

Judgment of the General Court of 7 October 2015 — Bilbaína de Alquitranes and Others v Commission

(Case T-689/13) ⁽¹⁾

(Environment and protection of human health — Classification of pitch, coal tar, high-temperature, in the categories of acute aquatic toxicity and chronic aquatic toxicity — Regulation (EC) No 1907/2006 and Regulation (EC) No 1272/2008 — Manifest error of assessment — Classification of a substance on the basis of its constituents)

(2015/C 398/50)

Language of the case: English

Parties

Applicants: Bilbaína de Alquitranes, SA (Luchana-Baracaldo, Spain); Deza, a.s. (Valašské Meziříčí, Czech Republic); Industrial Química del Nalón, SA (Oviedo, Spain); Koppers Denmark A/S (Nyborg, Denmark); Koppers UK Ltd (Scunthorpe, United Kingdom); Koppers Netherlands BV (Uithoorn, Netherlands); Rütgers basic aromatics GmbH (Castrop-Rauxel, Germany); Rütgers Belgium NV (Zelzate, Belgium); Rütgers Poland Sp. z o.o. (Kędzierzyn-Koźle, Poland); Bawtry Carbon International Ltd (Doncaster, United Kingdom); Grupo Ferroatlántica, SA (Madrid, Spain); SGL Carbon GmbH (Meitingen, Germany); SGL Carbon GmbH (Bad Goisern am Hallstättersee, Austria); SGL Carbon (Passy, France); SGL Carbon, SA (La Coruña, Spain); SGL Carbon Polska SA (Racibórz, Poland); ThyssenKrupp Steel Europe AG (Duisburg, Germany); and Tokai erftcarbon GmbH (Grevenbroich, Germany) (represented by: K. Van Maldegem, C. Mereu, P. Sellar and M. Grunchard, lawyers)

Defendant: European Commission (represented by: P.-J. Loewenthal and K. Talabér-Ritz, acting as Agents)

Intervener in support of the applicants: GrafTech Iberica, SL (Navarre, Spain) (represented by: C. Mereu, K. Van Maldegem, P. Sellar and M. Grunchard, lawyers)

Intervener in support of the defendant: European Chemicals Agency (ECHA) (represented by: M. Heikkilä, W. Broere and C. Jacquet, acting as Agents)

Re:

Application for the partial annulment of Commission Regulation (EU) No 944/2013 of 2 October 2013 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (OJ 2013 L 261, p. 5), in so far as it classifies pitch, coal tar, high-temp. (EC No 266-028-2) as an Aquatic Acute 1 (H400) and Aquatic Chronic 1 (H410) substance.

Operative part of the judgment

The Court:

1. Annuls Commission Regulation (EU) No 944/2013 of 2 October 2013 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures in so far as it classifies pitch, coal tar, high-temp. (EC No 266-028-2) as an Aquatic Acute 1 (H400) and Aquatic Chronic 1 (H410) substance;

2. Orders the European Commission to bear its own costs and to pay those of Bilbaina de Alquitranes, SA, Deza, a.s., Industrial Química del Nalón, SA, Koppers Denmark A/S, Koppers UK Ltd, Koppers Netherlands BV, Rütgers basic aromatics GmbH, Rütgers Belgium NV, Rütgers Poland Sp. z o.o., Bawtry Carbon International Ltd, Grupo Ferroatlántica, SA, SGL Carbon GmbH (Germany), SGL Carbon GmbH (Austria), SGL Carbon, SGL Carbon, SA, SGL Carbon Polska SA, ThyssenKrupp Steel Europe AG, Tokai erftcarbon GmbH and GrafTech Iberica, SL;
3. Orders the European Chemicals Agency (ECHA) to bear its own costs.

⁽¹⁾ OJ C 85, 22.3.2014.

**Judgment of the General Court of 7 October 2015 — Zentralverband des Deutschen
Bäckerhandwerks v Commission**

(Case T-49/14) ⁽¹⁾

**(Protected geographical indication — ‘Kołocz śląski’ or ‘Kołacz śląski’ — Cancellation proceedings —
Legal base — Regulation (EC) No 510/2006 — Regulation (EU) No 1151/2012 — Grounds for
cancellation — Fundamental rights**

(2015/C 398/51)

Language of the case: German

Parties

Applicant: Zentralverband des Deutschen Bäckerhandwerks eV (Berlin, Germany) (represented by: I. Jung, M. Teworte-Vey, A. Renvert and J. Saatkamp, lawyers)

Defendant: European Commission (represented by: J. Guillem Carrau and D. Triantafyllou, acting as Agents)

Re:

Action for the annulment of Commission Implementing Decision of 14 November 2013 concerning the rejection of a request to cancel a name entered in the register of protected designations of origin and protected geographical indications provided for in Regulation (EU) No 1151/2012 of the European Parliament and of the Council (Kołocz śląski/kołacz śląski (PGI)) (OJ 2013 L 306, p. 40).

Operative part of the judgment

The Court:

- 1) Dismisses the action;
- 2) Orders Zentralverband des Deutschen Bäckerhandwerks eV to pay the costs.

⁽¹⁾ OJ C 112, 14.4.2014.