

## Precautionary Principle

### 1. CJEU Case Law

**C-174/82**, *Sandoz*, 14 July 1983. Marketing of foodstuffs; free movement of goods

**C-97/83**, *Melkunie*, 6 June 1984. Milk products; free movement of goods

**C-178/84**, *Commission v. Germany*, 12 March 1987. Beer; free movement of goods

**C-255/86**, *Commission v. Belgium*, 4 February 1988. Market in fruit and vegetables; free movement of goods

**C-302/86**, *Commission v. Denmark*, 20 September 1988. Beer and soft drinks; free movement of goods;

**C-169/89**, *Gourmetterie van den Burg*, 23 May 1990. Sale of wild birds; free movement of goods;

**C-331/88**, *Fedesa*, 13 November 1990. Hormones; food safety; proportionality

**C-42/90**, *Bellon*, 13 December 1990. Preservatives and food additives; food safety; free movement of goods;

**C-405/92**, *Armand Mondiet*, 24 November 1993. Fisheries; tangle nets ; proportionality

**C-323/93**, *Centre d'insémination de la Crespelle*, 5 October 1994. Animals; geographical monopoly

**C-320/93**, *Ortscheit*, 10 November 1994. Medicines; free movement of goods; protection of public health

**C-180/96R**, *United Kingdom v. Commission*, 12 July 1996. Agriculture; mad cow disease

**C-183/95**, *Affish*, 17 July 1997. Veterinary inspection; protective measures; proportionality; legitimate expectations.

**C-127/95**, *Norbrook Laboratories*, 2 April 1998. Veterinary medicinal products; marketing authorization

**C-157/96**, *National Farmers' Union and Others*, 5 May 1998. Food safety; mad cow disease; animal health; proportionality

**C-180/96**, *United Kingdom v. Commission*, 5 May 1998. Food safety; mad cow disease; animal health; proportionality

**C-127/97**, *Willi Burstein v. Freistaat Bayern*, 1 October 1998. Dangerous substances and preparations

**C-67/97**, *Bluhme*, 3 December 1998. Bees; protection of the health and life of animals; free movement of goods;

**C-120/97**, *Upjohn*, 21 January 1999. Medicinal products; marketing authorization

- C-175/98 and 177/98**, *Lirussi*, 5 October 1999. Hazardous waste
- C-151/98 P**, *Pharos v. Commission*, 18 November 1999. Veterinary medicinal products
- C-6/99**, *Greenpeace France v. Ministère des Affaires étrangères*, 21 March 2000. GMOs; safeguard clause
- C-418/97 and C-419/97**, *ARCO Chemie Nederland*, 15 June 2000. Waste (scope of ambit)
- C-514/99**, *Commission v. France*, 21 June 2000. Animal health; BSE
- C-352/98 P**, *Bergaderm*, 4 July 2000. Non-contractual liability of the Community
- C-473/98**, *Kemikalieinspektionen v. Toolex Alpha AB*, 11 July 2000. Workers; exposure to carcinogens; chemicals; free movement of goods; principle of substitution
- C-1/00**, *Commission v. France*, 13 December 2001. Public health; british beef and veal
- C-9/00**, *Palin Granit Oy*, 18 April 2002. Waste (scope of ambit)
- C-121/00**, *Walter Hahn*, 24 October 2002. Fisheries; proportionality
- C-3/00**, *Commission v. Denmark*, 20 March 2003. Food safety; nitrates; public health
- C-143/02**, *Commission v. Italy*, 20 March 2003. Wildlife; natural habitats
- C-236/01**, *Monsanto Agricoltura Italia*, 9 September 2003. Food safety; GMOs; novel foods; public health; safeguard clause
- C-192/01**, *Commission v. Denmark*, 23 September 2003. Food safety; nutritional need; public health; free movement of goods
- C-24/00**, *Commission v. France*, 5 February 2004. Food safety; foodstuffs; public health
- C-286/02**, *Bellio F.lli Srl v. Prefetura di Treviso*, 1 April 2004. Agriculture; GMOs
- C-127/02**, *Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw, Natuurbeheer en Visserij*, 7 September 2004. Nature conservation; habitats; derogation to protective measures
- C-41/02**, *Commission v. Netherlands*, 2 December 2004. Food safety; nutritional need; public health; free movement of goods
- C-210/03**, *Swedish Match AB*, 14 December 2004. Tabacoo; free movement of goods
- C-198/03P**, *Commission v. CEVA Santé Animale SA*, 12 July 2005. Veterinary medicinal products
- C-154/04 and C-155/05**, *Alliance for Natural Health*, 12 July 2005. Food safety; food supplements; right to property; free movement of goods

**C-132/03**, *Ministero della Salute v. Coordinamento delle associazioni per la difesa dell'ambiente e dei diritti degli utenti e dei consumatori (Codacons), Federconsumatori*, 26 May 2005. **GMOSs; infants and young children**

**C-14/06 and C-295/06**, *Parliament and Denmark v. Commission*, 1 April 2008. **WEEE; hazardous substances; derogation to a protective regime**

**C-76/08 R**, *Commission v. Malte*, 24 April 2008. **Wild birds; hunting periods; alternatives**

**C-219/07**, *Nationale Raad van Dierenkwekers en Liefhebbers*, 19 June 2008. **Nature protection; positive list; classification of species**

**C-387/07**, *MI.VER and Antonelli*, 11 December 2008. **Waste; temporary storage**

**C-100/08**, *Commission v. Belgium*, 10 September 2009. **Wild birds; free movement of goods; legitimate expectations**

**C-333/08**, *Commission v. France*, 28 January 2010. **Foodstuff; prior authorisation scheme; free movement of goods**

**C-343/09**, *Afton Chemical*, 8 July 2010. **Additive to a fuel; restrictions; atmospheric pollution**

**C-77/09**, *Gowan*, 22 December 2010. **Plant protection products; classification of an active substance**

**C-583/09**, *Commission v Belgium*, 26 May 2011. **Natura 2000; Article 6(3) Habitats Directive; probability or risk that a protected habitat is likely to be affected by a plan or a project classification of an active**

**C-14/10**, *Nickel Institute*, 21 July 2011. **REACH; chemicals; public health**

**C-601/11 R**, *France v Commission*, 11 July 2013. **TSE; less restrictive control measures; level of protection of public health; new elements susceptible of altering the perception of the risk; statement of reasons**

**C-269/13 P**, *Acino v Commission*, 10 April 2014. **Medicinal products for human use; suspension of the marketing; correct application of the precautionary principle by the General Court**

**C-356/12**, *Wolfgang Glatzel v Freistaat Bayern*, 22 May 2014. **Physical fitness to drive a motor vehicle; minimum standards regarding visual acuity; road safety as an objective of general interest of the EU; broad discretion of the EU institutions as to complex medical questions; lack of scientific studies on several aspects of eyesight for drivers of power-driven vehicles; uncertainty as to the existence or extent of risks to the health of individuals**

## 2. General Court Case Law

**T-76/96R**, *National Farmers' Union*, 13 July 1996. **CAP; mad cow disease**

**T-199/96**, *Bergaderm and Goupil v. Commission*, 16 July 1998. **Sun-creams and bronzing products**

**T-13/99**, *Pfizer Animal Health v. Council*, 11 September 2002. Animals; antibiotics; human health; proportionality

**T-70/99**, *Alpharma v. Council*, 11 September 2002. Animals; antibiotics; human health; proportionality

**T-74/00, T-76/00, T-83/00, T-84/00, T-85/00, T-132/00, T-137/00 and T-141/00**, *Artegodan GmbH and Others v. Commission*, 26 November 2002. Medicinal products for human use.

**T-147/00**, *Laboratoire Sévrier v. Commission*, 28 January 2003. Antibiotics

**T-392/02**, *Solvay Pharmaceuticals v. Council*, 21 Octobre 2003. Animal feedingstuff; principles of equal treatment, legal certainty, sound administration and good faith

**T-344 & T-345/00**, *CEVA Santé Animale & Pharmacia Enterprises v. Commission*, 26 February 2003. Veterinary medicinal products

**T-177/02**, *Malagutti-Vezinhet v. Commission*, 10 March 2004. Food safety; foodstuffs

**Joined Cases T-366/03 and T-235/04**, *Land Oberösterreich*, 5 October 2005. GMOs; ban; safeguard clause

**T-229/04**, *Sweden v. Commission*, 11 July 2007. Plant protection products; marketing authorisation

**T-257/07R**, *France v. Commission*, 28 September 2007. Animal health; mad cow disease interim measures

**T-257/07**, *France v. Commission*, 9 September 2011. Animal health; mad cow disease; less restrictive measures

**T-539/10**, *Acino AG v European Commission*, 7 March 2013. Prohibition to place on the market of a medication; Regulation (CE) n° 726/2004 and Directive 2001/83/CE; proportionality

**T-33/10**, *ATC and Others v European Commission*, 16 September 2013. Avian flu epidemic; Prohibition to import birds caught in the wild; Commission's non-contractual liability (Article 340 TFEU); EFSA opinions; Quantitative and qualitative risk assessments; principle of precaution requires the adoption of appropriate measures to prevent specific potential health and environmental risks; wide margin of appreciation regarding the implementation of the precautionary principle; serious veterinary reasons may justify the measures; violation of due diligence condition regarding the correct implementation of the precautionary principle

**T-201/13**, *Rubinum v Commission*, 21 May 2015. Zootechnical feed additive; suspension of the marketing; resistance to antibiotics and production of toxins; validity of a scientific study endorsed by EFSA; no manifest error of appraisal; validity of a risk assessment conducted by the producer after the adoption of the regulation at issue; assessment of the validity of the EU measure on the basis of the facts and the law as they stood at the time when the measure was adopted; no retrospective assessment of the measure; risk management and assessment of the advantage entailed by the substance.