

Order of the President of the General Court of 19 March 2021 — Indofil Industries (Netherlands) v Commission

(Case T-742/20 R)

(Application for interim relief — Plant protection products — Regulation (EC) No 1107/2009 — Implementing Regulation (EU) 2020/2087 — Non-renewal of approval of the active substance mancozeb — Application for suspension of operation of a measure — No urgency)

(2021/C 182/74)

Language of the case: English

Parties

Applicant: Indofil Industries (Netherlands) BV (Amsterdam, Netherlands) (represented by: C. Mereu and P. Sellar, lawyers)

Defendant: European Commission (represented by: A. Dawes, I. Naglis and G. Koleva, acting as Agents)

Re:

Application under Articles 278 and 279 TFEU for suspension of operation of Commission Implementing Regulation (EU) 2020/2087 of 14 December 2020 concerning the non-renewal of the approval of the active substance mancozeb, 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 2020 L 423, p. 50).

Operative part of the order

1. The application for interim relief is dismissed.
2. The costs are reserved.

Order of the Vice-President of the General Court of 12 March 2021 — Ciano Trading & Services CT & S and Others v Commission

(Case T-45/21 R)

(Interim relief — Public procurement — Application for interim measures — Inadmissibility — Lack of urgency)

(2021/C 182/75)

Language of the case: French

Parties

Applicants: Ciano Trading & Services CT & S SpA (Fiuminco, Italy), Silvia Brizio (Venaria Reale, Italy), Laurence André (Grivegnée, Belgium), Lidia Pacitti (Neder-over-Heembeek, Belgium) (represented by: D. Gillet and S. Van Beisen, lawyers)

Defendant: European Commission (represented by: T. Van Noyen and M. Ilkova, acting as Agents)

Re:

Application pursuant to Articles 278 and 279 TFEU seeking, in particular and in essence, the suspension of the operation of the decision of the Commission of 20 November 2020 cancelling the call for tenders OIB/2019/CPN/0039 for a contract to be concluded for the management/operation of a service concession for sustainable group catering, including banqueting services, beverages for meetings and meals for children.

Operative part of the order

1. The application for temporary interim relief is dismissed.
2. The costs are reserved.

Action brought on 30 November 2020 — OQ v Commission**(Case T-713/20)**

(2021/C 182/76)

*Language of the case: Croatian***Parties***Applicant:* OQ (represented by: R. Štaba, lawyer)*Defendant:* European Commission**Form of order sought**

The applicant claims that the Court should:

- in accordance with Article 263 TFEU, annul the decision of the European Personnel Selection Office of 3 September 2020, issued in respect of the competition EPSO/AD/378/20 (AD7) — Croatian-language (HR) lawyer-linguists, field: lawyer-linguists at the Court of Justice of the European Union, Official Journal of the European Union, C 72 A — of 5 March 2020; and
- annul the decision of the European Personnel Selection Office of 12 October 2020, issued in respect of the competition EPSO/AD/378/20 (AD7) — Croatian-language (HR) lawyer-linguists, field: lawyer-linguists at the Court of Justice of the European Union, Official Journal of the European Union, C 72 A — of 5 March 2020;
- order the defendant to pay the costs incurred by the applicant.

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 abuse of power on part of the defendant

On 12 October 2020, the European Personnel Selection Office (EPSO) issued a decision by which it rejected the applicant's complaint against the decision of 3 September 2020 excluding her from the following stage of the competition, on the grounds that the applicant, inter alia, has neither a diploma in Croatian law nor knowledge of Croatian law, and that the decision of 13 March 2013, which had recognised her diploma in the Croatian Republic, does not include a comparison of the study programmes. In this way, EPSO conducted its own assessment, although no provision of EU law entitles it to do so, and, therefore, infringed the principle of distribution of powers in the European Union and exceeded its powers, because it is indisputable that the assessment of foreign qualifications is to be undertaken exclusively by the national bodies which are entitled to do so by law; in this case, by the Croatian Agencija za znanost i visoko obrazovanje (Agency for Science and Higher Education), under the Law on recognition of foreign qualifications, the rules for the assessment of qualifications obtained from foreign institutions of higher education, and the assessment criteria applied in proceedings concerning the recognition of professional qualifications. One of the fundamental principles, the principle of subsidiarity, has been infringed.