

GROUP EXERCISE

Prantl / Bocksbeutel Bottles

- 1.) The **punctual** submission of your elaboration is a **MUST**. Late submissions cannot be taken into account. For the deadline please see the course details in the Course Catalog!
- 2.) Please make sure the file name includes the family names of all group members plus the title of the exercise, e.g.: "Jones Smith Williams _ Prantl".

Description of the case:

CRIMINAL PROCEEDINGS BROUGHT AGAINST AN ITALIAN NATIONAL, KARL PRANTL, A DEALER IN BEVERAGES, WHO WAS CHARGED WITH MAKING IMPROPER USE OF "BOCKSBEUTEL" BOTTLES BY PERSISTENTLY IMPORTING INTO THE FEDERAL REPUBLIC OF GERMANY AND SELLING AND HOLDING IN STOCK FOR SALE THERE BETWEEN 3 DECEMBER 1980 AND 10 SEPTEMBER 1981 ITALIAN RED WINE ORIGINATING FROM THE MARTINI CELLARS IN GIRLAN (PROVINCE OF BOLZANO - TRENTO ALTO ADIGE).

THE BOCKSBEUTEL BOTTLE HAS A CHARACTERISTIC BULBOUS SHAPE AND QUALITY WINE PRODUCED IN FRANCONIA IS MARKETED IN BOCKSBEUTEL BOTTLES. IN FRANCONIA BOCKSBEUTEL BOTTLES HAVE BEEN USED FOR SEVERAL CENTURIES.

IN ITALY, IN THE PROVINCE OF BOLZANO, THE USE OF THE BOCKSBEUTEL BOTTLE HAS A TRADITION GOING BACK MORE THAN ONE HUNDRED YEARS. THE TRADITIONAL ITALIAN BOCKSBEUTEL BOTTLE IS SOMEWHAT ROUNDER AND HAS A SHORTER NECK THAN THE FRANCONIAN BOCKSBEUTEL BOTTLE.

PARAGRAPH 17 OF THE GERMAN WEIN-VERORDNUNG PROHIBITS THE MARKETING OF WINE FROM OUTSIDE FRANCONIA IN BOCKSBEUTEL BOTTLES OF THE TRADITIONAL KIND.

THE BOTTLES USED BY MR PRANTL WERE CONSIDERED TRADITIONAL BOCKSBEUTEL BOTTLES WITHIN THE MEANING OF THE WEIN-VERORDNUNG.

How would you judge this situation from an EU law point of view?

- a) What do you think: **Is paragraph 17 of the German Wein-Verordnung compatible with EU law? Why?** Please explain your answer briefly by specifying and discussing also the relevant Treaty Articles!
- b) **Following-up to above question a), what conclusion can be drawn for Mr. Prantl's situation/case?**

[approx. 250 words in total]