

**Pleas in law and main arguments**

In support of the action, the applicant relies on three pleas in law.

1. First plea in law, alleging that the Commission failed to state sufficient reasons, contrary to Article 296 TFEU, Article 41 (2)(c) of the Charter of Fundamental Rights, as well as Article 8(2) of Decision 2011/695/EU.
2. Second plea in law, alleging that the Commission erred in assessing the applicants' claim under Article 8(2) of Decision 2011/695: firstly, in finding that some of the contested material was already known beyond a limited number of persons; secondly, in failing to take due account of the principle of effective judicial protection; and thirdly, in finding that the applicants' interests are not worthy of protection
3. Third plea in law, alleging that the Commission breached the principle of the presumption of innocence, in view of the fact that the legality of the method by which the contested material was obtained is contested in the pending action Case T-449/14. Publication of the contested material would deprive any annulment in that case of its full effect.

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**Action brought on 12 July 2017 — Dehousse v Court of Justice of the European Union****(Case T-433/17)**

(2017/C 300/40)

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

*Applicant:* Franklin Dehousse (Brussels, Belgium) (represented by: L. Levi and S. Rodrigues, lawyers)

*Defendant:* Court of Justice of the European Union

**Form of order sought**

The applicant claims that the Court should:

— declare the present action both admissible and well founded;

and, consequently,

— annul the decision of 18 May 2017 whereby the defendant rejected the confirmatory application for access to documents submitted by the applicant on 12 April 2017, and the decision of 22 May 2017 whereby the defendant partially rejected the confirmatory application for access to documents submitted by the applicant on 16 March 2017;

— acknowledge the defendant's liability under Article 340 TFEU;

— order the defendant to pay compensation for the non-material damage suffered by the applicant, assessed *ex aequo et bono* at ten thousand (10 000) euros, and, in the alternative, one symbolic euro;

— order the defendant to pay the costs in their entirety.

**Pleas in law and main arguments**

In support of the action, the applicant relies on three pleas in law in relation to his claim for annulment and a single plea in law in relation to his claim for damages.

1. First plea in law, alleging infringement of the Decision of the Court of Justice of the European Union of 11 October 2016 concerning public access to documents held by the Court of Justice of the European Union in the exercise of its administrative functions (OJ 2016 C 445, p. 3), Article 15(3) TFEU and Article 42 of the Charter of Fundamental Rights of the European Union, in relation to public access to documents of the institutions and the duty of transparency. In particular, the applicant submits that the contested decisions must be annulled in so far as they refuse to provide certain documents, and provide others either in an incomplete manner or with numerous redactions.
2. Second plea in law, alleging infringement of Article 296 TFEU and Article 41 of the Charter, in that the contested decisions are vitiated by a failure to provide a statement of reasons or by an insufficient statement of reasons.
3. Third plea in law, alleging infringement of the principle of proportionality.

Concerning the non-contractual liability of the European Union, the applicant submits that the defendant institution engaged in misconduct giving rise to liability. That misconduct caused the applicant serious non-material damage in respect of which he is seeking compensation.

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**Action brought on 12 July 2017 — ClientEarth and Others v Commission**

**(Case T-436/17)**

(2017/C 300/41)

*Language of the case: English*

**Parties**

*Applicants:* ClientEarth (London, United Kingdom), European Environmental Bureau (EEB) (Brussels, Belgium), The International Chemical Secretariat (Gothenburg, Sweden), International POPs Elimination Network (IPEN) (Gothenburg) (represented by: A. Jones, Barrister)

*Defendant:* European Commission

**Form of order sought**

The applicants claim that the Court should:

- declare the application admissible and well founded;
- annul Commission's decision C(2017) 2914 final, dated 2 May 2017, refusing to review the Commission decision C (2016)5644 granting an authorization for some uses of lead sulfochromate yellow and lead chromate molybdate sulphate red under 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) (OJ 2006, L 396, p. 1);
- annul Commission decision C(2016)5644;
- order the Commission to pay the applicant's costs, and
- order any other measure deemed appropriate.

**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 decision C(2017) 2914 final is vitiated by manifest errors of law and assessment regarding the alleged conformity of the application for authorisation of DCC Maastricht BV within the meaning of Articles 62 and 60(7) of the REACH regulation.