

— The appraisal system

1. First plea in law, alleging an infringement of Article 43 of the Staff Regulations of Officials, breach of the rules on the allocation of the burden of proof, breach of the rule against ruling *ultra petita* and breach of the appellant's rights of the defence.
2. Second plea in law, alleging breach of the limits of judicial review. The appellant submits that, in the judgment under appeal, the Civil Service Tribunal has exceeded the limits of its power of judicial review several times, and appears to be seeking to oblige it to adopt a particular system of staff appraisal.
3. Third plea in law, alleging the Tribunal erred in law in finding that an appraisal system not based on marks lacks objectivity, and infringement of Article 43 of the Staff Regulations of Officials.

— The promotion system

4. Fourth plea in law, alleging breach of the rule against ruling *ultra petita* and of the appellant's rights of the defence.
5. Fifth plea in law, alleging breach of the rules on the allocation of the burden of proof.
6. Sixth plea in law, alleging that the Tribunal erred in law in finding that the appellant had infringed Article 45 of the Staff Regulations of Officials.

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**Action brought on 3 June 2015 — Vakakis v Commission**

**(Case T-292/15)**

(2015/C 294/88)

*Language of the case: English*

**Parties**

*Applicant:* Vakakis International — Symvouloi gia Agrotiki Anaptixi AE (Athens, Greece) (represented by: B. O'Connor, Solicitor, S. Gubel and E. Bertolotto, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- hold the Commission liable under Article 340 TFUE to compensate all damages incurred by the applicant due to the unlawful conduct of the Commission during the public procurement procedure in question, including the:
  - costs and expenses of the participation to the overall tender exercise;
  - costs of the challenge of the legality of the tender exercise;
  - loss of profit;
  - loss of opportunities.
- order the Commission to pay the costs of the present action.

**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 Commission breached the principles of equal treatment, sound administration and legitimate expectations as codified by Council Regulation No 1605/2002 ('the Financial Regulation') and the Practical Guide to contract procedures for EU external actions ('PRAG') by failing to adequately supervise the tender procedure and promptly investigate and provide full and complete information on the investigation of the complaint lodged by Vakakis;
2. Second plea in law, alleging that the applicant has been damaged as a result of the Commission maladministration and the decision to award the contract to Agriconsulting.
3. Third plea in law, alleging that the applicant has suffered damages as a result of the Commission maladministration and the breach of the Union general principles of equal treatment, sound administration and the protection of legitimate expectations as well as the infringement of Article 94 of the Financial Regulation and Section 2.3.6. of the PRAG.

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**Action brought on 5 June 2015 — European Union Copper Task Force v Commission****(Case T-310/15)**

(2015/C 294/89)

*Language of the case: English***Parties**

*Applicant:* European Union Copper Task Force (Essex, United Kingdom) (represented by: C. Fernández Vicién and I. Moreno-Tapia Rivas, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul Commission Implementing Regulation (EU) 2015/408, of 11 March 2015, on implementing Article 80(7) of Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and establishing a list of candidates for substitution, to the extent that it applies to copper compounds;
- order the Commission to pay the costs generated by this procedure.

**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 Commission Implementing Regulation (EU) 2015/408, of 11 March 2015, on implementing Article 80(7) of Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and establishing a list of candidates for substitution has been adopted on an illegal basis, as Regulation No 1107/2009, in particular its Articles 24 and Annex II, point 4, infringe EU law.
  - The applicant puts forward that scientific evidence indicates that Persistence, Bioaccumulation and Toxicity ('PBT') criteria, in particular persistence, are not appropriate for copper.