

Action brought on 23 March 2018 — PlasticsEurope v ECHA

(Case T-207/18)

(2018/C 190/58)

*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 contested decision;
- Order ECHA to pay the costs of these 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 four pleas in law.

1. First plea in law, alleging that the defendant manifestly erred in its assessment of the information which, when properly assessed, could not support the defendant's conclusion, and because it failed to take into consideration all relevant information related to pending studies. The defendant also manifestly erred in its assessment because it failed to establish that (a) there is scientific evidence of probable serious effects due to its endocrine disrupting properties for the environment, and that (b) such evidence would give rise to an equivalent level of concern to substances listed in points (a) to (e) of Article 57 of REACH.
2. Second plea in law, alleging that the contested decision breaches Articles 59 and 57(f) of the REACH Regulation by identifying BPA as an SVHC 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).
3. Third 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.
4. Fourth plea in law, alleging that the contested decision 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 26 March 2018 — Vanda Pharmaceuticals v Commission

(Case T-211/18)

(2018/C 190/59)

*Language of the case: English***Parties**

Applicant: Vanda Pharmaceuticals Ltd (London, United Kingdom) (represented by: M. Meulenbelt, B. Natens, A.-S. Melin, and C. Muttin, lawyers)

Defendant: European Commission