

Appeal brought on 6 December 2011 by Polyelectrolyte Producers Group, SNF SAS against the order of the General Court (Seventh Chamber, Extended Composition) delivered on 21 September 2011 in Case T-268/10: Polyelectrolyte Producers Group, SNF SAS v European Chemicals Agency (ECHA)

(Case C-625/11 P)

(2012/C 25/83)

Language of the case: English

Parties

Appellants: Polyelectrolyte Producers Group, SNF SAS (represented by: K. Van Maldegem, R. Cana, avocats)

Other parties to the proceedings: European Chemicals Agency (ECHA), Kingdom of the Netherlands, European Commission

Form of order sought

The applicants claim that the Court should:

- Set aside the Order of the General Court in Case T-268/10; and
- Annul the decision of the European Chemicals Agency ('ECHA') to identify acrylamide as a substance meeting the criteria set out in Article 57 of Regulation (EC) No 1907/2006⁽¹⁾ concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals in accordance with Article 59 of Regulation 1907/2006 and the subsequent inclusion on 30 March 2010 of acrylamide in the candidate list of substances, in accordance with Article 59 of Regulation 1907/2006; or
- Alternatively, refer the case back to the General Court to rule on the Appellants' Application for annulment; and
- Order the Respondent to pay all the costs of these proceedings (including the costs before the General Court).

Pleas in law and main arguments

The Appellants submit that, in dismissing their application for annulment in respect of the decision of ECHA to identify acrylamide as a substance meeting the criteria set out in Article 57 of Regulation 1907/2006 in accordance with Article 59 of Regulation 1907/2006 and the subsequent inclusion on 30 March 2010 of acrylamide in the candidate list of substances, in accordance with Article 59 of Regulation 1907/2006, the General Court breached Union law. In particular, the Appellants contend that the General Court committed a number of errors in its interpretation of the facts and of the legal framework as applicable to the Appellants' situation. That resulted in it making a number of errors in law, in particular:

- Its interpretation and application of Article 102(1) of the Rules of Procedure and the case law on the calculation of time limits; and

- Its finding that the Appellants' Application for annulment of the decision of ECHA to identify acrylamide as a substance meeting the criteria set out in Article 57 of Regulation 1907/2006 in accordance with Article 59 of Regulation 1907/2006 and the subsequent inclusion on 30 March 2010 of acrylamide in the candidate list of substances, in accordance with Article 59 of Regulation 1907/2006, is inadmissible.

For these reasons the Appellants claim that the judgment of the General Court in Case T-268/10 should be set aside and the decision of ECHA to identify acrylamide as a substance meeting the criteria set out in Article 57 of Regulation 1907/2006 in accordance with Article 59 of Regulation 1907/2006 and the subsequent inclusion on 30 March 2010 of acrylamide in the candidate list of substances, in accordance with Article 59 of Regulation 1907/2006, should be annulled.

⁽¹⁾ 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 L 396, p. 1

Order of the President of the Second Chamber of the Court of 17 October 2011 — European Commission v Republic of Austria

(Case C-551/09)⁽¹⁾

(2012/C 25/84)

Language of the case: German

The President of the Second Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 63, 13.3.2010.

Order of the President of the Sixth Chamber of the Court of 28 September 2011 — European Commission v French Republic

(Case C-179/10)⁽¹⁾

(2012/C 25/85)

Language of the case: French

The President of the Sixth Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 161, 19.6.2010.