

Pleas in law

- Error in law for the purpose of Article 57 of Regulation No 6/2002 and Article 65 of Regulation No 2245/2002;
- Infringement of the applicant's fundamental right to be heard;
- Infringement of Article 7 of Regulation No 6/2002

Action brought on 30 January 2018 — Comune di Milano v Council**(Case T-46/18)**

(2018/C 094/46)

*Language of the case: Italian***Parties**

Applicant: Comune di Milano (Milan, Italy) (represented by: F. Sciaudone and M. Condinanzi, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the General Court should:

- annul, pursuant to Article 263 TFEU, the Council decision of 20 November 2017 adopted in the margins of the 3579th meeting of the Council in its General Affairs formation, regarding the selection of the new seat of the European Medicines Agency ('EMA'), published by means of a press release containing the report (Outcome of the Council meeting (3579th Council meeting)), Presse 65, provisional version, in so far as it established that Amsterdam would be the new seat of the European Medicines Agency;
- order the Council to pay the costs of the present proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging a misuse of powers.

- The applicant claims in this respect that the objective pursued by the Council by means of the selection procedure was to identify the best offer for the relocation of the seat of the EMA in the light of pre-established selection criteria. By contrast, choosing the new seat of the EMA by drawing lots without any preliminary investigations being carried out is at variance with the objective, established while the procedural rules were being set, of selecting the best offer through a transparent decision-making process on the basis of technical assessments and specific predetermined criteria, and made it impossible for the lack of equivalence between the two applications of Milan and Amsterdam to be verified.

2. Second plea in law, alleging infringement of the principles of good administration and transparency.

- The applicant claims in this respect that the contested decision is unlawful inasmuch as it is the outcome of a decision-making process that was characterised by (i) its lack of formal structure and methods designed to guarantee the necessary transparency, and (ii) its failure to take adequate consideration of the factors relevant to the assessment at issue.

3. Third plea in law, alleging infringement of the Council decision of 1 November 2009 on the adoption of its internal rules as well as of its rules of procedure of 31 October 2017.
- The applicant claims in this respect that the manner in which the voting was carried out and the result of the Decision of 20 November 2017 also constitute grounds for the unlawfulness of that decision, since they infringe specific rules which the Council ought to have respected.

Order of the General Court of 16 January 2018 — PC v EASO

(Case T-610/16) ⁽¹⁾

(2018/C 094/47)

Language of the case: Finnish

The President of the Sixth Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 269, 14.8.2017.

Order of the General Court of 18 January 2018 — Iame v EUIPO — Industrie Aeronautiche Reggiane (Parilla)

(Case T-642/16) ⁽¹⁾

(2018/C 094/48)

Language of the case: Italian

The President of the First Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 392, 24.10.2016.

Order of the General Court of 16 January 2018 — PC v EASO

(Case T-181/17) ⁽¹⁾

(2018/C 094/49)

Language of the case: Finnish

The President of the Sixth Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 357, 23.10.2017.

Order of the General Court of 16 January 2018 — European Dynamics Luxembourg and Evropaïki Dynamiki v Commission

(Case T-281/17) ⁽¹⁾

(2018/C 094/50)

Language of the case: English

The President of the Ninth Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 269, 14.8.2017.
