

Form of order sought

The applicant claims that the Court should:

- rule that the ECHA Board of Appeal erred in its assessment of the relationship between the Cosmetics Regulation and the REACH Regulation;
- rule that the ECHA Board of Appeal infringed the provisions of the REACH Regulation;
and therefore
- annul the ECHA Board of Appeal's decision of 18 August 2020 No A-009-2018;
- order the defendant to pay the costs.

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 an error in the assessment of the relationship between the Cosmetics Regulation ⁽¹⁾ and the REACH Regulation ⁽²⁾. According to the applicant, the Board of Appeal erred in its assessment of Article 18 of the Cosmetics Regulation when applying the REACH Regulation and acted contrary to the objective pursued by the Cosmetics Regulation in the area of animal testing. Lastly, the applicant takes the view that the ECHA does not have competence to give a binding interpretation of the relationship between the Cosmetics Regulation and the REACH Regulation.
2. Second plea in law, alleging infringement of the provisions of the Reach Regulation. In this respect, the applicant submits, inter alia, that the Reach Regulation establishes the principle of the prohibition of animal testing, except where there is no alternative. No such exception was identified by the Board of Appeal in the contested decision.

⁽¹⁾ Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November on cosmetic products (OJ 2009 L 342, p. 59).

⁽²⁾ 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 and corrigendum OJ 2007 L 136, p. 3).

Action brought on 30 October 2020 — One Voice v ECHA**(Case T-664/20)**

(2021/C 9/42)

*Language of the case: French***Parties**

Applicant: One Voice (Strasbourg, France) (represented by: A. Ghersi, lawyer)

Defendant: European Chemicals Agency

Form of order sought

The applicant claims that the Court should:

- rule that the ECHA Board of Appeal erred in its assessment of the relationship between the Cosmetics Regulation and the REACH Regulation;
- rule that the ECHA Board of Appeal infringed the provisions of the REACH Regulation;

and therefore

- annul the ECHA Board of Appeal's decision of 18 August 2020 No A-010-2018;
- order the defendant to pay the costs.

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 an error in the assessment of the relationship between the Cosmetics Regulation ⁽¹⁾ and the REACH Regulation ⁽²⁾. According to the applicant, the Board of Appeal erred in its assessment of Article 18 of the Cosmetics Regulation when applying the REACH Regulation and acted contrary to the objective pursued by the Cosmetics Regulation in the area of animal testing. Lastly, the applicant takes the view that the ECHA does not have competence to give a binding interpretation of the relationship between the Cosmetics Regulation and the REACH Regulation.
2. Second plea in law, alleging infringement of the provisions of the Reach Regulation. In this respect, the applicant submits, inter alia, that the Reach Regulation establishes the principle of the prohibition of animal testing, except where there is no alternative. No such exception was identified by the Board of Appeal in the contested decision.

⁽¹⁾ Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November on cosmetic products (OJ 2009 L 342, p. 59).

⁽²⁾ 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 and corrigendum OJ 2007 L 136, p. 3).

Action brought on 9 November 2020 — OA v EESC

(Case T-671/20)

(2021/C 9/43)

Language of the case: French

Parties

Applicant: OA (represented by: M. Casado García-Hirschfeld and M. Aboudi, lawyers)

Defendant: European Economic and Social Committee

Form of order sought

The applicant claims that the Court should:

- declare the present application admissible;
- annul the contested decision of 5 December 2019 which was upheld by the decision rejecting the applicant's complaint of 5 March 2020;
- order payment of compensation for non-material damage amounting to EUR 30 000 and compensation for material damage estimated at EUR 25 000;
- order the defendant to pay all the costs.

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 infringement of the procedural safeguards laid down for administrative and disciplinary investigations, and infringement of the principles of impartiality and sound administration. In that regard, the applicant claims that the administrative investigation concerning him is vitiated by numerous formal and procedural irregularities.