

Pleas in law and main arguments

The Appellant submits that, in dismissing its application for annulment of the Contested Decision, the General Court breached Community law. In particular, the Appellant contends that the General Court committed a number of errors in its reasoning and interpretation of the legal framework as applicable to the Appellant's situation. That resulted in the General Court making the following errors in law:

- The General Court made contradictory and erroneous statements with respect to the need to have regard to risk assessment pursuant to Article 57(f) of REACH⁽¹⁾, leading to a misinterpretation of the same.
- The General Court made contradictory statements and departed from established case law on the status and weight of guidance documents in interpreting what is meant by 'equivalent level of concern' under Article 57(f) of the same.
- The General Court flawed reliance on Article 60(2) of REACH led to insufficient reasoning.
- The General Court applied the wrong legal text in dismissing the arguments relating to worker and consumer exposure, thereby misapplying Article 57(f).

For these reasons the Appellant claims that the judgment of the General Court in Case T-134/13 should be set aside and the Contested Decision 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 an 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, 93/67/EEC, 93/105/EC AND 2000/21/EC, OJ L 396 p. 1

Appeal brought on 30 June 2015 by Hitachi Chemical Europe GmbH and Polynt SpA against the judgment of the General Court (Fifth Chamber) delivered on 30 April 2015 in Case T-135/13: Hitachi Chemical Europe GmbH, Polynt SpA and Sitre Srl v European Chemicals Agency (ECHA)

(Case C-324/15 P)

(2015/C 311/31)

Language of the case: English

Parties

Appellants: Hitachi Chemical Europe GmbH and Polynt SpA (represented by: C. Mereu, avocat)

Other parties to the proceedings: European Chemicals Agency (ECHA), Sitre Srl, REACH ChemAdvice GmbH, New Japan Chemical, Kingdom of the Netherlands, European Commission

Form of order sought

The appellants claim that the Court should:

- Set aside the judgment of the General Court in Case T-135/13; and
- Annul the contested decision 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 of the Contested Decision, the General Court breached Community law. In particular, the Appellants contend that the General Court committed a number of errors in its reasoning and interpretation of the legal framework as applicable to the Appellants' situation. That resulted in the General Court making the following errors in law:

- The General Court made contradictory and erroneous statements with respect to the need to have regard to risk assessment pursuant to Article 57(f) of REACH ⁽¹⁾, leading to a misinterpretation of the same.
- The General Court made contradictory statements and departed from established case law on the status and weight of guidance documents in interpreting what is meant by 'equivalent level of concern' under Article 57(f) of the same.
- The General Court flawed reliance on Article 60(2) of REACH led to insufficient reasoning.
- The General Court applied the wrong legal text in dismissing the arguments relating to worker and consumer exposure, thereby misapplying Article 57(f).

For these reasons the Appellants claim that the judgment of the General Court in Case T-135/13 should be set aside and the Contested Decision should be annulled.

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Request for a preliminary ruling from the Administratīvā apgabaltiesa (Latvia) lodged on 1 July 2015 — 'DNB Banka'AS v Valsts ieņēmumu dienests

(Case C-326/15)

(2015/C 311/32)

Language of the case: Latvian

Referring court

Administratīvā apgabaltiesa

Parties to the main proceedings

Applicant: 'DNB Banka'AS

Other party to the proceedings: Valsts ieņēmumu dienests

Questions referred

1. Is it possible for there to be an independent group of persons for the purposes of Article 132(1)(f) of the Directive ⁽¹⁾, when the members of that group are established in separate Member States of the European Union, in which that provision of the Directive has been transposed with different requirements which are not compatible?