Commission Implementing Regulation (EU) 2020/2018 of 9 December 2020 entering a name in the register of protected designations of origin and protected geographical indications (Mozzarella di Gioia del Colle (PDO))

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2018

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entering a name in the register of protected designations of origin and protected geographical indications (Mozzarella di Gioia del Colle (PDO))

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs[(1)], and in particular Article 52(3)(b) thereof,

Whereas:

(1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, the application from Italy to register the name ‘Mozzarella di Gioia del Colle’ as protected designation of origin (PDO) was published in the *Official Journal of the European Union*[(2)].

(2) On 19 December 2019 the Commission received the notice of opposition and the related reasoned statement of opposition from Germany. The Commission forwarded the notice of opposition and the reasoned statement of opposition sent by Germany to Italy on 13 January 2020.

(3) The Commission examined the opposition sent by Germany and found it admissible. The word ‘Mozzarella’, which forms part of the name ‘Mozzarella di Gioia del Colle’ is identical to the name which is used in Germany for a type of cheese that is produced and marketed in Germany on a commercial scale. The opposition claims that the name ‘Mozzarella di Gioia del Colle’ cannot be registered as a protected designation of origin under Regulation (EU) No 1151/2012 because it does not meet the requirements of that Regulation as the name ‘Mozzarella’ is deemed generic and accordingly ineligible for registration. The opposition claims that the application for registration of ‘Mozzarella di Gioia del Colle’ does not comply with the condition referred to in Article 5 and 7(1) of Regulation (EU) No 1151/2012 since neither the quality nor the characteristics of the cheese are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors. The opposition claims also that the registration of the proposed name ‘Mozzarella di Gioia del Colle’ would jeopardise the existence of the identical name (‘Mozzarella’) and the existence of products which have been legally on the German market for at least five years preceding the date of publication of the application for registration of the name ‘Mozzarella di Gioia del Colle’. Furthermore, the opposition claims that this application for registration is in contradiction with the

registration of the name ‘Mozzarella’ as Traditional Specialty Guaranteed without reservation of the name (Regulation (EC) No 2527/98).

(4) By letter of 12 February 2020 the Commission invited the interested parties to engage in appropriate consultations to seek agreement among themselves in accordance with their internal procedures.

(5) Because of an administrative error the Commission’s letter of 12 February 2020 was however not received by the parties. Germany formally received the invitation to engage in appropriate consultations to seek agreement on 14 October 2020. Italy formally received it on 26 October 2020.

(6) Although there have been exchanges and a substantial understanding on the registration of the name ‘Mozzarella di Gioia del Colle’ already in March 2020, the parties reached a formal agreement only in November 2020. The agreement has been communicated to the Commission by Italy on 9 November 2020.

(7) Italy and Germany confirmed that the protection of the designation ‘Mozzarella di Gioia del Colle’ should not cover the stand-alone name ‘Mozzarella’ but only the compound name ‘Mozzarella di Gioia del Colle’ as a whole. By applying for the registration of the name ‘Mozzarella di Gioia del Colle’ Italy did not aim at reserving the use of the term ‘Mozzarella’.

(8) Furthermore, they agreed that the term ‘Mozzarella’ in the product specification and in the single document should be always followed by the terms ‘di Gioia del Colle’ in order to signify that the protection is referred only to that compound name. The product specification and the single document have been amended accordingly.

(9) As it complies with the provisions of Regulation (EU) No 1151/2012 and EU legislation, the content of the agreement concluded between Italy and Germany should be taken into account.

(10) Italy and Germany have also proposed that this Regulation should include a footnote explaining that the protection of the name ‘Mozzarella’ is not sought. However, for the sake of clarity and legal certainty, the statement on the status of protection of a specific term should be moved directly in the operative part of this Regulation.

(11) Following the expressed clarification in an Article of this Regulation of the status of the term ‘Mozzarella’, the claim based on the inconsistency of this application with the registration of the term ‘Mozzarella’ as Traditional Specialty Guaranteed without reservation of the name becomes void.

(12) On 17 January 2020 the Commission received the notice of opposition from the Consortium for Common Food Names (CCFN) and the U.S. Dairy Export Council (USDEC). The Commission forwarded the notice of opposition to Italy on 21 January 2020. On 17 March 2020, the Commission received the reasoned statement of opposition, within the prescribed deadline.

(13) The Commission examined the opposition sent by the Consortium for Common Food Names (CCFN) and the U.S. Dairy Export Council (USDEC) and found it admissible. The term ‘Mozzarella’, which forms part of the name ‘Mozzarella di Gioia del Colle’

is identical to the term which is used for a type of cheese for which there is an active Codex Alimentarius Standard (Codex Stan 262-2006). The opposition claims that the name 'Mozzarella di Gioia del Colle' cannot be registered as a protected designation of origin under Regulation (EU) No 1151/2012 because the name 'Mozzarella' is a generic term and the application does not include an assurance that protection is not sought for that term and that this generic term will remain in free usage. In addition, the CCFN and the USDEC raised concerns on the procedure carried out at Member State level in relation to the alleged change of the name of the product, so claiming a breach of the conditions laid down in Article 5 and 7(1) of Regulation (EU) No 1151/2012.

(14) By letter of 8 April 2020 the Commission invited the interested parties to engage in appropriate consultations to seek agreement among themselves in accordance with their internal procedures.

(15) Italy and the Consortium for Common Food Names (CCFN) and the U.S. Dairy Export Council (USDEC) confirmed that the designation 'Mozzarella di Gioia del Colle' should be protected as a whole, whereas the stand-alone name 'Mozzarella' may continue to be used in labelling or presentations within the territory of the Union provided the principles and rules applicable in its legal order are respected.

(16) However, the Consortium for Common Food Names (CCFN) and the U.S. Dairy Export Council (USDEC) did not give their final consent for the reason that Italy did not give them access to the documents of the national procedure and that it did not engage in confirming the free status of the name 'Mozzarella' for future requests of protection of the name 'Mozzarella di Gioia del Colle' outside the EU.

(17) As it complies with the provisions of Regulation (EU) No 1151/2012 and EU legislation, the content of the partial agreement concluded between Italy and the Consortium for Common Food Names (CCFN) and the U.S. Dairy Export Council (USDEC) should be taken into account.

(18) For the rest, the Commission has verified that the procedure carried out at Member State level concerned the applied name and that that name has been in use in trade and in common language to describe the specific product, in compliance with Article 7(1) of Regulation (EU) No 1151/2012.

(19) The possible future applications of the Protected Designation of Origin 'Mozzarella di Gioia del Colle' outside the EU remains outside the scope of Regulation (EU) No 1151/2012.

(20) The protection is not sought for the term 'Mozzarella' as such.

(21) Therefore, the designation of origin 'Mozzarella di Gioia del Colle' (PDO) should be protected as a whole, whereas the term 'Mozzarella' should be allowed to continue to be used within the territory of the Union provided the principles and rules applicable in its legal order respected. The consolidated version of the single document should be published for information.

(22) The measures provided for in this Regulation are in accordance with the opinion of the Agricultural Product Quality Policy Committee,

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/2018. (See end of Document for details)*

HAS ADOPTED THIS REGULATION:

Article 1

The name ‘Mozzarella di Gioia del Colle’ (PDO) is registered.

The name in the first paragraph identifies a product from Class 1.3. Cheeses set out in Annex XI to Commission Implementing Regulation (EU) No 668/2014[(3)]. The consolidated single document is set out in the Annex to this Regulation.

Article 2

The name ‘Mozzarella’ may continue to be used within the territory of the Union, provided the principles and rules applicable in its legal order are respected.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 9 December 2020.

For the Commission

The President

Ursula VON DER LEYEN

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/2018. (See end of Document for details)*

ANNEX

‘MOZZARELLA DI GIOIA DEL COLLE’EU No: PDO-IT-02384 – 29.12.2017**PDO (X) PGI ()**

1. **Name(s)**

‘Mozzarella di Gioia del Colle’

2. **Member State or third country**

Italy

3. **Description of the agricultural product or foodstuff**

3.1. *Type of product*

Class 1.3. Cheeses

3.2. *Description of the product to which the name in (1) applies*

‘Mozzarella di Gioia del Colle’ is a fresh stretched-curd cheese made with whole cow’s milk only and a whey starter culture. It is characterised by:

(a) The following chemical composition (values for fresh cheese): lactose ≤ 0,6 %, lactic acid ≥ 0,20 %, moisture 58-65 %, fat 15-21 % on a wet basis.

(b) A taste reminiscent of slightly soured milk, with a pleasant after-taste of fermentation or sour whey (stronger in freshly made cheese) and a sour milky aroma, sometimes accompanied by a slight hint of butter.

(c) The absence of preservatives, additives and processing aids.

‘Mozzarella di Gioia del Colle’ has a smooth or slightly fibrous surface. The cheese is glossy, not slimy or flaky. It is a white cheese, possibly with a slight straw-coloured tinge depending on the season. When the cheese is cut, it should have a springy consistency and be free of defects. A small amount of white whey should ooze from the cut cheese.

‘Mozzarella di Gioia del Colle’ comes in three shapes: round, twisted into knots, and braided. Depending on the shape and size, portion weight varies from 50 g to 1 000 g. The cheese is marketed immersed in preservative liquid (water, possibly with added salt and slightly acidified).

3.3. *Feed (for products of animal origin only) and raw materials (for processed products only)*

Only raw whole cow’s milk, collected over two separate milking sessions, is used to make this cheese. The milk may be thermised or pasteurised.

The cheese is made according to the traditional practice of using a whey starter culture.

The milk used to make ‘Mozzarella di Gioia del Colle’ comes from herds of cattle belonging to the Bruna [Brown], Frisona [Friesian], Pezzata Rossa [Red Pied] or Jersey breeds and crosses thereof, where at least 60 % of the total dry matter fed to the dairy cows is grass and/or hay from meadows offering a wide variety of vegetation.

The cows’ diet may also include cereal-based (maize, barley, wheat, oats) and legume-based (soya, broad beans, field beans, field peas) concentrates, meal or flakes, which may also be