



C/2024/4107

8.7.2024

Action brought on 29 May 2024 – Nuctech Warsaw and Nuctech Netherlands v Commission

(Case T-284/24)

(C/2024/4107)

Language of the case: English

Parties

Applicants: Nuctech Warsaw Co. Ltd sp. z o.o. (Warszawa, Poland), Nuctech Netherlands BV (Rotterdam, Netherlands) (represented by: J.-F. Bellis, S. Ross, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- annul the Commission Decision of 16 April 2024 requiring an undertaking active in the threat detection systems sector to submit to inspections pursuant to Article 14(3) of Regulation (EU) 2022/2560 of the European Parliament and of the Council ⁽¹⁾ (in the context of Case FS.100068 – MARE), together with any subsequent act or request by the Commission and legal hold requests, including the information request concerning data stored in the People's Republic of China;
- order the Commission to bear the costs of the proceedings.

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 that the inspection decision is unlawful insofar as it purports to authorize the Commission to request, under the threat of penalties, information from a Nuctech entity located outside the EU.
2. Second plea in law, alleging that the inspection decision is unlawful insofar as compliance with the decision would compel the undertaking to violate Chinese law, including criminal law.
3. Third plea in law, alleging that the inspection decision infringes the applicants' right of the inviolability of its business premises and privacy (Article 7 of the Charter of Fundamental Rights of the European Union);
4. Fourth plea in law, alleging that the inspection decision is arbitrary because the Commission did not possess sufficient indicia for suspecting that the applicants received foreign subsidies leading to a distortion in the internal market.
5. Fifth plea in law, alleging that the inspection decision infringed Article 14(3) of Regulation (EU) 2022/2560, the Commission's obligation to state reasons under Article 296(2) TFEU, and the right of defence of the applicants.

⁽¹⁾ Regulation (EU) 2022/2560 of the European Parliament and of the Council of 14 December 2022 on foreign subsidies distorting the internal market (OJ 2022 L 330, p. 1).