

Action brought on 24 September 2019 – Chemours Netherlands v ECHA**(Case T-636/19)**

(2019/C 399/98)

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

Applicant: Chemours Netherlands BV (Dordrecht, Netherlands) (represented by: R. Cana, E. Mullier and F. Mattioli, lawyers)

Defendant: European Chemicals Agency (ECHA)

Form of order sought

The applicant claims that the Court should:

- declare the application admissible and well-founded;
- annul the contested decision in so far as it includes 2,3,3,3-tetrafluoro-2-(heptafluoropropoxy)propionic acid, its salts and its acyl halides (covering any of their individual isomers and combinations thereof) in the candidate list of substances of very high concern as a substance of equivalent concern for human health and/or in so far as it includes 2,3,3,3-tetrafluoro-2-(heptafluoropropoxy)propionic acid, its salts and its acyl halides (covering any of their individual isomers and combinations thereof) in the candidate list as a substance of equivalent concern for the environment;
- order the defendant 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 two pleas in law.

1. First plea in law, alleging that the Agency breached Article 57(f) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council ⁽¹⁾ and exceeded its competence under this provision, and manifestly erred in its assessment.
2. Second plea in law, alleging that the contested decision breaches the principle of proportionality since it is not necessary or appropriate.

⁽¹⁾ 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 L 396, 30.12.2006, p. 1).