

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**

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, *Artegoda 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 October 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**