

Press and Information

General Court of the European Union PRESS RELEASE No 143/12

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Judgment in Case T-194/10 Hungary v Commission

The General Court dismisses Hungary's action for annulment concerning registration of the name 'Vinohradnícka oblast' Tokaj' in the E-Bacchus database in respect of Slovakia

That registration cannot be called into question since it was automatic on the basis of the protection which the name in question enjoyed in the European Union before the database was introduced

The Tokaj wine-growing region is located in both Hungary and Slovakia.

At Slovakia's request, the Commission registered the protected designation of origin 'Vinohradnícka oblast' Tokaj' in the lists of quality wines produced in specified regions (QWPSR) published in the *Official Journal of the European Union* on 17 February 2006 and 10 May 2007.

On 31 July 2009, that is to say one day before the electronic register of protected designations of origin and protected geographical indications for wine (the E-Bacchus database) was introduced, a new list of QWPSR was published. At Slovakia's request, that list contained a modification to the protected designation of origin published in earlier lists. The protected designation of origin 'Tokajská/Tokajské/Tokajsky vinohradnícka oblast' was therefore registered in the new list.

The E-Bacchus database replaced the publication of the lists of QWPSR. On the basis of the new list, the protected designation of origin 'Tokajská/Tokajské/Tokajsky vinohradnícka oblast" was registered in the E-Bacchus database in respect of the part of the Tokaj wine-growing region located in Slovakia.

On 30 November 2009, Slovakia sent a letter to the Commission requesting that it replace the protected designation of origin 'Tokajská/Tokajské/Tokajsky vinohradnícka oblast' registered in the E-Bacchus database with the protected designation of origin 'Vinohradnícka oblast' Tokaj'. In that regard, Slovakia stated that the designation 'Tokajská/Tokajské/Tokajsky vinohradnícka oblast' had been wrongly entered in the list of QWPSR and that the name 'Vinohradnícka oblast' Tokaj', which appeared in Slovak legislation, was the basis on which registration in the list should be made.

After verifying that on the day that the E-Bacchus database was introduced the Slovak legislation in question included the name 'Vinohradnícka oblast' Tokaj', the Commission, in accordance with Slovakia's request, amended the information contained in that database.

However, Hungary contested that amendment by making reference to the new Slovak law on wine, adopted on 30 June 2009 (entered into force on 1 September 2009), which includes the term 'Tokajská vinohradnícka oblast'. Hungary thus brought an action before the Court for annulment of the Commission's registration of the protected designation of origin 'Vinohradnícka oblast' Tokaj' in the E-Bacchus database in respect of Slovakia.

In its judgment, the Court finds, first of all, that wine names protected under EU law in force before the E-Bacchus database was introduced are automatically protected under the legislation in force since that database was introduced. The introduction of that database has not therefore changed the nature of the protection granted to those wine names, with the result that the protection granted did not depend on the registration of those names in the database. That registration is merely the result of the automatic transition, from one regulatory regime to another, of protection that has already been granted and is not a condition for the grant of that protection.

The Court also notes that the protection granted to wine names under EU law in force before the E-Bacchus database was introduced was based on the wine names as determined by the legislation of the Member States. That protection did not therefore result from an autonomous Community procedure or even from a mechanism under which the geographical indications recognised by Member States were incorporated in a binding Community measure. In that regard, the Court finds that the Slovak legislation in force on 1 August 2009 – the day that the E-Bacchus database was introduced – and the basis for the Community protection of wine names so far as concerns the part of the Tokaj wine-growing region located in Slovakia, included only the name 'Vinohradnícka oblast' Tokaj', with the result that only that name was protected in the EU on that day.

In that context, the Court states that the incorrect publication of the protected designation of origin 'Tokajská/Tokajské/Tokajsky vinohradnícka oblast' in the Official Journal does not change the fact that, pursuant to the Slovak legislation which alone is relevant, the name 'Vinohradnícka oblast' Tokaj' enjoyed protection on 1 August 2009. Nor is the fact that the new Slovak law on wine – adopted on 30 June 2009 – included the name 'Tokajská vinohradnícka oblast' capable of calling into question the protection enjoyed by the name 'Vinohradnícka oblast' Tokaj' on 1 August 2009, because that new law only entered into force on 1 September 2009.

In those circumstances, the Court holds that, as the name 'Vinohradnícka oblast' Tokaj' enjoyed EU protection before it was registered in the E-Bacchus database, **that registration is not capable of producing legal effects.** Having regard to the fact that, on the basis of the Treaty, the Court reviews the legality only of the acts of the institutions of the European Union intended to have legal effects, **the Court dismisses the action for annulment brought by Hungary** as inadmissible.

NOTE: An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within two months of notification of the decision.

NOTE: An action for annulment seeks the annulment of acts of the institutions of the European Union that are contrary to European Union law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

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The <u>full text</u> of the judgment is published on the CURIA website on the day of delivery

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