

Pleas in law and main arguments

First ground of appeal: The General Court considers that the appellant has no legal interest in bringing proceedings since the contested regulation contains the information that ‘Gouda’ is generic. The statement at issue in the registration regulation is, thereby, merely tautological. In contrast to the General Court’s conclusion, the annulment of the registration regulation would as a result grant the members an advantage establishing the legal interest in bringing proceedings. For that reason, the action is admissible. For the same reason, it is also well-founded. The information is accepted by the Dutch claimants. The Commission therefore acted unlawfully by failing nevertheless to provide that information.

Second ground of appeal: The appellant claimed that its members had in the past delivered milk in the Netherlands, which then could be processed to make Gouda or Edam and it is probable that it was so processed. The General Court did not infer therefrom an interest in bringing proceedings. That argument is factually inaccurate. The General Court thereby misconstrued the facts, since the argument is correct. Moreover, according to the General Court, the appellant did not bring its complaint and action for ‘milk producers’. That is also a distortion of the facts, since the complaint was brought for the appellant’s members, insofar as they process milk (the milk sold to the Netherlands is processed milk) and market milk or cheese.

Third ground of appeal: The General Court considers that the rejection of the complaint does not provide the appellant with an interest in bringing proceedings. Under the law, the complaint was not brought by the appellant, but by the Federal Republic of Germany. That does not correspond to the law applicable under Regulation No 510/2006 ⁽²⁾, and that question has, in contrast to the General Court’s finding, not yet been decided by that court for the purpose that regulation. There are differences between Regulation No 510/2006 and the regulation it replaced, Regulation (EEC) 2081/92 ⁽³⁾, which the General Court failed to take into consideration and which had the consequence that, in any event, claimants such as the appellant have a right to appeal.

Fourth ground of appeal: The Court rejects the appellant’s claim that the EU’s protected geographical indications (PGI) grant the Dutch manufacturers a competitive advantage as against the appellant’s members. That is incorrect. There exists a competitive advantage, on the basis of which the appellant’s members have an interest in bringing an action for annulment of the registration regulation.

⁽¹⁾ OJ 2010 L 317, p. 22.

⁽²⁾ Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (OJ 2006 L 93, p. 12).

⁽³⁾ 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 (OJ 1992 L 208, p. 1).

**Order of the President of the Court of 17 octobre 2014 — European Commission v Romania,
intervening parties: Republic of Estonia, Kingdom of the Netherlands**

(Case C-405/13) ⁽¹⁾

(2015/C 016/32)

Language of the case: Romanian

The President of the Grand Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 260, 7.9.2013.
