



Action brought on 26 March 2026 – European Commission v French Republic

(Case C-249/26)

(C/2026/2510)

Language of the case: French

Parties

Applicant: European Commission (represented by: A. Biolan, C. Ehrbar, L. Malferrari, acting as Agents)

Defendant: French Republic

Form of order sought

The Commission claims that the Court should:

1. Find:

- That by imposing the requirements laid down in Article 17 of loi No 2020 105 (Law No 2020-105), inserting Article L. 541-9-3 into the French Environmental Code, and those laid down by décret n° 2021-835 (Decree No 2021-835) amending Book V, Title IV, Chapter I, Section 1, Subsection 7, of the regulatory part of the Environmental Code, according to which any product placed on the market as a household product and subject to an extended producer responsibility regime (with the exclusion of household glass drinks packaging) must contain detailed information, which must be in the form of a 'Triman' logo informing the consumer that the product is subject to sorting rules, accompanied by information specifying the procedures for sorting or recycling the waste resulting from that product, and must appear on the product itself, its packaging or, where that is not possible, in the other documents provided with the product (save in a small number of cases in which that information may appear on a 'dematerialised medium'), the French Republic failed to fulfil its obligations under Article 34 TFEU.
- That by failing to notify Article 17 of Law No 2020-105 to the Commission prior to its adoption, the French Republic infringed the notification obligation under Article 5 of Directive (EU) 2015/1535 ⁽¹⁾.

2. Order the French Republic to pay the costs.

Pleas in law and main arguments

First, the Commission submits that, by imposing an obligation to display the 'Triman' logo and sorting instructions on a number of household products, with a small number of exceptions, the French Republic has imposed a restriction on the free movement of goods contrary to Article 34 TFEU.

Second, the Commission submits that the French Republic has failed to fulfil the notification obligation under Article 5 of Directive (EU) 2015/1535, in so far as the draft of Article 17 of Law No 2020-105 was not notified to the Commission even though it was intended to establish technical specifications concerning information society goods and services within the meaning of Article 1(1)(c) of Directive (EU) 2015/1535.

⁽¹⁾ Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ 2015 L 241, p. 1).