2. If the answer to the first question is that the Member State concerned has no or limited discretion, how is the right to an effective remedy under Article 47 of the Charter given effect? Is it then possible for the correctness of the zonal rapporteur Member State's assessment to be fully challenged before the national court of the Member State concerned?

3. If the Member State concerned, or the court of that Member State, concludes that the zonal rapporteur Member State's assessment is based on insufficient grounds, to what extent is the Member State concerned required to involve the zonal rapporteur Member State in preparing an adequately reasoned assessment?

4. Can the zonal rapporteur Member State confine itself to an assessment based exclusively on adopted guidance documents, even if the scientific and technical knowledge contained therein is no longer fully up to date?

5. If the answer to the previous question is in the negative, can the Member State carrying out the zonal assessment additionally rely on scientific and technical knowledge contained in guidance documents which have already been drawn up but not yet adopted, or must the Member State carrying out the zonal assessment take account of all scientific and technical knowledge available even outside of the guidance documents?

([1]) 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).

Request for a preliminary ruling from the College van Beroep voor het bedrijfsleven (Netherlands) lodged on 11 May 2022 — Pesticide Action Network Europe (PAN Europe) v College voor de toelating van gewasbeschermingsmiddelen en biociden, in the presence of: Adama Registrations B.V. (Adama)

(Case C-309/22)

(2022/C 359/22)

Language of the case: Dutch

Referring court

College van Beroep voor het bedrijfsleven

Parties to the main proceedings

Applicant: Pesticide Action Network Europe (PAN Europe)

Defendant: College voor de toelating van gewasbeschermingsmiddelen en biociden

In the presence of: Adama Registrations B.V. (Adama)

Questions referred

1. Does Article 2 of Regulation 2018/605 ([1]) imply that the competent authority must also apply the new criteria for the determination of endocrine disrupting properties in the assessment and decision-making process relating to applications for authorisation which were still pending on 10 November 2018, also in view of Article 29(1)(e) in conjunction with Article 4(3) of Regulation 1107/2009? ([2])

2. If the answer to the first question is in the negative, is it incumbent on the competent authority to stay the assessment and decision-making process relating to applications for authorisation pending the findings of the European Commission on the effects of Regulation 2018/605 on any proceedings pending under Regulation 1107/2009, having regard to recital 8 of the preamble to Regulation 2018/605?

3. If the answer to that second question is in the negative, is it sufficient for the competent authority to make an assessment solely on the basis of data known at the time of the application, even if the scientific and technical knowledge reflected therein is no longer current at the time when the contested decision is taken?

(1) Commission Regulation (EU) 2018/605 of 19 April 2018 amending Annex II to Regulation (EC) No 1107/2009 by setting out scientific criteria for the determination of endocrine disrupting properties (OJ 2018 L 101, p. 33).

(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).

Request for a preliminary ruling from the College van Beroep voor het bedrijfsleven (Netherlands) lodged on 11 May 2022 — Pesticide Action Network Europe (PAN Europe) v College voor de toelating van gewasbeschermingsmiddelen en biociden in the presence of: BASF Nederland BV (BASF)

(Case C-310/22)

(2022/C 359/23)

Language of the case: Dutch

Referring court

College van Beroep voor het bedrijfsleven

Parties to the main proceedings

Applicant: Pesticide Action Network Europe (PAN Europe)

Defendant: College voor de toelating van gewasbeschermingsmiddelen en biociden

In the presence of: BASF Nederland BV (BASF)

Questions referred

1. Does it follow from the second paragraph of Article 4(1) of Regulation 1107/2009, (1) in conjunction with paragraph 3.6.5 of Annex II thereto, that the potential endocrine disrupting properties of an active substance need no longer be assessed during the assessment at national level of an application for authorisation of a plant protection product?

2. If the answer to the first question is in the affirmative, does it mean that the scientific insights and technical knowledge relating to endocrine disrupting properties, which, for example, underpin Regulations 283/2013 (2) and 2018/605, (3) need not be taken into account when assessing the authorisation of a plant protection product? How does that relate to the requirement of Article 29(1)(e) of Regulation 1107/2009 that such an assessment must be conducted on the basis of current scientific and technical knowledge?

3. If the answer to the first question is in the affirmative, how can a non-governmental organisation such as the appellant be said to have an effective remedy under Article 47 of the Charter to refer the approval of an active substance to a court of law?

4. If the answer to the first question is in the negative, does it mean that, when assessing an application for authorisation, the state of scientific and technical knowledge about that endocrine disrupting property at that time is decisive?

(1) 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).

(2) Commission Regulation (EU) No 283/2013 of 1 March 2013 setting out the data requirements for active substances, 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 (OJ 2013 L 93, p. 1).

(3) Commission Regulation (EU) 2018/605 of 19 April 2018 amending Annex II to Regulation (EC) No 1107/2009 by setting out scientific criteria for the determination of endocrine disrupting properties (OJ 2018 L 101, p. 33).