

# GENERAL COURT

## Judgment of the General Court of 30 June 2021 — Global Silicones Council and Others v Commission

(Case T-226/18) <sup>(1)</sup>

**(REACH — Updating of Annex XVII to Regulation (EC) No 1907/2006 concerning restrictions on the manufacture, placing on the market and use of certain dangerous substances, mixtures and articles — Restrictions concerning octamethylcyclotetrasiloxane (D4) and decamethylcyclopentasiloxane (D5) — Manifest error of assessment — Annex XIII to Regulation No 1907/2006 — Weight-of-evidence determination — Article 68 of Regulation No 1907/2006 — Unacceptable risk — Proportionality — Essential procedural requirements)**

(2021/C 329/19)

Language of the case: English

### Parties

*Applicants:* Global Silicones Council (Washington, DC, United States), Wacker Chemie AG (Munich, Germany), Momentive Performance Materials GmbH (Leverkusen, Germany), Shin-Etsu Silicones Europe BV (Almere, Netherlands), Elkem Silicones France SAS (Lyon, France) (represented by: A. Kołtunowska and R. Semail, lawyers)

*Defendant:* European Commission (represented by: R. Lindenthal and K. Mifsud-Bonnici, acting as Agents)

*Intervener in support of the applicants:* American Chemistry Council, Inc. (ACC) (Washington) (represented by: K. Nordlander and C. Grobecker, lawyers)

*Interveners in support of the defendant:* Federal Republic of Germany (represented by: J. Möller, D. Klebs, S. Eisenberg, S. Heimerl and S. Costanzo, acting as Agents), United Kingdom of Great Britain and Northern Ireland (represented by: S. Brandon, acting as Agent, and by C. Banner and A. Parkinson, Barristers), European Parliament (represented by: L. Darie and A. Tamás, acting as Agents), Council of the European Union (represented by: M. Moore and A. Maceroni, acting as Agents), European Chemicals Agency (represented by: M. Heikkilä, W. Broere and A. Hautamäki, acting as Agents)

### Re:

Application under Article 263 TFEU for annulment of Commission Regulation (EU) 2018/35 of 10 January 2018 amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards octamethylcyclotetrasiloxane ('D4') and decamethylcyclopentasiloxane ('D5') (OJ 2018 L 6, p. 45).

### Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Global Silicones Council, Wacker Chemie AG, Momentive Performance Materials GmbH, Shin-Etsu Silicones Europe BV and Elkem Silicones France SAS to bear their own costs and to pay those incurred by the European Commission;
3. Orders the Federal Republic of Germany, the United Kingdom of Great Britain and Northern Ireland, the European Parliament, the Council of the European Union, the European Chemicals Agency (ECHA) and American Chemistry Council, Inc. (ACC) to bear their own costs.

<sup>(1)</sup> OJ C 200, 11.6.2018.