2. Orders Arch Chemicals, Inc., Arch Timber Protection Ltd, Rhodia UK Ltd, Sumitomo Chemical (UK) plc and Troy Chemical Co. BV to bear their own costs and to pay those incurred by the European Commission including, in the case of Sumitomo Chemical (UK) plc, those relating to the application for interim relief;

3. Orders the European Parliament, the Council of the European Union, the Kingdom of the Netherlands and the European Chemical Industry Council (CEFIC) to bear their own costs.

Judgment of the General Court (Second Chamber) of 20 September 2011 — Arch Chemicals and Others v Commission

(Joined Cases T-400/04, T-402/04 to T-404/04)

(Health policy — Placing on the market of biocidal products — Identification of active substances on the market — Decision refusing amendment of certain provisions of the legislation — Actions for failure to act — Obligation to act — Actions for annulment — Not individually concerned — Inadmissibility)

1. *Actions for failure to act — Jurisdiction of the EU judicature — Direction issued to an institution — Not permissible — Application for declaration of unlawful failure to act — Admissibility (Art. 232, second para., EC) (see para. 40)*

2. *Actions for failure to act — Commission's duty to act — Reasonable time-limits within which to respond to a call to act — Unlawfulness of EU law provisions — Obligation on the Commission to amend them — None — Obligation not arising from any provision or general principle of EU law (Arts 211 EC and 232 EC) (see paras 57, 59-60, 65-67)*

3. *Actions for annulment — Action against a decision refusing to withdraw or amend an earlier act — Admissibility to be assessed in relation to the possibility of challenging the act at issue (Art. 230 EC) (see paras 79, 86)*

Re:

ACTION, firstly, seeking a declaration of the Commission's failure to act in that it unlawfully refrained from amending certain provisions of Commission Regulation (EC) No 1896/2000 of 7 September 2000 on the first phase of the programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council on biocidal products (OJ 2000 L 228, p. 6) and of Commission Regulation (EC) No 2032/2003 of 4 November 2003 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8 and amending Regulation (EC) No 1896/2000 (OJ 2003 L 307, p. 1) and, in the alternative, action for annulment of the Commission's letter of 20 July 2004 refusing to grant the applicants' requests and, secondly, action for compensation for the loss which the applicants suffered as a result of the Commission's failure to act and, in the alternative, action for compensation for the loss caused by the Commission's letter of 20 July 2004.

Operative part

The Court:

1. Dismisses the actions;

2. Orders Arch Chemicals, Inc., Arch Timber Protection Ltd, Rhodia UK Ltd, Sumitomo Chemical (UK) plc and Troy Chemical Co. BV to bear their own costs and to pay the costs incurred by the European Commission.