

*Defendant:* Education, Audiovisual and Culture Executive Agency

### **Form of order sought**

The applicant claims that the Court should:

- declare the present action admissible and well-founded;
- consequently:
- annul the decision of 14 November 2016 dismissing the applicant;
  - annul the decision of the Authority entitled to Conclude Contracts of Employment of 2 June 2017 rejecting the applicant's complaint of 3 February 2017;
  - award the applicant the amount of EUR 15 000 for the non-pecuniary damage suffered;
  - order the defendant to pay all the costs.

### **Pleas in law and main arguments**

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

1. First plea in law, alleging infringement of Article 84 CEEA, procedural irregularities committed by the defendant Agency, infringement of the principle of good administration and of the duty of care and infringement of the rights of defence of the applicant and, in particular, of his right to be heard.
2. Second plea in law, alleging the absence of normal probationary conditions and infringement of the principle of good administration and of the duty of care.
3. Third plea in law, alleging the absence of clearly defined objectives, infringement of Article 80 CEEA and failure to observe the principle of correspondence between Function Group IV and the tasks assigned to the applicant.
4. Fourth plea in law, alleging that the probationary period report was based on manifestly erroneous grounds.
5. Fifth plea in law, alleging infringement of the duty of care and of the principle of good administration and a misuse of power.

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**Action brought on 14 September 2017 — Taminco and Arysta LifeScience Great Britain/EFSA**

**(Case T-621/17)**

(2017/C 374/69)

*Language of the case: English*

### **Parties**

*Applicants:* Taminco BVBA (Gent, Belgium), Arysta LifeScience Great Britain Ltd (Edinburgh, United Kingdom) (represented by: C. Mereu and M. Grunchar, lawyers)

*Defendant:* European Food Safety Authority (EFSA)

### **Form of order sought**

The applicants claim that the Court should:

- Annul the decision of the European Food Safety Authority of 18 July 2017, notified to the applicants on 20 July 2017, on the assessment of the confidentiality claims made in relation to the application for renewal of the approval process for Thiram as an active substance;
- order the defendant to bear the costs.

### 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 the absence of a legal basis for publication.
  - The applicants maintain that publication would be ultra vires given that there is no legal basis upon which the defendant could rely to justify publication, be it under Regulation 1107/2009, Regulation 178/2002 or Commission Implementing Regulation No 844/2012.
2. Second plea in law, alleging that the defendant acted ultra vires in its proposed classification of Thiram since the European Chemicals Agency is the only authority legally responsible for classification or reclassification of substances, as set out in Regulation 1272/2008, and the defendant lacks powers in this regard.
3. Third plea in law, alleging that the defendant breached fundamental rights of the defence by failing to guarantee the applicants a full, proper and effective opportunity to submit comments on a proposed reclassification of its substance.
4. Fourth plea in law, alleging that the defendant infringed Article 63 of Regulation 1107/2009 by deciding to publish the information which the applicants sought to have sanitized, which might undermine their commercial interests.

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### Action brought on 15 September 2017 — Vallina Fonseca v SRB

(Case T-625/17)

(2017/C 374/70)

*Language of the case: Spanish*

### Parties

*Applicant:* José Antonio Vallina Fonseca (Madrid, Spain) (represented by: R. Vallina Hoset and A. Sellés Marco, lawyers)

*Defendant:* Single Resolution Board

### Form of order sought

The applicant claims that the General Court should:

- Annul Decision SRB/EES/2017/08 of the Single Resolution Board of 7 June 2017, concerning the adoption of a resolution scheme in respect of Banco Popular Español, S.A.;
- Order the SRB to pay the costs.

### Pleas in law and main arguments

The pleas in law and main arguments are similar to those put forward in Cases T-478/17, *Mutualidad de la Abogacía and Hermandad Nacional de Arquitectos Superiores y Químicos v Single Resolution Board*, T-481/17, *Fundación Tatiana Pérez de Guzmán el Bueno and SFL v Single Resolution Board*, T-482/17, *Comercial Vascongada Recalde v Commission and Single Resolution Board*, T-483/17, *García Suárez and Others v Commission and Single Resolution Board*, T-484/17, *Fidesban and Others v Single Resolution Board*, T-497/17, *Sánchez del Valle and Calatrava Real State 2015 v Commission and Single Resolution Board*, and T-498/17, *Pablo Álvarez de Linera Granda v Commission and Single Resolution Board*.

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