



C/2024/1553

26.2.2024

Action brought on 5 January 2024 — BG Frigo v Commission

(Case T-5/24)

(C/2024/1553)

Language of the case: Bulgarian

Parties

Applicant: 'BG Frigo' EOOD (Sofia, Bulgaria) (represented by: Y. Stoychev)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul as unlawful, in so far as it concerns the applicant, Commission Implementing Decision [(EU) 2023/2432] of 26 October 2023 determining, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases, ⁽¹⁾ reference values for the period 1 January 2024 to 31 December 2024 for each producer or importer which has lawfully placed hydrofluorocarbons on the market in the Union from 1 January 2015, as reported under that Regulation.

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 infringement of Article 16 of Regulation No 517/2014 and of Annex V thereto.

- A reference value was determined for the applicant, without accounting for values for the 19 companies that merged with it for the purposes of Article 262 of the Bulgarian Targovski zakon (Law on Commerce).

2. Second plea in law, alleging failure to observe the principle of equal treatment.

- A separate reference value was determined only for three of the companies that merged with the applicant and that have now ceased to exist, whereas no separate reference values were determined for the remaining 16 companies that merged with the applicant.

3. Third plea in law, alleging failure to comply with the obligation to state reasons.

- The reference solely to Regulation No 517/2014 is not sufficient for the purpose of stating reasons for the contested decision, since it is impossible for the applicant to establish the reasons why it was not set a reference value of an amount corresponding to the values allocated to the companies that merged with it.

⁽¹⁾ Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006 ('Regulation No 517/2014') (OJ 2014 L 150, p. 195).