

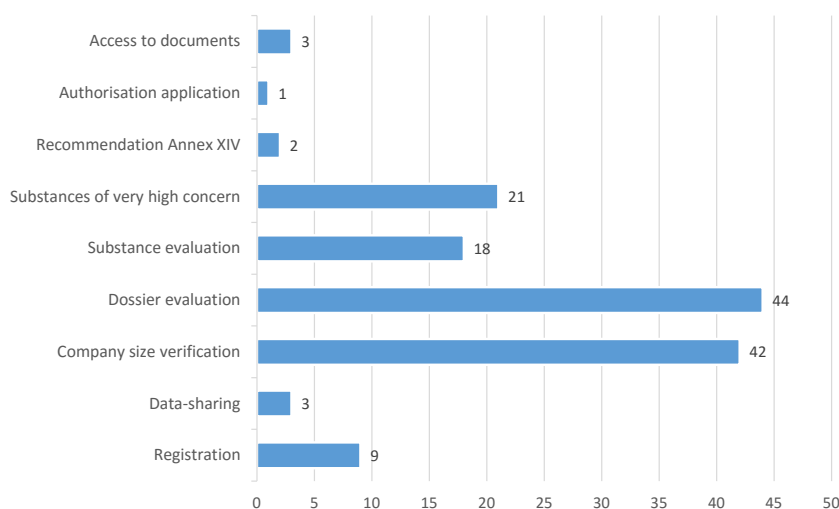
## 10 Years of REACH Litigation (2007-2017)<sup>1</sup>

Since the REACH Regulation's entry into force on 1 June 2007, 43 cases related to REACH were brought before the Court of Justice of the EU. This number includes actions for annulment of ECHA decisions or regulations of the Commission (Article 263 TFEU), references for preliminary ruling (Article 267 TFEU) and actions for failure to fulfil obligations (Article 258 TFEU).

100 appeals were lodged before the Board of Appeal of ECHA; out of those, 92 were related to REACH<sup>2</sup>.

The graph below shows the litigation in both forums where ECHA was the defendant or an intervener supporting the Commission. The graph concerns only appeals and actions for annulment since ECHA cannot intervene in references for preliminary ruling or actions for Member State's failure to fulfil obligations. In 10 years, five preliminary rulings on the interpretation of the REACH Regulation were referred to the Court of Justice.

### Litigation involving ECHA



#### Cases before the EU's Court of Justice with ECHA as a defendant or intervener:

» [echa.europa.eu/about-us/the-way-we-work/procedures-and-policies/transparency/cases-where-echa-is-a-party](http://echa.europa.eu/about-us/the-way-we-work/procedures-and-policies/transparency/cases-where-echa-is-a-party)

#### Preliminary rulings on the interpretation of the REACH Regulation:

» [echa.europa.eu/about-us/the-way-we-work/procedures-and-policies/transparency/preliminary-rulings/reach](http://echa.europa.eu/about-us/the-way-we-work/procedures-and-policies/transparency/preliminary-rulings/reach)

#### Board of Appeal decisions:

» [echa.europa.eu/about-us/who-we-are/board-of-appeal/decisions](http://echa.europa.eu/about-us/who-we-are/board-of-appeal/decisions)

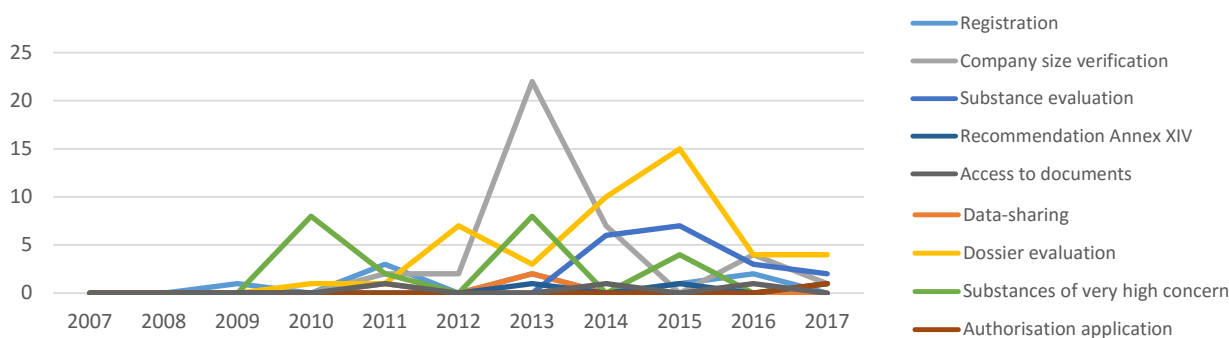
1 The statistics cover the period 1 June 2007-1 May 2017.

2 The other eight appeals related to the Biocidal Products Regulation (EU) No 528/2012.

## SOURCE OF LITIGATION

During the first 10 years of the Agency, the main source of litigation on ECHA's activity represents the area of dossier evaluation (approx. 30 %). The next most contested activity relates to identifying substances of very high concern representing 15 % of ECHA's litigation. The peak in litigation in 2013 related to the verification of company size declared for the entitlement of registration fee reductions (grey line in the graph below) is explained by overlapping challenges both before ECHA's Board of Appeal and the General Court by the same companies. From the initiation of the case to its closure, the average duration of the proceedings before the Board of Appeal is 16 months, and 23 months before the General Court. Over the years, the duration of REACH-related cases has been slightly reducing.

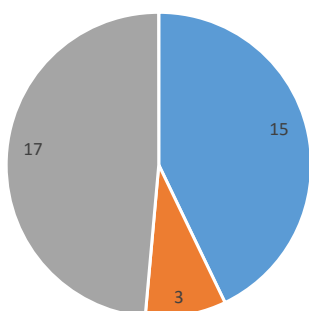
### Trends over 10 years



## OUTCOME<sup>3</sup>

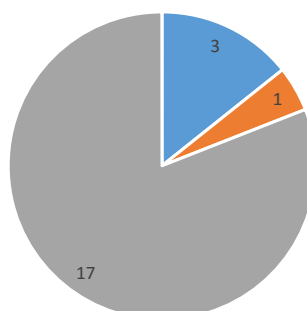
In general terms, the outcome of the appeal proceedings before the Board of Appeal has been evenly distributed between the Board of Appeal dismissing the appeal or upholding it. In cases involving ECHA before the Court of Justice, the challenged decisions have been confirmed in most of the cases.

ECHA Board of Appeal



- Contested decisions fully annulled
- Contested decisions partially annulled

Court of Justice of the EU



- Dismissal

<sup>3</sup> Cases on merit only (i.e. excluding withdrawals, interim measures or legal aid).