



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

Brussels
 AGRI.F.3/

Subject: Reply to questions concerning geographical indications

Dear Madam,

Thank you for your email of 25 September 2024, in which you raised two questions concerning geographical indications.

Firstly, you inquired if it is allowed to protect natural water (not mineral water) as a protected geographical indication.

In accordance with Article 5 of Regulation (EU) 2024/1143⁽¹⁾, the term ‘agricultural products’ covers agricultural products, including foodstuffs and fishery and aquaculture products, listed under Chapters 1 to 23 of the Combined Nomenclature set out in Part two of Annex I to Regulation (EEC) No 2658/87⁽²⁾, and the agricultural products under the Combined Nomenclature headings set out in Annex I to Regulation (EU) 2024/1143, except wine and spirit drinks.

As you noted, the CN code for water is 2201. This CN code corresponds to “*Waters, including natural or artificial mineral waters and aerated waters, not containing added sugar or other sweetening matter nor flavoured; ice and snow*”, which are therefore covered by Regulation (EU) 2024/1143 and may be eligible for protection as geographical indications, provided all other relevant conditions are met. For example, eligible waters must prove to have qualities or characteristics essentially or exclusively due to their geographical environment (if applying for registration as PDO) or a given quality, characteristics or reputation essentially attributable to their geographical origin (if applying as PGI). We can confirm therefore that water is included in the scope of Regulation (EU) 2024/1143.

⁽¹⁾ Regulation (EU) 2024/1143 of the European Parliament and of the Council, of 11 April 2024, on geographical indications for wine, spirit drinks and agricultural products, as well as traditional specialties guaranteed and optional quality terms for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2019/787 and (EU) 2019/1753 and repealing Regulation (EU) No 1151/2012.

⁽²⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff

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Secondly, you inquired whether the applicant group should be made up only of representatives of the producers, or if ‘others’ can also be involved.

In accordance with Article 9(1) and Article 32(1) of Regulation (EU) 2024/1143, an applicant producer group shall be an association, irrespective of its legal form, composed of producers of the same product the name of which is proposed for registration. In this sense, the applicant group should be made up only of the producers.

However, Article 32(2) of Regulation (EU) 2024/1143 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*”. For example, this may include producers of raw materials used in the production of the geographical indication.

In addition, as stated in Article 9(1) of Regulation (EU) 2024/1143, public bodies and other interested parties may assist producer groups in the preparation of the application and in the related procedure. However, these parties should not be members of the producer group.

The present opinion is provided based on the facts as set out in your email of 25 September 2024 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 sincerely,



Diego CANGA FANO