



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate F – Outreach, Research & Geographical Indications  
The Director

Brussels  
AGRI.F.3/

Dear Madam,

Thank you for your message of 21 August 2024 (our ref. *Ares (2024)5950551*) concerning a question on the interpretation of Art. 37(5) of Regulation (EU) 2024/1143 (the “Regulation”) on geographical indications, in particular concerning the definition of the terms ‘producer’ and ‘operator’.

According to Article 2(1)(e) of the Regulation, “‘operator’ means a natural or legal person who performs activities subject to one or more obligations provided for in the product specification”. This definition applies to any activities in relation to the production or processing of the product.

Regulation (EU) 2024/1143 does not provide for a definition of producer. Therefore, producers are to be considered those natural or legal persons which perform activities consisting in the production of the product.

As a basis, the difference between a ‘producer’ and an ‘operator’ is that the producer performs production activities (i.e. bottling is excluded, a ‘bottler’ is not a ‘producer’) while the ‘operator’, as per definition, is any natural or legal person performing an activity covered by the product specification (i.e. ‘bottling’ included, if applicable).

In the case of Article 37(5), the Regulation uses the term ‘operator’ specifying that it means something different from the definition in Article 2(1)(e). The first sentence of Article 37(5) sets out the obligation to show the name of the producer, or of the operator, in the label, in the same field of vision of the geographical indication, for the geographical indications in the agricultural products sector. The second sentence of that provision clarifies that the meaning of ‘operator’ in this particular situation is specific and it is not to be referred to the definition in Article 2(1)(e) of the Regulation. Therefore, ‘operator’ is the person or company responsible for the production stage at which the product is obtained, or the person or company responsible for carrying out the substantial processing of that product. This rule has the practical objective of simplifying the implementation of the obligation in case of multiple producers or in case of difficulties in identifying them.

For example, a packager of grated ‘Parmigiano Reggiano’, who grates and blends the product coming from different PDO producers, is allowed to include its name in the label as ‘operator’ (within the meaning of Article 37(5) of the Regulation) instead of being

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obliged to list all the names of the ‘Parmigiano Reggiano’ producers providing the non-grated products.

The above information is based solely on the facts set out in your email of 21 August 2024, expresses the view of the Commission services and does not commit the European Commission. In the event of a dispute involving Union law it is, under the Treaty on the Functioning of the European Union, ultimately for the Court of Justice of the European Union to provide a definitive interpretation of the applicable Union law.

Yours faithfully,



**Diego CANGA FANO**