



Reports of Cases

Judgment of the Court (Sixth Chamber) of 18 July 2013 — **Commission v France**

(Case C-520/11)

(Failure of a Member State to fulfil obligations — Decision 2009/726/EC — Non-compliance — Imports of milk and milk products — Origin — At-risk holdings in terms of cases of spongiform encephalopathies — National prohibitions)

1. *Agriculture — Approximation of laws on animal health — Protection measures with regard to transmissible spongiform encephalopathies — Imports of milk products from at-risk holdings — National prohibitive measures — Commission decision ordering the suspension of those measures — Non-compliance — Failure to fulfil obligations (European Parliament and Council Regulations No 999/2001 and No 178/2002; Commission Regulation No 727/2007; Commission Decision 2009/726) (see paras 28-31, 36)*
2. *Actions for failure to fulfil obligations — Examination of the merits by the Court — Situation to be taken into consideration — Situation on expiry of the period laid down in the reasoned opinion (Art. 258 TFEU) (see para. 37)*

Re:

Failure to fulfil obligations — Infringement of Arts 4(3) TEU and 288 TFEU — Failure to comply with Commission Decision 2009/726/EC of 24 September 2009 concerning interim protection measures taken by France as regards the introduction onto its territory of milk and milk products coming from a holding where a classical scrapie case is confirmed (OJ 2009 L 258, p. 27).

Operative part

The Court:

1. Declares that, by failing to comply with Commission Decision 2009/726/EC of 24 September 2009 concerning interim protection measures taken by France as regards the introduction onto its territory of milk and milk products coming from a holding where a classical scrapie case is confirmed, the French Republic has failed to fulfil its obligations under Articles 4(3) TEU and 288 TFEU;

2. The French Republic is ordered to pay costs.