

**Case law on pesticides and phyto-pharmaceutical products**

**Court of Justice**

**Case C-210/12 *Sumitomo Chemical* [2013] nyr**

17 October 2013

Patent law - Plant protection products - Supplementary protection certificate - Regulation (EC) No 1610/96 - Directive 91/414/EEC - Emergency marketing authorisation under Article 8(4) of that directive.

**Case C-584/11 P *Dow AgroSciences e.a v Commission* [2013] nyr**

7 May 2013

Appeal - Plant protection products - Active substance trifluralin - Non-inclusion in Annex I to Directive 91/414/EEC - Decision 1999/468/EC - Article 5.

**Case C-406/09 *Realchemie Nederland* [2011] ECR I-9773**

18 October 2011

Regulation (EC) No 44/2001 - Jurisdiction and recognition and enforcement of judgments - Definition of 'civil and commercial matters' - Recognition and enforcement of an order imposing a fine - Directive 2004/48/EC - Intellectual property rights - Infringement of those rights - Measures, procedures and remedies - Sentence - Exequatur procedure - Related legal costs.

**Case C-77/09 *Gowan Comércio Internacional e Serviços* [2010] ECR I-13533**

22 December 2010

Plant protection products - Directive 2006/134/EC - Validity - Restrictions on the use of fenarimol as an active substance.

**Case C-266/09 *Stichting Natuur en Milieu e.a.* [2010] ECR I-13119**

16 December 2010

Environment - Plant protection products - Directive 91/414/EEC - Public access to information - Directives 90/313/EEC and 2003/4/EC - Temporal application - Concept of environmental information - Confidentiality of commercial and industrial information.

**Case C-229/09 *Hogan Lovells International* [2010] ECR I-11335**

11 November 2010

Patent law - Plant-protection products - Regulation (EC) No 1610/96 - Directive 91/414/EEC - Supplementary protection certificate for plant protection products - Grant of a certificate for a product which had obtained a provisional marketing authorisation.

**Case C-363/09 *Commission v Spain* [2010] ECR I-90**

1 July 2010

Failure of a Member State to fulfil obligations - Directive 91/444/EEC - Plant protection products - Application for authorisation to place on the market - Data protection.

**Case C-361/06 *Feinchemie Schwebda and Bayer CropScience* [2008] ECR I-3865**

22 May 2008

Plant protection products - Authorisation to place on the market - Ethofumesate - Directives 91/414/EEC and 2002/37/EC - Regulation (EEC) No 3600/92 - Application for reopening of the oral procedure.

**Case C-201/06 *Commission v France* [2008] ECR I-735**

21 February 2008

Failure of a Member State to fulfil obligations - Plant protection products - Parallel imports - Marketing authorisation procedure - Conditions - Common origin of a plant protection product imported in parallel and the reference product.

**Case C-147/07 *Commission v France* [2008] ECR I-20**

31 January 2008

Failure of a Member State to fulfil obligations - Directives 80/778/EEC and 98/83/EC - Quality of water intended for human consumption - Maximum concentrations of nitrates and pesticides - Incorrect application.

**Joined cases C-260/06 and C-261/06 *Escalier and Bonnarel* [2007] ECR I-9717**

8 November 2007

Plant protection products - Parallel imports - Marketing authorisation procedure - Conditions - Observance of the principle of proportionality.

**Case C-326/05 P *Industrias Químicas del Vallés* [2007] ECR I-6557**

18 July 2007

Taxation of costs

**Case C-138/05 *Stichting Zuid-Hollandse Milieufederatie* [2006] ECR I-8339**

14 September 2006

Authorisation for the placing of plant protection and biocidal products on the market - Directive 91/414/CEE - Article 8 - Directive 98/8/EC - Article 16 - Power of Member States during the transitional period.

**Case C-431/04 *Massachusetts Institute of Technology* [2006] ECR I-4089**

4 May 2006

Patent law - Medicinal products - Regulation (EEC) No 1768/92 - Supplementary protection certificate for medicinal products - Concept of 'combination of active ingredients'.

**Case C-174/05 *Zuid-Hollandse Milieufederatie et Natuur and Milieu* [2006] ECR I-2443**

9 March 2006

Authorisation to place plant protection products on the market - Directive 91/414/EEC - Article 8 - Active substance named "aldicarb" - Validity of Article 2(3) of Decision 2003/199/EC.

**Case C-178/03 *Commission v Parliament and Council* [2006] ECR I-107**

10 January 2006

Action for annulment - Regulation (EC) No 304/2003 concerning the export and import of dangerous chemicals - Choice of legal basis - Articles 133 EC (207 TFEU) and 175 EC (192 TFEU).

**Case C-94/03 *Commission v Council* [2006] ECR I-1**

10 January 2006

Action for annulment - Council Decision 2003/106/EC concerning the approval of the Rotterdam Convention - Prior Informed Consent Procedure - Hazardous chemicals and pesticides in international trade - Choice of legal basis - Articles 133 EC (207 TFEU) and 175 EC (192 TFEU).

**Case C-316/04 *Stichting Zuid-Hollandse Milieufederatie* [2005] ECR I-9759**

10 November 2005

Authorisation for the placing of plant protection and biocidal products on the market - Directive 91/414/EEC - Article 8 - Directive 98/8/EC - Article 16 - Power of Member States during the transitional period.

**Joined cases C-281/03 and C-282/03 *Cindu Chemicals* [2005] ECR I-8069**

15 September 2005

Directive 76/769/EEC - Dangerous substances - Ability of the Member States to lay down additional conditions for the placing on the market and use of a biocidal product the use of whose active substance is restricted by the directive - Wood preservatives containing coal-tar distillates (carbolineum and creosote) - Wood preservatives containing copper, chrome and arsenic.

**Case C-398/03 *Gavrielides* [2004] ECR I-11463**

2 December 2004

Directive 90/642/EEC - Maximum levels for pesticide residues - Vine leaves

**Case C-443/02 *Schreiber* [2004] ECR I-7275**

15 July 2004

Article 28 EC (34 TFEU) - Directive 98/8/EC - Placing of biocidal products on the market - National measure requiring authorisation for the placing on the market of blocks of red cedar wood having natural anti-moth properties.

**Case C-258/99 *BASF* [2001] ECR I-3643**

10 May 2001

Regulation (EC) No 1610/96 - Plant protection products - Supplementary protection certificate.

**Case C-306/98 *Monsanto* [2001] ECR I-3279**

3 May 2001

Directive 91/414/EEC - Plant protection products - Authorisation for placing on the market - Assessment of an application for authorisation - Transitional period

**Case C-465/98 *Darbo* [2000] ECR I-2297**

4 April 2000

Labelling and presentation of foodstuffs - Directive 79/112/EEC - Strawberry jam - Risk of deception

**Case C-100/96 *British Agrochemicals Association* [1999] ECR I-1499**

11 March 1999

Marketing authorisation - Plant protection product imported from an EEA State or a third country - Identical to a plant protection product already authorised by the Member State of importation - Assessment of identical nature - Member States' power of assessment.

**Case C-400/96 *Harpegnies* [1998] ECR I-5121**

17 September 1998

Plant protection products - National legislation requiring approval by the competent authorities - Free movement of goods - Article 30 EC (34 TFEU)

**Case C-137/96 *Commission v Germany* [1997] ECR I-6749**

27 November 1997

Failure of a Member State to fulfil its obligations - Non-transposition of Directive 91/414/EEC.

**Case C-293/94 *Brandsma* [1996] ECR I-3159**

27 June 1996

Free movement of goods - Derogations - Protection of public health - Powers of the Member States - Biocides.

**Case C-303/94 *Parliament v Council* [1996] ECR I-2943**

18 June 1996

Directive concerning the marketing of plant protection products - Prerogatives of the Parliament.

**Joined cases C-54/94 and C-74/94 *Cacchiarelli* [1995] ECR I-391**

23 February 1995

Council Directives 76/895/EEC and 90/642/EEC - Maximum permissible levels of pesticide residues on or in potatoes.

**Case C-61/93 *Commission v Netherlands* [1994] ECR I-3607**

14 July 1994

Failure of a Member State to fulfil its obligations - Obligation to give prior notification under Directive 83/189/EEC.

**Case 125/88 *Nijman* [1989] ECR 3533**

7 November 1989

National legislation prohibiting the use of a plant-protection product - Free movement of goods - Article 30 EC (34 TFEU) - Measures having equivalent effect.

**Case 54/85 *Mirepoix* [1986] ECR 1067**

13 March 1986

National legislation prohibiting the use of a pesticide - Free movement of goods - Article 30 EC (34 TFEU) - Measures having equivalent effect.

**Case 94/83 *Heijn* [1984] ECR 3263**

19 September 1984

Prohibition of pesticides for apples - Free movement of goods - Article 30 EC (34 TFEU) - Measures having equivalent effect.

**Case 155/82 *Commission v Belgium* [1983] ECR 531**

2 March 1983

Phyto-pharmaceutical products - Conditions for approval.

## General Court

### **Case T-545/11 *Stichting Greenpeace Nederland and PAN Europe v Commission* [2013] nyr**

8 October 2013

Access to documents - Regulation (EC) No 1049/2001 - Documents relating to the first authorisation of the placing on the market of the active substance 'glyphosate' - Partial refusal of access - Risk of an adverse effect on the commercial interests of a natural or legal person - Article 4(5) of Regulation No 1049/2001 - Overriding public interest - Regulation (EC) No 1367/2006 - Article 6(1) of Regulation No 1367/2006 - Directive 91/414/EEC.

### **Case T-31/07 *Du Pont de Nemours (France) e.a. v Commission* [2013] nyr**

12 April 2013

Plant protection products - Active substance flusilazole - Inclusion of flusilazole in Annex I to Directive 91/414/EEC - Actions for annulment - Partial annulment - Non-severability - Inadmissibility - Non-contractual liability - Limiting the inclusion for a period of 18 months and for four crops - Precautionary principle - Principle of proportionality - Right to be heard - Equal treatment - Statement of reasons - Misuse of powers - Sufficiently serious breach of a rule of law conferring rights on individuals.

### **Case T-214/11 *ClientEarth and PAN Europe v EFSA* [2013] nyr**

13 September 2013

Access to documents - Regulation (EC) No 1049/2001 - Names of experts who submitted comments on a guidance document relating to the scientific documents to be included in applications for authorisation to place plant protection products and the active substances contained in those products on the market - Refusal of access - Exception concerning protection of privacy and the integrity of the individual - Protection of personal data - Regulation (EC) No 45/2001 - Obligation to state reasons.

### **Case T-483/11 *Sepra Europe v Commission* [2013] nyr**

6 September 2013

Plant-protection products - Active substance flurprimidol - Non-inclusion of flurprimidol in Annex I to Directive 91/414/EEC - Regulation (EC) No 33/2008 - Accelerated assessment procedure - Manifest error of assessment - Rights of the defence - Proportionality - Obligation to state reasons.

### **Case T-338/08 *Stichting Natuur en Milieu et Pesticide Action Network Europe v Commission* [2012] nyr**

14 June 2012

Environment - Regulation (EC) No 1367/2006 - Maximum residue levels for pesticides - Request for internal review - Refusal - Measure of individual scope - Validity - Aarhus Convention.

**Case T-71/10 *Xeda International SA and Pace International v Commission* [2012] nyr**

19 January 2012

Plant protection products - Active substance diphenylamine - Non-inclusion in Annex I to Directive 91/414/EEC - Withdrawal of authorisations of plant protection products containing that substance - Action for annulment - Locus standi - Admissibility - Proportionality - Article 6(1) of Directive 91/414 - Rights of the defence - Article 3(2) of Regulation (EC) No 1095/2007.

**Case T-269/11 R *Xeda International v Commission* [2011] ECR II-389**

15 November 2011

Application for interim measures - Plant protection products - Active substance ethoxyquin - Non-inclusion of ethoxyquin in Annex I to Directive 91/414/EEC - Withdrawal of authorisations for plant protection products containing ethoxyquin - Application to suspend the operation of a measure - Lack of urgency.

**Case T-475/07 *Dow AgroSciences e.a. v Commission* [2011] ECR II-5937**

9 September 2011

Plant-protection products - Active substance trifluralin - Non-inclusion in Annex I to Directive 91/414/EEC - Action for annulment - Evaluation procedure - New study and additional study - Time-limits - Concepts of 'risk' and 'hazard' - Manifest error of assessment - Draft review report - Draft directive or decision - Time-limits - Consequences of possible non-compliance - Legitimate expectations - Principle of proportionality - Decision 1999/468/EC ('the comitology decision') - Regulation (EC) No 850/2004 - Article 3(3) - Plea of illegality.

**Case T-334/07 *Denka International v Commission* [2009] ECR II-4205**

19 November 2009

Plant-protection products - Active substance dichlorvos - Non-inclusion in Annex I to Directive 91/414/EEC - Evaluation procedure - Opinion of an EFSA Scientific Panel - Plea of illegality - Article 20 of Regulation (EC) No 1490/2002 - Submission of new studies and data during the evaluation procedure - Article 8 of Regulation (EC) No 451/2000 - Article 28(1) of Regulation (EC) No 178/2002 - Legitimate expectations - Proportionality - Equal treatment - Principle of sound administration - Rights of the defence - Principle of subsidiarity - Article 95(3) EC and Articles 4(1) and 5(1) of Directive 91/414.

**Case T-420/05 *Vischim v Commission* [2009] ECR II-3841**

7 October 2009

Plant protection products - Active substance chlorothalonil - Inclusion in Annex I to Directive 91/414/EEC - Assessment procedure - Directive 2005/53/EC - Application for annulment - Application for a declaration of failure to act - Application for damages.

**Case T-380/06 *Vischim v Commission* [2009] ECR II-3911**

7 October 2009

Plant protection products - Active substance chlorothalonil - Amendment of the entry in Annex I to Directive 91/414/EEC - Directive 2006/76/EC - Retroactivity - No transitional period - Legal certainty - Legitimate expectations - Principle of equal treatment.

**Case T-326/07 *Cheminova e.a. v Commission* [2009] ECR II-2685**

3 September 2009

Plant-protection products - Active substance ‘malathion’ - Non-inclusion in Annex I to Directive 91/414/EEC - Action for annulment - Locus standi - Admissibility - Evaluation procedure - Assessment by EFSA - Plea of illegality - Article 20 of Regulation (EC) No 1490/2002 - Submission of new studies - Article 8(2) and (5) of Regulation (EC) No 451/2000 - Legitimate expectation - Proportionality - Equal treatment - Principle of sound administration - Rights of the defence - Principle of subsidiarity - Article 95(3) EC, Articles 4(1) and 5(1) of Directive 91/414.

**Case T-75/06 *Bayer CropScience e.a. v Commission* [2008] ECR II-2081**

9 September 2008

Directive 91/414/EEC - Plant protection products - Endosulfan as an active substance - Withdrawal of marketing authorisations - Evaluation procedure - Time-limits - Rights of the defence - Principle of proportionality.

**Case T-229/04 *Sweden v Commission* [2007] ECR II-2437**

11 July 2007

Directive 91/414/EEC - Plant protection products - Paraquat as an active substance - Marketing authorisation - Authorisation procedure - Protection of human and animal health.

**Joined cases T-236/04 & T-241/04 *EEB* [2005] ECR II-4945**

28 November 2005

Action for annulment – Decisions 2004/247/EC and 2004/248/EC – Objection of inadmissibility – Standing to bring proceedings.

**Case T-158/03 *Industrias Químicas del Vallés v Commission* [2005] ECR II-2425**

28 June 2005

Directive 91/414/EEC - Plant protection products - Active substances - Metalaxyl - Authorisation procedure - Summary dossier and complete dossier - Time-limits - Principle of proportionality - Misuse of powers.

**Case T-177/02 *Malagutti-Vezinhet v Commission* [2004] ECR II-827**

10 March 2004

General safety of goods - Community rapid alert system for food and feed - Claim for compensation.