

*Defendant:* European Commission (represented by: L. Di Paolo and J. Estrada de Solà, acting as Agents)

**Re:**

Application for annulment of the Commission decision contained in the letter of 11 December 2014 by which the Commission confirmed its refusal to finance costs invoked by the applicant, of the Commission decision contained in debit note No 3241211514 of 23 October 2012, and of the Commission decision contained in the letter of 7 December 2012 requesting the applicant to return the funds paid and to pay liquidated damages of EUR 12 814,10.

**Operative part of the order**

*The Court:*

1. Rules that there is no longer any need to adjudicate on the claims directed against the Commission decision contained in the letter of 7 October 2012 and the debit note of 23 October 2012;
2. Dismisses the action for the remainder, as being manifestly inadmissible;
3. Orders *InAccess Networks Integrated Systems — Applications Services for Telecommunication and Related Equipment Commercial and Industrial Co. SA* to pay the costs.

---

<sup>(1)</sup> OJ C 155, 11.5.2015.

---

**Order of the General Court of 16 February 2016 — *Industrias Químicas del Vallés v Commission***  
(Case T-296/15) <sup>(1)</sup>

**(Action for annulment — Plant protection products — Implementing Regulation (EU) 2015/408 — Establishing a list of candidates for substitution — Inclusion of metalaxyl on that list — Lack of individual concern — Regulatory act entailing implementing measures — Inadmissibility)**

(2016/C 136/50)

*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 (represented by: I. Galindo Martín, P. Ondrůšek and G. von Rintelen, acting as Agents)

**Re:**

Application for annulment in part of 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 (OJ 2015 L 67, p. 18).

**Operative part of the order**

1. *The action is dismissed as being inadmissible.*

2. *Industrias Químicas del Vallés, SA shall bear the costs.*

<sup>(1)</sup> OJ C 254, 3.8.2015.

---

**Action brought on 26 January 2016 — TestBioTech v Commission**

**(Case T-33/16)**

(2016/C 136/51)

*Language of the case: English*

**Parties**

*Applicant:* TestBioTech eV (Munich, Germany) (represented by: K. Smith, QC, J. Stevenson, Barrister, R. Stein, Solicitor)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- declare the application admissible and well-founded;
- annul the Commission's decision dated 16 November 2015, which rejected the applicant's request for internal review of the Commission implementing decisions (EU) 2015/686 <sup>(1)</sup>, (EU) 2015/696 <sup>(2)</sup> and (EU) 2015/698 <sup>(3)</sup> of 24 April 2015 granting three market authorisations under Regulation (EC) No 1829/2003 <sup>(4)</sup> (the 'GM Regulation') to Monsanto or Pioneer for their genetically modified soybeans MON 87769, MON 87705 and/or 305423;
- order the defendant to pay the applicant's costs; and
- order any other measure deemed appropriate.

**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's conclusion that the vast majority of the request for internal review related to matters falling outside the scope of the Aarhus Regulation <sup>(5)</sup> violates Article 10(1) read in conjunction with Articles 2(f) and (g) and Recitals (11) and (18) to (21) of that Regulation.
  - A qualifying non-governmental organisation is entitled to make a request for internal review of an administrative act made under an environmental law. The GM Regulation is such a law. As a consequence, the organisation may request a review of any administrative act made under that law, including a market authorisation.
  - Taking into account both the terms and object and purpose of the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters of 25 June 1998 (the 'Aarhus Convention') and the Aarhus Regulation, as well as the Aarhus Convention's implementation guide, there is no basis for the Commission's conclusions that it can carve up decisions made under the GM Regulation as being partly in-scope and outside the scope of the Aarhus Regulation.
  - Genetically modified organisms are elements of the environment. The Commission's argument that the impact of such organisms on human health is not an environmental matter and therefore not covered by the Aarhus Regulation is fundamentally flawed.