

**Request for a preliminary ruling from the Conseil d'État (France) lodged on 24 July 2018 — Groupe Lactalis v Premier ministre, Ministre de l'Agriculture et de l'Alimentation, Garde des Sceaux, Ministre de la Justice, Ministre de l'Économie et des Finances**

(Case C-485/18)

(2018/C 352/30)

*Language of the case: French*

**Referring court**

Conseil d'État

**Parties to the main proceedings**

*Applicant:* Groupe Lactalis

*Defendants:* Premier ministre, Ministre de l'Agriculture et de l'Alimentation, Garde des Sceaux, Ministre de la Justice, Ministre de l'Économie et des Finances

**Questions referred**

1. Must Article 26 of Regulation No 1169/2011 of the European Parliament and of the Council of 25 October 2011, <sup>(1)</sup> which provides, inter alia, for the Commission to submit reports to the European Parliament and the Council regarding the mandatory indication of the country of origin or place of provenance for milk and milk used as an ingredient, be regarded as having specifically harmonised that matter within the meaning of Article 38(1) of that regulation and does it preclude Member States from adopting measures requiring additional mandatory particulars on the basis of Article 39 of that regulation?
2. In the event that the national measures are justified on grounds of the protection of consumers in the light of Article 39 (1), should the two criteria laid down in Article 39(2) concerning, first, the proven link between certain qualities of the food and its origin or provenance and, second, the evidence that the majority of consumers attach significant value to the provision of that information be read in combination, and, in particular, can the examination of the proven link be based solely on subjective elements relating to the value that the majority of consumers attach to the link between certain qualities of the food and its origin or provenance?
3. To the extent to which the qualities of the food appear to include all the factors contributing to the quality of the food, can considerations relating to the resilience of the food to transportation and the risk of deterioration during journeys be taken into account when examining whether there is a proven link between certain qualities of the food and its origin or provenance for the purposes of the application of Article 39(2)?
4. Does the assessment of the conditions laid down in Article 39 presuppose that the qualities of the food are regarded as being unique on account of its origin or provenance or as being guaranteed by reason of that origin or provenance and, in the latter case, notwithstanding the harmonisation of health and environmental standards applicable within the European Union, can the indication of origin or provenance be more precise than the indications 'EU' or 'Non-EU'?

<sup>(1)</sup> 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).