

C/2025/4591

25.8.2025

Judgment of the General Court of 9 July 2025 – Fritz Egger and Others v ECHA (Melamine)(Case T-163/23) ⁽¹⁾

(REACH – Substances of very high concern – Establishment of a candidate list for eventual inclusion in Annex XIV to Regulation (EC) No 1907/2006 – Decision identifying melamine as a substance meeting the criteria laid down for inclusion in the list – Right to be heard – Principle of good administration – Article 57 of Regulation No 1907/2006 – Manifest error of assessment – Ultra vires – Proportionality)

(C/2025/4591)

Language of the case: English

Parties

Applicants: Fritz Egger GmbH & Co. OG (St. Johann in Tirol, Austria) and the seven other applicants whose names are set out in the annex to the judgment (represented by: M. Ahlhaus, lawyer)

Defendant: European Chemicals Agency (represented by: M. Heikkilä, N. Herbatschek and A. Hautamäki, acting as Agents)

Interveners in support of the applicants: LAT Nitrogen Piesteritz GmbH, formerly Borealis Agrolinz Melamine Deutschland GmbH (Lutherstadt Wittenberg, Germany), Grupa Azoty Zakłady Azotowe Puławy S.A. (Puławy, Poland), OCI Nitrogen BV (Sittard-Geleen, Netherlands), Cornerstone Chemical Co. (Metairie, Louisiana, United States) (represented by: R. Cana, E. Mullier and Z. Romata, lawyers), Sonae Arauco, SA (Madrid, Spain) and the seven other interveners whose names are set out in the annex to the judgment (represented by: F. Niermeier and M. Ahlhaus, lawyers)

Interveners in support of the defendant: Federal Republic of Germany (represented by: J. Möller and N. Scheffel, acting as Agents), European Commission (represented by: K. Mifsud-Bonnici and D. Milanowska, acting as Agents)

Re:

By their action under Article 263 TFEU, the applicants seek the annulment of Decision D(2022)9120-DC of the European Chemicals Agency (ECHA) of 16 December 2022, in so far as that decision identifies melamine as a substance of very high concern for the purposes of Article 57 of 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 (OJ 2006 L 396, p. 1).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Fritz Egger GmbH & Co. OG and the other applicants whose names are set out in the annex to bear their own costs and pay those incurred by the European Chemicals Agency (ECHA);

⁽¹⁾ OJ C 179, 22.5.2023.

3. Orders the Federal Republic of Germany and the European Commission to bear their own costs;
 4. Orders LAT Nitrogen Piesteritz GmbH, formerly Borealis Agrolinz Melamine Deutschland GmbH, Grupa Azoty Zakłady Azotowe Puławy S.A., OCI Nitrogen BV and Cornerstone Chemical Co. to bear their own costs;
 5. Orders Sonae Arauco, SA and the other interveners whose names are set out in the annex to bear their own costs.
-