

Action brought on 28 September 2019 — Feralpi v Commission**(Case T-657/19)**

(2019/C 399/108)

*Language of the case: Italian***Parties***Applicant:* Feralpi Holding SpA (Brescia, Italy) (represented by: G. Roberti and I. Perego, lawyers)*Defendant:* European Commission**Form of order sought**

The applicant claims that the Court should:

- annul, in whole or in part, the Commission's decision in so far as it concerns the applicant;
- and/or annul, or at least reduce, the fine imposed on the applicant by the Commission's decision;
- where necessary, declare Article 25(3) to (6) of Regulation (EC) No 1/2003 to be unlawful and inapplicable;
- order the Commission to pay the costs.

Pleas in law and main arguments

This action has been brought against Commission Decision C(2019) 4969 final of 4 July 2019 concerning an infringement of Article 65 of ECSC Treaty — Case AT.37956 — Reinforcing bars, notified on 18 July 2019.

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

1. First plea in law, alleging that the Commission infringed Article 50 of the Charter of Fundamental Rights of the European Union ('the Charter').
2. Second plea in law, alleging that the Commission infringed Articles 41, 47 and 51 of the Charter, Article 6 of the European Convention on Human Rights (ECHR) and the obligation to state reasons, in so far as the Commission failed to assess the excessive duration of the proceedings before re-adopting, for the third time, the same decision imposing a fine.
3. Third plea in law, alleging that the Commission infringed Articles 41, 47 and 51 of the Charter, Article 6 ECHR and the obligation to state reasons, given that, if it had taken into account the duration of the proceedings and their specific characteristics, it would not have re-adopted, for the third time, the same decision imposing a fine.
4. Fourth plea in law, alleging that the Commission infringed Articles 41 and 47 of the Charter, Article 6 ECHR, the principle of proportionality and the obligation to state reasons, since, for the purposes of exercising its discretion of re-adoption, the Commission failed to strike a proper balance of interests.
5. Fifth plea in law, alleging that the Commission infringed Article 41 of the Charter, the principle of the right of defence, Articles 14 and 27(1) of Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty, and Articles 11, 12 and 14 of Commission Regulation (EC) No 773/2004 of 7 April 2004 relating to the conduct of proceedings by the Commission pursuant to Articles 81 and 82 of the EC Treaty, in that the hearing organised in the proceedings was not capable of remedying the defect established by the Court in the judgment in Case C-85/15 P.

6. Sixth plea in law, alleging that the Commission infringed Article 65 ECSC and failed to observe the principle of the presumption of innocence, in so far as it did not observe the principles governing the burden of proof in order to establish the applicant's participation in the agreement in the period 1989-1995.
 7. Seventh plea in law, alleging that the Commission infringed Article 65 ECSC in finding that there was a complex, single and continuous agreement which had continued, as regards the applicant, from 1989 to 2000.
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Action brought on 25 September 2019 — Universität Bremen v Commission and REA

(Case T-660/19)

(2019/C 399/109)

Language of the case: German

Parties

Applicant: Universität Bremen (Bremen, Germany) (represented by: Professor C. Schmid, Agent)

Defendants: European Commission and Research Executive Agency (REA)

Form of order sought

The applicant claims that the Court should:

- annul the decision of 16 July 2019 rejecting Proposal No 870693 (TenOpt), in the context of the Horizon 2020 Framework Programme, Call: H2020-SC6-GOVERNANCE-2019;
- order the defendants to pay the costs.

Pleas in law and main arguments

In support of its action, the applicant claims that the decision at issue infringes its right, derived from the rule of law, to have its request for funding reviewed without any errors of assessment. In particular, the applicant submits that the evaluation was vitiated by the following:

- distortion of the facts, that is to say that essential particulars of the request for funding were incorrectly reproduced in the evaluation;
 - failure to comply with generally applicable assessment criteria;
 - inequality of treatment, arbitrariness and irrelevant considerations.
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