

# Case T-268/10

## Polyelectrolyte Producers Group GEIE (PPG) and SNF SAS

v

## European Chemicals Agency (ECHA)

(Actions for annulment — REACH — Identification of acrylamide as a substance of very high concern — Time-limit for bringing an action — Inadmissibility)

Order of the General Court (Seventh Chamber, Extended Composition),  
21 September 2011 . . . . . II - 6597

### Summary of the Order

*Actions for annulment — Time-limits — Point from which time starts to run — Decision of European Chemicals Agency (ECHA) identifying acrylamide as a substance of very high concern — Measure published exclusively on the internet — Article 102(1) of the Rules of Procedure of the General Court not applicable*

*(Art. 263, sixth para., TFEU; Rules of Procedure of the General Court, Arts 101(1) and 102(1); European Parliament and Council Regulation No 1907/2006, Arts 57 and 59)*

Whereas, under the sixth paragraph of Article 263 TFEU, the proceedings provided for in that article are to be instituted within two months of the publication of the measure, or of its notification to the applicant, or, in the absence thereof, of the day on which it came to the knowledge of the applicant, as the case may be, that provision does not give any indication as to the method of publication that it envisages and does not restrict the publication within the meaning of that provision to specified methods of publication. Publication within the meaning of that provision cannot, therefore, consist of a publication in the *Official Journal of the European Union* only.

As regards an action brought against a decision of the European Chemicals Agency (ECHA) identifying acrylamide as a substance of very high concern fulfilling the criteria referred to in Article 57 of Regulation No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), and including acrylamide in the list of substances identified with a view to future inclusion in Annex XIV to that regulation, in accordance with Article 59 thereof, that period two months does not

begin to run from the end of the 14th day following the date of publication of that decision. Article 102(1) of the Rules of Procedure of the General Court, which lays down such a rule, applies, according to its wording, only to acts published in the *Official Journal of the European Union* and may not be applied, beyond the confines of that wording, to acts published in another manner such as the said decision of the ECHA, for which Regulation No 1907/2006 provides for publication exclusively on the internet.

Since, therefore, the time-limit for bringing an action against such a decision is to be calculated in accordance with Article 101(1) of that regulation and since, given the period of 10 days on account of distance, the period provided for by that provision had expired on the date when it was brought, the action must be regarded as out of time and dismissed as inadmissible.

(see paras 30, 32-34, 39-40, 43)