

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