

Appeal brought on 21 December 2016 by Lysoform Dr. Hans Rosemann GmbH and Ecolab Deutschland GmbH against the order of the General Court (Fifth Chamber) delivered on 12 October 2016 in Case T-669/15: Lysoform Dr. Hans Rosemann GmbH and Ecolab Deutschland GmbH v European Chemicals Agency

(Case C-663/16 P)

(2017/C 053/31)

Language of the case: English

Parties

Appellants: Lysoform Dr. Hans Rosemann GmbH, Ecolab Deutschland GmbH (represented by: M. Grunchard, *avocate*, K. Van Maldegem, *avocat*, P. Sellar, *Advocate*)

Other party to the proceedings: European Chemicals Agency

Form of order sought

The appellants claim that the Court should:

- set aside the order of the General Court in Case T-669/15; and
- rule on admissibility and refer the case back to the General Court to rule on the merits of the case;
- in the alternative, refer the case back to the General Court to rule on the admissibility of appellants' application for annulment of the contested act; and, as appropriate, thereafter to rule on the merits of the case;
- order the defendant to pay all the costs of these proceedings (including the costs related to the objection to admissibility before the General Court).

Pleas in law and main arguments

The appellants submit that the General Court misinterpreted and misapplied the law which led it to err in law in declaring the appellants' application for annulment of the contested act inadmissible.

In particular, the appellants contend that the General Court committed a number of errors in its reasoning and in its interpretation of the legal framework as applicable to the appellants' situation. That resulted in the General Court making the following errors in law:

- The General Court erred in its interpretation and application of article 130, paragraph 1 of the Rules of Procedure of the General Court, by entering into the substantive merits of the case;
- The General Court erred in its interpretation and application of article 130, paragraph 7 of the Rules of Procedure of the General Court, by failing to reserve its judgment on admissibility until it had heard a full exposition of the arguments on the substance of the case.

Furthermore, by declaring the appellants' application inadmissible, the General Court infringed the appellants' rights of defence, their right of access to justice and the duty to state reasons which pertain to fundamental rights of the individuals and thus reflect general principles of EU law.

For these reasons the appellants claim that the order of the General Court in Case T-669/15 should be set aside and the Court should rule on admissibility and refer the case back to the General Court to rule on the merits of the case.
