

# AUDACE

Association des Utilisateurs et Distributeurs de l'AgroChimie Européenne

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## OWN USE PARALLEL IMPORTS OF PPP BY FARMERS

### ECJ joined cases C-260/06 - C-261/06 Escalier - Bonnarel

The Advocate General's opinion in this case was delivered on July 10<sup>th</sup>, 2007

It opposes in all respects the point of view defended by AUDACE and supported by the European Commission.

As for the main issue, if the Court were to hold to the assessment made by the Advocate General, it would follow that a farmers could not import a plant protection product (PPP) without having obtained a personal authorisation even though the product would have received a marketing authorisation (MA) at the request of another farmer or distributor-importer.

To come to this solution, the Advocate-General rejected the application of the jurisprudence on medicines by stigmatizing the « inherent danger » of PPP.

This assessment is in accordance with the previous conclusions produced by the French, Dutch, Greek and Finnish governments.

It remains for the Court to come to a conclusion in favour of the opinion of this majority or alternatively, that shared by AUDACE and the European Commission.

Intensely involved with this question for the last 8 years and working on the assumption that, in the interest of those who would benefit from it, the defence of an alleged right should always rest on sound bases, the President of AUDACE will draw personally all the consequences of the judgment to intervene.

**D ROQUES**  
President of AUDACE

Internet links [European Court of Justice](#) :

CONCLUSIONS DE L'AVOCAT GÉNÉRAL  
MME VERICA TRSTENJAK  
présentées le 10 juillet 2007 (1)  
Affaires jointes C-260/06 et C-261/06  
[C-260/06](#)