

— order reimbursement of its costs in this appeal before the General Court.

Plea in law

— Infringement of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 22 December 2015 — EDF Toruń v European Chemicals Agency (ECHA)

(Case T-758/15)

(2016/C 068/53)

Language of the case: Polish

Parties

Applicant: EDF Toruń SA (Toruń, Poland) (represented by: K. Sienkiewicz, lawyer)

Defendant: European Chemicals Agency (ECHA)

Form of order sought

The applicant claims that the Court should:

- annul Decision No SME(2015)4950 of 3 November 2015 issued by the European Chemicals Agency, and VAT invoice No 10054011 of 3 November 2015, relating to the charging of an administrative fee for the incorrect indication of the undertaking's size when making a notification to the REACH register;
- order the defendant to pay the costs.

Pleas in law and main arguments

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

1. First plea, relating to a lack of binding force of the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (2003/361/EC) and to the need to apply national provisions in this regard;
2. Second plea, relating to infringement of the provisions of Commission Regulation (EC) No 340/2008,⁽¹⁾ given the fact that the agency is not entitled to impose financial penalties on entities making a notification to the REACH register;
3. Third plea, relating to infringement of the principle of proportionality through the charging of an administrative fee whose amount is excessively high in relation to the work required to determine the correct value for the undertaking;
4. Fourth plea, relating to misuse of powers through the charging of a fee on the basis of Decision 14/2015 of the Management Board of the European Chemicals Agency when that decision does not have binding force;
5. Fifth plea, relating to infringement of the principle of equality by setting the amount of administrative fees on the basis of the size of the entity which is to be charged the fee, when there are no arguments at all supporting the correctness of such a solution.

⁽¹⁾ 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) (OJ 2008 L 107, p. 6).