

Judgment of the General Court of 15 December 2016 — TestBioTech and Others v Commission(Case T-177/13) ⁽¹⁾**(Environment — Genetically modified products — Genetically modified soybean MON 87701 x MON 89788 — Request for internal review of the decision on marketing authorisation dismissed as unfounded — Obligation to state reasons — Manifest error of assessment)**

(2017/C 038/31)

Language of the case: English

Parties

Applicants: TestBioTech eV (Munich, Germany), European Network of Scientists for Social and Environmental Responsibility eV (Braunschweig, Germany), Sambucus eV (Vahlde, Germany) (represented by: K. Smith, QC, and J. Stevenson, Barrister)

Defendant: European Commission (represented initially by C. Cattabriga and P. Oliver, and subsequently by P. Cattabriga and L. Flynn and, lastly, by C. Cattabriga, L. Flynn and C. Valero, acting as Agents)

Interveners in support of the defendant: United Kingdom of Great Britain and Northern Ireland (represented initially by E. Jenkinson and L. Christie, and subsequently by L. Christie and, lastly, by S. Brandon, acting as Agents, and by J. Holmes, Barrister), European Food Safety Authority (EFSA) (represented by D. Detken and S. Gabbi, acting as Agents) and Monsanto Europe (Antwerp, Belgium) and Monsanto Company (Wilmington, United States) (represented by: M. Pittie, lawyer)

Re:

Application pursuant to Article 263 TFEU for annulment of the decision of the European Commission of 8 January 2013, concerning the review of Commission Implementing Decision 2012/347/EU of 28 June 2012 authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean MON 87701 x MON 89788 (MON-877Ø1-2 x MON-89788-1), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ 2012 L 171, p. 13).

Operative part of the judgment*The Court:*

1. Dismisses the action;
2. Orders TestBioTech eV, European Network of Scientists for Social and Environmental Responsibility eV and Sambucus eV to bear their own costs and to pay those incurred by the European Commission;
3. Orders the United Kingdom of Great Britain and Northern Ireland, the European Food Safety Authority (EFSA) and Monsanto Europe and Monsanto Company to bear their own costs.

⁽¹⁾ OJ C 178, 22.6.2013.

Judgment of the General Court of 15 December 2016 — Spain v Commission(Case T-466/14) ⁽¹⁾**(Customs Union — Importation of tuna products from El Salvador — Post-clearance recovery of import or export duties — Application for non-recovery of import duties — Article 220(2)(b) and Article 236 of Regulation (EEC) No 2913/92 — Right to good administration under Article 872a of Regulation (EEC) No 2454/93 — Error of the competent authorities not reasonably capable of being detected)**

(2017/C 038/32)

Language of the case: Spanish

Parties

Applicant: Kingdom of Spain (represented initially by A. Rubio González, and subsequently by V. Ester Casas, abogados del Estado)