

- that accessibility to such search providers facilitates the profiling of the applicant by any Internet user in the world, including current and any prospective employers;
 - that from such profiling arises the risk of discrimination against the applicant;
 - that the Court of Justice of the European Union has decided to anonymize by default published procedural documents for all requests for a preliminary ruling relating to natural persons and received after 1 July 2018;
 - that the anonymization of published procedural documents for any other type of action under the Treaties remains at the absolute discretion of the judicature of the European Union,
 - that the natural persons involved in requests for a preliminary ruling brought before the Court of Justice after 1 July 2018 and the applicant are not treated equally.
2. Second plea in law, alleging that the General Court has breached Article 8 of the Charter of Fundamental Rights of the European Union, and arguing in particular:
- that the purpose of publishing procedural documents is, in the words of the Court of Justice, to ‘guarante[e] that citizens are informed and have the right to open courts’;
 - that to achieve that purpose it is unnecessary to publish versions of procedural documents referring to the applicant by name or, subsidiarily, to make such versions accessible to world wide web search providers like Google;
 - that the failure of the General Court to end such practice infringes Articles 4(1)(c) and 5(a) of Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽¹⁾, subsidiarily Articles 4(1)(c) and 5(a) of Regulation (EU) 2018/1725 of the European Parliament and of the Council. ⁽²⁾

⁽¹⁾ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

⁽²⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

Action brought on 1 March 2019 — Bulgarian Energy Holding and Others v Commission

(Case T-136/19)

(2019/C 164/57)

Language of the case: English

Parties

Applicants: Bulgarian Energy Holding EAD (Sofia, Bulgaria), Bulgartransgaz EAD (Sofia), Bulgargaz EAD (Sofia) (represented by: K. Struckmann, lawyer, M. Powell and A. Kadri, Solicitors)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- adopt the measures of organisation of procedure or measures of inquiry specified in section 3.6 of the application, or any other such measures as the Court deems necessary;

- annul in whole or in part the Commission decision C(2018) 8806 final, of 17 December 2018, relating to proceedings under Article 102 of TFEU (AT.39849 — BEH Gas);
- annul or reduce the level of the fine imposed;
- order the defendant to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the defendant breached essential procedural requirements, thus infringing the applicants' rights of defence.
2. Second plea in law, alleging that the contested decision's definition of the relevant market is vitiated by errors of law and fact, and by a failure to conduct a market analysis and state adequate reasons.
3. Third plea in law, alleging that the contested decision's finding that Bulgargaz EAD, as one of the applicants, or the applicants together, held a dominant position on the market for capacity services, is vitiated by errors of law and in its appreciation of the facts.
4. Fourth plea in law, alleging that the contested decision infringes the European Union treaties by failing to establish, to the requisite standard, that the conduct described in the contested decision amounts to an infringement of Article 102 TFEU, in light of errors in its application of the law and in its appreciation of the facts.
5. Fifth plea in law, alleging that the contested decision's findings as to the duration of the alleged infringement are vitiated by errors of law and in its appreciation of the facts.
6. Sixth plea in law, alleging that by adopting a decision pursuant to Article 7 of Council Regulation (EC) No 1/2003 of 16 December 2002 ⁽¹⁾, the EU treaties were infringed, in the process.
7. Seventh plea in law, alleging that the fine should be annulled or reduced in light of the contested decision's failure to adhere to the defendant's fining guidelines, or alternatively in the exercise of the Court's unlimited jurisdiction pursuant to Article 261 TFEU on the basis that the fine is in all the circumstances disproportionate to the conduct being sanctioned.

⁽¹⁾ Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ L 1, 4.1.2003, p. 1).
