

Request for a preliminary ruling from the Conseil d'État (France) lodged on 8 July 2019 — Union des industries de la protection des plantes v Premier ministre, Ministre de la transition écologique et solidaire, Ministre des Solidarités et de la Santé, Ministre de l'Agriculture et de l'Alimentation, Agence nationale de sécurité sanitaire de l'alimentation, de l'environnement et du travail

(Case C-514/19)

(2019/C 295/14)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicant: Union des industries de la protection des plantes

Defendants: Premier ministre, Ministre de la transition écologique et solidaire, Ministre des Solidarités et de la Santé, Ministre de l'Agriculture et de l'Alimentation, Agence nationale de sécurité sanitaire de l'alimentation, de l'environnement et du travail

Interveners: Association Générations futures, Union nationale de l'apiculture française (UNAF), Syndicat national de l'apiculture

Questions referred

1. Where a national measure designed to restrict the use of active substances has been formally notified to the Commission on the basis of Article 5 of Directive 2015/1535/EU of 9 September 2015, ⁽¹⁾ together, however, with a presentation of the information which leads the Member State to take the view that the substance is likely to constitute a serious risk to human or animal health or to the environment and that that risk can be adequately controlled, as the legislation currently stands, only by measures taken by the Member State, a presentation sufficiently clear for the Commission not to make the mistake of thinking that that notification has been made on the basis of Regulation No 1107/2009 of 21 October 2009, ⁽²⁾ can the European Commission regard that notification as having been submitted under the procedure laid down in Articles 69 and 71 of that regulation and adopt, as appropriate, additional measures of enquiry satisfying both the requirements of that legislation and the concerns expressed by that Member State?
2. If the answer to that question is in the affirmative, must Implementing Regulations 2018/783, ⁽³⁾ 2018/784 ⁽⁴⁾ and 2018/785 ⁽⁵⁾ of 29 May 2018 prohibiting the use of the substances thiamethoxam, clothianidin and imidacloprid, from 19 December 2018, with the exception of treatments for crops staying within permanent greenhouses during their entire life-cycle, be regarded as measures taken in response to the application made by France on 2 February 2017 for the general prohibition of the use of plant protection products containing one or more substances belonging to the neonicotinoid family and of seeds treated with those products?
3. If the answer to the previous question is in the affirmative, what can a Member State do if it has asked the Commission, pursuant to Article 69 of Regulation No 1107/2009, to take measures to restrict or prohibit the use of plant protection products containing one or more substances of the neonicotinoid family and of seeds treated with those products, and the Commission complies only in part with its request by not restricting the use of all the substances belonging to the neonicotinoid family but by restricting the use of three of them?

⁽¹⁾ Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ 2015 L 241, p. 1).

⁽²⁾ Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ 2009 L 309, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) 2018/783 of 29 May 2018 amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance imidacloprid (OJ 2018 L 132, p. 31).

⁽⁴⁾ Commission Implementing Regulation (EU) 2018/784 of 29 May 2018 amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance clothianidin (OJ 2018 L 132, p. 35).

⁽⁵⁾ Commission Implementing Regulation (EU) 2018/785 of 29 May 2018 amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance thiamethoxam (OJ 2018 L 132, p. 40).