

Operative part

The Court:

1. Dismisses the action;
2. Orders the applicant to pay the costs.

Judgment of the Court of First Instance (Fourth Chamber) of 15 March 2006 — Italy v Commission (Case T-226/04)

Action for annulment — Regulation (EC) No 316/2004 — Common organisation of the market in wine — Protection of traditional names — Amendment of classification of certain additional traditional names — Use in labelling of wine originating in third countries — Procedural defect — Principle of proportionality — TRIPs Agreement

1. *Agriculture — Common organisation of the markets — Wine — Designation and presentation of wines — Regulations Nos 1493/1999 and 753/2002 (Council Regulation No 1493/1999; Commission Regulations Nos 753/2002 and 316/2004) (see paras 35-40)*
2. *Procedure — Introduction of new pleas during the proceedings (Rules of Procedure of the Court of First Instance, Art. 48(2)) (see para. 64))*
3. *Agriculture — Common organisation of the markets — Wine — Designation and presentation of wines — Regulations Nos 1493/1999 and 753/2002 (Council Regulation No 1493/1999, Annex VII B, para. 1(b)); Commission Regulation No 753/2002, Arts 23 and 24) (see para. 72)*

4. *International agreements — Conclusion — Directives addressed by the Council to the Commission with a view to concluding bilateral agreements (Art. 300(1) EC; Commission Regulations Nos 753/2002 and 316/2004) (see paras 74-78)*

5. *Agriculture — Common organisation of the markets — Wine — Designation and presentation of wines — Regulations Nos 1493/1999 and 753/2002 (Council Regulation No 1493/1999; Commission Regulations Nos 753/2002 and 316/2004) (see paras 86-88)*

6. *Actions for annulment — Pleas in law (Art. 230 EC; Commission Regulation No 316/2004) (see paras 100-103)*

Re:

APPLICATION for the partial annulment of Commission Regulation (EC) No 316/2004 of 20 February 2004 amending Regulation (EC) No 753/2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products (OJ 2004 L 55, p. 16), in so far as it amends Articles 24, 36 and 37 of Commission Regulation No 753/2002 of 29 April 2002 (OJ 2002 L 118, p. 1), concerning the protection of traditional names.

Operative part

The Court:

1. Dismisses the action;

2. Orders the Italian Republic to pay the costs.