

— The applicant further claims that the request for cancellation of the registration under Regulation No 510/2006 is admissible and well founded. In this connection, it maintains, inter alia, that there are two grounds for cancellation (the generic nature of the contested indication within the meaning of Article 3(1) of Regulation No 510/2006, and the erroneous delimitation of the geographic zone of Silesia in the registration specifications) for the purpose of Article 12(2) of Regulation No 510/2006, and that any different interpretation and application of that provision would infringe the fundamental rights of bakeries in the Federal Republic of Germany.

## 2. Second plea in law: breach of Regulation No 1151/2012

— The applicant claims that its request would be admissible and well founded even if it were assessed on the basis of Regulation No 1151/2012.

<sup>(1)</sup> Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ 2012 L 343, p. 1).

<sup>(2)</sup> Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (OJ 2006 L 93, p. 12).

## Action brought on 4 July 2013 — easyJet Airline v Commission

(Case T-355/13)

(2013/C 260/79)

*Language of the case: English*

### Parties

*Applicant:* easyJet Airline Co. Ltd (London, United Kingdom) (represented by: M. J. Werner and R. Marian, lawyers)

*Defendant:* European Commission

### Form of order sought

The applicant claims that the Court should:

— Declare void the Commission's decision C(2013) 2727 final of 3 May 2013 in Case COMP/39.869 — easyJet/Schiphol; and

— Order the defendant to bear the costs.

### 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 contested decision is vitiated by an error of law (misinterpretation of the provisions of Article 13 of Council Regulation (EC) No 1/2003 <sup>(1)</sup>) combined with manifest error of assessment (erroneous conclusion that the national proceedings in the Netherlands equated to a national competition authority having dealt with the case).

2. Second plea in law, alleging that the contested decision infringes an essential procedural requirement, namely the failure to give adequate statements for the reasons for its rejection. In addition, the Commission has not considered all the matters of fact and of law which the applicant brought to its attention.

<sup>(1)</sup> Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ 2003 L 1, p. 1)

## Action brought on 5 July 2013 — European Space Imaging v Commission

(Case T-357/13)

(2013/C 260/80)

*Language of the case: German*

### Parties

*Applicant:* European Space Imaging GmbH (Munich, Germany) (represented by: W. Trautner, lawyer)

*Defendant:* European Commission

### Form of order sought

The applicant claims that the Court should:

— annul the decision notified by letter of 5 June 2013 concerning the annulment of the restricted procedure;

— annul the decision notified by letter of 5 June 2013 to hold a new procurement procedure by way of an open procedure;

— order the defendant to pay the costs of the proceedings.

### 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 breach of the principle of proportionality

The applicant claims that, by annulling the procurement procedure for the supply of satellite remote sensing data and associated services in support of checks within the common agricultural policy (OJ 2012/S 183 299769), the Commission has infringed the principle of proportionality laid down in Article 89(1) of the Financial Regulation.<sup>(1)</sup> The applicant claims in that connection, inter alia, that the Commission's course of action runs counter to the general principle that the annulment of a procurement procedure should be a measure of last resort ('ultima ratio'). The applicant is of the view that the Commission ought to have requested candidates to submit specific offers before it could decide that in fact no economic offer would be considered.

2. Second plea in law, alleging breach of the principle of transparency

The applicant claims in this plea that by refusing to give specific information on the grounds for annulling the procurement procedure, the Commission infringed the principle of transparency laid down in Article 89(1) of the Financial Regulation. In particular, the applicant is not able to ascertain whether the grounds alleged are applicable. The applicant moreover claims that the highly specialised nature of the relevant market for the supply of satellite remote sensing data means that the number of potential tenderers is very limited and alleges that, prior to its decision to annul the procurement procedure, the Commission failed to make it known that there was a possibility that the procedure would be annulled if a given number of applicants was not reached.

<sup>(1)</sup> Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248, 16.9.2002, p. 1).

**Action brought on 8 July 2013 — VECCO and Others v Commission**

(Case T-360/13)

(2013/C 260/81)

*Language of the case: English*

**Parties**

*Applicants:* Verein zur Wahrung von Einsatz und Nutzung von Chromtrioxid und anderen Chrom-VI-Verbindungen in der Oberflächentechnik eV (VECCO) (Memmingen, Germany) and 185 others (represented by: C. Mereu and K. Van Maldegem, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicants claim that the Court should:

- Declare the application admissible and well-founded;
- Declare that Commission Regulation (EU) No 348/2013 of 17 April 2013 Amending Annex XIV to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ 2013 L 108, p. 1) is partially unlawful as it is based on a manifest error of assessment and violates Article 58(2) of REACH, the principle of proportionality and the right of defence (including the principles of sound administration and excellence of scientific advice);
- Partially annul the Commission Regulation (EU) No 348/2013 insofar as it does not contain in its Annex at row 16, fifth column, under the title 'Exempted categories of use', the following exemption: 'use of chromium trioxide for production purposes in aqueous solution, thereby complying with an exposure value of maximum 5 µg/m<sup>3</sup> (or 0,005 mg/m<sup>3</sup>)' or similar language aimed at exempting the 'use of chromium trioxide in electroplating, etching processes, electropolishing and other surface treatment processes and technologies as well as mixing;' or words to that effect from the scope of the contested act;
- Order the defendant to amend Commission Regulation (EU) No 348/2013 so as to comply with the Court's judgment; and
- Order the defendant to pay all costs and expenses of these proceedings.

**Pleas in law and main arguments**

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

1. First plea in law, alleging that Commission Regulation (EU) No 348/2013 is unlawful as it is based on a number of manifest errors of appraisal and must be annulled insofar as it does not contain an exemption from authorisation in respect of the use of chromium trioxide in the chromium plating industry.
2. Second plea in law, alleging that Commission Regulation (EU) No 348/2013 is based on an underlying assessment of occupational risk related to the use of chromium trioxide in chromium plating that is scientifically and legally flawed (manifest error of appraisal).
3. Third plea in law, alleging Commission Regulation (EU) No 348/2013 infringes Article 58(2) of REACH and the principle of proportionality.