

### Parties to the main proceedings

*Appellant in the appeal on a point of law:* Valsts ieņēmumu dienests

*Respondent in the appeal on a point of law:* SIA 'Hydro Energo'

### Question referred

Must the Combined Nomenclature, as set out in Annex I of Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff, <sup>(1)</sup> amended by Commission Regulation (EU) No 1006/2011 of 27 September 2011, <sup>(2)</sup> be interpreted as meaning that heading 7407 (Copper bars, rods and profiles) includes copper or copper alloy ingots in a rectangular shape, the thickness of which exceeds one-tenth of the width and which are hot-rolled, but which have irregular pores, holes and cracks in their cross-section?

---

<sup>(1)</sup> OJ 1987 L 256, p. 1.

<sup>(2)</sup> OJ 2011 L 282, p. 1.

---

### Appeal brought on 1 May 2019 by Région de Bruxelles-Capitale against the order of the General Court (Fifth Chamber) delivered on 28 February 2019 in Case T-178/18 Région de Bruxelles-Capitale v Commission

(C-352/19 P)

(2019/C 220/32)

*Language of the case:* French

### Parties

*Appellant:* Région de Bruxelles-Capitale (Brussels, Belgium) (represented by: A. Bailleux, lawyer)

*Other party to the proceedings:* European Commission

### Form of order sought

- Set aside the order of 28 February 2019 (T-178/18);
- Rule on the admissibility of the action for annulment brought by the Région de Bruxelles-Capitale against 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 <sup>(1)</sup>, and, as to the remainder, refer the case back to the General Court;
- Order the Commission to pay the costs of these proceedings and of the proceedings before the General Court.

### Pleas in law and main arguments

By the contested order, the General Court declared the action brought by the Région de Bruxelles-Capitale inadmissible on the ground of lack of interest in bringing proceedings. More specifically, the Court held that the Région de Bruxelles-Capitale was not directly concerned by the contested regulation, within the meaning of Article 263(4) TFEU.

In support of its appeal, the Région de Bruxelles-Capitale raises a single plea in law which is divided into two parts.

First, the Court's refusal to examine the conditions for admissibility of the action in the light of Article 9 of the Aarhus Convention was based on an incorrect interpretation of Articles 2(4) and 9 of that Convention and is inadequately reasoned.

Secondly, the General Court's finding that the applicant has not been directly affected results from insufficient reasoning and failure to comply with Article 263(4) TFEU and Articles 20(2), 32(1), 36(3), 41(1), 43(5) and 43(6) of Regulation 1107/2009.

In the second part of its application, developed in the event that the Court grants the application for annulment of the contested order and decides to rule itself on the admissibility of the appeal, the Région de Bruxelles-Capitale sets out the grounds on which its appeal must be declared admissible in so far as it satisfies the conditions of Article 263(4) TFEU.

---

(<sup>1</sup>) OJ 2017 L 333, p. 10.

---

**Appeal brought on 16 May 2019 by Hamas against the judgment of the General Court (First Chamber, Extended Composition) delivered on 6 March 2019 in Case T-289/15 Hamas v Council**

**(Case C-386/19 P)**

(2019/C 220/33)

*Language of the case: French*

**Parties**

*Appellant:* Hamas (represented by: L. Glock, avocate)

*Other parties to the proceedings:* Council of the European Union, European Commission

**Form of order sought**

The appellant claims that the Court should:

- set aside the judgment of 6 March 2019, *Hamas v Council*, T-289/15;
- give final judgment in the matters that are the subject of the appeal;
- order the Council to pay all the costs of the proceedings before the General Court and the Court of Justice.

**Grounds of appeal and main arguments**

The applicant relies on four grounds of appeal.

First, in holding that the facts set out in paragraph 15 of Annex A and paragraph 17 of Annex B to the statement of reasons for the acts of March 2015 were invoked independently by the Council, the General Court distorted the evidence before it, substituted its own grounds for those of the author of the contested acts, failed to comply with the obligation to state reasons for its decision and deprived the applicant of the ability to prepare its defence.

Secondly, the General Court infringed Article 1(4) of Common Position 2001/931 by accepting that a decision of an administrative authority had been taken by a competent authority within the meaning of that provision, even though it had never been subject to judicial review.