

Pleas in law and main arguments

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

1. First plea in law, alleging that the Commission unlawfully endorsed burden sharing measures in the context of a precautionary recapitalisation, in violation of Articles 18 and 21 of Regulation (EU) No 806/2014 (failure to give reasons).⁽³⁾
2. Second plea in law, alleging that the Commission unlawfully required the cancellation of the FRESH contracts (manifest error of law and fact in departing from the 2013 Banking Communication;⁽⁴⁾ infringement of the principles of protection of legitimate expectations and equal treatment; failure to give reasons).
3. Third plea in law, alleging that the contested decision treats the FRESH holders in a discriminatory way (violation of the right to equal treatment, protected under Articles 20 and 21 of the Charter of Fundamental Rights of the European Union ('Charter') and Article 14 and Protocol 12 of the European Convention for the Protection of Human Rights and Fundamental Freedoms ('ECHR'); manifest error of assessment; failure to give reasons).
4. Fourth plea in law, alleging that the contested decision infringes the FRESH holders' property rights (violation of property rights protected under Article 17 of the Charter and Article 1 of Protocol 1 of the ECHR; failure to give reasons).
5. Fifth plea in law, alleging that the Commission failed to open the formal investigation procedure, notwithstanding the fact that there were serious doubts about the compatibility of the measures with EU law (violation of Article 108(2) and (3) TFEU; violation of Article 4(3) and (4) of Council Regulation 2015/1589;⁽⁵⁾ manifest error of assessment; failure to give reasons).

⁽¹⁾ OJ 2018 C 40, p. 7.

⁽²⁾ Floating Rate Equity-linked Subordinated Hybrid (a form of bond).

⁽³⁾ Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 (OJ 2014 L 225, p. 1).

⁽⁴⁾ Communication from the Commission on the application, from 1 August 2013, of State aid rules to support measures in favour of banks in the context of the financial crisis ('Banking Communication') (OJ 2013 C 216, p. 1).

⁽⁵⁾ Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (OJ 2015 L 248, p. 9).

Action brought on 8 March 2018 — Région de Bruxelles-Capitale v Commission

(Case T-178/18)

(2018/C 190/55)

Language of the case: French

Parties

Applicant: Région de Bruxelles-Capitale (Brussels, Belgium) (represented by: A. Bailleux and B. Magarinos Rey, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- declare the present action admissible and well founded;
- annul the contested regulation [Commission Implementing Regulation (EU) 2017/2324 of 12 December 2017 renewing the approval of the active substance glyphosate in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 (OJ 2017 L 333, p. 10)], while maintaining its effects until its replacement within a reasonable period, and at the latest until 16 December 2021;

— order the Commission 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 infringement of the principles of a high level of protection of human health and of the environment. This plea is divided into two parts.
 - First part, alleging infringement of the obligation to ensure a high level of protection of human health and of the environment at the stage of the scientific assessment of risk, in so far as the contested regulation is based on a scientific assessment of risks to health and the environment that does not meet the requirements of the precautionary principle. According to the applicant, insufficiencies arise in relation to identification, selection and weighting, the treatment method and the interpretation of the available data and scientific studies.
 - Second part, alleging infringement of the obligation to ensure a high level of protection of human health and the environment at the stage of policy assessment and risk management, in so far as the contested regulation fails to carry out a policy assessment and risk management that comply with the precautionary principle. The applicant submits, on the one hand, that the renewal of the approval occurred in circumstances in which significant deficiencies and uncertainties persist in relation to risk assessment, and, on the other hand, that the renewal is not accompanied by sufficient risk mitigation or risk reduction measures in the broad sense.
2. Second plea in law, alleging infringement of the obligation to state reasons and the principle of sound administration, in so far as the contested regulation contains an internal inconsistency. The applicant claims that the preamble and articles of that regulation suggest that glyphosate does not have any harmful effects on human or animal health or any unacceptable influence on the environment, whereas the specific provisions contained in Annex I to that regulation are underpinned by the existence of such effects. Such an internal inconsistency thus leaves the public uncertain as to whether or not glyphosate poses a risk to health or the environment.

Action brought on 15 March 2018 — Solwindet las Lomas v Commission

(Case T-190/18)

(2018/C 190/56)

Language of the case: English

Parties

Applicant: Solwindet las Lomas, SL (Girona, Spain) (represented by: L. Sandberg-Mørch, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul European Commission Decision of 10 November 2017 in State aid case SA.40348 (2015/NN) — Spain — Support for electricity generation from renewable energy sources, cogeneration and waste; ⁽¹⁾
- order the Commission to pay the applicant's 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 the Commission infringed its obligation to initiate the formal investigation procedure. The applicant alleges that there is evidence of serious difficulties relating to the length and the circumstances of the preliminary investigation procedure.