

**Appeal brought on 24 April 2023 by UPL Europe Ltd and Indofil Industries (Netherlands) BV against the judgment of the General Court (Seventh Chamber) delivered on 15 February 2023 in Case T-742/20, UPL Europe and Indofil Industries (Netherlands) v Commission**

**(Case C-262/23 P)**

(2023/C 216/42)

*Language of the case: English*

### **Parties**

*Appellants:* UPL Europe Ltd and Indofil Industries (Netherlands) BV (represented by: C. Mereu, avocat)

*Other party to the proceedings:* European Commission

### **Form of order sought**

The appellants claim that the Court should:

- set aside the judgment under appeal;
- annul the Commission Implementing Regulation (EU) 2020/2087 of 14 December 2020 concerning the non-renewal of approval of the active substance mancozeb, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 <sup>(1)</sup> and award the costs of this appeal and of the proceedings before the General Court to the appellants; or
- award the costs of this appeal to the appellants and refer the case back to the General Court for re-consideration.

### **Pleas in law and main arguments**

In support of the appeal, the appellants rely on five pleas in law.

First plea in law, alleging that the General Court:

- distorted the evidence on record, and in turn deprived the appellant's effective right of defence, when it held that the failure to take into consideration data on endocrine disruption was unfounded;
- failed to address the appellant's claim concerning the lack of assessment of data on the risk to birds and mammals, non-target arthropods, soil organisms and toxicological reference values;
- distorted the evidence, erred in law, misinterpreted and/or misapplied Regulation 844/2012 <sup>(2)</sup> and/or the case law concerning the amplification of pleas in law;
- failed to address and state the reasons concerning the appellant's plea on the *interim* and new endocrine disruption criteria and/or to raise it *ex officio*;
- erred in law, misinterpreted and/or misapplied the procedure under Regulation 844/2012 concerning public consultations;
- misinterpreted and/or misapplied the procedure under Regulation 844/2012 concerning the defendant's submission of the draft renewal report before the new rapporteur Member State ('RMS') Greece had finalized its assessment.

Second plea in law, alleging that the General Court did not clearly state the reasons for the rejection of the second plea.

Third plea in law, alleging that the General Court distorted the evidence and made an error of assessment when it ruled that the defendant was not biased when proposing the non-renewal of the active substance mancozeb without waiting for the final scientific conclusions from the RMS Greece.

Fourth plea in law, alleging that the General Court's reasoning concerning (i) the weight of the opinion of the European Chemicals Agency's Risk Assessment Committee is erroneous, illogical, inconsistent and contrary to the principle of legal certainty, (ii) the defendant's failure to take into account new elements on the classification of mancozeb is erroneous, illogical and contradictory, and (iii) the undue influence to the metabolite ethylene thiourea is illogical, contradictory and not supported by the available evidence.

Fifth plea in law, alleging that the General Court erred in law, distorted the evidence and misinterpreted the principle of legitimate expectations.

<sup>(1)</sup> OJ 2020 L 423, p. 50.

<sup>(2)</sup> Commission Implementing Regulation (EU) No 844/2012 of 18 September 2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ 2012, L 252, p. 26).

---

**Appeal brought on 25 April 2023 by Hengshi Egypt Fiberglass Fabrics SAE and Jushi Egypt for Fiberglass Industry SAE against the judgment of the General Court (First Chamber, Extended Composition) delivered on 1 March 2023 in Case T-480/20, Hengshi Egypt Fiberglass Fabrics and Jushi Egypt for Fiberglass Industry v Commission**

**(Case C-269/23 P)**

(2023/C 216/43)

*Language of the case: English*

#### **Parties**

*Appellants:* Hengshi Egypt Fiberglass Fabrics SAE and Jushi Egypt for Fiberglass Industry SAE (represented by: B. Servais and V. Crochet, avocats)

*Other parties to the proceedings:* European Commission and Tech-Fab Europe eV

#### **Form of order sought**

The appellants claim that the Court should:

- annul the judgment under appeal,
- accept the first part of the first plea in law and the second, fourth and fifth pleas in law of the action for annulment brought by Hengshi Egypt Fiberglass Fabrics S.A.E. and Jushi Egypt for Fiberglass Industry S.A.E, and
- order the Appellee and any intervening party to pay the costs including those incurred at first instance.

#### **Pleas in law and main arguments**

In the judgment under appeal, the General Court dismissed the action for annulment brought by the appellants against Commission Implementing Regulation (EU) 2020/776 <sup>(1)</sup> of 12 June 2020 imposing definitive countervailing duties on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt and amending Commission Implementing Regulation (EU) 2020/492 imposing definitive anti-dumping duties on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt.

In support of the present appeal, the Appellants rely on five grounds of appeal, namely that the General Court erred in law when it:

- determined that the Commission did not infringe Articles 1(1), 5 and 6 of the Basic Regulation when adopting its method for calculating the Appellants' subsidy margin;