



Reports of Cases

Order of the Court (Sixth Chamber) of 12 January 2017 — Amrita and Others v Commission

(Case C-280/16 P)¹

(Appeal — Article 181 of the Rules of Procedure of the Court of Justice — Protection of plant health — Directive 2000/29/EC — Protection against the introduction into and spread within the European Union of organisms harmful to plants or plant products — Implementing Decision (EU) 2015/789 — Measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells and Raju) — Action for annulment — Fourth paragraph of Article 263 TFEU — Regulatory act — Implementing measures — Person individually concerned)

1. *Actions for annulment — Natural or legal persons — Meaning of ‘regulatory acts entailing implementing measures’ — Decision of the Commission concerning measures designed to prevent the introduction and spread in the EU of the bacterium Xylella fastidiosa — Included*

(Art. 263, fourth para., TFEU; Commission Decision 2015/789, Arts 4 to 7)

(see paras 36-54)

2. *Actions for annulment — Natural or legal persons — Regulatory acts entailing implementing measures — Court remedies available against such measures — Conditions for using objection of illegality or reference for a preliminary ruling on validity*

(Art. 267 TFEU)

(see para. 55)

3. *Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them — Individual concern — Criteria — Decision of the Commission concerning measures designed to prevent the introduction and spread in the EU of the bacterium Xylella fastidiosa — Action of olive oil producing undertakings falling within the category of operators concerned by the decision without being individualised by the application in their regard of the provisions in question — Not individually concerned*

(Art. 263, fourth para., TFEU; Commission Decision 2015/789)

(see paras 62-65, 67, 68)

¹ OJ C 260, 18.7.2016.

4. *Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them — Conditions cumulative in nature — Inadmissibility of the action where just one of those conditions not met*

(Art. 263, fourth para., TFEU)

(see para. 66)

Operative part

1. The appeal is dismissed.
2. Amrita Soc. coop. arl, Dei Agre di Cesi Marta, Comune agricola Lunella Soc. mutua coop. arl, Azienda agricola Rollo Olga, Azienda agricola Borrello Claudia, Società agricola Merico Maria Rosa SNC, Azienda agricola di Marzo Luigi, Azienda agricola Stasi Anna Maria, Azienda agricola Crie di Miggiano Gianluigi, Azienda agricola di Castriota Maria Grazia, Azienda agricola di Cagnoni Fiorella, Azienda agricola Spirdo ss agr., Impresa Agricola Stamerra Stefania, Azienda agricola Clemente Pezzuto di Pezzuto Francesco, Azienda agricola di Simone Cosimo Antonio and Masseria Alti Pareti Soc. agr. Arl are ordered to pay the costs.