2. Second plea in law, alleging that as a contracting party to the Convention on Biological Diversity, and under Article 3 (5) TEU, the European Union is bound to support the preservation of biodiversity of the Earth. The contested Regulation will have a significant chilling effect on all efforts pertaining to the protection of plant biodiversity, thus impinging upon this international obligation.

3. Third plea in law, alleging that the contested measure is solely based on Article 192 (1) TFEU. It is consistent case-law that the legal basis of a measure must be based on objective factors amenable to judicial review. Insofar as the measure seeks to organize compliance measures for users on the EU internal market, the Regulation should have been based on Article 114 TFEU. The choice of legal basis has ramifications for the content of the act, since the objectives for which the legal bases can be used are entirely different, thus substantially affecting the legislative process.

4. Fourth plea in law, alleging that the Regulation manifestly violates the principle of proportionality laid down in Article 5 (4) TEU insofar as: first, the impact assessment was devoid of link between quantitative data and the conclusions which were purely based on 'qualitative' arguments; second, it manifestly failed to take account of the plant breeding sector as being severely and distinctly impacted due to the fact that genetic resources are the very essence of the sector, and not merely an ancillary part of its activities; third, the Regulation imposes manifestly disproportionate restrictions of Article 16 of the EU Charter; fourth, it imposes a *de facto* eternal obligation on the plant breeding sector to record and keep information on their activities; finally, less onerous measures are available, as is illustrated by the 'International Treaty on Plant Genetic Resources for Food and Agriculture'.

5. Fifth plea in law, alleging that the contested Regulation creates a manifest situation of legal uncertainty for plant breeders insofar as: first, its scope of application depends on whether or not States choose to exercise sovereignty over genetic resources; second, it relies on open-ended definitions which do not permit establishing whether a genetic resources is considered to have been 'utilized'; third, due to the fact that its open-ended interpretation leads to a possible *de facto* retroactive application; finally, due to the fact that the development of best practices merely 'may' reduce the risk of non-compliance for users subject to the contested measure.

([1]) Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights (OJ L 227, p. 1).

Action brought on 28 July 2014 — ABZ Aardbeien Uit Zaad Holding a.o. v Parliament and Council

(Case T-560/14)

(2014/C 388/23)

Language of the case: English

Parties

Applicants: ABZ Aardbeien Uit Zaad Holding BV (Hoorn NH, Netherlands); Agriom BV (Aalsmeer, Netherlands); Agrisemen BV (Ellewoutsdijk, Netherlands); Anthura BV (Bleiswijk, Netherlands); Barenbrug Holding BV (Oosterhout, Netherlands); De Bolster BV (Epe, Netherlands); Evanthia BV (Hoek van Holland, Netherlands); Gebr. Vletter & Den Haan VOF (Rijnsburg, Netherlands); Hilverda Kooij BV (Aalsmeer, Netherlands); Holland-Select BV (Andijk, Netherlands); Könst Breeding BV (Nieuwveen, Netherlands); Koninklijke Van Zanten BV (Hillegom, Netherlands); Kweek- en Researchbedrijf Agirco BV (Emmeloord, Netherlands); Kwekerij de Wester-Bouwing BV (Rossum, Netherlands); Limgroup BV (Horst aan de Maas, Netherlands); and Ontwikkelingsmaatschappij Het Idee BV (Amsterdam, Netherlands) (represented by: P. de Jong, P. Vlaemminck and B. Van Vooren, lawyers)

Defendants: Council of the European Union and European Parliament

Form of order sought

The applicants claim that the Court should:

— declare the action in annulment admissible;

— annul Regulation (EU) No 511/2014 of the European Parliament and of the Council of 16 April 2014 on compliance measures for users from the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation in the Union (OJ L 150, p. 59); and

— order the European Parliament and the Council to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on five pleas in law which are essentially identical or similar to those relied on in Case T-559/14 *Ackermann Saatzucht a.o. v Parliament and Council*.

Action brought on 27 August 2014 — Italy v Commission

(Case T-636/14)

(2014/C 388/24)

Language of the case: Italian

Parties

Applicant: Italian Republic (represented by: P. Gentili, avvocato dello Stato, G. Palmieri, acting as Agent)

Defendant: European Commission

Form of order

The applicant claims that the Court should:

— annul the vacancy notice for the post of Director of the Translation Centre for the Bodies of the European Union (Luxembourg), function group AD, grade 14, (COM/2014/10356), published in the *Official Journal of the European Union* C 185 A of 17 June 2014;

— order the Commission to pay the costs.

Pleas in law and main arguments

The present action is brought against the abovementioned vacancy notice, in so far as applicants are required to apply in English, French or German.

In support of its action, the applicant puts forward two pleas in law.

1. First plea in law, alleging infringement of Article 18 TFEU and the fourth paragraph of Article 24 TFEU; of Article 22 of the Charter of Fundamental Rights of the European Union; of Articles 1 and 2 of Regulation 1/58; and of Article 1d(1) and (6) of the Staff Regulations (applicable by analogy to temporary staff and referred to in the contested notice).

   — The applicant claims in this regard that, through the reference to the Commission's website which set out that binding provision, the notice required applicants compulsorily to submit their CV and motivation letter in English, French or German, rather than in any one of the languages of the European Union.

2. Second plea in law, alleging infringement of the principles of legitimate expectations and of sincere cooperation (Article 4(3) TEU).

   — The applicant claims in this regard that, during the process for the adoption of the notice in question, even though the Commission had formally assured the Italian Government that that language discrimination would be removed, it instead acted in the opposite manner when drafting the notice and preparing the rules for the functioning of the website to which the notice refers for the submission of applications.
