



C/2024/3345

3.6.2024

**Action brought on 8 April 2024 – Comptoir Sel Solaire v Commission**

**(Case T-190/24)**

(C/2024/3345)

*Language of the case: French*

**Parties**

*Applicant:* Comptoir Sel Solaire (Boffa, Guinea) (represented by: T. Lachacinski and F. Fajgenbaum, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the General Court should:

- declare that it has jurisdiction;
- uphold the applicant's action for annulment of Commission Implementing Regulation (EU) 2024/423 <sup>(1)</sup> of 31 January 2024 entering a name in the register of protected designations of origin and protected geographical indications (Sel de Camargue/Fleur de sel de Camargue (PGI));
- annul Commission Implementing Regulation (EU) No 2024/423 of 31 January 2024 entering a name in the register of protected designations of origin and protected geographical indications (Sel de Camargue/Fleur de sel de Camargue (PGI));
- order the Commission to pay the costs.

**Pleas in law and main arguments**

In support of the action, the applicant relies on four pleas in law.

1. First plea in law, alleging infringement of Article 5(2) of Regulation No 1151/2012, <sup>(2)</sup> in that the name 'Fleur de sel de Camargue' is invalid because it is unlawful. The applicant claims that, first, that name does not comply with the definition of 'Fleur de sel' laid down by Portuguese, Spanish, Croatian and Slovenian legislation and, second, a protected geographical indication ('PGI') which cannot be commercially exploited is rendered ineffective and irrelevant since it is *res extra commercium*.
2. Second plea in law, alleging infringement of Article 1(b) of Regulation No 1151/2012, read in conjunction with Article 2 of the Agreement on Trade-Related Aspects of Intellectual Property Rights ('TRIPS Agreement') and Article 10bis of the Paris Convention, in that the registration of the PGI 'Sel de Camargue/Fleur de sel de Camargue' creates a situation of unfair competition between operators, particularly those subject to national legislation which has adopted a restrictive definition of the concept of 'Fleur de sel'.
3. Third plea in law, alleging infringement of Article 5(2) of Regulation No 1151/2012, read in conjunction with Articles 1(1)(a) and 4(c) of that regulation, in that the name 'Fleur de sel de Camargue' is misleading for consumers. The applicant takes the view that the goods designated under the PGI 'Sel de Camargue/Fleur de sel de Camargue' do not correspond to the product commonly known as 'Fleur de sel', with which all the other PDO-PGI 'Fleur de sel' goods comply.

<sup>(1)</sup> Commission Implementing Regulation (EU) 2024/423 of 31 January 2024 entering a name in the register of protected designations of origin and protected geographical indications (Sel de Camargue/Fleur de sel de Camargue (PGI)) (OJ L 2024/423).

<sup>(2)</sup> Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ 2012 L 343, p. 1).

4. Fourth plea in law, alleging infringement of Article 41(1) of the Charter of Fundamental Rights of the European Union, in that the European Commission ought to have deferred its decision on the registration of the PGI 'Sel de Camargue/Fleur de sel de Camargue' pending a decision on the earlier application for recognition of a 'Fleur de sel' traditional speciality guaranteed lodged in May 2020 by Comptoir Sel Solaire and still under examination, in accordance with the right to sound administration.
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