

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

1. First plea in law, alleging that the contested decisions are not covered by Article II.5(3)(d) of Annex II to the FP7 Grant Agreement.
2. Second plea in law, alleging that the contested decisions do not meet the applicable formal and procedural requirements and are vitiated by infringement of principles of good governance.
3. Third plea in law, alleging that the defendant's true intention is to enforce an illegitimate set-off rather than impose precautionary measures.
4. Fourth plea in law, alleging that the contested decisions are based on illegitimate discretionary decisions of the defendant.
5. Fifth plea in law, alleging that the contested decisions are vitiated on violations of the principle of proportionality.

Action brought on 12 October 2015 — Eurorail v Commission and INEA

(Case T-589/15)

(2016/C 027/78)

Language of the case: English

Parties

Applicant: Eurorail NV (Aalst, Belgium) (represented by: J. Derenne, N. Pourbaix and M. Domecq, lawyers)

Defendants: Innovation and Networks Executive Agency (INEA) and European Commission

Form of order sought

The applicant claims that the Court should:

- declare, pursuant to Article 272 TFEU, that INEA's decision of 17 July 2015 terminating the Grant Agreement ⁽¹⁾ and ordering the recovery of part of the advances paid to the applicant, is invalid and unenforceable, and that the final grant amount due to the applicant be set at EUR 951,813;
- alternatively, the applicant claims that the Commission and INEA be held contractually liable for the loss caused to the applicant as a result of the decision and order the recovery of EUR 581,770 (plus interest);
- alternatively, order INEA/the Commission to withdraw the decision, and;
- order INEA/the Commission to bear the applicant's legal costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that INEA and the Commission acted in breach of their obligations under the Grant Agreement. As a result, the applicant submits that they wrongfully terminated the Grant Agreement and ordered recovery of part of the advances paid to the applicant.

2. Second plea in law, alleging that INEA and the Commission acted in breach of the principle of performance in good faith of contractual obligations.
3. Third plea in law, alleging that INEA and the Commission breached the applicant's legitimate expectations.

⁽¹⁾ Grant Agreement MPO/09/058/SI1.5555667 'RAIL2' (Marco Polo II Call 2009).

**Action brought on 19 October 2015 — Europäischer Tier- und Naturschutz and Giesen v
Commission**

(Case T-595/15)

(2016/C 027/79)

Language of the case: German

Parties

Applicants: Europäischer Tier- und Naturschutz e.V. (Much, Germany) and Horst Giesen (Much) (represented by: P. Brockmann, lawyer)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- annul the Commission's decision not to take action of 17 August 2015, notified on 24 August 2015,
 - on the creation of a European law on associations in the form of a no longer published draft law or of a version of that draft law amended under the authorised framework, which gives equal treatment to cross-border activities for altruistic aims and profit-making associations, in the alternative,
 - on the harmonisation of the national laws concerning associations and bodies with cross-border activities for altruistic aims;
- thereby placing the European Commission in a situation whereby it is legally compliant for the purposes of Article 266 TFEU by ordering it to refrain from continuing to prevent or hinder the establishment of the detrimental situation described in the two preceding paragraphs and
- order the Commission and any potential interveners to pay the costs of the proceedings.

Pleas in law and main arguments

The applicants challenge the decision to abandon the creation of a European law on associations and to address the current discrimination and interference with the collective and individual freedom of association.

In support of the action, the applicants rely on four pleas in law.

1. First plea in law: infringement of Article 11 of the European Convention of Human Rights ('the ECHR'), Article 20 of the Charter of Fundamental Rights of the European Union ('the Charter'), general principles of law within the meaning of Article 6(3) of TEU and Article 20 of the United Nations Universal Declaration of Fundamental Rights
2. Second plea in law: infringement of the right to equality before the law (Article 20 of the Charter and Article 14 of the ECHR) to the detriment of altruistic values and associations with altruistic aims