

Action brought on 30 January 2006 — Honig Verband v Commission

(Case T-35/06)

(2006/C 86/71)

*Language of the case: German***Parties**

Applicant: Honig Verband e. V. (Hamburg, Germany) (represented by: M. Hagenmeyer and T. Teufer, lawyers)

Defendant: Commission of the European Communities

Form of order sought

The applicant claims that the Court should:

- annul Commission Regulation (EC) No 1854/2005 of 14 November 2005 supplementing the Annex to Regulation (EC) No 2400/96 as regards the entry of a name in the 'Register of protected designations of origin and protected geographical indications' (*Miel de Provence*) (PGI);
- order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

The applicant challenges Regulation (EC) No 1854/2005 ⁽¹⁾, under which the designation of origin 'Miel de Provence' is registered as a protected geographical indication (PGI) in the annex to Regulation (EC) No 2400/96 ⁽²⁾. Prior to the enactment of Regulation No 1854/2005 the applicant challenged the application for registration of the designation 'Miel de Provence' before the competent German authority.

In support of its action the applicant submits three pleas in law.

It submits, first, that the contested regulation should be annulled since it is contrary to the special and conclusive rules on the designation of origin for honey contained in Directive 2001/110/EC ⁽³⁾. Furthermore, the defendant's regulation constitutes a disproportionate restriction on the free movement of goods in terms of Article 28 EC.

Second, in support of its action the applicant submits that the contested regulation is incompatible with the requirements of Regulation (EEC) No 2081/92 ⁽⁴⁾. In that regard, it claims that Article 2, Article 4 and the second indent of Article 7(4) of Regulation No 2081/92 have been infringed.

Finally, the applicant alleges that Regulation No 1854/2005 was enacted pursuant to a legally incorrect procedure. The

defendant did not deal adequately with the argument concerning the economic effect on an existing designation.

-
- ⁽¹⁾ Commission Regulation (EC) No 1854/2005 of 14 November 2005 supplementing the Annex to Regulation (EC) No 2400/96 as regards the entry of a name in the 'Register of protected designations of origin and protected geographical indications' (*Miel de Provence*) (PGI).
- ⁽²⁾ Commission Regulation (EC) No 2400/96 of 17 December 1996 on the entry of certain names in the 'Register of protected designation of origin and protected geographical indications' provided for in Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs.
- ⁽³⁾ Council Directive 2001/110/EC of 20 December 2001 relating to honey.
- ⁽⁴⁾ Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs.

Action brought on 3 February 2006 — Transcatav v Commission of the European Communities

(Case T-39/06)

(2006/C 86/72)

*Language of the case: Italian***Parties**

Applicant(s): Transcatav S.p.A. in Liquidation (Caserta, Italy) (represented by: Cristoforo Osti and Alessandra Prastaro, avvocati)

Defendant(s): Commission of the European Communities

Form of order sought

The applicant(s) claim(s) that the Court should:

- Annul in part Article 1.1 of Commission Decision C (2005) 4012 def. of 20 October 2005, in which it found that SCC (and therefore Alliance One) should be held to be jointly liable for the infringements of Article 81 committed by Transcatav;
- Consequently reduce the fine imposed on the applicant;
- Order the Commission to pay the costs in full, including those of Transcatav.