

*Defendant:* European Commission (represented by: F. Erlbacher, C. Giolito and E. Montaguti, acting as Agents)

*Intervener in support of the defendant:* Council of the European Union (represented by: M. Bauer and R. Meyer, acting as Agents)

**Re:**

Application (i) under Article 265 TFEU seeking a declaration that the Commission unlawfully refrained from adopting, on the one hand, a decision maintaining, as from the withdrawal of the United Kingdom from the European Union, the European citizenship of certain UK nationals who did not, at that time, have the nationality of an EU Member State, irrespective of whether or not an agreement setting out the arrangements of that withdrawal was concluded, and, on the other hand, a decision on various measures relating to the rights of those nationals, should such withdrawal take place without such an agreement having been concluded and (ii) seeking annulment, pursuant to Article 263 TFEU, of the letter of the Commission of 11 September 2019 refusing to adopt a decision maintaining the European citizenship of those nationals.

**Operative part of the order**

1. The action is dismissed.
2. Mr Harry Shindler and the other applicants whose names are listed in the annex shall pay the costs, including those relating to the interlocutory proceedings.
3. The Council of the European Union shall bear its own costs.

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<sup>(1)</sup> OJ C 383, 11.11.2019.

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**Order of the General Court of 14 July 2020 — Sasol Germany and Others v ECHA**

(Case T-640/19) <sup>(1)</sup>

*(Action for annulment — REACH — Substances of very high concern — Establishment of a candidate list of substances for eventual inclusion in Annex XIV to Regulation (EC) No 1907/2006 — Decision identifying 4-tert-butylphenol as a substance meeting the criteria for inclusion in the list — Objection of inadmissibility — Act not open to challenge — Act merely implementing the decision — No interest in bringing proceedings — Inadmissibility)*

(2020/C 348/23)

Language of the case: English

**Parties**

*Applicants:* Sasol Germany GmbH (Hamburg, Germany), SI Group — Béthune (Béthune, France), BASF SE (Ludwigshafen am Rhein, Germany) (represented by: C. Mereu, P. Sellar and S. Saez Moreno, lawyers)

*Defendant:* European Chemicals Agency (represented by: M. Heikkilä and W. Broere, acting as Agents, and by S. Raes, lawyer)

**Re:**

Application under Article 263 TFEU for the partial annulment of Decision ED/71/2019 of ECHA in so far as it includes 4-tert-butylphenol as a substance of very high concern in the list of substances identified with a view to their 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 (OJ 2006 L 396, p. 1, corrigendum OJ 2007 L 136, p. 3).

**Operative part of the order**

1. The action is dismissed as inadmissible.
2. There is no longer any need to adjudicate on the applications to intervene of the Federal Republic of Germany, the Kingdom of Sweden and the European Commission.
3. Sasol Germany GmbH, SI Group — Béthune and BASF SE shall bear their own costs and shall pay the costs incurred by the European Chemicals Agency (ECHA), with the exception of those relating to the applications to intervene.
4. Sasol Germany GmbH, SI Group — Béthune, BASF SE, the European Chemicals Agency (ECHA), the Federal Republic of Germany, the Kingdom of Sweden and the Commission shall each bear their own costs relating to the applications to intervene.

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<sup>(1)</sup> OJ C 406, 2.12.2019.

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**Order of the General Court of 17 July 2020 — Wagenknecht v European Council**

(Case T-715/19) <sup>(1)</sup>

*(Action for failure to act — Protection of the European Union's financial interests — Combating fraud — Meeting of the European Council — Multiannual financial framework — Financial regulation — Alleged conflict of interest of the representative of the Czech Republic at a meeting of the European Council — Alleged lack of action by the European Council — Article 130 of the Rules of Procedure — Interest in bringing proceedings — Locus standi — Definition of the position of the European Council — End of the failure to act — Inadmissibility — Article 15(2) TEU — Action manifestly lacking any foundation in law)*

(2020/C 348/24)

Language of the case: English

**Parties**

*Applicant:* Lukáš Wagenknecht (Pardubice, Czech Republic) (represented by: A. Dolejská, lawyer)

*Defendant:* European Council (represented by: A. Westerhof Löfflerová, A. Jensen and M.J. Bauerschmidt, acting as Agents)

**Re:**

Application on the basis of Article 265 TFEU seeking a declaration that the European Council unlawfully failed to act on the applicant's request to exclude the Prime Minister of the Czech Republic, Mr Andrej Babiš, from the meeting of the European Council of 20 June 2019 and from future meetings concerning the financial perspective negotiations, due to his alleged conflict of interest with regard to the requirements of Article 325(1) TFEU and Article 61(1) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013 (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014 and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ 2018 L 193, p. 1).

**Operative part of the order**

1. The action is dismissed as inadmissible and, in any event, manifestly devoid of any foundation in law.
2. Lukáš Wagenknecht shall pay the costs.

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<sup>(1)</sup> OJ C 54, 17.2.2020.