— a public discussion on the Commission's understanding in relation to the interpretation of Article 47 of the Charter of Fundamental Rights of the European and of the first sentence of Article 6(1) of the European Convention on Human Rights to be initiated;

— the internal market to be protected; and

— the advantages of Hungary's membership of the European Union to be made clear to citizens.

Action brought on 15 September 2017 – PlasticsEurope v ECHA

(Case T-636/17)

(2017/C 382/67)

Language of the case: English

Parties

Applicant: PlasticsEurope (Brussels, Belgium) (represented by: R. Cana, E. Mullier, and F. Mattioli, lawyers)

Defendant: European Chemicals Agency

Form of order sought

The applicant claims that the Court should:

— declare the application admissible and well-founded,

— annul the decision, published on 7 July 2017, to update the existing entry of Bisphenol A in the Candidate List as a Substance of Very High Concern on the basis of Article 57(f) of Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (OJ 2006, L 396, p. 1, the 'REACH Regulation'),

— order ECHA to pay the costs of the proceedings, and

— take such other or further measure as justice may require.

Pleas in law and main arguments

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

1. First plea in law, alleging that the defendant infringed the principle of legal certainty by applying inconsistent and unforeseeable criteria to assess the alleged endocrine disrupting ('ED') properties for human health of BPA.

2. Second plea in law, alleging that the defendant committed a manifest error of assessment and infringed its duty of care.

   — The defendant failed to establish that BPA is an endocrine disrupting substance for which there is scientific evidence of probable serious effects to human health or the environment which give rise to an equivalent level of concern to those of other substances listed in points (a) to (e) of Article 57 of the REACH Regulation, considering that (i) the defendant has only sought to establish that BPA has alleged 'endocrine disrupting properties', (ii) the identification of BPA does not meet the criteria laid out in Article 57(f) of the REACH Regulation and the general principles of EU law, and (iii) the Defendant committed a manifest error of assessment by failing to consider the derivation of a safe level as a relevant factor for the assessment of BPA towards the criteria of Article 57(f) of the REACH Regulation; and

   — The defendant failed to take into account all relevant information, and in particular the CLARITY-BPA study.

3. Third plea in law, alleging that the contested decision infringes the principles of legal certainty and protection of legitimate expectations by failing to take into consideration expected studies which were acknowledged as relevant for the assessment of BPA's alleged ED properties, and in particular the CLARITY-BPA study, and by not considering the derivation of a safe level as a factor relevant for the establishment of the equivalent level of concern.

4. Fourth plea in law, alleging that the contested decision breaches Articles 59 and 57(f) of the REACH Regulation by identifying BPA as a Substance of Very High Concern on the basis of the criteria referred to in Article 57(f), since Article 57(f) only covers substances which have not yet been identified under Article 57(a) to (e).

5. Fifth plea in law, alleging that the contested decision breaches Article 2(8)(b) of the REACH Regulation since intermediates are exempt from the entire Title VII, and are thus outside the scope of Articles 57 and 59 and outside the scope of authorisation.

6. Sixth plea in law, alleging that the contested decision breaches the principle of proportionality, since the inclusion of BPA in the Candidate List when it is a non-intermediate exceeds the limits of what is appropriate and necessary to attain the objective pursued and is not the least onerous measure to which the Agency could have had recourse.

Action brought on 20 September 2017 — Policlínico Centro Médico de Seguros and Medicina Asturiana v Commission and SRB

(Case T-637/17)

(2017/C 382/68)

Language of the case: Spanish

Parties

Applicants: Policlínico Centro Médico de Seguros, SA (Oviedo, Spain) and Medicina Asturiana, SA (Oviedo) (represented by: R. Vallina Hoset and A. Lois Perreau de Pinninck, lawyers)

Defendants: European Commission and Single Resolution Board

Form of order sought

The applicants claim that the General Court should:

— Annul Decision SRB/EES/2017/08 of the Single Resolution Board of 7 June 2017 concerning the adoption of a resolution scheme in respect of Banco Popular Español, S.A.;

— Annul Commission Decision (EU) 2017/1246 of 7 June 2017 endorsing the resolution scheme of Banco Popular Español, S.A.;

— Where appropriate, declare Articles 15, 18, 20, 21, 22 and/or 24 of Regulation No 806/2014 inapplicable, in accordance with Article 277 TFEU;

— Order SRB and the Commission to pay the costs.