



EUROPEAN COMMISSION
 DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT
 Directorate F – Outreach, Research & Geographical Indications
 The Director

Brussels
 AGRI.F.3/ [redacted]

Dear Madam,

Thank you for your email of 12 December 2023 ⁽¹⁾ regarding the implementation of provisions in the new Regulation on European Union geographical indications and quality schemes for agricultural products (the new GI Regulation). First of all, my apologies for the delay in replying to your email.

You ask about the eligibility of producers of raw materials—specifically rye and rye flour producers for a rye bread GI—to be considered part of the applicant producer group.

Pursuant to Articles 9 and 32 of the new GI Regulation, as a general rule, “a producer group is an association of producers of the same product or products, irrespective of its legal form”. However, Article 32, point 2 also provides that “Member States may decide that operators and representatives of economic activities linked to one of the stages of the supply chain of products designated by a geographical indication [...] may be members of a producer group if they have a specific interest in the products covered by the producer group”. Moreover, the Commission would not reject a GI application submitted by a producer group where such group would also include producers of raw materials, as long as the application is submitted by a producer group and its contact information is provided. It is the Member State’s responsibility to verify the legality and composition of the producer group in accordance with its national laws at the national stage of the procedure of registration before the application proceed to the EU level. Therefore, it is entirely possible for rye and rye flour producers to be members of a producer group for an Estonian GI consisting of rye bread. It will depend on the willingness of the producers of both the raw materials and final product to associate themselves on the one hand, and of the Estonian authorities to authorize this membership on the other hand.

Secondly, you enquire about the implications of the new provision on use of geographical indications as ingredients in the names of processed foods.

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First, to avoid any confusion, it is important to recall that the notification requirement introduced in the new GI Regulation only impacts processed food that uses a GI in the name of the product, i.e. “Parmigiano Reggiano Pizza”, or on the label or advertisement, but not in the case of a pizza merely containing ‘Parmigiano Reggiano’ as an ingredient without any additional use of the GI on the label or advertisement. Secondly, the notification obligation concerns only processed food that is prepacked and presupposes that a recognised producer group exists, that the Member State has communicated its name and address to the Commission and that the Commission has published that information, as foreseen by Article 33, point 8 of the new GI Regulation. Given the nature of these new provisions, there will inevitably be a time lag between the entry into force of the new GI Regulation and the publication by the Commission of a list of recognised producer groups (most likely as part of the Union Register), and even the implementation of the new notification obligation between producers of pre-existent prepacked processed food and GI recognised producer groups. Notification would be expected without undue delay once all the foregoing aspects are operational. In the meantime, for producers already using the name of a GI in their product name, label or advertisement, the new provisions do not imply that they should cease production until the publication of the name and address of a potential recognised producer group. They will however have to comply without undue delay with the three conditions listed in Article 27(1) of the new GI Regulation when it enters into force, i.e. a) the processed product shall not contain any other product comparable to the ingredient designated by the geographical indication; b) the ingredient designated by the geographical indication shall be used in sufficient quantities to confer an essential characteristic on the processed product concerned; and c) the percentage of the ingredient designated by the geographical indication in the processed product shall be indicated in the label.

The present opinion is provided based on the facts as set out in your email and expresses the view of the Commission services and does not commit the European Commission. In the event of a dispute involving European Union law, it is for the Court of Justice of the European Union to provide a definitive interpretation of the applicable European Union law.

Yours faithfully,

Diego CANGA FANO