

## **Case T-35/06**

**Honig-Verband eV**

**v**

**Commission of the European Communities**

(Action for annulment — Regulation (EC) No 1854/2005 — Protected geographical indication — ‘Miel de Provence’ — Measure of general application — Not individually concerned — Inadmissibility)

Order of the Court of First Instance (First Chamber), 11 September 2007 . . II - 2868

### **Summary of the Order**

*Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them*

*(Arts 230, fourth para., and 249, second para., EC; Council Regulation No 2081/92, Art. 7; Commission Regulation No 1854/2005)*

An annulment action by a honey producers' association, established in Germany, against Regulation No 1854/2005 supplementing the Annex to Regulation No 2400/96 as regards the entry of a name in the 'Register of protected designations of origin and protected geographical indications' laid down in Regulation No 2081/92, in so far as it registers the name 'Miel de Provence' as a protected geographical indication, is inadmissible.

First, that regulation constitutes a measure of general application within the meaning of the second paragraph of Article 249 EC, inasmuch as, by conferring on all undertakings whose products satisfy the prescribed geographical and qualitative requirements the right to market those products under that name, and denying that right to any whose products do not fulfil those conditions, which are identical for all undertakings, it applies to objectively determined situations and produces its legal effects with respect to categories of persons envisaged in the abstract.

Whilst it is not impossible for a provision which, by virtue of its nature and scope, is of a legislative character to be of individual concern to a natural or legal person where it affects that person by reason of certain attributes peculiar to him or by reason of a factual situation which differentiates him

from all other persons and distinguishes him individually in the same way as the addressee of a decision, that is not so in the present case.

First, under the objection procedure established by Regulation No 2081/92, the procedural safeguards afforded to individuals fall exclusively within the scope of responsibility of the Member States and do not operate with respect to the Commission, with the result that that regulation does not establish specific procedural safeguards at Community level for individuals, and that the said association cannot therefore rely on those procedural safeguards.

Secondly, the fact that an act of general application may have specific effects which differ according to the various persons to whom it applies is not such as to differentiate them in relation to all other operators concerned where, as in the present case, that measure is applied on the basis of an objectively determined situation.

Thirdly, the fact that, at the time of adoption of a regulation relating to registration of a

protected geographical indication, an applicant is in a situation in which it must adjust its production structure in order to fulfil the conditions laid down by that regulation is

not sufficient for it to be individually concerned in a manner analogous to that of the addressee of a measure.

(see paras 39, 41-43, 47, 53, 54, 57, 61, 62)