

Form of order sought

- Adopt a measure of organisation of procedure under Article 64 of the General Court's Rules of Procedure, to ensure that the Commission disclose 'all documents relating to the adoption' of the contested regulation;
- Annul, firstly, Council Decision 2014/49/CFSP of 30 January 2014 amending Decision 2011/72/CFSP concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia and, secondly, Council Implementing Regulation (EU) No 81/2014 of 30 January 2014 implementing Regulation (EU) No 101/2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Tunisia;
- order the Council of the European Union to pay the applicant an overall sum of EUR 100 000 in compensation for all forms of damage;
- order the Council of the European Union to pay the applicant a sum of EUR 30 000 for legal expenses in support of the application and, in addition, in accordance with Article 91 of the Rules of Procedure for recoverable costs incurred;
- order the Council of the European Union to pay all the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on seven pleas in law which are in essence identical or similar to those relied on in Case T-301/11 Ben Ali v Council. ⁽¹⁾

⁽¹⁾ OJ 2011, C 226, p. 29.

Action brought on 28 March 2014 — Aluwerk Hettstedt v ECHA

(Case T-207/14)

(2014/C 202/31)

Language of the case: English

Parties

Applicant: Aluwerk Hettstedt GmbH (Hettstedt, Germany) (represented by: M. Ahlhaus and J. Schrotz, lawyers)

Defendant: European Chemicals Agency (ECHA)

Form of order sought

The applicant claims that the Court should:

- Declare the decision No SME(2013) 4525 of 21 January 2014 of the European Chemicals Agency as well as invoice No 10046841 of 23 January 2014 to be void; and
- Order the defendant to bear all costs including the applicant's costs.

Pleas in law and main arguments

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

1. First plea in law, alleging the defendant's lack of competence

- The defendant has not been competent to adopt the contested decision SME(2013) 4525. Neither Regulation (EC) 1907/2006 ⁽¹⁾ nor Regulation (EC) 340/2008 ⁽²⁾ entitles the defendant to issue a separate decision as to whether a registrant complies with the SME criteria.

2. Second plea in law, alleging the violation of Regulation No 1 of 15 April 1958
 - In its entire communication with the applicant, the defendant disregarded its obligation to address a person subject to the sovereignty of a Member State in the official language of that state. This breach of law has prevented the applicant from fulfilling the requirements demanded on him with regard to proving its status as a small enterprise.
3. Third plea in law, alleging that the contested decisions are unjustified and the administrative charge levied upon the applicant is disproportionate
 - The contested decisions are wrong on the substance. The applicant was entitled to benefit from a fee reduction according to Regulation (EC) 340/2008. The defendant's invoice regarding the administrative charge is not justified because the administrative charge has been levied upon the applicant on the basis of an erroneous procedure. The administrative charge lacks an appropriate legal basis and is disproportionate.

-
- (¹) Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC
- (²) Commission Regulation (EC) No 340/2008 of 16 April 2008 on the fees and charges payable to the European Chemicals Agency pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)

Action brought on 28 March 2014 — Richard Anton v ECHA

(Case T-208/14)

(2014/C 202/32)

Language of the case: English

Parties

Applicant: Richard Anton KG (Gräufelfing, Germany) (represented by: M. Ahlhaus and J. Schrotz, lawyers)

Defendant: European Chemicals Agency (ECHA)

Form of order sought

The applicant claims that the Court should:

- Declare the decision No SME(2013) 4524 of 21 January 2014 of the European Chemicals Agency as well as invoice No 10046845 of 23 January 2014 to be void; and
- Order the defendant to bear all costs including the applicant's costs.

Pleas in law and main arguments

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

1. First plea in law, alleging the defendant's lack of competence
 - The defendant has not been competent to adopt the contested decision SME(2013) 4524. Neither Regulation (EC) 1907/2006 (¹) nor Regulation (EC) 340/2008 (²) entitles the defendant to issue a separate decision as to whether a registrant complies with the SME criteria.
2. Second plea in law, alleging the violation of Regulation No 1 of 15 April 1958
 - In its entire communication with the applicant, the defendant disregarded its obligation to address a person subject to the sovereignty of a Member State in the official language of that state. This breach of law has prevented the applicant from fulfilling the requirements demanded on him with regard to proving its status as a small enterprise.