



Press and Information

Court of Justice of the European Union
PRESS RELEASE No 24/16
Luxembourg, 3 March 2016

Judgment in Case C-26/15 P
Spain v Commission

The Court confirms that citrus fruit labelling indicating the preserving agents and other chemical substances used in post-harvest processing is compulsory

The Court of Justice finds that the General Court did not err in dismissing the action brought by Spain

A provision of EU law on the marketing of citrus fruit (lemons, mandarins and oranges)¹ provides that the packaging of those fruits must bear a label indicating, where appropriate, the preserving agents or other chemical substances used in post-harvest processing.² By adopting that provision, the Commission sought to ensure the correct application of EU legislation relating to food additives. To that end, it departed from a non-binding standard³ adopted by the UNECE⁴ under which the indication of the use of preserving agents or other chemical substances is required only if the legislation of the importing country requires it.

By a judgment of 2014⁵ the General Court dismissed the action, brought by Spain, for annulment of that provision, holding that: (i) the Commission was not required to adopt, at EU level, a marketing standard for citrus fruit identical to that of the UNECE; (ii) the principle of equal treatment and non-discrimination had not been infringed since, as regards the objective of providing consumers with information concerning the substances used during post-harvest processing, citrus fruit producers are in a different situation to that of producers of other fruits and vegetables; (iii) the principle of proportionality had also not been infringed, given that, in perceiving the special labelling for citrus fruit, consumers will not come to the mistaken conclusion that fruits and vegetables without such labelling have not been treated with chemical substances; and (iv) the labelling relating to the possible post-harvest processing of citrus fruit was necessary in order to ensure adequate consumer protection, without it being acceptable to distinguish in that regard between consumers within the EU and those outside it.

Spain appealed to the Court of Justice to have the judgment of the General Court set aside.

By today's judgment, **the Court of Justice dismisses Spain's appeal in its entirety.**

According to the Court, the General Court provided sufficient grounds for its judgment and correctly held that the provision in question was proportionate to the aim pursued. The Court finds, as the General Court did, that it is reasonable that consumers should be notified of the post-harvest processing of citrus fruit since, in comparison with thin-skinned fruits, citrus fruit may be treated with doses of chemical substances much higher than the average and their skin is liable, in a

¹ Pomelos, grapefruits and limes are excluded from the scope of that marketing standard.

² Part B 2, paragraph VI D, fifth indent, of Annex I to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors (OJ 2011 L 157, p. 1). Regulation No 1234/2007 ('Single CMO Regulation') concerns the common organisation of agricultural markets and lays down specific provisions for certain agricultural products.

³ UNECE standard FFV-14 concerning the marketing and commercial quality control of citrus fruit.

⁴ United Nations Economic Commission for Europe. This Commission currently brings together 56 countries from Europe (including all of the Member States of the European Union), the Commonwealth of Independent States and North America. The Working Party on Agricultural Quality Standards, tasked with determining, inter alia, common standards for perishable foodstuffs, forms part of the organisational structure of the UNECE.

⁵ [T-481/11](#) Spain v Commission, see Press Release No [151/14](#)

number of ways, to be incorporated into the human food chain. The Court notes that the maximum limits for residues of 2-phenylphenol (an agricultural fungicide used for waxing citrus fruit) are fixed at a level that is 50 times higher for citrus fruit than for other fruits.⁶

The Court also points out that the General Court acted correctly in finding that the consideration of a possible competitive disadvantage was inoperative in the context of an assessment of compliance with the principle of equal treatment, since it was not such as to call into question the fact that the producers of citrus fruit covered by the contested provision are not in a comparable situation to that of producers of other fruits and vegetables.

Furthermore, the fact that neither the specific legislation on preserving agents and other chemical substances used in post-harvest processing nor the legislation on consumer information requires specific labelling for pesticides used in agricultural treatment processes does not have the effect of precluding the Commission from adopting a marketing standard which takes account of, inter alia, the interest of consumers in targeted and transparent information, as well as the UNECE standard recommendations. In particular, that fact does not preclude the Commission from adopting a provision providing for citrus-fruit labelling that mentions the post-harvest processing applied.

NOTE: An appeal, on a point or points of law only, may be brought before the Court of Justice against a judgment or order of the General Court. In principle, the appeal does not have suspensive effect. If the appeal is admissible and well founded, the Court of Justice sets aside the judgment of the General Court. Where the state of the proceedings so permits, the Court of Justice may itself give final judgment in the case. Otherwise, it refers the case back to the General Court, which is bound by the decision given by the Court of Justice on the appeal.

Unofficial document for media use, not binding on the Court of Justice.

The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

Press contact: Christopher Fretwell ☎ (+352) 4303 3355

⁶ Annex II to Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ 2005 L 70, p. 1).