



Reports of Cases

Order of the President of the General Court of 6 May 2015 —

Deza v ECHA

(Case T-115/15 R)

(Interim measures — REACH — Entry of the chemical substance di-(2-ethylhexyl)phthalate (DEHP) in the candidate list — Application for suspension of operation — No urgency)

1. *Application for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Prima facie case — Urgency — Serious and irreparable damage — Cumulative nature — Balancing of all the interests involved — Discretion of the Court hearing the application for interim relief (Arts 256(1) TFEU, 278 TFEU and 279 TFEU; Rules of Procedure of the General Court, Art. 104(2)) (see paras 16-18)*
2. *Application for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Urgency — Serious and irreparable damage — Purely hypothetical loss based on the happening of future and uncertain events — Insufficient to justify urgency (Arts 278 TFEU and 279 TFEU) (see paras 29, 30, 34)*
3. *Application for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Urgency — Serious and irreparable damage — Burden of proof — Serious and irreparable damage for the applicant — Interest of the applicant affected (Arts 278 TFEU and 279 TFEU; Rules of Procedure of the General Court, Art. 104(2)) (see para. 38)*
4. *Application for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Serious and irreparable damage — Burden of proof borne by the party seeking the interim measure — Risk to fundamental rights and to the principles of legal certainty foreseeability of EU law, and the protection of legitimate expectations — Risk not in itself constituting serious damage (Arts 278 TFEU and 279 TFEU; Rules of Procedure of the General Court, Art. 104(2)) (see paras 39, 40)*

5. *Application for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Urgency — Serious and irreparable damage — Burden of proof — Financial loss — Obligation to provide concrete and precise indications, supported by detailed documentary evidence — Situation which could jeopardise the existence of the applicant company or irremediably alter its position in the market — Assessment having regard to the situation of the group to which the applicant company belongs (Arts 278 TFEU and 279 TFEU; Rules of Procedure of the General Court, Art. 104(2)) (see paras 42-44, 47)*

6. *Application for interim measures — Suspension of operation of a measure — Conditions for granting — Serious and irreparable damage — Financial loss — Damage which may subsequently be made good by compensation or by means of an action for damages — Damage which cannot be regarded as irreparable (Arts 268 TFEU, 278 TFEU and 340 TFEU; Rules of Procedure of the General Court, Art. 104(2)) (see para. 49)*

Re:

APPLICATION for the suspension of operation of Decision ED/108/2014 of 12 December 2014 of the Executive Director of the European Chemicals Agency updating, inter alia, the existing entry for the substance di-(2-ethylhexyl)phthalate (DEHP) in the candidate list for eventual inclusion in Annex XIV to 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/EC and 2000/21/EC (corrected version OJ 2007 L 136, p. 3), as amended.

Operative part

1. The application for interim measures is dismissed.

2. Costs are reserved.