



Press and Information

Court of Justice of the European Union
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Judgment in Case C-31/13 P
Hungary v Commission

**The Court of Justice declares that the listing of the Slovak wine name
‘Vinohradnícka oblasť Tokaj’ in the E-Bacchus register of protected designations of
origin does not constitute an actionable measure**

*That listing, made on the basis of a transitional regime, cannot be challenged before the courts of
the European Union*

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

At the request of the Slovak Republic, the Commission registered the protected designation of origin ‘Vinohradnícka oblasť Tokaj’ in the list of quality wines produced in specified regions (quality wines psr). That list, which was drawn up on the basis of national legislation governing the conditions for using registered designations of origin, was published in the Official Journal of the EU on 17 February 2006 and then on 10 May 2007.

On 31 July 2009, that is to say, one day before the entry into force of the new wine regime and the introduction of the ‘electronic register of protected designations of origin and protected geographical indications for wine’ (E-Bacchus database¹), a new list of quality wines psr was published. On that occasion, the protected designation of origin published in the earlier lists was amended at Slovakia’s request to become ‘Tokajská/Tokajské/Tokajský vinohradnícka oblasť’.

The E-Bacchus database replaced the publication of the lists of quality wines psr. According to the new list of 31 July 2009, the protected designation of origin ‘Tokajská/Tokajské/Tokajský vinohradnícka oblasť’ was listed in the E-Bacchus database to designate wine from the wine-growing region of Tokaj in Slovakia.

On 30 November 2009, Slovakia sent a letter to the Commission in which it requested the Commission to replace the protected designation of origin ‘Tokajská/Tokajské/Tokajský vinohradnícka oblasť’ with ‘Vinohradnícka oblasť Tokaj’ in the E-Bacchus database. Slovakia stated that the designation ‘Tokajská/Tokajské/Tokajský vinohradnícka oblasť’ was mistakenly put on the list of quality wines psr, and that it was actually the name ‘Vinohradnícka oblasť Tokaj’ which appeared in the national legislation.

After making sure that, on the day the E-Bacchus database was introduced, the Slovak legislation in question contained the designation ‘Vinohradnícka oblasť Tokaj’, the Commission granted Slovakia’s request and amended the information contained in the E-Bacchus database.

However, Hungary challenged that amendment with reference to the term ‘Tokajská vinohradnícka oblasť’ appearing in the new Slovak law on wines adopted on 30 June 2009, and which came into force on 1 September 2009. Hungary then brought an action before the General Court for annulment of the entry of the protected designation of origin ‘Vinohradnícka oblasť Tokaj’ in the E-Bacchus database.

In its judgment given on 8 November 2012², the General Court found that, since the name ‘Vinohradnícka oblasť Tokaj’ was protected by an EU regulation before its entry in the E-Bacchus

¹ <http://ec.europa.eu/agriculture/markets/wine/e-bacchus>.

² Case [T-194/10 Hungary v Commission](#). See also Press Release No [143/12](#).

database, the entry as such was not capable of producing legal effects. The General Court held that the action brought by Hungary was inadmissible because, under the Treaty, the court has jurisdiction only to review the legality of measures of European Union bodies intended to produce legal effects.

Hungary lodged an appeal against the judgment of the General Court.

In its judgment the Court of Justice explains first that, by relying in particular on the content and on the legal context of the entry at issue, the new wine regime, for **reasons of legal certainty, made provision for a transitional regime** in order to maintain the protection of wine names already protected before 1 August 2009 under national law, and therefore under EU law.

The Court of Justice then states that **the Commission's inclusion of wine names in the E-Bacchus database has no effect on the protection which those wine names enjoy at EU level under the transitional regime**. Indeed, the Commission was not authorised either to grant protection or to decide on the wine name which was to be included in the E-Bacchus database.

The Court of Justice therefore concludes that the General Court did not err in law by finding that those wine names **have been automatically protected** since 1 August 2009 by virtue of the transitional regime.

In those circumstances, the Court of Justice, after reiterating that only provisions adopted by the institutions of the EU and intended to produce binding legal effects can be challenged before the courts of the EU, finds that **the entry at issue does not constitute an actionable measure**.

Finally, concerning Hungary's argument that the new rules allow it to bring an action against entries made by the Commission in the E-Bacchus database, the Court of Justice finds that the transitional regime and the new protection regime are not comparable, and therefore they can be treated differently.

On that basis, **the Court of Justice dismisses Hungary's appeal in its entirety**.

NOTE: An appeal, on a point or points of law only, may be brought before the Court of Justice against a judgment or order of the General Court. In principle, the appeal does not have suspensive effect. If the appeal is admissible and well founded, the Court of Justice sets aside the judgment of the General Court. Where the state of the proceedings so permits, the Court of Justice may itself give final judgment in the case. Otherwise, it refers the case back to the General Court, which is bound by the decision given by the Court of Justice on the appeal.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

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