



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 enquiries of 25 April and 26 May 2023 ⁽¹⁾ concerning translations or transcriptions of geographical indications (GIs) on the labels or in the description and presentation. First of all, my apologies for the delay in replying to your email.

You have asked following questions:

- 1) whether there can be cases where a translation or a transcription of GI for spirit drinks when giving additional information to the consumers for spirit drinks, even it is stated under Article 15(1) of Regulation (EU) 2019/787 that a translation of GIs is not allowed on the label or in the description and presentation of spirit drinks;
- 2) whether food and wine sector GIs can be translated on the label or described in the e-shop together with a translation or for product presentation when it applies to the genuine product a name on the label is a GI name.

Also, you provided us with a specific example regarding the case where a producer wishes to use “Cognac” GI as an ingredient in chocolate candies. To give food information to the Estonian consumer, the producer wants to use the phrase ‘trühvlid konjakiga’ in Estonian in addition to the phrase ‘truffles with Cognac’ on the labelling. The word ‘konjak’ is a direct translation of ‘Cognac’. You ask whether this would be in compliance with the legislation.

Using of a **direct translation** of geographical indication would represent a breach of Article 15(1) of Regulation (EU) 2019/787, which provides for absolute prohibition to use the translation of a geographical indication protected under that Regulation in the label. The only derogation is set, in Article 15(2) which allows for spirit drinks produced in the Union and destined for exports that the geographical indication is *accompanied by translations, transcriptions or transliterations, provided that such terms and geographical indications in the original language are not hidden*.

In the absence of a specific derogation, this prohibition also applies to cases where the Geographical Indication is an ingredient of a processed product other than alcoholic

⁽¹⁾ Ares(2023)3671492.



beverage and it is referred to in the label as an allusion (Article 12 of Regulation (EU) 2019/787), in a compound term (Article 11), in a mixture or blend (Article 13(3) to (4)), or simply listed in the list of ingredients (Article 13(2)).

Producers are notwithstanding allowed to add a **transcription** of the GI if such a transcription is included in the Register. Article 13(2) of Commission Delegated Regulation (EU) 2021/1235, supplementing Regulation (EU) 2019/787 with rules on the Register among others, provides that transcriptions or transliterations in Latin characters, where applicable, are recorded as names alternative to the registered name in non-Latin character, separated by a space, an oblique and a second space. In practice, once they are in the Register as separated names, transcriptions are considered as protected names. However, this circumstance seems not to apply to the specific case since ‘Cognac’ is registered in Latin characters.

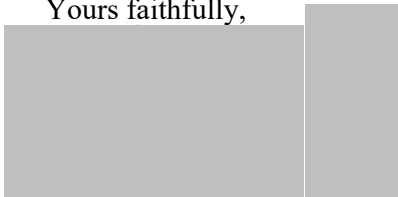
Moreover, Article 10(5)(a) of Regulation (EU) 2019/787, which allows the legal name of a spirit drink to be supplemented or replaced by a geographical indication, also provides that *the geographical indication may be supplemented further by any term permitted by the relevant product specification, provided that this does not mislead the consumer.*

As regards the language regime in the food sectors, in the absence of specific provisions on use of translations, Article 15(1) of Regulation (EU) No 1169/2011 on the provision of food information to consumers (FIC) applies, i.e. *“Without prejudice to Article 9(3), mandatory food information shall appear in a language easily understood by the consumers of the Member States where a food is marketed”*. As regards the language regime in the wine sector, both Article 121 of Regulation (EU) No 1308/2013 and Article 15(1) of Regulation (EU) No 1169/2011 apply jointly.

This provision is to be applied to Geographical Indications as follows: the producers of a GI should always use the protected name as registered, in the original version. The name entered in the Register is the one and only ‘GI’. It is worth reminding that the use of the original name is the only guarantee that the controls have been carried out on that producer and that the product specification has been complied with. Furthermore, the logo may only accompany the registered name, not a translation. However, taking into account the general principle set out in Article 15(1) of the FIC Regulation as well as, for wine, the specific provisions in Article 121(2) of Regulation (EU) No 1308/2013, when a risk of misunderstanding of the name exists in a specific market, a translation may be added. The rule is different for spirit drinks, where a translation of the GI may not be added, unless the spirit drink is destined for export outside the Union.

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,

A large grey rectangular redaction box covers the signature area, obscuring the name and any handwritten notes or dates.

Diego CANGA FANO