

Action brought on 18 December 2018 — Taminco and Arysta LifeScience Great Britain v Commission

(Case T-740/18)

(2019/C 72/44)

Language of the case: English

Parties

Applicants: Taminco BVBA (Gent, Belgium) and Arysta LifeScience Great Britain Ltd (Edinburgh, United Kingdom) (represented by: C. Mereu and M. Grunchard, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- annul Commission Implementing Regulation (EU) 2018/1500 of 9 October 2018 concerning the non-renewal of approval of the active substance Thiram, and prohibiting the use and sale of seeds treated with plant protection products containing Thiram, ⁽¹⁾ and remand the assessment of the active substance in question to the European Food Safety Authority (EFSA) and the defendant, as needed;
- order the prolongation of the expiry of the approval of the active substance in question to allow its reassessment;
- in the alternative, partially annul the contested regulation to the extent that it prohibits the renewal of the active substance in question with regard to seed treatment; and
- order the defendant to pay all the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the contested regulation is procedurally flawed since the defendant failed to take into account the withdrawal of the application requested by the applicants to renew the approval of Thiram for use as a foliar spray and maintain only the seed treatment use.
2. Second plea in law, alleging that the contested regulation was adopted further to a manifest error of assessment.
3. Third plea in law, alleging that the contested regulation was adopted in violation of Article 4(5) of Regulation (EC) No 1107/2009. ⁽²⁾
4. Fourth plea in law, alleging that the defendant acted *ultra vires* by making a proposal regarding the classification of the active substance in question.
5. Fifth plea in law, alleging that the contested regulation results from a procedure during which the applicants' rights of defence have not been respected.

6. Sixth plea in law, alleging that the contested regulation was adopted in breach of the precautionary principle and of the fundamental principles of European Union law of proportionality and equal treatment.

⁽¹⁾ OJ 2018, L 254, p. 1.

⁽²⁾ 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).

Action brought on 21 December 2018 — Bronckers v Commission

(Case T-746/18)

(2019/C 72/45)

Language of the case: English

Parties

Applicant: Marco Bronckers (Brussels, Belgium) (represented by: P. Kreijger, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the (implied) decision of the Commission of 17 October 2018 rejecting, under Regulation (EC) 1049/2001, ⁽¹⁾ the applicant's confirmatory application for access to documents relating to the Agreement between the European Community and the United Mexican States on the mutual recognition and protection of designations for spirit drinks; ⁽²⁾
- order the Commission to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on a single plea in law, alleging that the Commission violated Article 8 (3) of Regulation 1049/2001 by failing to decide within the prescribed time limit.

⁽¹⁾ Regulation (EC) 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).

⁽²⁾ OJ 1997 L 152, p. 15.

Action brought on 20 December 2018 — Refan Bulgaria v EUIPO (Shape of a flower)

(Case T-747/18)

(2019/C 72/46)

Language of the case: English

Parties

Applicant: Refan Bulgaria OOD (Trud, Bulgaria) (represented by: A. Ivanova, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: Application for European Union tridimensional mark (Shape of a flower) — Application for registration No 16 544 025