

provided for in Articles 8 and 10(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms, since the inclusion of the applicants' names in the contested measures has unlawfully ruined their reputation in Syrian society, among their friends, in the religious community and among trading partners.

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**Action brought on 25 July 2012 — Plantavis and NEM v Commission and EFSA**

**(Case T-334/12)**

(2012/C 311/11)

*Language of the case: German*

**Parties**

*Applicants:* Plantavis GmbH (Berlin, Germany) and NEM, Verband mittelständischer europäischer Hersteller und Distributoren von Nahrungsergänzungsmitteln & Gesundheitsprodukten e.V. (Laudert, Germany) (represented by: T. Büttner, lawyer)

*Defendants:* European Commission and European Food Safety Authority

**Form of order sought**

— Annul the prohibitions laid down by Regulation (EC) No 1924/2006<sup>(1)</sup> in conjunction with Regulation (EU) No 432/2012<sup>(2)</sup> and the European Commission's Union Register in respect of permitted and prohibited health claims.

**Pleas in law and main arguments**

In support of the application the applicants claim, first, that the European legislature lacks the competence to adopt the contested regulations.

Second, the applicants submit that Regulations No 1924/2006 and No 432/2012 and the Union Register of nutrition and health claims made on foods interfere unlawfully in the food industry's legal positions, which are protected as fundamental rights, and in consumers' and the trade's right to information. In that regard, the applicants submit in particular that the prohibitions of nutrition and health claims laid down by the contested regulations are disproportionate. That applies above all to the prohibition of the use of factually accurate nutritional health claims such as, for example, 'better bioavailability'. Further, the Regulations are not appropriate to their intended purpose, as EFSA and the Commission have not established a clear, transparent or uniform approach in relation to the establishment of scientific standards. The applicants also complain about the

undifferentiated unequal treatment of different substances and food businesses. Nor are the prohibitions necessary, as Directive 2003/13/EC<sup>(3)</sup> and Regulation (EU) No 1169/2011<sup>(4)</sup> already prohibit the misleading advertising of food in all European Member States.

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<sup>(1)</sup> Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods (OJ 2006 L 404, p. 9).

<sup>(2)</sup> Commission Regulation (EU) No 432/2012 of 16 May 2012 establishing a list of permitted health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health (OJ 2012 L 136, p. 1).

<sup>(3)</sup> Commission Directive 2003/13/EC of 10 February 2003 amending Directive 96/5/EC on processed cereal-based foods and baby foods for infants and young children (OJ 2003 L 41, p. 33).

<sup>(4)</sup> Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ 2011 L 304, p. 18).

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**Action brought on 2 August 2012 — Evonik Degussa v Commission**

**(Case T-341/12)**

(2012/C 311/12)

*Language of the case: German*

**Parties**

*Applicant:* Evonik Degussa GmbH (Essen, Germany) (represented by: C. Steinle, M. Holm-Hadulla and C. von Köckritz, lawyers)

*Defendant:* European Commission

**Form of order sought**

— Annul Commission Decision C(2012) 3534 final of 24 May 2012 concerning the refusal of a request by Evonik Degussa for confidential treatment of information in the decision in Case COMP/F/38.620 — Hydrogen Peroxide and Perborate, in accordance with the fourth paragraph of Article 263 TFEU;

— order the Commission to pay the applicant's costs in accordance with Article 87(2) of the Rules of Procedure of the General Court.