

Action brought on 11 March 2019 — European Union Copper Task Force v Commission**(Case T-153/19)**

(2019/C 155/60)

*Language of the case: English***Parties**

Applicant: European Union Copper Task Force (Essex, United Kingdom) (represented by: I. Moreno-Tapia Rivas and C. Vila Gisbert, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul Commission Implementing Regulation (EU) No 2018/1981, ⁽¹⁾ to the extent that it renews the approval of copper compounds as a candidate for substitution on an unlawful legal basis;
- extend the effects of the annulment to Commission Implementing Regulation (EU) No 2015/408, ⁽²⁾ insofar as it implemented Article 80(7) of Regulation 1107/2009 and included copper compounds in the list of active substances as candidates for substitution;
- declare that Commission Implementing Regulation (EU) No 2018/1981 has infringed the principle of proportionality;
- 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 Commission Implementing Regulation (EU) 2018/1981 renews the approval of copper compounds as a candidate for substitution on an unlawful legal basis. In particular:
 - Articles 24 and Annex II, point 4, of Regulation (EC) No 1107/2009 ⁽³⁾ infringe EU law because:
 - (i) Scientific evidence indicates that 'PBT criteria', in particular persistence, are not appropriate for copper.
 - (ii) Application of PBT criteria to inorganic substances is not consistent with other pieces of legislation that have been implemented in the field of regulated chemical substances.
 - (iii) As far as candidates for substitution are concerned, the application of PBT criteria to copper compounds goes beyond what is necessary to achieve the objectives pursued by Regulation (EC) No 1107/2009. In addition, Regulation (EC) No 1107/2009 misinterprets the precautionary principle.

2. Second plea in law, alleging the illegality of Commission Implementing Regulation (EU) No 2015/408 in relation to the qualification of copper compounds as candidates for substitution.
3. Third plea in law, alleging, as a subsidiary plea, that Commission Implementing Regulation (EU) 2018/1981 has infringed the principle of proportionality.

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- (¹) Commission Implementing Regulation (EU) 2018/1981 of 13 December 2018 renewing the approval of the active substances copper compounds as candidates for substitution, 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 2018 L 317, p. 16).
 - (²) Commission Implementing Regulation (EU) No 2015/408 of 11 March 2015 on implementing Article 80(7) of Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and establishing a list of candidates for substitution (OJ 2015 L 67, p. 18).
 - (³) Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ 2009 L 309, p. 1).

Action brought on 11 March 2019 — ZU v EEAS

(Case T-154/19)

(2019/C 155/61)

Language of the case: English

Parties

Applicant: ZU (represented by: C. Bernard-Glanz, lawyer)

Defendant: European External Action Service (EEAS)

Form of order sought

The applicant claims that the Court should:

- annul the decision of the Appointing Authority of the EEAS of 30 November 2018, rejecting the applicant's complaint of 27 July 2018, insofar as it implicitly rejects his statement of expenses of 26 February 2018;
- order the defendant to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on a single plea in law, alleging failure to comply with applicable provisions of the Staff Regulations (inter alia, Articles 12a, 56 and 71 thereof) and infringement of Articles 31(1) and (2), 41(1) and 48 of the Charter of Fundamental Rights of the European Union, violation of the 'reasonable time' principle, the principle of good administration and the principle of sound financial management (waste of EU resources), misuse of powers and concealing of evidence, breach of the rules governing the reimbursement of travel expenses, failure to comply with the principle of proportionality, manifest error of assessment, violation of the duty of care, and omission of prima facie elements identified in the applicant's complaint based on Article 90(2) of the Staff Regulations.
