

**Question for oral answer O-000003/2016  
to the Commission**

Rule 128

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on behalf of the S&D Group

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Subject: Commission action to comply with judgment in Case T-521/14 Sweden v Commission

On 16 December 2015, the General Court declared that the European Commission has breached EU law by failing to adopt measures concerning the specification of scientific criteria for the determination of endocrine-disrupting properties pursuant to Regulation (EU) No 528/2012 concerning the making available on the market and use of biocidal products (Case T-521/14 Sweden v Commission). The Commission was obliged to adopt such measures by December 2013.

In July 2013, the Commission decided to conduct an impact assessment on the socio-economic costs and benefits of different options for such criteria, including several options for regulatory changes to sectoral legislation.

The Court concluded that scientific criteria for the determination of endocrine-disrupting properties should be based on science related to the endocrine system only, independently of all other considerations, in particular economic ones.

The Court also held that the legislator laid down the balance between improving the internal market and protecting human health, animal health and the environment, and that the Commission may not call this balance into question via the powers delegated to it.

Finally, the Court found that the law did not require such an impact analysis, and even if the Commission ought to have carried out such an impact analysis, that would not in any way exonerate it, in the absence of provisions to that effect, from complying with the deadline set for the adoption of those delegated acts.

Will the Commission now urgently take action to remedy the breach of law in accordance with Article 266 of the Treaties?

Tabled: 13.1.2016

Forwarded: 15.1.2016

Deadline for reply: 22.1.2016