

Form of order sought

Annulment of the individual decision contained in Article 13(7) of Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (OJ 2010 L 334, p. 17), insofar as it imposes an obligation on the Member States to respect the conclusions on best available techniques contained in section 3.5 of the reference document on best available techniques for the cement, lime and magnesium oxide manufacturing industries (OJ 2010 C 166, p. 5), as regards the conditions for the permits which the competent authorities grant to manufacturing facilities for magnesium oxide subject to permits under that directive.

The applicant claims that the General Court should:

- annul the contested decision, as its main claim,
- in the alternative and in the event that the General Court should not annul that decision as regards section 3.5 of the reference document in its entirety, annul it in any event as regards section 3.5.5.4 thereof, including in particular the emission levels set out in Table 3.11. and
- in any event, order the European Parliament and the Council to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the European Commission does not have the requisite authority. It is argued that the European Union has no authority to include the manufacture of magnesium dioxide in the reference document.
2. Second plea in law, alleging breaches of essential procedural rules, specifically:
 - failure to notify the applicants of the opening of the procedure for drawing up the reference document and its late participation in that procedure.
 - the absence in the reference document of the ‘split views’ presented by the applicants.
 - failure to observe the deadline for the analysis of the final draft of the reference document.
3. Third plea in law, alleging breach of Article 1 of Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control.

It is alleged in this connection that the reference document infringes the objective declared in Article 1 of the directive, consisting in the protection of the environment taken as a whole, so that the conclusions contained in section 3.5 of

that document, which the contested decision makes binding, also infringe that objective.

4. Fourth plea in law alleging breach of the general principle of equal treatment insofar as the contested decision treats undertakings which are in different situations in the same way.

Action brought on 18 March 2011 — Petroci v Council

(Case T-160/11)

(2011/C 139/49)

Language of the case: French

Parties

Applicant: Petroci Holding (Abidjan, Ivory Coast) (represented by: M. Ceccaldi, lawyer)

Defendant: Council of the European Union

Form of order sought

- Annul Decision 2011/18/CFSP and Council Regulation (EU) No 25/2011 of 14 January 2011 imposing restrictive measures against certain persons and entities including Petroci Holding;
- Order the Council to pay the costs.

Pleas in law and main arguments

The pleas in law and main arguments relied on by the applicant are essentially identical with or similar to those raised in Case T-142/11 *SIR v Council*.

Action brought on 15 March 2011 — High Tech v OHIM — Vitra Collections (Shape of a chair)

(Case T-161/11)

(2011/C 139/50)

Language in which the application was lodged: Italian

Parties

Applicant: High Tech Srl (Milan, Italy) (represented by: G. Florida and R. Florida, lawyers)

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