

Applicant: Pesticide Action Network Europe (PAN Europe) (Brussels, Belgium) (represented by: J. Rutteman, lawyer)

Defendant: European Commission

Form of order sought

- Declare the Commission's Decision of 9 March 2012, which found a request made by the applicant for internal review to be inadmissible, contrary to Regulation (EC) No 1367/2006/EC⁽¹⁾ and the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters ('Aarhus Convention');
- Annul the Commission's Decision of 9 March 2012;

- Instruct the Commission to assess, nonetheless, the substance of the request for internal review, within a period of time determined by the Court; and
- Order the Commission to pay the costs of the proceedings.

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 that the defendant erred when it found that the applicant did not comply with the conditions of eligibility set out in Article 11 of Regulation (EC) No 1367/2006, as the applicant already existed for more than two years when it made its request for internal review.
2. Second plea in law, alleging that the defendant erred when it stated that Implementing Regulation (EU) No 1143/2011⁽²⁾ cannot be considered an administrative act within the meaning of Article 10 of Regulation (EC) No 1367/2006, as it is defined in Article 2(1)(g) of that Regulation, as the decision to approve prochloraz is sufficiently individual in its effects and content to make it an administrative act as is meant in Article 10(1) of Regulation (EC) No 1367/2006.

⁽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)

⁽²⁾ Commission Implementing Regulation (EU) No 1143/2011 of 10 November 2011 approving the active substance prochloraz, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 and Commission Decision 2008/934/EC (OJ 2011 L 293, p. 26)

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Action brought on 8 May 2012 — MIP Metro v OHIM — Holsten-Brauerei (H)

(Case T-193/12)

(2012/C 194/44)

Language in which the application was lodged: German

Parties

Applicant: MIP Metro Group Intellectual Property GmbH & Co. KG (Düsseldorf, Germany) (represented by: J.-C. Plate and R. Kaase, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Other party to the proceedings before the Board of Appeal: Holsten-Brauerei AG (Hamburg, Germany)