

## Case T-381/02

### **Confédération générale des producteurs de lait de brebis et des industriels de roquefort**

v

### **Commission of the European Communities**

(Regulation (EC) No 1829/2002 — Registration of a designation of origin — ‘Feta’ — Action for annulment — Standing to bring proceedings — Inadmissibility)

Order of the Court of First Instance (Third Chamber), 13 December 2005 . . . II - 5339

#### Summary of the Order

*Actions for annulment — Natural and legal persons — Measures of direct and individual concern to them — Regulation on the registration of geographical indications and designations of origin — Action brought by an inter-trade organisation responsible for the protection of collective interests, established in a Member State other than the Member State where ‘feta’ cheese originated — Inadmissibility*

*(Art. 230, fourth para., EC; Council Regulation No 2081/92; Commission Regulation No 1829/2002)*

An action for annulment brought by an inter-trade organisation consisting of the Fédération régionale des syndicats des éleveurs de brebis (Regional Federation of Sheep Farmers' Associations) and the Fédération des syndicats des industriels de roquefort (Federation of Roquefort Producers' Associations), established in France, against Regulation No 1829/2002 amending the Annex to Regulation No 1107/96 on the registration of geographical indications and designations of origin under the procedure laid down in Article 17 of Regulation No 2081/92 in so far as it registers the name 'feta' as a protected designation under the headings 'Cheeses' and 'Greece', is inadmissible.

As a preliminary point, the contested regulation is a measure of general application within the meaning of the second paragraph of Article 249 EC, since it applies to objectively determined situations and produces its legal effects in respect of categories of persons envisaged in the abstract, recognising that all undertakings whose products satisfy the prescribed geographical and qualitative requirements have the right to market them under the abovementioned designation and refusing that right to all those whose products do not fulfil those conditions. Moreover, that general application arises from the object of the measures in question, which is to protect, erga omnes and throughout the European Community, duly registered geographical indications and designations of origin.

Furthermore, although the possibility cannot be ruled out that a provision which, because of its nature and scope, is of a legislative character, may be of individual concern to a natural or legal person, and that, to that end, in certain circumstances an inter-trade association formed to defend and represent its members' interests has standing to bring an action for annulment, even where there is no damage to its own interests as an association, that is not the case here.

In the first place, Regulation No 2081/92 confers no procedural right on such an association. Nor does it create specific procedural safeguards at Community level in favour of private individuals.

Second, that organisation does not represent the interests of members who would have standing to bring an action because, under its statutes, it does not have the function of defending before the courts the interests of feta producers and is responsible for the protection of collective interests only, not for representing only one of its members as the proprietor of a trade mark, and in any event those producers would not have standing to bring an action.

(see paras 52-55, 57-58, 82-83)