

5. Fifth plea in law, alleging that the Commission failed to state reasons.

- In this regard, it is alleged that the Commission did not discuss some important legal or factual matters, gave reasons that were not unequivocal, failed to have regard to certain important arguments raised by third parties, and made statements which were contradictory in nature.

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**Action brought on 15 September 2017 – Slovenia v Commission**

**(Case T-626/17)**

(2017/C 392/44)

*Language of the case: Slovenian*

**Parties**

*Applicant:* Republic of Slovenia (represented by: V. Klemenc and T. Mihelič Žitko, državni pravobranilki, and R. Knaak, lawyer)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul in its entirety Commission Delegated Regulation (EU) 2017/1353 of 19 May 2017 amending Regulation (EC) No 607/2009 as regards the wine grape varieties and their synonyms that may appear on wine labels (OJ 2017 L 190, p. 5); and
- order the Commission to pay the costs.

**Pleas in law and main arguments**

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

1. First plea in law, alleging that, with the adoption of the contested regulation, the Commission infringed Article 232 of Regulation No 1308/2013 establishing a common organisation of the markets in agricultural products (Single CMO Regulation), in light of the fact that the latter regulation has been applicable since 1 January 2014, while the contested regulation has been applicable since 1 July 2013. In so doing, the Commission exceeded the limits of the power conferred on it by the second subparagraph of Article 100(3) of Single CMO Regulation No 1308/2013.
2. Second plea in law, alleging that, with the adoption of the contested regulation, the Commission retroactively infringed the acquired rights of Slovenian producers of wines covered by the Protected Designation of Origin ‘Teran’ (PDO-SI-A1581), thereby infringing fundamental principles of EU law, in particular the principle of legal certainty and the principle of legitimate expectations, the principle of the protection of acquired rights and of legitimate expectations, as well as the principle of proportionality.
3. Third plea in law, alleging that, with the adoption of the contested regulation, the Commission disproportionately infringed the property rights of Slovenian producers of wines covered by the Protected Designation of Origin ‘Teran’ (PDO-SI-A1581), thereby infringing Article 17 of the Charter of Fundamental Rights of the European Union and Article 1 of Protocol No 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms.
4. Fourth plea in law, alleging that, by providing, in Article 2 of the contested regulation, a transitional period for the marketing of stocks of wine produced before the entry into force of that regulation, even if the labelling requirements as referred to in Article 1 of that regulation are not complied with, the Commission infringed Article 41 of the Act on the conditions of accession of the Republic of Croatia to the European Union, to the extent that the provision referred to above concerns wine produced before 1 July 2013.

5. Fifth plea in law, alleging that, with the adoption of the contested regulation, the Commission infringed the second subparagraph of Article 100(3) of Single CMO Regulation No 1308/2013, in light of the importance of that provision in relation to the fundamental principles of EU law and of Article 17 of the Charter and Article 1 of Protocol No 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Commission thus exceeded the limits of the power conferred on it by that provision.
6. Sixth plea in law, alleging that, with the adoption of the contested regulation, the Commission infringed Article 290 TFEU and Article 13(2) TEU, in so far as it exceeded the limits of its power to adopt a delegated act, as conferred upon it by Article 290 TFEU, and also exceeded the limits of the powers conferred on it by the Treaties.
7. Seventh plea in law, alleging that, given that the Commission adopted the contested regulation with reference to a request from Croatia to include the wine grape variety 'Teran' in Part A of Annex XV of Commission Regulation No 607/2009 — a request that Croatia should have made before its accession to the EU — even though no such request was in fact made, and Slovenia was not informed of any such request for the purpose of opening negotiations, the Commission infringed the second subparagraph of Article 100(3) of Single CMO Regulation No 1308/2013 and Article 62(3) of Commission Regulation No 607/2009 in conjunction with Article 4(3) TEU. In the same way, the Commission has thus exceeded the power conferred on it by the aforementioned provision of Single CMO Regulation No 1308/2013.
8. Eighth plea in law, alleging that the Commission, having amended the contents of the contested regulation as regards the draft delegated act, which was submitted on 24 January 2017 at the meeting of GREX WINE wine experts, without giving the experts from the Member States the opportunity to comment on the amended version of the draft act, acted in breach of its own commitment under Chapter V, paragraph 28 of the Interinstitutional Agreement on Better Law-Making and Chapter II, paragraph 7, of the Common Understanding on delegated acts between the European Parliament, the Council and the Commission, which is appended to that Interinstitutional Agreement. In so doing, the Commission has committed a breach of essential procedural requirements and a breach of the principle of interinstitutional balance.

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**Action brought on 21 September 2017 — Rodonita v Commission and SRB**

**(Case T-645/17)**

(2017/C 392/45)

*Language of the case: Spanish*

**Parties**

*Applicant:* Rodonita, SL (Coruña, Spain) (represented by: B. Gutiérrez de la Roza Pérez, P. Rubio Escobar, R. Ruiz de la Torre Esporrín and B. Fernández García, lawyers)

*Defendants:* European Commission and Single Resolution Board

**Form of order sought**

The applicants claim that the General Court should:

- Annul Decision SRB/EES/2017/08 of the Single Resolution Board taken at its executive session of 7 June 2017 adopting the resolution scheme regarding the institution Banco Popular Español, S.A.;
- Annul Commission Decision (EU) 2017/1246 of 7 June 2017 endorsing the resolution scheme for Banco Popular Español, S.A.;
- Additionally, in accordance with Articles 133 and 134 of the Rules of Procedure of the General Court, order the defendants and the parties intervening in full or partial support of the form of order sought by them to pay the costs.