

- the advantages of Hungary's membership of the European Union to be made evident to citizens.

Action brought on 15 September 2017 — Pint v Commission

(Case T-634/17)

(2017/C 382/66)

Language of the case: German

Parties

Applicant: Anikó Pint (Göd, Hungary) (represented by: D. Lazar, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the Commission's decision of 1 June 2017 relating to Ares (2017) 2755260;
- annul Commission Decision C(2017)5145 final of 17 July 2017;
- order the Commission to make all of the documents relating to EU Pilot Case 8572/15 (CHAP (2015)00353) accessible to the applicant, irrespective of whether they are already available or are to be made available only in the future; and
- order the Commission to pay the costs of the proceedings.

Pleas in law and main arguments

In support of her action, the applicant relies on two pleas in law:

1. First plea in law: The protective purpose of investigations would not be undermined by the disclosure of the contested documents

The subject matter of EU Pilot Case 8572/15 is the large-scale and extensive infringements of the right to independent and impartial judicial authorities and the right to a fair trial by the Hungarian courts through the application of legislation relating to the conversion of so-called foreign currency loans into Hungarian currency. That legislation infringes the principle of the separation of powers as it interferes with private legal relationships between citizens. In particular, that legislation forces borrowers to bear the losses resulting from the exchange rate risk and prohibits challenges to the validity of credit agreements from being brought before the courts.

Negotiations between the European Commission and the Hungarian Government with a view to bringing the Hungarian legal system into conformity with EU law are inappropriate for achieving this objective since the courts in a State based on the rule of law are independent.

The disclosure of the contested documents would not undermine the protective purpose of investigations but would rather support that purpose since only a public discussion can alter the case-law of the Hungarian courts.

2. Second plea in law: There is an overriding public interest in disclosure of the contested documents

It is in the public interest to make the documents publicly available as this would make it possible for:

- the legal culture of the Hungarian courts to change;
- the Hungarian Government' understanding of the interpretation of fundamental rights to be discussed publicly throughout the European Union;

- a public discussion on the Commission's understanding in relation to the interpretation of Article 47 of the Charter of Fundamental Rights of the European Union and of the first sentence of Article 6(1) of the European Convention on Human Rights to be initiated;
- the internal market to be protected; and
- the advantages of Hungary's membership of the European Union to be made clear to citizens.

Action brought on 15 September 2017 – PlasticsEurope v ECHA

(Case T-636/17)

(2017/C 382/67)

Language of the case: English

Parties

Applicant: PlasticsEurope (Brussels, Belgium) (represented by: R. Cana, E. Mullier, and F. Mattioli, lawyers)

Defendant: European Chemicals Agency

Form of order sought

The applicant claims that the Court should:

- declare the application admissible and well-founded,
- annul the decision, published on 7 July 2017, to update the existing entry of Bisphenol A in the Candidate List as a Substance of Very High Concern on the basis of Article 57(f) of Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (OJ 2006, L 396, p. 1, the 'REACH Regulation'),
- order ECHA to pay the costs of the proceedings, and
- take such other or further measure as justice may require.

Pleas in law and main arguments

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

1. First plea in law, alleging that the defendant infringed the principle of legal certainty by applying inconsistent and unforeseeable criteria to assess the alleged endocrine disrupting ('ED') properties for human health of BPA.
2. Second plea in law, alleging that the defendant committed a manifest error of assessment and infringed its duty of care.
 - The defendant failed to establish that BPA is an endocrine disrupting substance for which there is scientific evidence of probable serious effects to human health or the environment which give rise to an equivalent level of concern to those of other substances listed in points (a) to (e) of Article 57 of the REACH Regulation, considering that (i) the defendant has only sought to establish that BPA has alleged 'endocrine disrupting properties', (ii) the identification of BPA does not meet the criteria laid out in Article 57(f) of the REACH Regulation and the general principles of EU law, and (iii) the Defendant committed a manifest error of assessment by failing to consider the derivation of a safe level as a relevant factor for the assessment of BPA towards the criteria of Article 57(f) of the REACH Regulation; and
 - The defendant failed to take into account all relevant information, and in particular the CLARITY-BPA study.