

TRIBUNAL DE JUSTICIA DE LAS COMUNIDADES EUROPEAS
SOUDNÍ DVŮR EVROPSKÝCH SPOLEČENSTVÍ
DE EUROPÆISKE FÆLLESSKABERS DOMSTOL
GERICHTSHOF DER EUROPÄISCHEN GEMEINSCHAFTEN
EUROOPA ÜHENDUSTE KOHUS
ΔΙΚΑΣΤΗΡΙΟ ΤΩΝ ΕΥΡΩΠΑΪΚΩΝ ΚΟΙΝΟΤΗΤΩΝ
COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES
COUR DE JUSTICE DES COMMUNAUTÉS EUROPÉENNES
CÚIRT BHREITHIÚNAIS NA gCÓMHPHOBAL EORPACH
CORTE DI GIUSTIZIA DELLE COMUNITÀ EUROPEE
EIROPAS KOPIENU TIESA



EUROPOS BENDRIJŲ TEISINGUMO TEISMAS
EURÓPAI KÖZÖSSÉGEK BÍRÓSÁGA
IL-QORTI TAL-ĠUSTIZZJA TAL-KOMUNITAJIET EWROPEJ
HOF VAN JUSTITIE VAN DE EUROPESE GEMEENSCHAPPEN
TRYBUNAŁ SPRAWIEDLIWOŚCI WSPÓLNOT EUROPEJSKICH
TRIBUNAL DE JUSTIÇA DAS COMUNIDADES EUROPEIAS
SÚDNY DVOR EURÓPSKÝCH SPOLOČENSTEV
SODIŠČE EVROPSKIH SKUPNOSTI
EUROOPAN YHTEISÖJEN TUOMIOISTUIN
EUROPEISKA GEMENSKAPERNAS DOMSTOL

Press and Information

PRESS RELEASE No 70/05

14 July 2005

Judgments of the Court of Justice in Case C-135/03 and Case C-107/04

Commission of the European Communities v. Kingdom of Spain

*Comité Andaluz de Agricultura Ecológica v. Administración General del Estado and the
Comité Aragonés de Agricultura Ecológica*

**THE REGULATION ON ORGANIC PRODUCTION FROM NOW ON PRECLUDES
THE USE, IN SPAIN, OF THE TERMS ‘BIOLÓGICO’ OR ‘BIO’ IN THE
ADVERTISING MATERIAL OF PRODUCTS WHICH HAVE NOT BEEN
ORGANICALLY PRODUCED**

*The Court however dismisses the action brought by the Commission against Spain because
the infringement must be assessed in relation to an earlier version of the regulation*

The organic production of agricultural products and foodstuffs is regulated in the European Community by a 1991¹ regulation which has since been amended several times.

A product is to be regarded as bearing indications referring to the organic production method, where, in the labelling, advertising material or commercial documents, such a product, its ingredients or feed materials are described by the indication in use in each Member State, suggesting to the purchaser that it has been obtained in accordance with the organic production method. The 1991 regulation contains a list setting out, for each of the 11 official languages of the Community then in force, one or two expressions. In the case of Spanish, the expression ‘ecológico’ alone, with its derivative ‘eco,’ is included.

An amendment in 2004² provided that the terms set out in the list, or their usual derivatives (such as ‘bio’, ‘eco’ etc.) or diminutives, alone or combined, are to be regarded as indications referring to the organic production method throughout the Community and in any Community language.

¹ Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs (OJ 1991 L 198, p. 1).

² Council Regulation (EC) No 392/2004 of 24 February 2004 (OJ 2004 L 65, p. 1).

The Spanish rules³ exclusively reserve the terms ‘ecológico’, ‘eco’ and its other derivatives to the organic production method whilst leaving the terms ‘biológico’, ‘bio’ and its other derivatives available for products which do not satisfy those requirements.

The Commission took the view that those rules were contrary to the Community regulation and, in 2003, brought infringement proceedings before the Court of Justice. In addition, the Spanish Tribunal Supremo (before whom the Comité Andaluz de Agricultura Ecológica brought an action in 2004 concerning the same rules) referred to the Court questions for a preliminary ruling and requested that the Court also take into consideration the amendment introduced in 2004 even though, when the reference for a preliminary ruling was lodged, that amendment was not yet in force.

The compatibility between the Spanish rules and the regulation on organic production in the version prior to the 2004 amendment

The Court points out first of all that, **in the version prior to 2004, for Spanish, the terms ‘ecológico’ and ‘eco’ alone are mentioned in the list of expressions suggesting to the purchaser that the product has been organically produced.** The Spanish rules are not therefore contrary to the Community regulation in its version prior to the 2004 amendment.

The fact that the derivative ‘bio’ is mentioned in the text of the regulation as a usual derivative does not imply any obligation to accord it special protection in all Member States and in all languages.

The Commission has not demonstrated that the terms ‘biológico’ and ‘bio’ suggest to Spanish purchasers in general that the products concerned are organically produced.

The Court therefore rejects the action brought by the Commission and replies to the Tribunal Supremo that **there is no incompatibility** between the Spanish rules and the Community regulation on organic production in the version prior to the 2004 amendment.

The compatibility between the Spanish rules and the regulation on organic production after the 2004 amendment

The Court finds that the 2004 amendment demonstrates the legislature's intention to harmonise the indications in respect of organic products, such that the expressions set out in that list must be protected in every official language of the Community.

Consequently, **the regulation (in its current version) from now on precludes such products from bearing, in Spain, the indication ‘biológico’ or its derivative ‘bio’ in the labelling, advertising material and commercial documents.**

³ Royal Decree No 506/2001 of 11 May 2001 (BOE No 126 of 26 May 2001, p. 18609).

Unofficial document for media use, not binding on the Court of Justice.

Languages available: DE, FR, EN, ES

The full text of the judgment may be found on the Court's internet site

<http://curia.eu.int/jurisp/cgi-bin/form.pl?lang=en>

It can usually be consulted after midday (CET) on the day judgment is delivered.

For further information, please contact Christopher Fretwell

Tel: (00352) 4303 3355 Fax: (00352) 4303 2731