— a number of 5 355 free allowances for Carmeuse Holding SRL — Valea Mare Pravat installation, located in Valea Mare Pravat, Arges County, Romania, ID 55 in the Union Registry for each of the years 2021-2025;

— a number of 4 569 free allowances for the Carmeuse Holding SRL — Fieni installation, located in Fieni, Garii Street No. 2, Dambovita County, Romania, ID 56 in the Union Registry for each of the years 2021-2025;

— order the Defendant to pay the costs incurred by the Applicant in these proceedings;

— take such other or further measures as justice may require.

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 the contested decision errs on the calculation of the number of free emission allowances to be allocated to Carmeuse's installations.

2. Second plea in law, alleging that the Commission breached several fundamental principles of EU law when issuing the contested decision, namely the principle of equality, the principle of certainty and legitimate expectations and Carmeuse's right to good administration and right of defence, which has resulted in the allocation of fewer free emission allowances to Carmeuse's installations.

3. Third plea in law, alleging the contested decision is insufficiently reasoned as regards the number of free emission allowances allocated to Carmeuse's installations, in that it does not detail the decision-making process, nor the reasons for rejecting Carmeuse's arguments, and it does not address the essential reasons for which the formula thus applied by the Commission supersedes the binding legislation.

([1]) Commission Decision of 14 February 2022 instructing the Central Administrator of the European Union Transaction Log to enter changes to the national allocation tables of Belgium, Bulgaria, Czechia, Denmark, Germany, Estonia, Ireland, Spain, France, Italy, Lithuania, Hungary, Romania, Slovenia, Finland and Sweden into the European Union Transaction Log 2022/C 160/09 — C/2022/968 (OJ 2022 C 160, p. 27).

Action brought on 1 July 2022 — Fresenius Kabi Austria and Others v Commission

(Case T-416/22)

(2022/C 340/68)

Language of the case: English

Parties

Applicants: Fresenius Kabi Austria GmbH (Graz, Austria) and 14 other applicants (represented by: W. Rehmann and A. Knierim, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

— declare Commission Decision of 24 May 2022 C(2022) 3591 null and void insofar as it orders the Member States of the European Union to suspend the national marketing authorisations for the medicinal products as referred to in Annex I thereof;

— order the Commission to pay the costs of the proceedings;

— in the alternative, by way of precautionary motion, declare Commission Decision of 24 May 2022 C(2022) 3591 null and void insofar as it orders Member States of the European Union to suspend the national Marketing Authorisations for the medicinal products of the claimants for the medicinal products as referred to in Annex I thereof.

Pleas in law and main arguments

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

1. First plea in law, alleging that the requirements of Article 116 of Directive 2001/83/EC of the European Parliament and of the Council [1] justifying a suspension of the marketing authorisation for hydroxyethyl starch-containing medicinal products are not met. Consequently, the Commission cannot render a decision requiring that Member States will by way of implementing the decision suspend the respective marketing authorisations.

2. Second plea in law, alleging that the decision of the Commission is infringing the precautionary principle.

3. Third plea in law, alleging that the suspension of the marketing authorisation of hydroxyethyl starch-containing medicinal products is neither adequate nor proportionate to address the safety concerns resulting from the Drug Utilisation Study. Off-label use should not lead to suspension of in-label use that has well documented beneficial effects, particularly in the absence of any new adverse safety signals.

4. Fourth plea in law, alleging that the decision is contradictory in itself and, therefore, lacks sufficient reasoning.

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[1] Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ 2001 L 311, p. 67).

Action brought on 11 July 2022 — D'Agostino and Dafin v ECB

(Case T-424/22)

(2022/C 340/69)

Language of the case: Italian

Parties

Applicants: Vincenzo D'Agostino (Naples, Italy) and Dafin Srl (Casandrino, Italy) (represented by: M. De Siena, lawyer)

Defendant: European Central Bank

Form of order sought

The applicants claim that the Court should:

— find and declare that the European Central Bank (ECB), represented by the President Christine Lagarde is non-contractually liable:

(a) for having caused a collapse in the value of the securities owned by Vincenzo D'Agostino titled SI FTSE.COPERP amounting to a loss equal to the entire value of the capital invested, namely EUR 450 596,28, in so far as, on 12 March 2020, Christine Lagarde, in her capacity as President of the ECB, used the infamous phrase 'We are not here to close spreads, this is not the function or the mission of the ECB' and thereby caused a significant reduction in the value of securities on stock exchanges around the world and a reduction of 16,92 % on the Milan Stock Exchange, namely in a percentage never before seen in the history of that institution, or on other stock exchanges around the world; the phrase was used in a press conference broadcast globally, and confirmed that the ECB would no longer guarantee the value of securities issued by countries in difficulty and, therefore, signalled a massive change in the direction of the monetary policy that had been adopted by the ECB under the presidency of Mario Draghi, whose mandate finished in November 2019;

(b) for having caused a reduction in the value of the applicant's assets through that conduct and as a result of the huge drop in the index of the Milan Stock Exchange;