Formal statement for the Standing Committee on Plants, Animals, Food and Feed (Section Plant Protection Products - Legislation) on 13/14 July 2015 for a revised Guidance Document concerning the parallel trade of plant protection products (Pt. A 09.03)

The Federal Republic of Germany does not agree to the amendment of document SANCO/10524/2012 (July 14, 2015, Rev. 5.2) concerning the parallel trade of parallel traded plant protection products (page 4) due to the following reasons:

1. The amendment contradicts German jurisdiction. According to the court decision 2 A 1056/12 of the Administrative Court of Brunswick from November 14, 2012, confirmed by the court decision 10 LA 1/13 of the Higher Administrative Court of Lower Saxony from July 23, 2014, the parallel trade of parallel traded products is not permitted according to Regulation (EC) No 1107/2009.

2. The court decision C-108/13 of the European Court of Justice from November 6, 2014 refers exclusively to Directive 91/414/EEC and is not applicable to Regulation (EC) No 1107/2009. This corresponds to the German jurisdiction as the parallel trade of parallel traded products was permitted in the past under Directive 91/414/EEC according to the court decision 13 K 192/07 from the Administrative Court of Cologne from February 7, 2008.