



St. Gallen, 26 January 2024

Press Release

regarding judgment B-4173/2022 of 11 January 2024

Abolition of cantonal inspection for winemakers

Since 2018, cellar storing winemakers have been subject to inspection by the "Swiss Wine Trade Inspection" foundation. The Federal Administrative Court confirms the legality and constitutionality of the ordinance in question.

The Ordinance of 14 November 2007 on Viticulture and the Import of Wine (Ordinance on wine) subjects all individuals or companies involved in wine trade to an inspection. Cellar storing winemakers used to have the choice of being subject to an equivalent cantonal inspection. Following some irregularities found within companies that were subject to cantonal inspection, this option was repealed on 1 January 2018 by amendment to the Ordinance on wine. This amendment henceforth subjects cellar storing winemakers, like all other companies, to be inspected solely by the "Swiss Wine Trade Inspection" foundation.

Rigorous inspections

Subsequently, many cellar storing winemakers refused to be subjected to inspections by the foundation, claiming that it was far too burdensome both in terms of the information they had to provide and the inspection fees. Ruling on 3 December 2020, the foundation ordered them to keep cellar accountings as per the provisions of the Ordinance on wine, amended in 2018. In its decision on the appeals, the Federal Office for Agriculture largely affirmed the aforementioned rulings. The unsuccessful appellants challenged this decision at the Federal Administrative Court (FAC).

The Court notes that the amended Ordinance on wine remains within the bounds of law and enables attainment of the objective of the law, namely to protect names and labels. Furthermore, it is not contrary to the constitution, in particular to winemakers' economic freedom and to the principle of non-discrimination. The FAC rejects the appeal for these reasons.

This judgment may be appealed to the Federal Supreme Court.

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About the Federal Administrative Court

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007. With its staff of 351 employees (296.1 FTE) and its 73 judges (65 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal administrative authorities. In specific matters, the FAC may grant review on decisions rendered by cantonal authorities. Recourse actions are also reviewed by the Court. The FAC is composed of six divisions. It renders an average of 6,500 judgments every year.