

- to declare invalid all its conclusions;
- apply the expedited procedure;
- declare the immediate suspension of the Agreement.

Pleas in law and main arguments

In support of the action, the applicant relies on seven pleas in law:

1. The first plea in law is based on the argument that that Agreement constitutes an infringement of essential procedural requirements and substantive law, and also an abuse of power.
2. The second plea in law is based on the official and reliable reports of Amnesty International, which confirm the abovementioned infringement and the humanitarian crisis that the Agreement has brought about.
 - The implementation of the Agreement, which the applicant considers to be in reality an international treaty, has caused a systematic failure to apply rules relating to refugees and the direct infringement of the Geneva Convention.
3. The third plea in law is based on the information provided by the Members of the European Parliament constituting the Confederal Group of the European United Left.
 - The Agreement commits and continues to commit a 'serious and continuing infringement' of the values of the European Union.
4. The fourth plea in law is based on the case-law of the European Court of Human Rights.
 - The action relies further on the internationally recognised fact that Turkey is not a 'safe country', given the use of torture and mass trials that are in breach of human rights.
5. The fifth plea in law is based on the FEU Treaty.
 - It is submitted in the action that what is improperly called a Statement is a manifest infringement of Part Five, Title V of the FEU Treaty on 'International Agreements'.
6. The sixth plea in law is based on the Charter of Fundamental Rights of the European Union.
 - The Agreement is also contrary to international human rights law, including the provisions of the Charter of Fundamental Rights of the European Union, having regard to human dignity and the expressly forbidden 'mass returns'. Specifically, the action draws attention to the unconscious infringement of or conscious failure to implement the directives, expressly mentioned, on the required response of the EU in the face of the 'mass influx' of people to its borders, in particular when those people are vulnerable, and of the directives that regulate the procedure for ensuring international protection and the right of asylum.
7. The seventh plea in law is based on documents from professional and other credible bodies.
 - The action also draws attention to the fact that the EU, by means of the agreement at issue, has caused, both in Greece and in Turkey, the formation of an enormous mass of people, who live in conditions of degradation and are completely without rights, where they have not already suffered mistreatment from the security forces.
 - Last, the action is based on the claim that that the EU, faced with a human and social catastrophe, has manifestly failed to fulfil its legal, social and international obligations.

Action brought on 28 November 2016 — Sweden v Commission

(Case T-837/16)

(2017/C 038/50)

Language of the case: Swedish

Parties

Applicant: Kingdom of Sweden (represented by: A. Falk and F. Bergius, acting as Agents)

Defendant: European Commission

Form of order sought

- Annul Commission Implementing Decision C(2016) 5644 of 7 September 2016 granting an authorisation for some uses of lead sulfochromate yellow and of lead chromate molybdate sulphate red under Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (the contested decision), and
- Order the Commission to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the Commission has exceeded its implementing powers under Article 291(2) TFEU and Regulation (EC) No 1907/2006.
 - The Commission has exceeded its implementing powers by disregarding Articles 55 and 60(4) of Regulation No 1907/2006 and granting the authorisation applied for without the conditions laid down in the regulation for such a grant being satisfied and contrary to the aim of the regulation.
 - The Commission has disregarded Article 60(4) of Regulation No 1907/2006 by granting authorisation without carrying out its own assessment of the conditions for that grant in accordance with that article and without sufficiently investigating whether the conditions for granting the authorisation under that article are satisfied.
 - The Commission has also disregarded Article 55 of Regulation No 1907/2006 by granting the authorisation contrary to the aim of the authorisation system, inter alia, to ensure a well-functioning internal market and gradually replace substances of very high concern with suitable alternative substances or techniques, where that is economically and technically feasible.
2. Second plea in law, alleging that the Commission has made a manifestly incorrect assessment and an incorrect application of the law.
 - The same facts as those stated with regard to the first plea in law are also relied on in respect of this plea in law. The Commission's disregard of Articles 55 and 60(4) of Regulation No 1907/2006, as described above, thus also means that, in the contested decision, the Commission has made a clearly incorrect assessment and incorrect application of the law.
3. Third plea in law, alleging that the Commission failed to have regard to the precautionary principle and the obligation to state reasons.
 - The Commission failed to have regard to the precautionary principle by granting authorisation without carrying out its own assessment of the conditions therefor under Article 60(4) of Regulation No 1907/2006 and without sufficiently investigating whether the conditions for grant of authorisation under that article are satisfied.
 - In any event, the Commission has failed to have regard to its obligation to state reasons which flows from Article 296 TFEU, Article 130 of Regulation No 1907/2006 and the principle of sound administration, since it is not possible to discern from the contested decision how the Commission assessed whether the conditions for the grant of authorisation in accordance with Article 60(4) of the regulation are satisfied.

Action brought on 30 November 2016 — BP v FRA

(Case T-838/16)

(2017/C 038/51)

Language of the case: English

Parties

Applicant: BP (Vienna, Austria) (represented by: E. Lazar, lawyer)