



Reports of Cases

Judgment of the General Court (Ninth Chamber) of 12 December 2014 — Xeda International v Commission

(Case T-269/11)

(Plant protection products — Active substance ethoxyquin — Non-inclusion in Annex I to Directive 91/414/EEC — Withdrawal of authorisations for plant protection products containing that substance — Regulation (EC) No 2229/2004 — Regulation (EC) No 33/2008 — Accelerated assessment procedure — Manifest error of assessment — Rights of the defence — Proportionality — Legitimate expectations)

1. *Agriculture — Approximation of laws — Placing of plant protection products on the market — Directive 91/414 — Procedure for adding the active substances of those products to Annex I to that directive — Discretion of the Commission — Judicial review — Scope (Council Directive 91/414, Annex I) (see paras 41-43, 62)*
2. *Agriculture — Approximation of laws — Placing of plant protection products on the market — Directive 91/414 — Procedure for adding the active substances of those products to Annex I to that directive — Scientific uncertainty as to the safety of a substance — Application of the precautionary principle — Scope (Council Directive 91/414, Annex I) (see paras 54-58)*
3. *EU law — Principles — Rights of defence — Scope — Procedure for registering active substances of plant-protection products in Annex I to Directive 91/414 — No right to submit additional data during the assessment procedure (Commission Regulation No 33/2008, Arts 18(3), and 20(2), second para.; Council Directive 91/414, Annex I) (see paras 107, 108, 116)*
4. *EU law — Principles — Legal certainty — Concept — Rules with negative consequences for individuals — Requirement of clarity and precision (see para. 127)*
5. *EU law — Principles — Protection of legitimate expectations — Conditions (see para. 128)*
6. *Agriculture — Approximation of laws — Placing of plant protection products on the market — Directive 91/414 — Commission decision on the non-registration of an active substance in Annex I to that directive — Lack of sufficient information to conclude that no risks present — Consequences for the undertaking seeking registration in terms of the costs of preparing a new file and losses of commercial revenues — No breach of principle of proportionality (Council Directive 91/414, Art. 5(1), and Annex I) (see paras 136-138, 143, 151)*

Re:

ACTION for annulment of Commission Decision 2011/143/EU of 3 March 2011 concerning the non-inclusion of ethoxyquin in Annex I to Council Directive 91/414/EEC and amending Commission Decision 2008/941/EC (OJ 2011 L 59, p. 71).

Operative part

The Court:

1. Dismisses the action;
2. Orders Xeda International SA to bear its own costs and to pay the costs incurred by the European Commission, including those relating to the proceedings for interim relief.