



Reports of Cases

ORDER OF THE PRESIDENT OF THE FOURTH CHAMBER OF THE GENERAL COURT

7 June 2019*

(Procedure — Rectification of judgment)

In Case T-545/11 RENV-REC,

Stichting Greenpeace Nederland, established in Amsterdam (Netherlands),

Pesticide Action Network Europe (PAN Europe), established in Brussels (Belgium),

represented by B. Kloostra and A. van den Biesen, lawyers,

applicants,

supported by

Kingdom of Sweden, represented by A. Falk, C. Meyer-Seitz, H. Shev, L. Swedenborg and F. Bergius, acting as Agents,

intervener,

v

European Commission, represented initially by A. Buchet, P. Ondrůšek and L. Pignataro-Nolin, and subsequently by A. Buchet and P. Ondrůšek, acting as Agents,

defendant,

supported by

Federal Republic of Germany, represented initially by T. Henze and D. Klebs, acting as Agents, and subsequently by D. Klebs, acting as Agent,

by

European Chemical Industry Council (Cefic), established in Brussels,

by

Association européenne pour la protection des cultures (ECPA), established in Brussels,

represented by I. Antypas and D. Waelbroeck, lawyers,

* Language of the case: English.

by

CropLife International AISBL (CLI), established in Brussels, represented by R. Cana, E. Mullier and D. Abrahams, lawyers,

by

CropLife America Inc., established in Washington, DC (United States),

National Association of Manufacturers of the United States of America (NAM), established in Washington,

and

America Chemistry Council Inc. (ACC), established in Washington,

represented by K. Nordlander, Y.-A. Benizri, lawyers, and M. Zdzieborska, Solicitor,

and by

European Crop Care Association (ECCA), established in Brussels, represented by S. Pappas, lawyer,

interveners,

APPLICATION under Article 263 TFEU seeking annulment of the Commission decision of 10 August 2011 refusing access to volume 4 of the Draft Assessment Report issued by the Federal Republic of Germany, as rapporteur Member State for the active substance ‘glyphosate’, under Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ 1991 L 230, p. 1),

THE GENERAL COURT (Fourth Chamber),

composed of H. Kanninen, President, J. Schwarcz (Rapporteur) and C. Iliopoulos, Judges,

Registrar: E. Coulon,

makes the following

Order

- 1 On 21 November 2018 the General Court gave judgment in *Stichting Greenpeace Nederland and PAN Europe v Commission* (T-545/11 RENV, ‘the judgment at issue’, EU:T:2018:817).
- 2 By letter lodged at the Court Registry on 5 December 2018, European Crop Care Association (ECCA) applied to the Court to rectify paragraph 118 of the judgment at issue because it considered that the Court had failed to mention it among the parties applying for costs.
- 3 Under Article 164(1) of the Rules of Procedure of the General Court, the Court may, of its own motion or on application by a party, rectify clerical mistakes, errors in calculation or obvious inaccuracies.
- 4 Under Article 164(3) of the Rules of Procedure, where the rectification concerns the operative part or one of the grounds constituting the necessary support for the operative part, the parties may submit written observations within the time limit prescribed by the President.

- 5 By letter lodged at the Court Registry on 7 January 2019, the applicants, Stichting Greenpeace Nederland and Pesticide Action Network Europe (PAN Europe), contested the application for rectification of paragraph 118 of the judgment at issue, submitting that that paragraph does not contain any clerical mistakes, errors in calculation or obvious inaccuracies.
- 6 In substance, the applicants claim that the application for rectification must be rejected on the ground that ECCA did not lodge written observations within two months of service of the judgment of 23 November 2016, *Commission v Stichting Greenpeace Nederland and PAN Europe* (C-673/13 P, EU:C:2016:889), in accordance with Article 217(1) of the Rules of Procedure. The applicants add that, by letter of 27 January 2017, ECCA stated that it did not ‘intend to further pursue the case’.
- 7 The interveners, European Chemical Industry Council (Cefic) and the Association européenne pour la protection des cultures (ECPA), raised no objections. The other parties did not submit observations within the prescribed time limit.
- 8 The Court considers it appropriate to respond as follows.
- 9 The applicants correctly observe that ECCA stated, by letter of 27 January 2017, that it did not intend to pursue the case further and would not lodge written observations pursuant to Article 217(1) of the Rules of Procedure.
- 10 However, it must be noted that, as is apparent from paragraphs 27 and 29 of the judgment at issue, ECCA lodged written observations on 3 May 2017 in accordance with Article 217(3) of the Rules of Procedure, in which it contended that the Court should dismiss the action and order the applicants to pay the costs.
- 11 In the light of the foregoing considerations, it must be held that ECCA is justified in submitting that paragraph 118 of the judgment at issue contains an inaccuracy and must be rectified in so far as it fails to mention ECCA among the parties applying for costs.
- 12 Accordingly, in paragraph 118 of the judgment at issue, the wording ‘in accordance with the form of order sought by the Commission, CropLife America, NAM, ACC, CLI, Cefic and ECPA’ is to be read as ‘in accordance with the form of order sought by the Commission, CropLife America, NAM, ACC, CLI, Cefic, ECPA and ECCA’.

On those grounds,

THE PRESIDENT OF THE FOURTH CHAMBER OF THE GENERAL COURT

hereby orders:

In paragraph 118 of the judgment of 21 November 2018, *Stichting Greenpeace Nederland and PAN Europe v Commission* (T-545/11 RENV, EU:T:2018:817), the wording ‘in accordance with the form of order sought by the Commission, CropLife America, NAM, ACC, CLI, Cefic and ECPA’ is to be read as ‘in accordance with the form of order sought by the Commission, CropLife America, NAM, ACC, CLI, Cefic, ECPA and ECCA’.

Luxembourg, 7 June 2019.

E. Coulon
Registrar

H. Kanninen
President