

The applicant submits that by adopting the contested Decision the EMA has resiled from its precise and unconditional assurances as to the proper legal basis for the Applicant's marketing authorisation application for APRETUDE. The applicant thus contends that the contested Decision infringes the principle of the protection of legitimate expectations and falls to be annulled.

- (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).
- (²) Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency (OJ 2004 L 136, p. 1).

Action brought on 15 September 2022 — ClientEarth v Council

(Case T-577/22)

(2022/C 472/49)

Language of the case: English

Parties

Applicant: ClientEarth AISBL (Brussels, Belgium) (represented by: C. Ziegler, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul the decision dated 5 July 2022 of the Council of the European Union (SGS 22/00149) in relation to the request for internal review under Title IV of the Aarhus Regulation in relation to Council Regulation (EU) 2022/109 of 27 January 2022 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and for Union fishing vessels in certain non-Union waters (OJ L 21 of 27 January 2022, p. 1), and
- order the Council to bear its own costs and pay those incurred by the applicant.

Pleas in law and main arguments

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

1. First plea in law, alleging manifest errors of law and of assessment as regards the scope of the applicant's access to review rights under the Aarhus Regulation, due to the Council having:
 - refused to review the Provisional TACs later replaced by final EU/UK TACs, even though the applicant retains an interest in their review; and
 - found that the applicant's pleas that the Council lacked competence and misused its powers in adopting the TAC Regulation were inadmissible for falling outside the scope of Article 10 of the Aarhus Regulation.
2. Second plea in law, alleging manifest errors of law and of assessment as regards essential elements of secondary law and the scope of the Council's competence to set TACs under Article 43(3) TFEU, due to the Council having committed:
 - manifest errors of law as regards the margin of discretion it has to set fishing opportunities; and
 - manifest errors of law and of assessment regarding the limits of its competence under Article 43(3) TFEU.

3. Third plea in law, alleging manifest errors of assessment regarding the Council's obligations to:
 - not exceed the MSY exploitation rate after 2020 for all stocks, as required by Article 2(2) of the CFP Basic Regulation;
 - implement the precautionary approach, as commanded by the first and second subparagraphs of Article 2(2), Articles 4(1)(8) and 9(2) of the CFP Basic Regulation, and strictly limited by the MSY Objective;
 - implement the ecosystem-based approach as required by Article 2(3) of the CFP Basic Regulation.
4. Fourth plea in law, alleging a manifest error of assessment regarding the misuse of powers committed by the Council when adopting Council Regulation (EU) 2022/109 of 27 January 2022 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and for Union fishing vessels in certain non-Union waters (OJ L 21 of 27 January 2022, p. 1).

**Action brought on 16 September 2022 — Fédération environnement durable and Others v
Commission**

(Case T-583/22)

(2022/C 472/50)

Language of the case: English

Parties

Applicants: Fédération environnement durable (Paris, France), Bundesinitiative Vernunftkraft eV (Berlin, Germany), Vent de Colère! — Fédération nationale (Peyraud, France), Vent de Raison — Wind met Redelijkheid (VdR-WmR) (Petit-Roeulx, Belgium) (represented by: M. Le Berre, lawyer)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- annul the European Commission decision of 7 July 2022 (fisma.b.2(2022) 5340198, Ares (2022)4952619 — 07/07/2022) rejecting the applicants' request for internal review of Commission Delegated Regulation (EU) 2021/2139; ⁽¹⁾
- order the Commission to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging, with regard to the preparation of the Delegated Regulation, breaches of Articles 6 to 8 of the Aarhus Convention, ⁽²⁾ Articles 9 and 10(2) of Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006, ⁽³⁾ and of Articles 10(4), 11(4) and 20(2) of Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020. ⁽⁴⁾
2. Second plea in law, alleging, with regard to the objective of climate change mitigation, breaches of Article 37 of the Charter of Fundamental Rights of the European Union, of Article 191 TFEU and Article 19(1)(f) of Regulation 2020/852 as well as of Article 10(3)(a), 19(1)(a) and (j) and 19(3) of Regulation 2020/852.
3. Third plea in law, alleging, with regard to the objective of climate change adaptation, the breach of Article 10(2) of Regulation 1367/2006.