

Request for a preliminary ruling from the Bundesverwaltungsgericht (Germany) lodged on 17 April 2023 — Herbaria Kräuterparadies GmbH v Freistaat Bayern

(Case C-240/23, Herbaria Kräuterparadies)

(2023/C 216/40)

Language of the case: German

Referring court

Bundesverwaltungsgericht

Parties to the main proceedings

Appellant on a point of law: Herbaria Kräuterparadies GmbH

Respondent on a point of law: Freistaat Bayern

Questions referred

1. Is Article 33(1) of Regulation (EU) 2018/848 ⁽¹⁾ to be interpreted as meaning that the organic production logo of the European Union may be used for a processed foodstuff which is imported for the purpose of placing it on the market within the Union as an organic product, under the conditions laid down in Article 45(1) of Regulation (EU) 2018/848, but, because it contains, in addition to plant products, minerals and vitamins of non-plant origin, does not meet the requirements of Article 16(1) of Regulation (EU) 2018/848 in conjunction with Annex II, Part IV, point 2.2.2(f) thereto?
2. If Question 1 is to be answered in the affirmative, does it follow from Article 20 of the Charter of Fundamental Rights of the European Union that the organic production logo of the European Union may be used for a processed foodstuff if it originates from the European Union and complies with the equivalent production and control provisions of a third country recognised in accordance with Article 48(1) of Regulation (EU) 2018/848, but does not meet the requirements of Article 16(1) of Regulation (EU) 2018/848 in conjunction with Annex II, Part IV, point 2.2.2(f) thereto?
3. Does it follow from Article 20 of the Charter of Fundamental Rights of the European Union that such a processed product originating from the European Union may bear terms referring to organic production, in accordance with Article 30(1) of Regulation (EU) 2018/848, without using the organic production logo of the European Union?

⁽¹⁾ Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ 2018 L 150, p. 1).

Appeal brought on 23 April 2023 by Hengshi Egypt Fiberglass Fabrics SAE and Jushi Egypt for Fiberglass Industry SAE against the judgment of the General Court (First Chamber, Extended Composition) delivered on 1 March 2023 in Case T-301/20, Hengshi Egypt Fiberglass Fabrics and Jushi Egypt for Fiberglass Industry v Commission

(Case C-261/23 P)

(2023/C 216/41)

Language of the case: English

Parties

Appellants: Hengshi Egypt Fiberglass Fabrics SAE and Jushi Egypt for Fiberglass Industry SAE (represented by: B. Servais and V. Crochet, avocats)

Other parties to the proceedings: European Commission and Tech-Fab Europe eV

Form of order sought

The appellants claim that the Court should:

- annul the judgment under appeal,
- accept the first, third and fifth parts of the first plea in law at first instance, and