

### 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, 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:

- In holding that identification of a substance as a Substance of Very High Concern ("SVHC") by the ECHA Member State Committee in accordance with Article 59(8) of Regulation 1907/2006 is not a decision intended to produce legal effects vis-à-vis third parties before the publication of that decision on the Candidate list of SVHC in accordance with Article 59(10) Regulation 1907/2006;

For these reasons the Appellants claim that the judgment of the General Court in Case T-1/10 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, should be annulled.

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(<sup>1</sup>) <sup>1</sup> 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/EEC and 2000/21/EC  
OJ L 396, p. 1

### Reference for a preliminary ruling from the Tribunal Supremo (Spain) lodged on 14 December 2011 — E.ON Generación, S.L., Iberdrola, S.A., and Spanish State

(Case C-640/11)

(2012/C 39/23)

*Language of the case: Spanish*

### Referring court

Tribunal Supremo

### Parties to the main proceedings

*Appellants:* E.ON Generación, S.L., Iberdrola, S.A., and Spanish State

### Question referred

May Article 10 of Directive 2003/87/EC (<sup>1</sup>) of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC be interpreted as not preventing application of national legislative measures of the kind under review in these proceedings, the purpose and effect of which are to reduce remuneration for the activity of electricity production by an amount equivalent to the value of the greenhouse gas emission allowances allocated free of charge during the relevant period?

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(<sup>1</sup>) OJ 2003 L 275, p. 32.