Operative part of the order

1. *The action is dismissed.*

2. *Pagkyprios organismos ageladotrofon Dimosia Ltd (POA) shall bear its own costs and pay those incurred by the European Commission, including the costs relating to the proceedings for interim measures.*

([1]) OJ C 406, 7.12.2015.

Action brought on 12 July 2016 — Gaki v Europol

(Case T-366/16)

(2016/C 402/56)

Language of the case: German

Parties

Applicant: Anastasia-Soultana Gaki (Düsseldorf, Germany) (represented by: G. Keisers, lawyer)

Defendant: European Police Office (Europol)

Form of order sought

The applicant claims that the Court should:

— what are the circumstances of the alleged act which the applicant is supposed to have committed according to the terms of the European Arrest Warrant which Greece issued and pursuant to which she has, with the support of Europol, been unlawfully wanted for arrest in the European Union since 2011? The applicant claims a reasoned statement of position;

— order the unlawful and incorrect storage of data against her in the Europol information system by the Joint Supervisory Body of Europol (‘the JSB’) to be blocked;

— order the JSB, by exercising its right to access and consult data entered into the SIS II, to review whether, according to the terms of the European Arrest Warrant (‘EAW’), the interference with the applicant’s freedom is permitted;

— require Europol to ask the Greek State Prosecutor at the Court of Appeal of Athens which State Prosecutor ordered the prolongation of the EAW and hence the arbitrary deprivation of the applicant’s liberty from 23 May 2016, and which of the two national warrants (the EAW is a copy of both) is operative. He must also answer how it is possible that the applicant’s address in Germany appears in the EAW, yet both national warrants (the EAW is a copy of both) were issued against the applicant because the applicant’s address was allegedly unknown to the Greek judicial authorities;

— the JSB must provide a reasoned answer as to what action Europol undertook after Europol became aware that a criminal complaint had been laid with the Principal Public Prosecutor for Düsseldorf against the Greek State Prosecutor at the Court of Appeal who had issued the EAW against the applicant;

— award her damages in the amount of EUR 3 000 000.

Pleas in law and main arguments

In support of the action, the applicant relies on two pleas in law.

1. First plea in law: infringement of Article 41 of Decision 2007/533/JHA ([1]) in conjunction with Article 30(7) and Article 31 and 52 of Decision 2009/371/JHA. ([2])

2. Second plea in law: infringement of the second paragraph of Article 296 TFEU and Article 41 of the Charter of Fundamental Rights of the European Union in conjunction with Articles 1, 9 and 23 of Act No 29/2009 of the JSB.

(1) Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ 2007 L 205, p. 63).
(2) Council Decision of 6 April 2009 establishing the European Police Office (Europol) (OJ 2009 L 121, p. 37).

Action brought on 25 August 2016 — Adama Agriculture and Adama France v Commission

(Case T-476/16)

(2016/C 402/57)

Language of the case: English

Parties

Applicants: Adama Agriculture BV (Amsterdam, Netherlands) and Adama France (Sèvres, France) (represented by: C. Mereu and M. Grunchard, lawyers)

Defendants: European Commission

Form of order sought

The applicants claim that the Court should:

— declare the application admissible and well-founded;

— annul the contested decision [1] and rule that (i) the approval of the active substance isoproturon (IPU) should be renewed or, in the alternative, (ii) remand the assessment of the renewal of the approval of IPU to the defendant and suspend any and all relevant deadlines under the PPPR and its implementing regulations so as to allow the operation of a proper timeframe for adopting a new decision on the renewal of IPU; and

— order the defendant to pay all the costs and expenses of these proceedings.

Pleas in law and main arguments

In support of the action, the applicants submit that the contested decision was adopted by the defendant in violation of the rights and principles guaranteed by the EU. They contend that the contested decision is unlawful because it infringes the Treaty on the Functioning of the EU ("TFEU") and EU secondary legislation on the following five grounds:

1. First plea in law, alleging manifest errors of appraisal: Pursuant to recitals 8, 9 and 10 of the contested decision, IPU was banned on the basis of its (i) risk resulting from exposure to a metabolite in groundwater, (ii) risk for birds, mammals and aquatic organisms and (iii) the proposed classification of IPU as a substance toxic for reproduction category 2. All concerns however on which the contested decision is based are procedurally and/or substantively flawed and fail to take into account information which was submitted by the applicants.

2. Second plea in law, alleging infringement of CLP Regulation (EC) No 1272/2008 [2] procedure — ultra vires act: By proposing the classification of IPU as toxic for reproduction and by relying on that proposal for justifying the non-renewal of the approval of IPU, the defendant has infringed both the CLP Regulation and Regulation (EC) No 1107/2009 [3] concerning the placing of plant protection products on the market ("PPPR"), and as such has acted ultra vires.

3. Third plea in law, alleging infringement of the right of defence and the principle of sound administration: the behaviour of the RMS, EFSA and the Commission have individually and collectively violated the right to be heard and right of the defence of the applicants by depriving them of a fair hearing and due process. In particular, despite repeated and proactive attempts to contact the RMS and EFSA, the applicants did not receive timely feedback. Additionally, submissions made by the applicants have not been taken into account.