



C/2024/725

22.1.2024

Judgment of the General Court of 22 November 2023 — Symrise AG v European Chemicals Agency (ECHA)

(Case T-656/20) ⁽¹⁾

(REACH — Substance homosalate — Exclusive use for the manufacture of cosmetic products — Checking of the conformity of registrations — Request for additional toxicity studies — Article 41 of Regulation (EC) No 1907/2006 — Prohibition of animal testing — Article 18(1)(d) of Regulation (EC) No 1223/2009 — Article 2(4)(b) and Article 14(5)(b) of Regulation No 1907/2006 and Section 3 of Annex XI thereto — Obligation to state reasons — Manifest error of assessment — Error of law)

(C/2024/725)

Language of the case: English

Parties

Applicant: Symrise AG (Holzminden, Germany) (represented by: R. Cana and E. Mullier, lawyers)

Defendant: European Chemicals Agency (ECHA) (represented by: W. Broere, L. Bolzonello and A. Deloff-Bialek, acting as Agents)

Interveners in support of the applicant: Cruelty Free Europe (CFE), established in Brussels (Belgium) (represented by: S. Vandamme, V. McClelland, lawyers, and P. Moser, Barrister), by European Federation for Cosmetic Ingredients (EFfCI), established in Brussels (Belgium) (represented by: R. Cana and E. Mullier, lawyers), and by PETA International Science Consortium Ltd, established in London (United Kingdom), and PETA Science Consortium International eV, established in Stuttgart (Germany) (represented by: R. Dereškevičiūtė, lawyer, D. Scannell and S. Love, Barristers)

Re:

By its action under Article 263 TFEU, the applicant seeks annulment of Decision A-009-2018 of the Board of Appeal of the ECHA of 18 August 2020 relating to the compliance check of its registration dossier for the substance homosalate ('the substance at issue'), dismissing its action against the decision of 13 March 2018 by which the ECHA had requested it to provide, inter alia, studies on vertebrate animals.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Symrise AG to pay its own costs as well as those incurred by the European Chemicals Agency (ECHA), including those relating to the interim proceedings;
3. Orders Cruelty Free Europe (CFE), PETA International Science Consortium Ltd, PETA Science Consortium International eV and European Federation for Cosmetics Ingredients (EFfCI) each to pay their own costs.

⁽¹⁾ OJ C 53, 15.2.2021.