2. Infringement of Article 4(2) of Council Regulation (EU) 2015/1589 ([1])

The applicant claims that, where a Member State forms the view that a measure taken by it does not constitute aid, Regulation 2015/1589 envisages a formal decision in accordance with Article 288 TFEU, provided that the Commission comes to the conclusion, after a preliminary review, that the measure granted does not constitute aid. The letter at issue infringes those guidelines.

([1]) Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (OJ 2015 L 248, p. 9).

Action brought on 19 November 2018 — Trifolio-M and Others v EFSA

(Case T-675/18)

(2019/C 25/67)

Language of the case: English

Parties

Applicants: Trifolio-M GmbH (Lahnau, Germany), Oxon Italia SpA (Milan, Italy) and Mitsui AgriScience International (Woluwe-Saint-Pierre, Belgium) (represented by: C. Mereu and S. Englebert, lawyers)

Defendant: European Food Safety Authority (EFSA)

Form of order sought

The applicants claim that the Court should:

— annul EFSA's decision of 11 September 2018 on the assessment of the applicants' confidentiality claims made in relation to the conclusion on the peer review of the pesticide risk assessment of the active substance Azadirachtin;

— order the defendant to pay the costs and expenses of the proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of Article 63 of Regulation (EC) No 1107/2009. ([1])

— The applicants allege that the defendant misinterpreted what amounts to information involving industrial and commercial secrets that merit confidential treatment, and misapplied Article 63 of Regulation 1107/2009 based on a manifest error of assessment of the applicants 'confidentiality claims.

2. Second plea in law, alleging breach of the fundamental principles of EU law to the extent that the defendant failed to state reasons for its decision, to conform to the uniform application of EU law or to abide by the principle of proportionality.

([1]) Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ 2009 L 309, p. 1).