



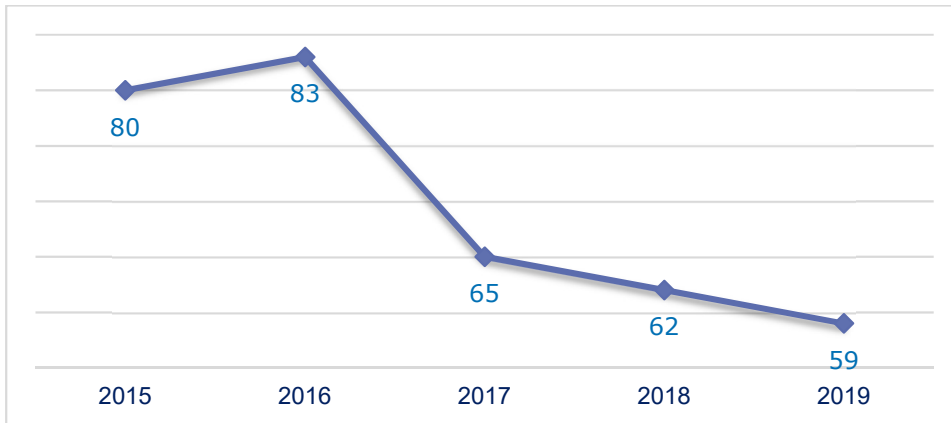
FRANCE

Monitoring the Application of EUROPEAN UNION LAW

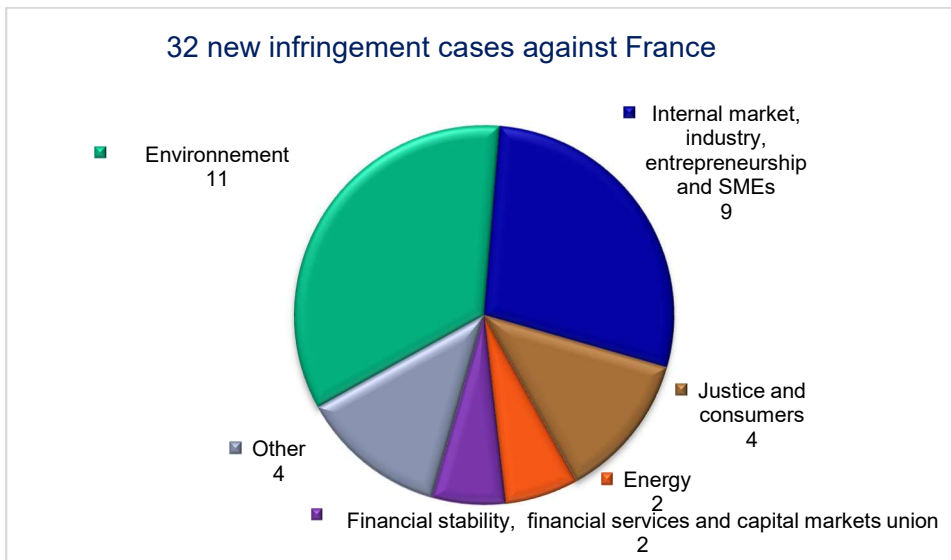
2019 Annual Report

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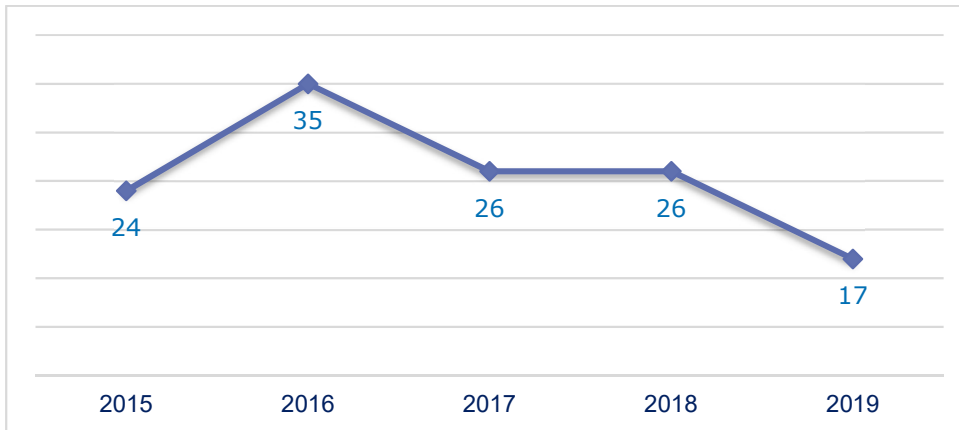
Infringement cases against France open on 31 December (2015-2019)



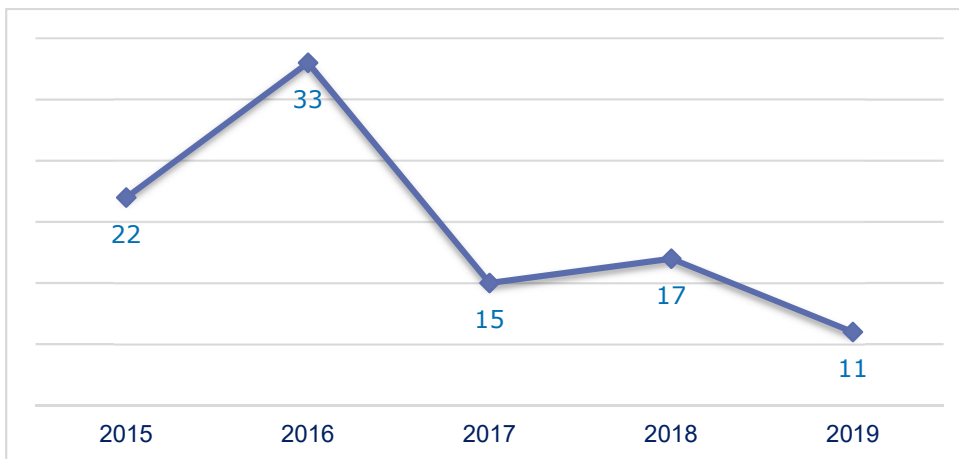
New infringement cases opened in 2019: main policy areas



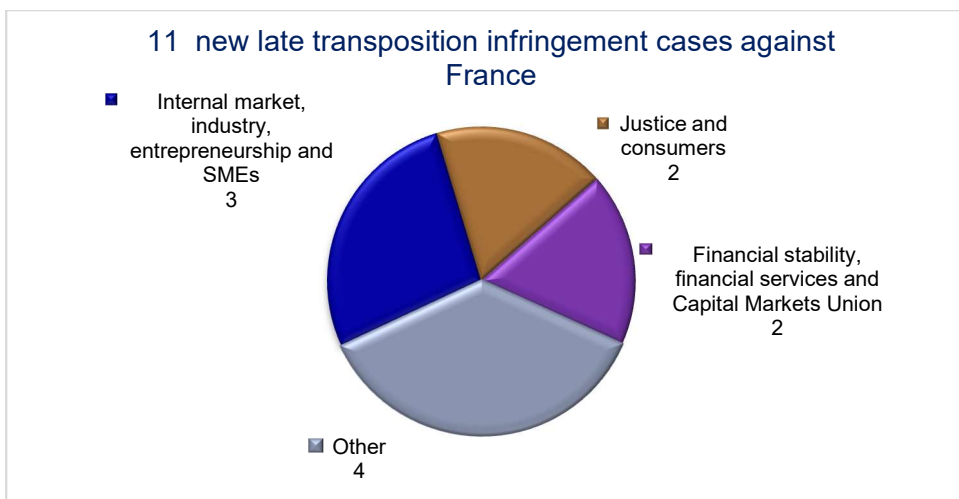
Late transposition infringement cases against France open on 31 December (2015-2019)



New late transposition infringement cases against France (2015-2019)



New late transposition infringement cases opened in 2019: main policy areas



IMPORTANT JUDGMENTS

Court rulings¹

The Court ruled that:

- France has systematically and persistently exceeded the limit values for nitrogen dioxide (NO₂) since 2010 in 12 agglomerations and air quality zones. It has also failed to take the appropriate measures to keep the exceedance period as short as possible².

Preliminary rulings

The Court addressed the following preliminary rulings to the French judiciary:

- Airbnb provides an information society service separate from accommodation services to which it relates. Such a service does not aim only at providing immediate accommodation services, but rather it consists essentially of providing a tool for presenting and finding accommodation for rent, thereby facilitating the conclusion of future rental agreements. Therefore, that type of service is not merely ancillary to an overall accommodation service. Second, an intermediation service, such as the one provided by Airbnb Ireland, is in no way indispensable to the provision of accommodation services, since the guests and hosts have a number of other channels in that respect, some of which are long-standing. Finally, there is no indication that Airbnb sets or caps the amount of the rents charged by the hosts using that platform³.
- The procedural rules applicable to the authorisation of plant protection products, in particular products containing glyphosate, are valid; therefore, there are no grounds to question the validity of the regulation on placing plant protection products on the market⁴.
- The organic production logo of the EU cannot be placed on products derived from animals that have been slaughtered in accordance with religious rites without first being stunned. The organic logo of the EU aims to reassure consumers that products bearing it have been obtained in observance of the highest standards, in particular in the area of animal welfare⁵.
- Mortgage loans reserved for employees of an undertaking and granted for private purposes fall within the scope of the Directive on unfair terms in consumer contracts⁶. The Court confirmed that the notion of ‘seller or supplier’ has to be interpreted broadly, and it is not necessary that the contract reflect a person’s main activity⁷.
- The prohibition on processing certain categories of sensitive personal data applies also to operators of search engines. The search engine operator has, in principle, the obligation to de-reference, if asked by the person concerned. To this end, the search engine operator must carry out a case-by-case assessment to verify if the publication of the ‘sensitive’ data and personal data on criminal convictions is strictly necessary to protect the freedom of information of internet users potentially interested in accessing this web page by means of such a search⁸.
- The right to be forgotten applies within the EU. Search engine operators have to take sufficiently effective measures to ensure the effective protection of this right, which does not necessarily apply outside of the EU⁹.
- The Gas Directive allows a decision of a regulatory authority settling a dispute between energy companies to extend its effects to the situation of the parties before the emergence of that dispute, by requiring one party to bring a contract for the transmission of natural gas in line with EU law for the entire contractual period¹⁰.

¹ These rulings are almost exclusively handed down in infringement procedures.

² Commission v France, [C-636/18](#) and Court press release [No 132/2019](#).

³ Airbnb Ireland, case [C – 390/18](#).

⁴ Procureur de la République v Blaise and Others, [C-616/17](#).

⁵ Oeuvre d’assistance aux bêtes d’abattoirs, [C-497/17](#) and Court press release [15/19](#)

⁶ Directive [93/13/EEC](#).

⁷ Pouvin Dijoux, [C-590/17](#).

⁸ Google 2, [C-136/17](#).

⁹ Google 3, [C-507/17](#).

¹⁰ Directive 2009/73/EC, GRDF, [C-236/18](#).