

Action brought on 5 June 2015 — Industrias Químicas del Vallés v Commission**(Case T-296/15)**

(2015/C 254/22)

*Language of the case: Spanish***Parties**

Applicant: Industrias Químicas del Vallés, SA (Mollet del Vallès, Spain) (represented by: C. Fernández Vicién, I. Moreno-Tapia Rivas and C. Vila Gisbert, lawyers)

Defendant: European Commission

Forms of order sought

The applicant claims that the Court should:

- disapply Regulation 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market, in particular Article 24 thereof and point 4 of Annex II;
- annul Commission Implementing Regulation (EU) 2015/408 of 11 March 2015, with respect to the inclusion of Metalaxyl in the list of candidates for substitution contained in the Annex, and
- order the Commission to pay the costs of these proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging that the Implementing Regulation has been adopted on an unlawful basis, as Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market infringes EU law because:
 - it breaches the precautionary principle by providing for a mechanism for the substitution of active substances on the basis of hypothetical risks that are not objectively substantiated;
 - by adversely affecting authorised substances, it breaches the principle of proportionality in that it goes beyond what is strictly necessary to achieve the objective of a high level of protection;
 - it distorts competition in the internal market by promoting the substitution of substances in the manner in which it does; and
 - it infringes the principle that reasons must be stated, so far as concerns the criterion of ‘a significant proportion of non-active isomers’ included in Annex II, point 4, of Regulation (EC) No 1107/2009.
2. Second plea in law, alleging that Regulation (EU) No 2015/408 breaches the duty to state reasons by failing to justify the inclusion of Metalaxyl in the list of candidates for substitution on the basis of scientific and technical criteria, and it infringes the principle of non-discrimination in relation to Metalaxyl-M.

3. Third plea in law, alleging that Regulation (EU) No 2015/408 breaches the principle of proportionality in relation to the objective of reducing risks to health and the environment promoted by the European Union.

Action brought on 8 June 2015 — Nova v Commission

(Case T-299/15)

(2015/C 254/23)

Language of the case: Italian

Parties

Applicant: Nova Onlus Consorzio nazionale di cooperative sociali — Soc. coop. (Trani, Italy) (represented by: M. Astolfi and M. Petrucci, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- Find and declare that the contractual obligations set out in Grant Agreement No HOME/2011/PPRS/AG/2176 Abac No. 30-CE-0495809/00-94 were complied with in full, and consequently:
 - Declare that the applicant is entitled to retain the sum of EUR 80 242,78, which was received by way of the ‘pre-financing payment’ and is currently the subject of the debit note for recovery of the above-mentioned sum issued by the European Commission — Directorate General Migration and Home Affairs — Directorate E: Migration and Security Funds — Unit E2: Asylum, Migration and Integration Fund — HOME E2/FL/2015, No 1520007 of 1 April 2015 concerning HOME/2011/PPRS/AG/2176 TORRE — *Transnational Observatory for Refugee’s Resettlement in Europe* — No 3241503771.
 - Order the defendant to pay the outstanding balance of EUR 52 146,36, as ‘final payment’, in addition to the late-payment interest, to be calculated up to the date of payment in full, in accordance with Article II.16.3 of the Grant Agreement, as well as the legal costs incurred by the applicant in the proceedings.

In the alternative:

- Annul the decision of the European Commission — Directorate General Migration and Home Affairs — Directorate E: Migration and Security Funds — Unit E2: Asylum, Migration and Integration Fund — HOME E2/FL/2015, No 1520007 of 1 April 2015 concerning ‘HOME/2011/PPRS/AG/2176 TORRE — *Transnational Observatory for Refugee’s Resettlement in Europe* — debit note No 3241503771’ regarding recovery of the sum of EUR 80 242,78, and any other earlier, preparatory and/or subsequent act.
- Order the defendant to pay the outstanding amount of EUR 52 146,36 for the implementation of Grant Agreement No HOME/2011/PPRS/AG/2176 Abac No. 30-CE-0495809/00-94 as ‘final payment’, in addition to late payment interest, to be calculated up to the date of payment in full, in accordance with Article II.16.3 of the Grant Agreement, as well as the legal costs incurred by the applicant in the proceedings.