

2. Second plea in law, alleging a violation of Article 4(1)(b) of Regulation 1049/2001 in conjunction with Article 8(b) of Regulation 45/2001, as the access to the requested information was refused, although the conditions for disclosure were met
3. Third plea in law, alleging a violation of the general obligation, under Articles 2 and 4 of Regulation 1049/2001 in conjunction with Article 6(3) of Regulation 1049/2001, to conduct an examination of each individual document
4. Fourth plea in law, alleging a violation of Article 4(6) of Regulation 1049/2001, as the refusal to grant partial access to the requested documents was not justified
5. Fifth plea in law, alleging a violation of the duty to state reasons as required by Articles 7(1) and 8(1) of Regulation 1049/2001, as the Parliament failed to address all the applicant's arguments

<sup>(1)</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43).

<sup>(2)</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ 2001 L 8, p. 1).

---

**Action brought on 09 October 2015 — Lysoform Dr. Hans Rosemann e.a. v ECHA**

**(Case T-669/15)**

(2016/C 048/88)

*Language of the case: English*

**Parties**

*Applicants:* Lysoform Dr. Hans Rosemann GmbH (Berlin, Germany), Ecolab Deutschland GmbH (Monheim, Germany), Schülke & Mayr GmbH (Norderstedt, Germany), Diversey Europe Operations BV (Amsterdam, Netherlands) (represented by: K. Van Maldegem, M. Grunchar, lawyers, and P. Sellar, Solicitor)

*Defendant:* European Chemicals Agency (ECHA)

**Form of order sought**

The applicants claim that the Court should:

- declare the appeal admissible and well-founded;
- annul the decision of the European Chemicals Agency concerning the inclusion of the company BASF on the list of active substances and suppliers provided by Article 95 of Regulation (EU) N° 528/2012 <sup>(1)</sup>; and
- order ECHA to pay the costs of these proceedings.

**Pleas in law and main arguments**

The applicants submit that, by allowing a company to be included on the list provided by Article 95 of Regulation (EU) N° 528/2012 in respect of a given substance, ECHA has failed to apply the law. Its failures in that regard are founded on three pleas in law.

1. First plea in law, alleging that ECHA has misapplied the rules regarding the requirement that the company submit a complete dossier under Article 95(1) of Regulation (EU) N° 528/2012.
2. Second plea in law, alleging that ECHA has treated companies, which were in the same situation, differently.
3. Third plea in law, alleging that contrary to the requirements of Regulation (EU) N° 528/2012, ECHA has failed to ensure that there is a level playing field between those companies that have participated in the review programme of the given substance and those that have been free-riders.

---

<sup>(1)</sup> Regulation (EU) N° 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, p. 1).

---

**Action brought on 26 November 2015 — Freistaat Bayern v Commission**

**(Case T-683/15)**

(2016/C 048/89)

*Language of the case: German*

**Parties**

*Applicant:* Freistaat Bayern (represented by: U. Soltész and H. Weiß, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul Article 1 of the contested decision in so far as it declares that the Federal Republic of Germany granted State aid unlawfully in breach of Article 108(3) TFEU in respect of the milk quality tests carried out by the Land of Bavaria in favour of dairy sector undertakings in Bavaria, which is during the period starting 1 January 2007 incompatible with the internal market;
- annul Articles 2 to 4 of the contested decision in so far as they order recovery of the aid with interest in respect of dairy sector undertakings in Bavaria;
- order the Commission to pay the applicant's costs.

**Pleas in law and main arguments**

By its present action, the applicant seeks the partial annulment of Commission Decision C(2015) 6295 final of 18 September 2015 concerning State aid SA.35484 (2013/C) (ex SA.35484 (2012/NN)) granted by Germany in respect of milk quality tests pursuant to the Milk and Fat Law.

In support of the action, the applicant relies on five pleas in law.

1. First plea in law: Infringement of Article 108(2) TFEU and of Article 6(1) and Article 24(1) of Regulation (EU) 2015/1589 <sup>(1)</sup>