

Judgment of the General Court of 23 September 2015 — ClientEarth and International Chemical Secretariat v ECHA

(Case T-245/11) ⁽¹⁾

(Access to documents — Regulation (EC) No 1049/2001 — Documents held by ECHA — Documents deriving from a third party — Time-limit for response to an application for access — Refusal of access — Exception relating to protection of the commercial interests of a third party — Exception relating to protection of the decision-making process — Overriding public interest — Environmental information — Emissions into the environment)

(2015/C 371/22)

Language of the case: English

Parties

Applicants: ClientEarth (London, United Kingdom) and The International Chemical Secretariat (Gothenburg, Sweden) (represented by: P. Kirch, lawyer)

Defendant: European Chemicals Agency (ECHA) (represented by: M. Heikkilä, A. Iber and T. Zbihlej, acting as Agents, and by D. Abrahams, Barrister)

Interveners in support of the defendant: European Commission (represented initially by E. Manhaeve, P. Oliver and C. ten Dam, and subsequently by E. Manhaeve, P. Oliver and F. Clotuche-Duvieusart, and latterly by E. Manhaeve, F. Clotuche-Duvieusart and J. Tomkim, acting as Agents); and European Chemical Industry Council (Cefic) (Brussels, Belgium) (represented by: Y. van Gerven and M. Bronckers, lawyers)

Re:

Application for the annulment of the ECHA decision of 4 March 2011 refusing access to information supplied in the context of the procedure for registration of certain chemical substances.

Operative part of the judgment

The Court:

1. Declares that there is no need to adjudicate on the action for annulment of the decision of the European Chemicals Agency (ECHA) of 4 March 2011, in so far as it refused to disclose information requested by point 1 of the request for information, to the extent that point 1 concerns the names and contact details of 6 611 companies which were accessible over the Internet on 23 April 2014;
2. Annuls the ECHA decision of 4 March 2011 in so far as it refused to disclose information requested by point 1 of the request for information, to the extent that point 1 concerns information not yet disclosed on 23 April 2014;
3. Dismisses the action as to the remainder;
4. Orders each party, including the European Commission and the European Chemical Industry Council (Cefic), to bear its own costs.

⁽¹⁾ OJ C 194, 2.7.2011.