



Reports of Cases

Order of the General Court (Third Chamber) of 27 April 2016 —

European Union Copper Task Force v Commission

(Case T-310/15)

(Action for annulment — Plant-protection products — Implementing Regulation (EU) 2015/408 — Establishment of a list of candidates for substitution — Inclusion of copper compounds on that list — Lack of individual concern — Regulatory measure comprising implementing measures — Inadmissible)

1. *Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them — Commission regulation identifying an active substance as a candidate for substitution pursuant to Regulation No 1107/2009 — Action by an association of producers of the substance in question — Admissibility — Conditions (Art. 263, fourth para., TFEU; European Parliament and Council Regulation No 1107/2009, Art. 80(7), and Annex II, point 4; Commission Regulation No 2015/408, second recital and Art. 1; Council Directive 91/414, Annex I) (see paras 19-32)*
2. *Actions for annulment — Natural or legal persons — Concept of a regulatory act — Any act of general scope other than legislative acts — Commission regulation identifying an active substance as a candidate for substitution pursuant to Regulation No 1107/2009 — Included (Arts 263, fourth para., TFEU and 289(1) to (3) TFEU; European Parliament and Council Regulation No 1107/2009, Arts 78(3), and 79(2); Commission Regulation No 2015/408; Council Decision 1999/468, Arts 3 and 7) (see paras 34-36)*
3. *Actions for annulment — Natural or legal persons — Regulatory acts — Acts not comprising implementing measures and concerning the applicant directly — Concept of implementing measures — Criteria — Commission regulation identifying an active substance as a candidate for substitution pursuant to Regulation No 1107/2009 — Effects produced through the intermediary of measures taken by the national authorities — Acts constituting implementing measures (Art. 263, fourth para., TFEU; European Parliament and Council Regulation No 1107/2009, Arts 20(1), 24(1), 36(2), 41(2)(b), 43(1), 44(3), 45(1), and 50(1) and (4); Commission Regulation No 2015/408) (see paras 37, 44, 47, 48, 50, 51)*
4. *Fundamental rights — Right to effective judicial protection — Review of legality of EU measures — Procedures — Protection of that right by the EU judicature or by the national courts according to the legal nature of the contested measure — Possibility of using an annulment action or reference for a preliminary ruling on validity (Art. 19(1) TEU; Arts 263 TFEU, 267 TFEU and 277 TFEU; Charter of Fundamental Rights of the European Union, Arts 47 and 51(1)) (see paras 53-59)*

Re:

ACTION for partial annulment of Commission Implementing Regulation (EU) 2015/408 of 11 March 2015 on implementing Article 80(7) of Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and establishing a list of candidates for substitution (OJ 2015 L 67, p. 18).

Operative part

1. The action is dismissed as inadmissible.
2. There is no need to rule on the applications for leave to intervene submitted by the Parliament and the Council.
3. European Union Copper Task Force is ordered to pay the costs.