

- Infringement of the principle of sound financial management and the clearance procedure under Article 52 of Regulation No 1306/2013 in connection with the application of unjustified financial corrections;
 - Infringement of the conformity clearance procedure under Article 52 of Regulation No 1306/2013 and of the guidelines for the calculation of financial corrections in connection with the financial correction applied under measure No 311 for the financial years 2013, 2014 and 2015;
 - Infringement of the of the guidelines for the calculation of financial corrections in connection with the application of the amount of the financial correction which is not proportionate to the actual risk of financial harm caused to the European Union;
 - Infringement of the conformity clearance procedure under Article 52 of Regulation No 1306/2013 and of the guidelines for the calculation of financial corrections concerning the application of the financial corrections in connection with the sufficient quality of the on-the-spot checks;
 - Infringement of Article 34(6) of Implementing Regulation No 908/2014, Article 12(8) of Delegated Regulation No 907/2014, of the guidelines for the calculation of financial corrections and of the principle of proportionality in connection with the application of corrections in respect of all expenditure for which reimbursement has been requested;
 - Infringement of the conformity clearance procedure under Article 52(2) of Regulation No 1306/2013, of the guidelines for the calculation of financial corrections and of the principle of proportionality in connection with the definition of the ground for applying corrections in respect of projects in the period under review;
2. Grounds solely concerning amounts excluded from financing by the European Union on the basis of deficiency in key control 'Appropriate evaluation of reasonableness of costs' — expenditure related to evaluation committee;
- Infringement of the conformity clearance procedure under Article 52 of Regulation No 1306/2013, of Article 12 of Delegated Regulation No 907/2014 and of the principle of legal certainty in connection with the guidelines for the calculation of financial corrections concerning the application of the methodology for calculating the financial corrections;
 - Infringement of the principle of proportionality in connection with the amount of the financial corrections applied by the Commission.

Action brought on 19 January 2018 — PAN Europe v Commission

(Case T-25/18)

(2018/C 104/60)

Language of the case: English

Parties

Applicant: Pesticide Action Network Europe (PAN Europe) (Brussels, Belgium) (represented by: B. Kloostra, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul Commission decision C(2017) 7604 final of 9 November 2017, partially refusing to grant the applicant access to documents relating to the drafting of Delegated Regulations on scientific criteria for the assessment of endocrine disrupting substances;
- order the Commission to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that, by adopting the contested decision, the Commission acted in breach of and wrongly applied Article 4(3), first subparagraph, of Regulation (EC) No 1049/2001.⁽¹⁾
 - The Commission acted in breach of and wrongly applied Article 4(3), first subparagraph, of Regulation (EC) No 1049/2001 by applying it to information on a finished decision-making process.
 - The Commission acted in breach of Article 4(3) of Regulation (EC) 1049/2001 because it did not interpret or apply the ground for refusal in a sufficiently restrictive way and did not demonstrate that disclosure would seriously undermine the decision-making process.
2. Second plea in law, alleging that the Commission, by adopting the contested decision, acted in breach of Article 6(1) of Regulation (EC) No 1367/2006⁽²⁾ and Article 4(3) of Regulation 1049/2001.
 - The Commission has acted in breach of Article 6(1) of Regulation (EC) No 1367/2006 and Article 4(3) of Regulation 1049/2001 by not examining specifically and individually the documents referred to in the request for access and by not justifying for each specific document for which reason it should not be disclosed by not interpreting the ground for refusal of Article 4(3) of Regulation (EC) No 1049/2001 in a sufficiently restrictive way; furthermore, the Commission acted in breach of the abovementioned provisions because the Commission did not weigh the specific interest of protection of the decision-making process against the general interests of the disclosure of environmental information and by not stating sufficient reasons for the refusal.
3. Third plea in law, alleging that the Commission wrongly did not take into account that there is an overriding public interest in the disclosure of the requested information.
 - Because of the major change of policy during the decision-making process and the major change of the draft scientific criteria set during this process there is an overriding public interest in disclosure of the information requested.

⁽¹⁾ Regulation (EC) 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43).

⁽²⁾ Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ 2006 L 264, p. 13).

Action brought on 22 January 2018 — Asahi Intecc v EUIPO — Celesio (Celeson)

(Case T-36/18)

(2018/C 104/61)

Language in which the application was lodged: English

Parties

Applicant: Asahi Intecc Co. Ltd (Nagoya City, Japan) (represented by: T. Schmidpeter, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Celesio AG (Stuttgart, Germany)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant

Trade mark at issue: International registration designating the European Union in respect of the mark 'Celeson' – International registration designating the European Union No 1 254 798