

**Action brought on 20 July 2022 — PW v EEAS****(Case T-448/22)**

(2022/C 380/21)

*Language of the case: English***Parties***Applicant:* PW (represented by: S. Rodrigues and A. Champetier, lawyers)*Defendant:* European External Action Service**Form of order sought**

The applicant claims that the Court should:

- annul the implicit decision of the defendant dated 30 July 2021 refusing to correct the calculation of the reimbursement of his annual travel expenses for 2020 as regards his children and, in as far as necessary, the annulment of the decision of the defendant, dated 14 April 2022, rejecting his complaint filed on 28 October 2021, under Article 90(2) of the EU Staff Regulations; and,
- order the defendant to pay all the costs incurred by the applicant for the present appeal.

**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 a breach of Articles 7(1) and 8(1) of Annex VII of the Staff Regulations and a breach of the principle of good administration.
2. Second plea in law, alleging a breach of the duty of care.

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**Action brought on 20 July 2022 — Evonik Operations v Commission****(Case T-449/22)**

(2022/C 380/22)

*Language of the case: English***Parties***Applicant:* Evonik Operations GmbH (Essen, Germany) (represented by: J.-P. Montfort and T. Delille, lawyers)*Defendant:* European Commission**Form of order sought**

The applicant claims that the Court should:

- declare the application admissible and well-founded;
- annul the Commission's Delegated Regulation (EU) 2022/692 of 16 February 2022 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures and correcting that Regulation insofar as it introduces an harmonised classification and labelling for the substance silanamine, 1,1,1-trimethyl-N-(trimethylsilyl)-, hydrolysis products with silica; pyrogenic, synthetic amorphous, nano, surface treated silicon dioxide ('the Substance', or 'SAS-HMDS') (CAS No. 68909-20-6) ('the Contested Regulation')<sup>(1)</sup>;
- 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 four pleas in law.

1. First plea in law, alleging that the Contested Regulation was adopted in breach of several provisions of the CLP Regulation <sup>(1)</sup>, including Articles 36, 37 and Section 3.9 of its Annex I. In particular, RAC failed to demonstrate that the criteria for classification of the Substance as STOT RE 2 were met, hence its opinion could not validly support the contested classification. The Commission could therefore not validly find on the basis of the RAC Opinion that the contested classification was appropriate. In adopting the Contested Regulation, the Commission therefore breached Article 37(5) of the CLP Regulation.
2. Second plea in law, alleging that RAC did not follow the procedure set out by Article 37(4) of the CLP Regulation, breaching thereby those provisions in several regards. First, RAC failed to adopt the RAC Opinion within the 18-month deadline prescribed by law. Second, RAC did not give a formal opportunity to comment on its opinion to the concerned parties though this is specifically required by the CLP Regulation.
3. Third plea in law, alleging that the Commission failed in its duties under Article 37(5), in that it has not adequately verified that the CLH procedure had been properly conducted as per the CLP Regulation. As a result, the Commission could not validly find that the contested classification was appropriate and adopted the Contested Regulation in breach of Article 37(5) of the CLP Regulation.
4. Fourth plea in law, alleging that in adopting the Contested Regulation without the prior conduct and documentation of an Impact Assessment, the Commission breached its commitments under the Interinstitutional Agreement on better-law-making and the principle of sound administration.

<sup>(1)</sup> OJ L 129, 2022, p. 1.

<sup>(2)</sup> Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 2008, p. 1).

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### Action brought on 8 August 2022 — QN v eu-LISA

(Case T-484/22)

(2022/C 380/23)

*Language of the case: French*

### Parties

*Applicant:* QN (represented by: H. Tagaras, lawyer)

*Defendant:* European Union Agency for the operational management of large-Scale IT systems in the area of freedom, security and justice (eu-LISA)

### Form of order sought

The applicant claims that the Court should:

- uphold the application;
- annul the contested acts;
- order the defendant to pay damages in the amount of 3 000 euros;
- order the defendant to pay all the costs.

### Pleas in law and main arguments

In support of the action against the decision of the European Union Agency for the operational management of large-Scale IT systems in the area of freedom, security and justice (eu-LISA) of 22 December 2021 to not include the applicant's name on the list of staff members reclassified to Grade AD 10 in the 2021 reclassification exercise, the applicant relies on three pleas in law.