

Form of order sought

The applicant claims that the Court should:

- annul the Commission's decision of 5 August 2021 (C(2021)5963 final) pursuant to Regulation (EC) No 1049/2001, rejecting the applicant's confirmatory application of 6 May 2021 for full access to the document 'Briefing for the EU RCF co-chair for the Regulatory Cooperation Forum meeting on 3-4 February 2020' (Ares(2021)1264866), in so far as the rejection is based on the ground for refusal laid down in the third indent of Article 4(1)(a) of Regulation (EC) No 1049/2001, and
- order the Commission to pay the costs of the proceedings including those incurred by the applicant.

Pleas in law and main arguments

In support of the action against Commission Decision C(2021)5963 final of 5 August 2021, refusing unrestricted access to a preparatory document relating to a meeting of the Regulatory Cooperation Forum (RCF) concerning the EU-Canada Comprehensive Economic and Trade Agreement (CETA), the applicant relies on the following pleas in law:

1. First plea in law, alleging infringement of the third indent of Article 4(1)(a) of Regulation No 1049/2001⁽¹⁾ through misapplication of the law
 - The assumption that international relations would be undermined within the meaning of this provision on the basis that disclosure of internal strategic considerations could jeopardise the successful outcome of the ongoing exchanges related to the implementation of the agreement is incorrect.
 - The assumption that international relations would be undermined within the meaning of this provision on the basis that the information used could also be used by third countries against the EU is incorrect.
 - The assumption that international relations would be undermined within the meaning of this provision on the basis that cooperation with Canada could otherwise be threatened is also incorrect.
2. Second plea in law, alleging infringement of Article 4(6) of Regulation No 1049/2001, as a result of the incorrect decision to disclose only parts of the document at issue.
3. Third plea in law, alleging infringement of Article 4(7) of Regulation No 1049/2001, because no time limit was placed on the refusal of access.
4. Fourth plea in law, alleging infringement of the duty to state reasons pursuant to Article 296 TFEU and Article 41(2)(c) of the Charter of Fundamental Rights of the European Union.

⁽¹⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43).

Action brought on 6 October 2021 — Bloom v Parliament and Council**(Case T-645/21)**

(2021/C 481/54)

*Language of the case: French***Parties**

Applicant: Bloom (Paris, France) (represented by: C. Saynac and L. Chovet-Ballester, lawyers)

Defendants: European Parliament and Council of the European Union

Form of order sought

The applicant claims that the General Court should:

- annul in part, on the basis of Articles 256 and 263 TFEU, Regulation (EU) 2021/1139 of the European Parliament and of the Council of 7 July 2021 establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004 (OJ 2021 L 247, p. 1), in particular Articles 17, 18 and 19 thereof;
- order the European Parliament and the Council of the European Union to pay the costs in their entirety.

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 infringement of the objectives of sustainable development and a high level of environmental protection. The applicant claims that Articles 17, 18 and 19 of Regulation (EU) 2021/1139 of the European Parliament and of the Council of 7 July 2021 establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004 ('the EMFAF Regulation') reintroduces subsidies that are detrimental to the marine environment, in disregard of the objectives of sustainable development and a high level of environmental protection, reaffirmed by EU legislation.
2. Second plea in law, alleging infringement of the general principles of EU law, namely the precautionary principle and the principle of proportionality. According to the applicant, Articles 17, 18 and 19 of the EMFAF Regulation are contrary to the precautionary principle enshrined in Article 191(2) TFEU. Furthermore, the effects of the aforementioned articles are contrary to the principle of proportionality applied in fisheries matters.
3. Third plea in law, alleging infringement of the United Nations Convention on the Law of the Sea of 10 December 1982, the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean of 9 July 2004, and the principle of performance of agreements in good faith. The applicant maintains that Articles 17, 18 and 19 of the EMFAF Regulation run counter to the obligations relating to tackling over-fishing and the conservation of marine resources laid down in those conventions. The Parliament and the Council infringed the principle of performance of agreements in good faith by adopting the contested articles.

Action brought on 1 October 2021 — Sberbank Europe v ECB

(Case T-647/21)

(2021/C 481/55)

Language of the case: English

Parties

Applicant: Sberbank Europe AG (Vienna, Austria) (represented by: M. Fellner, lawyer)

Defendant: European Central Bank

Form of order sought

The applicant claims that the Court should:

- annul the defendant's decision of 2 August 2021 (¹); and
- order the defendant to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on twelve pleas in law.

1. First plea in law, alleging that the defendant violated the prohibition of double punishment pursuant to Article 50 of the Charter of the Fundamental Rights ('CFR') of the European Union and Article 4 of the European Convention of Human Rights ('ECHR').