



Press and Information

Court of Justice of the European Union

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Judgment in Case C-86/20
Vinařství U Kapličky

A certificate from the authorities of a third State on the conformity of a consignment of wine with the oenological practices of the European Union does not by itself constitute evidence of compliance with those practices for the purposes of the marketing of that wine within the European Union

Where, despite that certificate having been issued, those practices have not been complied with, the burden of proof of that the wine merchant was at fault cannot be transferred to the Member State authorities

In January 2016, the Czech authorities imposed a fine of CZK 2 100 000 (approximately € 80 000) on the Czech undertaking Vinařství U Kapličky on account of the placing on the market in the Czech Republic by that undertaking of consignments of wine imported from Moldova which did not comply with the oenological practices of the European Union.

Vinařství U Kapličky brought an action against that decision before the Brno Regional Court, arguing inter alia that it should have been exempted from its liability for the offence at issue because the Moldovan authorities had certified that the consignments of wine concerned complied with those practices.

That court has asked the Court of Justice whether, in the light of the regulation on the markets in agricultural products,¹ the certificate issued by the Moldovan authorities is relevant for the purposes of assessing whether the consignments of wine in question complied with the abovementioned oenological practices. It also wishes to ascertain whether, if it becomes apparent that, despite such a certificate having been issued, those practices were not observed, the Czech legislation imposing on the national authorities the burden of proof that the wine merchant was at fault with regard to infringement of the rules on marketing is consistent with the regulation on the financing of the common agricultural policy (CAP).²

By today's judgment, the Court of Justice finds that the certificate drawn up by the Moldovan authorities is indeed designed to be given to the authorities of the importing Member State upon completion of the customs requirements **for importation into the European Union** of the consignment concerned.

That said, the oenological practices of the European Union must be observed not only with a view to importation of the consignment, but also **in respect of its marketing in the European Union**. **While the abovementioned certificate is of some relevance also for the purposes of the marketing of the consignment concerned, it does not by itself constitute evidence that those practices have been complied with for those purposes.** First, the EU legislature did not confer such an effect on that certificate and, secondly, non-compliance by a consignment of wine with the oenological practices of the European Union may result from circumstances postdating the

¹ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ 2013 L 347, p. 671).

² Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ 2013 L 347, p. 549, and corrigendum OJ 2016 L 130, p. 6).

issuance of the certificate, which might in particular occur in the course of the consignment's transportation.

Thus, a person who has marketed consignments of wine which did not comply with the marketing rules cannot legitimately presume that he or she has complied with those rules solely because he or she held the certificate issued by the exporting third State. Since, under the regulation on the financing of the CAP, the onus is on that person, in order to avoid the imposition of the applicable penalties, to prove that he or she is not at fault in his or her failure to comply with those rules, national legislation imposing that burden of proof on the national authorities is not consistent with that regulation.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

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