

2. Second plea in law, alleging that the contested Regulation breaches Article 55 of the REACH Regulation and runs contrary to the REACH Regulation's competitiveness objective, as well as interferes with the right to trade.
 - The applicants submit that the contested Regulation runs counter the objectives of competitiveness of the REACH Regulation and in particular of its authorisation Title VII, thereby affecting the applicants' competitive position, as well as impeding the applicants' rights to trade by prioritizing the Substance despite information which showed that the Substance did not meet the criteria for prioritisation and inclusion on Annex XIV.
3. Third plea in law, alleging that the European Commission breached the applicants' rights of defence and breached its obligation to state reasons
 - The Applicants submit that the European Commission breached their right of defence and breached its duty to state reasons in not setting out the reasons for 'grouping' the substance with trichloroethylene, despite the European Chemical's Agency express recognition (in the Prioritisation Approach Guidance) that in the case of factors such as 'grouping' are taken into account, which are not part of the formal Article 5 8(3) criteria, reasons for prioritisation must be clearly set out and be in line with the role and purpose of the recommendation step in the authorisation process.
4. Fourth plea in law, alleging that the contested Regulation breaches the applicants' legitimate expectations.
 - The applicants submit that the adoption of the contested Regulation breaches their legitimate expectations in so far as it does not comply with the guidance on prioritisation. Specifically, the applicants submit that the prioritisation and inclusion of nPB on Annex XIV breached their legitimate expectations that the volume criterion and the grouping considerations would be applied as they are set out in the Prioritisation Approach Guidance and the General Approach Guidance.
5. Fifth plea in law, alleging that the contested Regulation breaches the principle of proportionality.
 - The Applicants submit that the European Commission should have considered it appropriate to postpone the inclusion of nPB on Annex XIV in the contested Regulation, and that this would have been less onerous since the applicants would not have had to suffer the consequences of inclusion on Annex XIV already now but only when nPB was correctly included on Annex XIV in light of a real high relative priority.
6. Sixth plea in law, alleging that the contested Regulation breaches the principle of equal treatment and non-discrimination
 - The applicants submit that the contested Regulation breaches the principle of equal treatment and non-discrimination by treating the substance differently — by including it on Annex XIV of the REACH Regulation — than other substances, including antimony lead yellow. According to the applicants, both substances were in a comparable situation: they were both considered as part of the same prioritisation round, they both received (or should have received) a total prioritisation score of 17, and in both cases their priority assessment involved grouping considerations. However, so the applicants state, they were treated differently by ECHA and the European Commission as the substance was recommended and later included in Annex XIV whereas antimony lead yellow was not recommended for inclusion and thus not included on Annex XIV.

Order of the General Court of 6 September 2017 — Systran v Commission

(Joined Cases T-481/13 and T-421/15) ⁽¹⁾

(2017/C 357/40)

Language of the case: French

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

⁽¹⁾ OJ C 336, 16.11.2013.
