

Moreover, the applicants contend that the Commission breached Article 253 EC as the contested decision does not provide any statement of reasons for imposing an additional amount of EUR 2.04 million on the applicants Aquatis France and Simplex Amaturen + Fittings.

Finally, the applicants allege that, by imposing a separate fine upon Aquatis France and Simplex Amaturen + Fittings in addition to the fine already imposed on each of their predecessors and current parent companies, the Commission breached the principle 'non bis in idem' according to which no one can be condemned twice for the same offence.

(<sup>1</sup>) Commission notice on immunity from fines and reduction of fines in cartel cases (OJ 2002 C 45, p. 3)

**Action brought on 15 December 2006 — Vischim v Commission**

(Case T-380/06)

(2007/C 20/47)

*Language of the case: English*

**Parties**

*Applicant:* Vischim Srl. (Milan, Italy) (represented by: C. Mereu, K. Van Maldegem, lawyers)

*Defendant(s):* Commission of the European Communities

**Form of order sought**

- Partial annulment of Commission Directive 2006/76/EC, in particular Article 2, paragraph 2 thereof;
- order the defendant to comply with its obligations under Community law and provide for accurate, reasonable and legally acceptable prospective time limits; and
- order the defendant to pay all costs and expenses in these proceedings.

**Pleas in law and main arguments**

By means of its application, the applicant seeks partial annulment of Commission Directive 2006/76/EC (<sup>1</sup>), of 22 September 2006, and in particular its Article 2, paragraph 2, insofar as the amended specification of the active substance Chlorothalonil listed in Annex I to Directive 91/414/EEC (<sup>2</sup>) concerning the placing of plant protection products on the market (hereinafter, the 'PPPD') has not provided for reasonable time limits in line with those given to other active substances under the current review and instead provides for retroactive application of its provisions.

The applicant claims that the Commission violated its legal rights and legitimate expectations as a notifier and main data submitter of Chlorothalonil within the meaning of the PPPD and its implementing regulations, since no reasonable period was granted before the amended specification of the active substance was included in Annex I during which Member States and the applicant could prepare themselves to meet new requirements. In that sense, the applicant submits that, instead of allowing for an appropriate time period for its Chlorothalonil-based product registrations to be properly assessed for re-registration purposes in Member States, the contested measure entered into force on 23 September 2006 and only prescribed retroactive application of its provisions as of 1 September 2006 by reference to situations which already had produced legal effects in the period up to 31 August 2006. Moreover, the applicant submits that the contested measure is not in conformity with the requirements established by the PPPD and that it lacks sufficient statement of reasons in terms of Article 253 EC. Finally, the applicant claims that the contested provision also discriminates between the situation of the applicant and other notifiers in the review process of existing active substances without objective justification.

(<sup>1</sup>) Commission Directive 2006/76/EC, of 22 September 2006, amending Council Directive 91/414/EEC as regards the specification of the active substance chlorothalonil; OJ L 263, p. 9

(<sup>2</sup>) Council Directive 91/414/EEC, of July 1991, concerning the placing of plant protection products on the market; OJ 1991 L 230, p. 1

**Action brought on 19 December 2006 — Icuna.com v Parliament**

(Case T-383/06)

(2007/C 20/48)

*Language of the case: French*

**Parties**

*Applicant:* Icuna.com SCRL (Braïne-le-Château, Belgium) (represented by: J. Windey and P. de Bandt, lawyers)

*Defendant:* European Parliament

**Form of order sought**

- annul the decision of the European Parliament of 1 December 2006, accepting the tender of the firm MOSTRA and rejecting the applicant's tender within the framework of the call for tenders EP/DGINFO/WEBTV/2006/2003;