



Press and Information

Court of Justice of the European Union

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Judgment in Case C-485/18

Groupe Lactalis v Premier ministre and Others

EU legislation harmonising the mandatory indication of the country of origin or place of provenance of foods and, in particular, of milk does not preclude the adoption of national measures imposing certain additional particulars regarding origin or provenance

Nevertheless, the adoption of those particulars is conditional, inter alia, on there being an objectively proven link between the origin or provenance of a food and certain qualities of that food

The company Groupe Lactalis brought an action against the Premier ministre (Prime Minister, France), the ministre de la Justice (Minister for Justice, France), the ministre de l'Agriculture et de l'Alimentation (Minister for Agriculture and Food, France) and the ministre de l'Économie et des Finances (Minister for the Economy and Finance, France), seeking the annulment of a decree requiring, inter alia, the labelling of the French, European or non-European origin of milk and milk used as an ingredient in pre-packed foods. It claims, inter alia, that that decree infringes the regulation on the provision of food information to consumers.¹

The Conseil d'État (Council of State, France) referred a number of questions to the Court of Justice concerning the interpretation of that regulation.

In the first place, the referring court asks, in essence, whether that regulation authorises Member States to adopt measures imposing additional mandatory particulars regarding the origin or provenance of milk and milk used as an ingredient.

In that regard, the Court notes that **regulation no 1169/2011 provides for, in a harmonised manner, the mandatory indication of the country of origin or place of provenance of foods, with the exception of certain categories of meat, and therefore, in particular, of milk and milk used as an ingredient, where failure to indicate this might mislead the consumer.**

However, the Court observes that **that harmonisation does not preclude Member States from adopting measures providing for additional mandatory particulars regarding the origin or provenance**, if those measures meet the conditions listed in regulation no 1169/2011: first, such measures must be justified on one or several grounds relating to the protection of public health, the protection of consumers, the prevention of fraud, the protection of industrial and commercial property rights, indication of provenance, registered designations of origin and the prevention of unfair competition; second, their adoption is possible only if there is a proven link between certain qualities of the foods concerned and their origin or provenance, and if Member States provide evidence that the majority of consumers attach significant value to the provision of that information.

In the second place, as regards those requirements, the Court states that they must be examined successively. Thus, as a first step, it must be verified whether there is a proven link between certain qualities of the food concerned and its origin or provenance. Where the existence of such a link has been established, it must still, and solely as a second step, be determined whether the

¹ Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ 2011 L 304, p. 18).

majority of consumers attach a significant value to that information. Consequently, the examination of the existence of a proven link cannot be based on subjective elements relating to the importance of the association that the majority of consumers may make between certain qualities of the food concerned and its origin or provenance.

In the third and last place, as regards the concept of 'qualities' of foods, the Court observes that that concept refers only to the qualities which are linked to the origin or provenance of a given food and which consequently distinguish that food from foods that have a different origin or provenance. This is not the case with the resilience of a food, such as milk, to transport and the risk of deterioration during transit, which therefore cannot be taken into account for the purpose of examining whether there is a possible 'proven link between certain qualities of the food and its origin or provenance' or, consequently, for the purpose of authorising the imposition of an indication of origin or provenance as regards that food.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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

Press contact: Jacques René Zammit 📞 (+352) 4303 3355