



## Reports of Cases

JUDGMENT OF THE GENERAL COURT (Second Chamber, Extended Composition)

12 July 2023\*

(Protected geographical indication – Protected designation of origin – Applications for protection of the geographical indications ‘Jambon sec de l’Île de Beauté’, ‘Lonzo de l’Île de Beauté’ and ‘Coppa de l’Île de Beauté’ – Earlier protected designations of origin ‘Jambon sec de Corse – Prisuttu’, ‘Lonzo de Corse – Lonzu’ and ‘Coppa de Corse – Coppa di Corsica’ – Eligibility of names – Evocation – Article 7(1)(a) and Article 13(1)(b) of Regulation (EU) No 1151/2012 – Scope of the Commission’s control of the applications for registration – Article 50(1) and Article 52(1) of Regulation No 1151/2012 – Error of assessment)

In Case T-34/22,

**Cunsorziu di i Salamaghji Corsi – Consortium des Charcutiers Corses**, established in Borgo (France), and the other applicants whose names are set out in the annex,<sup>1</sup> represented by T. de Haan and V. Le Meur-Baudry, lawyers,

applicants,

v

**European Commission**, represented by M. Konstantinidis, C. Perrin and B. Rechen, acting as Agents,

defendant,

THE GENERAL COURT (Second Chamber, Extended Composition),

composed of A. Marcoulli, President, S. Frimodt Nielsen, J. Schwarcz, V. Tomljenović and R. Norkus (Rapporteur), Judges,

Registrar: L. Ramette, Administrator,

having regard to the written part of the procedure,

further to the hearing on 13 January 2023,

gives the following

\* Language of the case: French.

<sup>1</sup> The list of the other applicants is annexed only to the version sent to the parties.

## Judgment<sup>2</sup>

1 By their action under Article 263 TFEU, the applicants, Cunsorziu di i Salamaghji Corsi – Consortium des Charcutiers Corses and the other applicants whose names are set out in the annex seek the annulment of Commission Implementing Decision (EU) 2021/1879 of 26 October 2021 rejecting three applications for protection of a geographical indication in accordance with Article 52(1) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council ‘Jambon sec de l’Île de Beauté’ (PGI), ‘Lonzo de l’Île de Beauté’ (PGI), ‘Coppa de l’Île de Beauté’ (PGI) (OJ 2021 L 383, p. 1) (‘the contested decision’).

### Background to the dispute

...

4 The names ‘Jambon sec de Corse’/‘Jambon sec de Corse – Prisuttu’, ‘Lonzo de Corse’/‘Lonzo de Corse – Lonzu’ and ‘Coppa de Corse’/‘Coppa de Corse – Coppa di Corsica’ were registered as protected designations of origin (PDOs) on 28 May 2014, respectively, by Commission Implementing Regulation (EU) No 581/2014 (OJ 2014 L 160, p. 23), Commission Implementing Regulation (EU) No 580/2014 (OJ 2014 L 160, p. 21) and Commission Implementing Regulation (EU) No 582/2014 (OJ 2014 L 160, p. 25) (‘the regulations registering the PDOs at issue’).

5 In December 2015, the Consortium filed seven applications for registration as a protected geographical indication (PGI) with the French national authorities, pursuant to 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). The seven applications concern the following names, used by the applicants: ‘Jambon sec de l’Île de Beauté’, ‘Coppa de l’Île de Beauté’, ‘Lonzo de l’Île de Beauté’, ‘Saucisson sec de l’Île de Beauté’, ‘Pancetta de l’Île de Beauté’, ‘Figatelli de l’Île de Beauté’ and ‘Bulagna de l’Île de Beauté’.

6 On 20 April 2018, the Minister for Agriculture and Food and the Minister for Economics and Finance issued seven decrees approving the seven corresponding specifications with a view to forwarding them to the European Commission for approval.

7 At the same time, by applications lodged on 27 June 2018 before the Conseil d’État (Council of State, France), the union holding the specifications of the PDOs ‘Jambon sec de Corse – Prisuttu’, ‘Coppa de Corse – Coppa di Corsica’ and ‘Lonzo de Corse – Lonzu’ applied for the annulment of the decrees of 20 April 2018 concerning the approval of the specifications of the names ‘Jambon sec de l’Île de Beauté’, ‘Coppa de l’Île de Beauté’ and ‘Lonzo de l’Île de Beauté’ with a view to forwarding their applications for registration as a PGI to the Commission, on the ground, inter alia, that the term ‘Île de Beauté’ imitated or evoked the term ‘Corsica’ and therefore caused confusion with the names already registered as PDOs.

8 On 17 August 2018, the seven applications for registration as PGIs of the names at issue were forwarded to the Commission. As regards the applications for registration as PGIs of the names ‘Jambon sec de l’Île de Beauté’, ‘Lonzo de l’Île de Beauté’ and ‘Coppa de l’Île de Beauté’, the Commission sent two letters, on 12 February 2019 and 24 November 2020, to the national authorities seeking clarification, in particular as regards the issue of their ineligibility, if any, for registration. The national authorities replied, in essence, that they considered that the two

<sup>2</sup> Only the paragraphs of the present judgment which the Court considers it appropriate to publish are reproduced here.

groups of products (that is to say, the registered PDOs and the applications for protection as a PGI) were clearly dissimilar as regards the products and that the names appeared to them to be sufficiently distinct.

- 9 By judgment of 19 December 2019, relating to the name ‘Jambon sec de l’Île de Beauté’ (PGI) and two judgments of 13 February 2020, relating to the names ‘Coppa de l’Île de Beauté’ (PGI) and ‘Lonzo de l’Île de Beauté’ (PGI) respectively, the Conseil d’État (Council of State) rejected the three abovementioned applications (see paragraph 7 above), on the ground, inter alia, that ‘the use of different terms and the difference in the protection conferred by a designation of origin, on the one hand, and by a geographical indication, on the other, are such as to dispel the risk that consumers, who are reasonably well informed and reasonably observant and circumspect, have, in the presence of the contested geographical indication, directly in mind, as a reference image, the goods enjoying the protected designation of origin already registered[;] consequently, the applicants are not entitled to maintain that the contested decree infringes the provisions ... of Article 13(1)(b) of Regulation [No 1151/2012]’ (paragraph 5 of the three judgments of the Conseil d’État (Council of State)).

...

### **Forms of order sought**

- 11 The applicants claim that the Court should:
- annul the contested decision;
  - order the Commission to pay the costs.
- 12 The Commission contends that the Court should:
- dismiss the action;
  - order the applicants to pay the costs.

### **Law**

...

- 15 In the present case, in the contested decision, the Commission noted, in essence, that a name which would run counter to the protection granted by Regulation No 1151/2012 could not be used in trade within the meaning of Article 7(1)(a) of that regulation and, therefore, could not be registered (recital 4). Since 28 May 2014 (see paragraph 4 above), the names registered as a PDO have enjoyed, by virtue of Article 13 of Regulation No 1151/2012, protection against, inter alia, any direct or indirect use of those names in respect of products which do not conform to the relevant specification and any misuse, imitation or evocation of those names (recital 7). A transitional period expiring on 27 April 2017 was nevertheless granted, by means of the regulations which registered the PDOs at issue, to certain French undertakings established in Corsica and using such names, but in respect of products with different characteristics from those laid down in the specification, in order to allow them to adapt to the requirements of the specification or, failing that, to change the sales name used (recital 8). The names ‘Jambon sec de l’Île de Beauté’, ‘Lonzo

de l'Île de Beauté', and 'Coppa de l'Île de Beauté, which have been used in trade since 2015, refer to the same geographical area as the abovementioned PDOs, namely the island of Corsica, and it is moreover well known that 'Île de Beauté' is a customary periphrasis which, in the eyes of the French consumer, unequivocally refers to Corsica (recital 9). Since 18 June 2014, the use of the names 'Jambon sec de l'Île de Beauté', 'Lonzo de l'Île de Beauté' and 'Coppa de l'Île de Beauté' therefore constitute a breach of the protection granted to the PDOs 'Jambon sec de Corse'/'Jambon sec de Corse – Prisuttu', 'Lonzo de Corse'/'Lonzo de Corse – Lonzu', 'Coppa de Corse'/'Coppa de Corse – Coppa di Corsica' by Article 13(1)(b) of Regulation No 1151/2012 (recital 10). Even though the pronunciation of the registered PDOs and of the PGIs applied for is certainly different, their synonymy is obvious. Thus, evocation cannot in any way be ruled out, since phonetic similarity is not a prerequisite for evocation (recital 20). The Commission therefore rejected the applications for registration of the names 'Jambon sec de l'Île de Beauté', 'Lonzo de l'Île de Beauté' and 'Coppa de l'Île de Beauté' as a PGI on the ground that they had been used in trade or in common language in contravention of Article 13 of Regulation No 1151/2012 and that, consequently, they did not comply with the eligibility criteria for registration, namely Article 7(1)(a) of Regulation No 1151/2012 (recital 24).

- 16 In support of their action, the applicants put forward two pleas in law, alleging, first, in essence, that the Commission exceeded its powers and, second, that the national authorities and the Conseil d'État (Council of State) have established sufficiently that the three applications for registration comply with Articles 7 and 13 of Regulation No 1151/2012.

***The first plea in law, alleging, in essence, that the Commission exceeded its powers***

...

*The Commission's powers*

...

- 21 As a preliminary point, it should be borne in mind that Regulation No 1151/2012 creates a system of division of powers, in the sense that, in particular, the decision to register a name as a PGI may be made by the Commission only if the Member State concerned has submitted to it an application for that purpose and that such an application may be made only if that Member State has checked that that application was justified. That system of division of powers is attributable particularly to the fact that registration of a protected geographical indication assumes that it has been verified that a certain number of conditions have been met, which requires, to a large extent, detailed knowledge of matters particular to that Member State, which the competent authorities thereof are best placed to check (see judgment of 15 April 2021, *Hengstenberg*, C-53/20, EU:C:2021:279, paragraph 37 and the case-law cited).
- 22 It is apparent from Article 1(1) of that regulation, read in the light of recitals 20 and 39 thereof, that that regulation is also intended to prevent the creation of conditions of unfair competition (see judgment of 15 April 2021, *Hengstenberg*, C-53/20, EU:C:2021:279, paragraph 42 and the case-law cited).

- 23 The aim of the provisions of Regulation No 1151/2012 is to prevent the misuse of protected designations of origin and protected geographical indications, not only in the interests of buyers, but also in the interests of producers who have striven to guarantee the qualities expected of products lawfully bearing such indications (see judgment of 15 April 2021, *Hengstenberg*, C-53/20, EU:C:2021:279, paragraph 43 and the case-law cited).
- 24 Recital 19 of that regulation states that uniform respect throughout the European Union for the intellectual property rights related to names protected in the European Union is a priority which can be achieved more effectively at EU level (see judgment of 15 April 2021, *Hengstenberg*, C-53/20, EU:C:2021:279, paragraph 44 and the case-law cited).
- 25 First, the applicants dispute that Article 7(1)(a) of Regulation No 1151/2012, read in conjunction with Article 13(1)(b) of that regulation, constitutes a valid legal basis for refusing to register a name.
- 26 As a preliminary point, it may be noted that it is apparent from the Commission's letter of 24 November 2020 that the Commission had first envisaged refusing registration of the names applied for not only on the basis of Article 7(1)(a) of Regulation No 1151/2012, read in conjunction with Article 13(1)(b) of that regulation, but also on the basis of Article 6(3) thereof.
- 27 That latter provision lays down the principle that a name 'that is wholly or partially homonymous' with a name already protected may not be registered.
- 28 When questioned in that regard at the hearing, the Commission explained that it had declined to refuse the registrations applied for also on the basis of Article 6(3) of Regulation No 1151/2012, since it should not be possible to reject an application for registration on the basis of homonymy relating only to descriptions of common products, such as 'jambon sec' (cured ham).
- 29 Next, it should be noted, first, as the Commission emphasises, that Article 13 of Regulation No 1151/2012 relates not to registration but to the scope of protection of registered names.
- 30 Accordingly, that latter provision cannot, in itself, constitute the legal basis for the rejection of an application for registration.
- 31 Second, as the applicants submit, Article 7(1)(a) of Regulation No 1151/2012 relates specifically to the 'product specification' of the name which is the subject of an application for protection as a PDO or PGI. The applicants infer therefrom that the issue of evocation is not related to eligibility under that provision.
- 32 However, it should be borne in mind that, under Article 50(1) of Regulation No 1151/2012, read in the light of recital 58 thereof, the Commission must assess, following scrutiny, whether the specification which accompanies the application for registration contains the information required by Regulation No 1151/2012 and whether that information does not appear to be vitiated by manifest errors (judgment of 23 April 2018, *CRM v Commission*, T-43/15, not published, EU:T:2018:208, paragraph 67).
- 33 The preparation of the specification thus constitutes a necessary step in the procedure for the adoption of a Union act registering a name as a PGI (see, to that effect, judgment of 23 April 2018, *CRM v Commission*, T-43/15, not published, EU:T:2018:208, paragraph 35).

- 34 Article 7(1)(a) of Regulation No 1151/2012 provides that the product specification must include, in particular, the name for which protection is sought.
- 35 As the Commission submits, that provision, according to which the specification must include the name as it ‘is used, whether in trade or in common language’, presupposes that it checks that that use does not infringe the protection against evocation referred to in Article 13(1)(b) of Regulation No 1151/2012.
- 36 To allow the registration of a PGI when it would be evocative of a PDO already registered would render ineffective the protection provided for in Article 13(1)(b) of Regulation No 1151/2012, since once that name is registered as a PGI, the name previously registered as a PDO will no longer enjoy the protection provided for in Article 13(1)(b) of Regulation No 1151/2012.
- 37 The preparation of the specification, a necessary step in the registration procedure, cannot therefore be vitiated by an infringement, by the name applied for, of the protection provided for in Article 13(1)(b) of Regulation No 1151/2012.
- 38 Accordingly, the Commission, which must refuse registration under Article 52(1) of Regulation No 1151/2012 if it considers that the conditions for registration are not fulfilled, cannot be required to allow the registration of a name if it considers its use in trade to be unlawful.
- 39 Thus, since the Commission considered that, since 18 June 2014, the date on which the regulations which registered the PDOs at issue entered into force, use of the names applied for as a registered PGI would constitute an infringement of the protection against evocation granted to PDOs already registered under Article 13(1)(b) of Regulation No 1151/2012, it was entitled to infer that such use in trade or in common language would be unlawful.
- 40 The applicants are therefore incorrect in arguing that the issue of evocation is not related to eligibility for registration under Article 7(1)(a) of Regulation No 1151/2012, and that that provision, read in conjunction with Article 13(1)(b) of Regulation No 1151/2012, cannot constitute a valid legal basis for refusing to register a name.
- 41 Second, as regards the extent of the Commission’s examination of the compliance of the name with the conditions set out in Regulation No 1151/2012, it should be noted that recital 58 of Regulation No 1151/2012 provides that the Commission must scrutinise applications to ensure that there are no manifest errors and that Union law and the interests of stakeholders outside the Member State of application have been taken into account.
- 42 To that end, Article 50(1) of Regulation No 1151/2012 provides that the Commission is to scrutinise by appropriate means any application forwarded by the Member States, in order to check that it is justified and that it meets the conditions required under that regulation. Furthermore, under Article 52(1) of that regulation, as noted in paragraph 38 above, it is for the Commission to reject those applications where it considers that the conditions for registration are not fulfilled.
- 43 Regulation No 1151/2012 does not define what is covered by the concept of ‘appropriate means’, thus leaving it to the Commission to assess what those means are.

- 44 It follows that, even if the national authorities consider, once they have forwarded an application for registration to the Commission, that that application fulfils the conditions laid down by Regulation No 1151/2012, the Commission is not bound by the assessment of those authorities and has, as regards its decision to register a name as a PDO or PGI, a margin of independent discretion, since it is required to check, under Article 50 of that regulation, that the conditions for registration are fulfilled.
- 45 In the present case, the applicants submit that, in the contested decision, the Commission merely stated that, following correspondence with the national authorities, it understood that they considered that the three names protected by a PDO and the three names applied for as a PGI were ‘sufficiently distinctive’ (recital 16 of the contested decision).
- 46 In that regard, by letter of 12 February 2019, the Commission informed the national authorities of its proposal to adopt a decision rejecting the applications for registration of the names concerned as a PGI and invited them to submit their comments.
- 47 By letter of 24 November 2020, the Commission confirmed to the national authorities its intention to reject the applications for PGI registration concerned and, once again, invited the national authorities to provide additional comments.
- 48 The Commission thus asked the national authorities, on two occasions, before concluding that the applications for registration of the names concerned did not fulfil the conditions of eligibility for registration laid down in Article 7(1)(a) of Regulation No 1151/2012 because they had been used in trade or in common language in contravention of Article 13 of that regulation (see paragraph 10 above).
- 49 Thus, contrary to the applicants’ assertions, the Commission did not ‘merely state’ that the national authorities considered that the three names protected by a PDO and the three names applied for as a PGI were ‘sufficiently distinctive’, but, before adopting the contested decision, requested the national authorities, on two occasions, to provide all relevant information in support of their application for registration of the PGIs at issue. In so far as it must be understood that the applicants, by claiming that the Commission merely stated that the names at issue were ‘sufficiently distinctive’, complain that it did not carry out a sufficient examination of whether the name complied with the conditions laid down in Regulation No 1151/2012, they have not submitted any evidence in support of such an argument. In particular, the applicants have not explained what examination the Commission allegedly ought to have carried out.
- 50 Third, as regards the Commission’s discretion, the applicants submit that it follows from the judgment of 23 April 2018, *CRM v Commission* (T-43/15, not published, EU:T:2018:208), that that discretion is ‘limited, if any’ as regards the decision to register a designation as a PDO or PGI.
- 51 In that regard, the General Court held in the judgment of 23 April 2018, *CRM v Commission* (T-43/15, not published, EU:T:2018:208), that, before registering the PGI applied for, the Commission had to assess, under Article 50(1) of Regulation No 1151/2012, read in the light of recital 58 thereof, following scrutiny, whether, first, the specification which accompanies the application for registration contains the information required by Regulation No 1151/2012 and whether that information does not appear to be vitiated by manifest errors and, second, whether the name meets the conditions for registration of a PGI set out in Article 5(2) of Regulation No 1151/2012. The Court stated that the Commission had to conduct that assessment

independently in the light of the criteria for registration of a PGI laid down by Regulation No 1151/2012 in order to ensure the correct application of that regulation (judgment of 23 April 2018, *CRM v Commission*, T-43/15, not published, EU:T:2018:208, paragraph 67).

- 52 In the present case, the applicants refer more specifically to paragraphs 34, 35 and 51 of the judgment of 23 April 2018, *CRM v Commission* (T-43/15, not published, EU:T:2018:208). In those paragraphs, the Court held, respectively, first, that the assessment of the conditions for registration had to be carried out by the national authorities subject to review, where appropriate, by the national courts before the application for registration was notified to the Commission (judgment of 23 April 2018, *CRM v Commission*, T-43/15, not published, EU:T:2018:208, paragraph 34); second, that it followed that an application for registration, including, inter alia, the specification, constituted a necessary step in the procedure for adopting a Union act registering a name as a PGI, since the Commission had only limited, if any, discretion, with regard to that national measure (judgment of 23 April 2018, *CRM v Commission*, T-43/15, not published, EU:T:2018:208, paragraph 35); and, third, that the Commission had only limited, if any, discretion with regard to the assessments made by the national authorities as regards the determination of the detailed rules for the manufacture or packaging of the product covered by the application for registration of a PGI, as set out in the specification and reflected in the national measures submitted to it in the context of the application for registration of a PGI (judgment of 23 April 2018, *CRM v Commission*, T-43/15, not published, EU:T:2018:208, paragraph 51).
- 53 It should be noted that, in the present case, the Commission has not called into question the assessments made by the national authorities as regards the information set out in the specification, such as the determination of the detailed rules for the manufacture or packaging of the product covered by the application for registration of a PGI, the preparation of which constitutes the first stage of the procedure for registering the names at issue as a PGI and in respect of which the Commission has, admittedly, only limited, if any, discretion (see paragraph 52 above). It was in the context of its examination for the purpose of approving those applications, which constitutes the second stage of that procedure, that the Commission considered, after having duly asked the national authorities in that regard on two occasions, that the applications for registration of the names concerned did not fulfil the conditions of eligibility for registration laid down in Article 7(1)(a) of Regulation No 1151/2012 because they had been used in trade or in common language in contravention of Article 13 of that regulation (see paragraph 10 above).
- 54 It follows from Regulation No 1151/2012 and, in particular, from recital 58 of that regulation that, in the first stage, under Article 49 of that regulation, the national authorities are to examine applications for registration of names as a PDO or PGI and, if they consider that the requirements of that regulation are fulfilled, they are to submit an application file to the Commission, then, in the second stage, under Articles 50 and 52 of that regulation, the Commission is to scrutinise the applications and, on the basis of the information available to it and on the basis of the examination which it has carried out, to register the names or reject the applications for registration.
- 55 The applicants' reference to the judgment of 23 April 2018, *CRM v Commission* (T-43/15, not published, EU:T:2018:208), is therefore irrelevant and the applicants cannot therefore infer from that judgment that the Commission has only 'limited, if any' discretion. In that regard, it has already been noted that, as regards the decision to register a name as a PDO or PGI in the light of



the conditions of eligibility for registration laid down in Article 7(1)(a) of Regulation No 1151/2012, read in conjunction with Article 13(1)(b) of that regulation, the Commission had a margin of independent discretion (see paragraph 44 above).

- 56 The applicants also refer to paragraph 25 of the judgment of 29 January 2020, *GAEC Jeanningros* (C-785/18, EU:C:2020:46), according to which, in view of the decision-making power which belongs to national authorities under the system of division of powers, it is for national courts alone to rule on the lawfulness of measures adopted by those authorities, such as those relating to applications to register a name, which constitute a necessary step in the procedure for adopting a Union act, since the EU institutions have, with regard to those measures, only limited, if any, discretion with regard to those acts. The applicants also refer to paragraphs 35 and 36 of that judgment, according to which the discretion granted to the Commission as regards the approval of minor amendments to the specification is, in essence, as is apparent from recital 58 of Regulation No 1151/2012, limited to checking that the application contains the information required and does not appear to be vitiated by manifest errors.
- 57 That case concerned minor amendments to the specification. The Court of Justice stated, in paragraph 30 of the judgment of 29 January 2020, *GAEC Jeanningros* (C-785/18, EU:C:2020:46), that such applications were subject to a procedure that is simplified but, essentially, similar to the registration procedure, in that it also creates a system of division of powers between the authorities of the Member State concerned and the Commission as regards, first, checking that the application for amendment complies with the requirements resulting from Regulation No 1151/2012, and, second, approving that application and, in paragraph 31 of that judgment, that it is for national courts to rule on any irregularity that may vitiate a national measure relating to an application for a minor amendment to the specification.
- 58 The present case did not concern minor amendments to the product specification, the preparation of which, and amendments to which, if any, fall within the first stage of the procedure for registration of a name, but rather the question of the approval or refusal, by the Commission alone, of the registration of the names at issue, which falls within the second stage of the procedure.
- 59 It is thus apparent from paragraph 25 of the judgment of 29 January 2020, *GAEC Jeanningros* (C-785/18, EU:C:2020:46), that the ‘limited, if any, discretion’ of the EU institutions concerns the first of those two stages, that is to say, the stage during which the documents constituting the file relating to the application for registration which the national authorities may forward to the Commission are collected.
- 60 Accordingly, and contrary to the applicants’ assertions, it cannot be inferred from the judgment of 29 January 2020, *GAEC Jeanningros* (C-785/18, EU:C:2020:46), that the Commission has only ‘limited, if any, discretion’, in the context of the second stage, as regards its decision to register a name as a PDO or PGI in the light of the conditions of eligibility laid down in Article 7(1)(a) of Regulation No 1151/2012, read in conjunction with Article 13(1)(b) of that regulation.
- 61 The arguments alleging that the Commission exceeded its powers must therefore be rejected as unfounded.

*Res judicata*

- 62 The applicants submit that the Commission could not, in the contested decision, call into question what was definitively held in paragraph 5 of the judgments of the Conseil d'État (Council of State) of 19 December 2019 and 13 February 2020, namely that there was no risk, for consumers who are reasonably well informed and reasonably observant and circumspect, of evocation between the registered PDOs and the PGIs applied for.
- 63 In that regard, as observed in paragraph 51 above, the Commission must assess independently whether the criteria for the registration of a PGI provided for by Regulation No 1151/2012 are fulfilled in order to ensure the correct application of that regulation (see, to that effect, judgment of 23 April 2018, *CRM v Commission*, T-43/15, not published, EU:T:2018:208, paragraph 67).
- 64 Therefore, the decision of a national court which has become *res judicata* cannot be relied on in order to call that assessment into question.
- 65 The applicants' argument alleging infringement of the principle of *res judicata* in regard to the judgments of the Conseil d'État (Council of State) of 19 December 2019 and 13 February 2020 must therefore be rejected as unfounded.
- 66 The first plea in law must therefore be rejected as unfounded.

...

On those grounds,

THE GENERAL COURT (Second Chamber, Extended Composition)

hereby:

- 1. Dismisses the action;**
- 2. Orders Cunsorziu di i Salamaghji Corsi – Consortium des Charcutiers Corses and the other applicants whose names are set out in the annex to bear their own costs and to pay those incurred by the European Commission.**

Marcoulli

Frimodt Nielsen

Schwarz

Tomljenović

Norkus

Delivered in open court in Luxembourg on 12 July 2023.

[Signatures]