Judgment of the Court of First Instance (Fifth Chamber) of 31 January 2006 — Albrecht and Others v Commission

(Case T-251/03)

Health policy — Veterinary medicinal products — Products containing benzathine benzylpenicillin — Commission decision ordering suspension of marketing authorisations — Competence

Approximation of laws — Veterinary medicinal products — Marketing authorisation (Art. 5, first para., EC; European Parliament and Council Directive 2001/82, Art. 35; Council Directive 81/851, Art. 20) (see paras 81, 87, 89, 92)

Re:

APPLICATION for the annulment of Commission Decision C(2003) 1404 of 22 April 2003 ordering suspension of the marketing authorisations of veterinary medicinal products containing benzathine benzylpenicillin intended to be administered by intramuscular and/or subcutaneous means to food-producing animals.

Operative part

The Court:

1. Annuls Commission Decision C(2003) 1404 of 22 April 2003 ordering suspension of the marketing authorisations of veterinary medicinal products containing benzathine benzylpenicillin intended to be administered by intramuscular and/or subcutaneous means to food-producing animals;

2. Orders the Commission to bear its own costs and those incurred by the applicants;

3. Orders the French Republic to bear its own costs.