INFORMATION ON UNPUBLISHED DECISIONS

Reports of Cases

Judgment of the General Court (Fifth Chamber) of 19 January 2012 — Xeda International and Pace International v Commission

(Case T-71/10)

(Plant protection products — Active substance diphenylamine — Non-inclusion in Annex I to Directive 91/414/EEC — Withdrawal of authorisations of plant protection products containing that substance — Action for annulment — Locus standi — Admissibility — Proportionality — Article 6(1) of Directive 91/414 — Rights of the defence — Article 3(2) of Regulation (EC) No 1095/2007)

1. *Agriculture — Approximation of laws — Placing of plant protection products on the market — Directive 91/414 — Procedure for inclusion of the active substances of those products in Annex I to the directive — Discretion of the Commission — Judicial review — Scope (Council Directive 91/414, Annex I) (see paras 69-71)*

2. *Agriculture — Approximation of laws — Placing of plant protection products on the market — Directive 91/414 — Procedure for inclusion of the active substances of those products in Annex I to the directive — Residual scientific uncertainty as to the existence or scope of risks to human health — Application of the precautionary principle — Scope — Limits (Art. 174(2) EC; Council Directive 91/414, Art. 5(1)(b), and Annex I) (see paras 74-76)*

3. *Agriculture — Common agricultural policy — Scientific assessment of risks — Requirement for a high level of health protection — Scope (Art. 152(1), first para., EC) (see paras 77, 78)*

4. *Agriculture — Approximation of laws — Placing of plant protection products on the market — Directive 91/414 — Commission decision not to enter an active substance in Annex I to the directive — Lack of sufficient information to conclude that no risks present — Breach of principle of proportionality — None (Council Directive 91/414, Art. 5(1), and Annex I) (see paras 126-128, 132, 137)*

Re:

APPLICATION for annulment of Commission Decision 2009/859/EC of 30 November 2009 concerning the non-inclusion of diphenylamine in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance (OJ 2009 L 314, p. 79).

Operative part

The Court:

1. Dismisses the action;

2. Orders Xeda International SA and Pace International LLC to bear their own costs and to pay those of the European Commission, including the costs relating to the proceedings for interim measures.