

# GENERAL COURT

**Action brought on 16 August 2022 — Vleuten Insects and New Generation Nutrition v Commission**

**(Case T-500/22)**

(2022/C 424/48)

*Language of the case: English*

## **Parties**

*Applicants:* Vleuten Insects vof (Hoogeloon, Netherlands), New Generation Nutrition BV (Helvoirt, Netherlands) (represented by: N. Carboneille, lawyer)

*Defendant:* European Commission

## **Form of order sought**

The applicants claim that the Court should:

- annul the Commission Implementing Decision of 2 June 2022 terminating the procedure for authorising the placing on the market of *Alphitobius diaperinus* larva as a novel food without updating the Union list of novel foods; <sup>(1)</sup>
- order the Commission to pay the costs.

## **Pleas in law and main arguments**

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

1. First plea in law, alleging a breach of Article 6(3) of Commission Implementing Regulation 2017/2469, <sup>(2)</sup> insofar the decision was adopted without the procedural requirements and guarantees set out under that provision having been complied with, making the decision illegal.
2. Second plea in law, alleging a breach of the principle of good administration and of Article 41 of the European Charter of Fundamental Rights, and more particularly:
  - breach of the duty of procedural loyalty and of the principles of legal certainty and legitimate expectations (first part of the second plea);
  - breach of applicable procedural requirements and of the duty to provide a valid and legally admissible statement of reasons (second part of the second plea); and
  - breach of the principle of proportionality (third part of the second plea).

3. Third plea in law, a subsidiary plea to the effect that, if neither the first plea nor the second plea is upheld, the applicants submit a plea of illegality based on Article 277 TFEU against Article 10(6) of Regulation 2015/2283 <sup>(3)</sup> and Article 6 of Commission Implementing Regulation 2017/2469, alleging that those provisions are void because they are in breach of the principle of legal certainty and of the principle of equal treatment.

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<sup>(1)</sup> Document reference: C(2022)3478.

<sup>(2)</sup> Commission Implementing Regulation (EU) 2017/2469 of 20 December 2017 laying down administrative and scientific requirements for applications referred to in Article 10 of Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods (OJ 2017 L 351, p. 64).

<sup>(3)</sup> Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001 (OJ 2015 L 327, p. 1).

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### Action brought on 5 September 2022 — QW v Commission

(Case T-550/22)

(2022/C 424/49)

*Language of the case: Portuguese*

#### Parties

*Applicant:* QW (represented by: S. Gemas Donário and S. Soares, advogadas)

*Defendant:* European Commission

#### Form of order sought

The applicant claims that the General Court should:

- annul Commission Decision C(2020) 8550 final, of 4 December 2020, on aid scheme SA.21259 (2018/C) (ex 2018/NN) implemented by Portugal in favour of the Zona Franca da Madeira (ZFM) — Regime III (Madeira Free Zone — Scheme III);
- order the Commission to pay the costs.

#### Pleas in law and main arguments

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

1. The first plea in law relates to the fulfilment of the requirements for the compatibility of the Zona Franca da Madeira — Regime III, namely the source of the earnings and the creation and maintenance of jobs in the region.
  2. The second plea in law relates to the allegedly unjustified delay in the Commission's response.
  3. The third plea in law relates to the alleged failure to comply with the obligation to state reasons.
  4. The fourth plea in law relates to the right to a fair hearing.
  5. The fifth plea in law relates to the protection of legitimate expectations.
  6. The sixth plea in law relates to the principle of legal certainty.
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