



Reports of Cases

Order of the President of the General Court of 8 June 2020 – Ascenza Agro v Commission

(Case T-77/20 R)

(Application for interim relief – Plant protection products – Regulation (EC) No 1107/2009 – Implementing regulation (EU) 2020/17 – Non-renewal of approval of the active substance chlorpyrifos-methyl – Application for suspension of operation of a measure – Lack of any urgency – Serious and irreparable damage – Absence)

1. *Interim relief – Suspension of operation of a measure – Interim measures – Conditions for granting – Urgency – Serious and irreparable damage – Burden of proof – Financial loss – Obligation to provide concrete and precise indications, supported by detailed documentary evidence*

(Arts 278 and 279 TFEU; Rules of Procedure of the General Court, Art. 156(4))

(see paras 35-38, 73)

2. *Interim relief – Suspension of operation of a measure – Interim measures – Conditions for granting – Urgency – Serious and irreparable damage – Financial loss – Serious nature of the harm – Situation liable to endanger the existence of the applicant company – Assessment in the light of the size and turnover of the undertaking and the situation of the group to which it belongs – Activity in highly regulated markets – Examination of the circumstances of each case*

(Arts 278 and 279 TFEU)

(see paras 54-56, 61, 62)

3. *Interim relief – Suspension of operation of a measure – Interim measures – Conditions for granting – Urgency – Serious and irreparable damage – Financial loss – Serious nature of the harm – Assessment in the absence of information concerning the size of the undertaking concerned – Financial harm which is objectively significant sustained by an undertaking owing to an alleged obligation to make a commercial choice within a disadvantageous timescale – Risk that should normally be borne by an undertaking operating in a highly regulated market*

(Arts 278 and 279 TFEU)

(see paras 64, 65)

4. *Interim relief – Suspension of operation of a measure – Interim measures – Conditions for granting – Urgency – Serious and irreparable damage – Financial loss – Damage which cannot be quantified – Damage not reparable by means of an action for damages – Irreparable character*

(Arts 268, 278, 279 and 340 TFEU)

(see paras 83-86)

5. *Interim relief – Suspension of operation of a measure – Interim measures – Conditions for granting – Urgency – Serious and irreparable damage – Burden of proof – Financial loss – Irreparable alteration in market share – Included – Conditions – Assessment having regard to the size of the undertaking and the situation of the group to which it belongs*

(Arts 278 and 279 TFEU)

(see para. 91)

Re:

Application based on Articles 278 and 279 TFEU, seeking suspension of the operation of Commission Implementing Regulation (EU) 2020/17 of 10 January 2020 concerning the non-renewal of the approval of the active substance chlorpyrifos-methyl, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 (OJ 2020 L 7, p. 11).

Operative part

1. The application for interim measures is dismissed.
2. The costs are reserved.