

In that regard, the applicant claims that EMA refused the recovery of fees on the basis of an unlawful fee regulation issued by it. EMA exceeded its margin of appreciation, in so far as it based the contested decision on a fee regulation which infringes specific and general principles of fee calculation. The applicant claims that the fee regulation is in particular not covered by Regulation (EC) No 297/95⁽¹⁾. The fee charged infringes the principles of adequate and moderate fee charging. Furthermore, it is clearly disproportionate to the fees charged for initial certification, annual recertification and established administrative procedure.

2. Second plea: Infringement of the principle of proportionality

The applicant claims that there is an infringement of the principle of proportionality in the comparison with the fees for the other services offered by EMA. Although other certifications for plasma master files would involve a similar or greater administrative burden, significantly lower fees were fixed in relation to them. It is also apparent from a comparison with recent fee practice with regard to the administrative services accounted for here that the fee charged is disproportionate to the resulting burden.

3. Third plea: Infringement of the principle of the protection of legitimate expectations with regard to sudden changes in administrative behaviour

The applicant claims in the context of the third plea that EMA suddenly changed its fee practice in a way that was not foreseeable for the applicant and the other affected parties, and thereby infringed the principle of the protection of legitimate expectations. In particular, the defendant disregarded the applicable legal framework and its margin of appreciation in the calculation of the fees, so that the applicant can rely on the protection of its legitimate expectations. In the opinion of the applicant, it is particularly detrimental in that respect that EMA reverted to the old fee practice even before issuing the contested decision.

4. Fourth plea: Infringement of the duty of fair and consistent administration

The applicant claims in this respect that the sudden fee increase breaches the duty of fair and consistent administration codified in the 'Commission Code of good administrative behaviour for staff of the European Commission in their relations with the public' and resulting from the right to good administration in accordance with Article 41 of the Charter of fundamental rights of the European Union. In established EMA fee practice, there would otherwise be a significantly lower fee charged for the same administrative burden, based on a different method of calculation. It follows that the present case concerns an unjustified change in administrative behaviour. Moreover, the applicant claims that, in the light of the special temporal

circumstances and the additional burden in comparison with the previous years, EMA should have responded to the applicant's case at least by way of an exceptional or transitional regulation.

⁽¹⁾ Council Regulation (EC) No 297/95 of 10 February 1995 on fees payable to the European Agency for the Evaluation of Medicinal Products (OJ 1995 L 35, p. 1).

Action brought on 14 December 2010 — Moreda-Riviere Trefilerías v Commission

(Case T-575/10)

(2011/C 55/50)

Language of the case: Spanish

Parties

Applicant: Moreda-Riviere Trefilerías, S.A. (Gijón, Spain) (represented by F. González Díaz and A. Tresandi Blanco, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

- annul, pursuant to Article 263 of the Treaty on the Functioning of the European Union, the decision of the European Commission of 30 September 2010 amending the decision of 30 June 2010 (C(2010) 4837 final in Case COMP/38.344 — prestressing steel); and
- order the European Commission to pay the costs.

Pleas in law and main arguments

In support of its appeal, the applicant relies on three pleas in law:

- first plea, based on breach of the principle of inalterability of the acts of the institutions and of the principle of good administration.
- second plea, based on the fact that the amended decision breached essential procedural requirements, in that it was adopted without the mandatory consultation of the Advisory Committee on Restrictive Practices and Dominant Positions, as required pursuant to Article 14 of Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ 2003 L 1, p. 1).

— third plea, in the alternative, based on breach of the principle of non-discrimination in the fixing of the conditions of the payment of the fine and breach of the obligation to state the reasons on which the decision is based.

Action brought on 14 December 2010 — Trefilerías Quijano v Commission

(Case T-576/10)

(2011/C 55/51)

Language of the case: Spanish

Parties

Applicant: Trefilerías Quijano, S.A. (Los Corrales de Buelna, Spain) (represented by F. González Díaz and A. Tresandi Blanco, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul, pursuant to Article 263 of the Treaty on the Functioning of the European Union, the decision of the European Commission of 30 September 2010 amending the decision of 30 June 2010 (C(2010) 4837 final in Case COMP/38.344 — prestressing steel);

— in the alternative, annul, pursuant to Article 263 of the Treaty on the Functioning of the European Union, Article 2 of the decision of the European Commission of 30 September 2010 amending the decision of 30 June 2010 (C(2010) 4837 final in Case COMP/38.344 — prestressing steel) insofar as it entails an infringement of the principle of non-discrimination in not having extended to TQ the additional period for payment of the fine, and fails to state reasons; and

— order the European Commission to pay the costs.

Pleas in law and main arguments

The pleas in law and main arguments are those raised in Case T-575/10 *Moreda-Riviere Trefilerías v Commission*.

Action brought on 14 December 2010 — Trenzas y Cables de Acero v Commission

(Case T-577/10)

(2011/C 55/52)

Language of the case: Spanish

Parties

Applicant: Trenzas y Cables de Acero PSC, SL (Santander, Spain) (represented by F. González Díaz and A. Tresandi Blanco, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul, pursuant to Article 263 of the Treaty on the Functioning of the European Union, the decision of the European Commission of 30 September 2010 amending the decision of 30 June 2010 (C(2010) 4837 final in Case COMP/38.344 — prestressing steel);

— in the alternative, annul, pursuant to Article 263 of the Treaty on the Functioning of the European Union, Article 2 of the decision of the European Commission of 30 September 2010 amending the decision of 30 June 2010 (C(2010) 4837 final in Case COMP/38.344 — prestressing steel) insofar as it entails an infringement of the principle of non-discrimination in not having extended to TYCSA PSC the additional period for payment of the fine, and fails to state reasons; and

— order the European Commission to pay the costs.

Pleas in law and main arguments

The pleas in law and main arguments are those already raised in Case T-575/10 *Moreda-Riviere Trefilerías v Commission*.

Action brought on 14 December 2010 — Global Steel Wire v Commission

(Case T-578/10)

(2011/C 55/53)

Language of the case: Spanish

Parties

Applicant: Global Steel Wire, SA (Cerdanyola des Vallés, Spain) (represented by F. González Díaz and A. Tresandi Blanco, lawyers)