Commission Implementing Regulation (EU) 2019/1027 of 21 June 2019 approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications 'Tiroler Speck' (PGI)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1027

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approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications 'Tiroler Speck' (PGI)

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 of 21 November 2012 on quality schemes for agricultural products and foodstuffs[(1)], and in particular Article 52(3)(a) thereof,

Whereas:

(1) Pursuant to the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission examined application sent by Austria for the approval of amendments to the specification for the protected geographical indication (henceforth PGI) 'Tiroler Speck', registered under Commission Regulation (EC) No 1065/97[(2)].

(2) Since the amendments in question were not minor within the meaning of Article 53(2) of Regulation (EU) No 1151/2012, the Commission published the amendment application in the *Official Journal of the European Union*[(3)] as required by Article 50(2) of Regulation (EU) No 1151/2012. This was also the first time a single document for 'Tiroler Speck' was published.

(3) Concretely, the product specification applicable when the application for amendment was sent to the Commission provided, in its labelling rules, that the protected geographical indication 'Tiroler Speck' could not be translated into any other language. The proposed amendment aimed, among other things, at allowing the use of the protected name in translation under certain circumstances.

(4) On 7 May 2018 the Commission received a notice of opposition from Italy. The related reasoned statement of opposition was received by the Commission on 5 July 2018. Italy opposed to the amendment of the labelling limitations concerning the use of translations of the protected name. On the grounds of Article 10(1)(c) of Regulation (EU) No 1151/2012, Italy claimed that the allowed use of the protected name in translation, although in conjunction with the protected name in German language, would jeopardise the existence of an entirely or partly identical name (Südtiroler Speck/Speck Alto Adige (PGI)).

(5) Finding such opposition admissible, by letter dated 16 August 2018, the Commission invited Austria and Italy to engage in appropriate consultations for a period of three months to seek agreement among themselves in accordance with their internal procedures.

(6) An agreement was reached between the parties. Austria communicated the results of the agreement to the Commission by letter of 30 August 2018. Austria and Italy agreed that the labelling rules of the product specification of the name 'Tiroler Speck' (PGI) should maintain the prohibition to use the translations of the protected name in labelling. In the light of the above, it is to conclude that, as regards the labelling rules, the agreement has superseded the application for amendment.

(7) In accordance with point 5.5 of the published amendment application, the labelling provisions of the product specification should have been replaced by the following:

On every unit which is packaged and ready for sale, the holding number, a batch identifier in the form of a batch number or date, and the words "Tiroler Speck PGI" must appear in this form in a prominent place and in a legible and indelible manner.

In addition, the cut of meat used and/or the producer's region within the defined geographical area can also appear. Examples of labelling: — "Tiroler Speck PGI bacon" — "Tiroler Speck PGI made from ham" — "Tiroler Speck PGI loin Speck from the Zillertal" — "Tiroler Speck PGI made from belly pork, from the Ötztal region".

An indication in the common language of the marketing area may be used, provided that the German term "Tiroler Speck PGI" is also given.

Names, business names and private labels may also be displayed, provided that the resulting packaging is not misleading.

(8) The justification given for these changes in the amendment application was the following:

Detailed and comprehensive rules on labelling help to improve transparency and the information given to consumers. The use of additional information has also been regulated in order to indicate more precisely the cut of meat used and/or the producer's region within the defined geographical area, such that the regionality of the product is emphasised and a more detailed description of the product is provided by including additional information on the cuts of meat used. This provides a more accurate description of the product and more targeted information for consumers.

(9) In accordance with the above mentioned agreement, the labelling provision of the product specification will be, instead, replaced by the following:

On every unit which is packaged and ready for sale, the holding number, a batch identifier in the form of a batch number or date, and the name of the protected geographical indication, "Tiroler Speck", must be featured in a prominent place and in a legible and indelible manner. The name of the protected geographical indication, "Tiroler Speck", may not be translated into another language.

The term "protected geographical indication" and/or the abbreviation "PGI" must immediately follow the name of the protected geographical indication, "Tiroler Speck", and may also appear in a common language other than German, either instead of or as well as the German version.

For better information of consumers, descriptive terms for the product, including the cut of meat used ("bacon", "loin Speck", "belly Speck"; or "made from ham", "made from loin pork", "made from belly pork"), may also be used in the common language of the country in which the product is being marketed. However, these terms must be clearly separated from the protected geographical indication "Tiroler Speck". This can be achieved by separating the terms over different lines, although sufficient line spacing must be maintained. On "technical labelling", however, it may not be possible to separate the two terms by line due to space restrictions.

Without prejudice to the obligation to make a clear distinction between the protected geographical indication and the additional descriptive name, on so-called "technical labels", i.e. labels which are generally affixed to the back packaged product and ready to be marketed, it may happen that due to limited space, a separation of the two indications on different lines is not possible.

Translations of references to the region of Tyrol as the place of origin must not be added to the descriptive terms for the product.

The producer's region within the defined geographical area may also be given, but must be separate from the protected geographical indication "Tiroler Speck" and the term "protected geographical indication" and/or the abbreviation "PGI".

Names, business names and private labels may also be displayed, provided that the resulting packaging is not misleading.

(10) The justification given for these changes in the agreement, to be considered as part of the amendment application, as amended by the agreement, is the following:

On the one hand, it will continue to be ensured that the protected name "Tiroler Speck" is used only in its registered version. On the other hand, the requested amendment provides for additional descriptive information concerning the product as regards the cuts of meat used and the producer's region within the defined geographical area. This would result in an exhaustive and transparent information of the buyers, within the meaning of Regulation (EU) No 1169/2011, and in a more detailed information as to the protected geographical indication "Tiroler Speck". The following formulations may be mentioned as examples: "Tiroler Speck PGI — Bacon — from the Zillertal", "Tiroler Speck PGI — made from ham", "Tiroler Speck PGI Bacon."

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

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/1027. (See end of Document for details)

(12) The single document was amended accordingly. The changes made to the single document following the agreement are not substantial and, in any event, they set back the labelling provision challenged in the opposition at the '*status quo*'. Therefore, a repetition of the scrutiny, as provided for in Article 51(4) of Regulation (EU) No 1151/2012, is not required. The consolidated version of the single document should, however, be published for information.

(13) In the light of the above, the Commission considers that the amendment should be approved as modified by the agreement,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification published in the *Official Journal of the European Union* regarding the name 'Tiroler Speck' (PGI), as amended in accordance with this Regulation, are hereby approved. The consolidated single document is set out in the Annex to this Regulation.

Article 2

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, 21 June 2019.

For the Commission

The President

Jean-Claude JUNCKER