

EU CASE LAW ON OGM

1. CJEU Case Law

Case C-313/11 *Commission v Poland* [2013] nyr.

18 July 2013

Regulation (EC) No 1829/2003 – Animal feed - Genetically modified feed -Production, placing on the market or use – Action for infringement (Article 258 TFEU) – Dismissal – National prohibition not yet in force

Case C-36/11 *Pioneer Hi Bred Italia Srl v Ministero delle Politiche agricole alimentari e forestali* [2012] nyr.

6 September 2012

Council Directive 2002/53/EC – Common catalogue of varieties of agricultural plant species – Genetically modified organisms accepted for inclusion in the common catalogue – Regulation (EC) No 1829/2003 – Article 20 – Existing products –Directive 2001/18/EC – Article 26a – Measures to avoid the unintended presence of genetically modified organisms – National measures prohibiting the cultivation of genetically modified organisms accepted for inclusion in the common catalogue and authorised as existing products pending measures based on Article 26a of Directive 2001/18/EC

Joined cases C-58/10 to C-68/10 *Monsanto SAS e.a.* [2011] nyr.

8 September 2011

Agriculture – Genetically modified animal feed – Emergency measures – Measure adopted by a Member State – Provisional suspension of an authorisation granted pursuant to Directive 90/220/EEC – Legal basis – Directive 2001/18/EC – Article 12 – Sectoral legislation – Article 23 – Safeguard clause – Regulation (EC) No 1829/2003 – Article 20 – Existing products – Article 34 – Regulation (EC) No 178/2002– Articles 53 and 54 – Conditions of application

Case C-442/09 *Bablok e.a.* [2011] nyr.

6 September 2011

Genetically modified food for human consumption – Regulation (EC) No 1829/2003 – Animal feed - Articles 2 to 4 and 12 – Directive 2001/18/EC – Article 2 – Directive 2000/13/EC – Article 6 – Regulation (EC) No 178/2002 – Article 2 – Apicultural products – Presence of pollen from genetically modified plants – Consequences – Placing on the market – Definition of ‘organism’ and ‘food for human consumption containing ingredients produced from genetically modified organisms’

Case C-165/08 *Commission v Poland* [2009] ECR I-6843.

16 July 2009

Genetically modified organisms – Seed – Prohibition on placing on the market – Prohibition on inclusion in the national catalogue of varieties – Directives 2001/18/EC and 2002/53/EC –

Reliance on ethical and religious grounds – Burden of proof

Case C-552/07 *Commune de Sausheim v Azelvandre* [2009] ECR I-987.

17 February 2009

Directive 2001/18/EC – Deliberate release of genetically modified organisms – Location of release – Confidentiality

Case C-121/07 *Commission v France* [2008] ECR I-9159.

9 December 2008

Failure of a Member State to fulfil obligations – Directive 2001/18/EC – Deliberate release into the environment and placing on the market of GMOs – Judgment of the Court establishing the failure of a Member State to fulfil its obligations – Non-compliance – Article 228 EC (Article 260 TFEU) – Judgment complied with during the proceedings – Pecuniary penalties

Joined cases C-439/05 P and C-454/05 P *Land Oberösterreich v Commission* [2007] ECR I-7141.

13 September 2007

Appeal – Directive 2001/18/EC – Decision 2003/653/EC – Deliberate release into the environment of genetically modified organisms – Article 95(5) EC – National provisions derogating from a harmonisation measure justified by new scientific evidence and by a problem specific to one Member State – Principle of the right to be heard

Case C-132/03 *Codacons et Federconsumatori* [2005] ECR I-4167.

26 May 2005

Regulation (EC) No 1139/98 – Article 2(2)(b) – Additional labelling requirement for foodstuffs – Compulsory particulars concerning the presence of material derived from genetically modified organisms (GMOs) – Genetically modified soya beans and maize – Exemption from the requirement in the case of adventitious presence not exceeding a particular level – Foodstuffs intended for particular nutritional use – Infants and young children – Whether derogation applies – Precautionary principle

Case C-429/01 *Commission v France* [2003] ECR I-14355.

27 November 2003

Failure of a Member State to fulfil obligations - Failure to transpose Directive 90/219/EEC - Genetically modified organisms - Contained use

Case C-316/01 *Glawischnig* [2003] ECR I-5995.

12 June 2003

Freedom of access to information - Information relating to the environment – Directive 90/313/EEC - Breaches of the rules on labelling of foodstuffs produced from genetically modified organisms

Case C-296/01 *Commission v France* [2003] ECR I-13909.

20 November 2003

Failure of a Member State to fulfil obligations - Failure to transpose Directive 90/220/EEC - Genetically modified organisms

Case C-236/01 *Monsanto Agricoltora Italia e.a.* [2003] ECR I-8105.

9 September 2003

Regulation (EC) No 258/97 - Novel foods - Placing on the market - Safety assessment - Simplified procedure - Substantial equivalence to existing foods - Foods produced from genetically modified maize - Presence of residues of transgenic protein - Measure by a Member State temporarily restricting or suspending the trade in or use of a novel food in its Territory

Case C-6/99 *Association Greenpeace France e.a.* [2000] ECR I-1651.

21 March 2000

Directive 90/220/EEC - Biotechnology - Genetically modified organisms - Decision 97/98/EC - Maize seeds

Case C-156/93 *European Parliament v Commission* [1995] ECR I-2019.

13 July 1995

Legislation on organic production of agricultural products - Respective powers of the Council and the Commission - Prerogatives of the Parliament

2. General Court Case Law

Case T-240/10 *Hungary v Commission v Poland* [2013] nyr.

13 December 2013

–Directive 2001/18/EC – Deliberate release of genetically modified organisms – Placing on the market Amflora potato – Comitology procedure – Consultation of EFSA - Additional opinion requested by the European Commission – Essential procedural requirement involving a matter of public policy – Principle of institutional equilibrium – Requirement must be raised by the EU court of its own motion – Nullification of the authorisation

Case T-164/10 *Pioneer Hi-Bred Intl* [2013] nyr.

26 September 2013

Authorisation procedure for placing on the market – Comitology - Failure by the Commission to submit a draft decision to the Council - Action for failure to act

Case T-69/08 *Poland v Commission* [2010] ECR II-5629.

9 December 2010

Approximation of laws – Directive 2001/18/EC – National provisions derogating from a harmonisation measure – Commission decision rejecting those provisions – Not notified within the six-month period laid down in the first subparagraph of Article 95(6) EC (now

Article 114(6) TFEU)

Case T-42/05 *Rhiannon Williams v Commission* [2008] ECR II-156.

10 September 2008

Access to documents – Regulation (EC) No 1049/2001 – Preparatory documents relating to the adoption of Directive 2001/18/EC on GMOs – Partial refusal of access – Implied refusal of access – Exceptions relating to the protection of commercial interests, protection of international relations and protection of the decision-making process – Obligation to state reasons

Joined Cases T-366/03 and T-235/04 *Land Oberösterreich and Austria v Commission* [2005] ECR II-4005.

5 October 2005

Approximation of laws – National provisions derogating from a harmonisation measure – Ban on the use of genetically modified organisms in Upper Austria – Conditions for application of Article 95(5) EC (Article 114(5) TFEU)

3. WTO Dispute Settlement Body

European Communities - Measures Affecting Asbestos and Asbestos-containing Products (WT/DS135/11, 12th March 2001)