Commission Implementing Regulation (EU) 2017/1433 of 7 August 2017 entering a name in the register of protected designations of origin and protected geographical indications (Štajerski hmelj (PGI))

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1433

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entering a name in the register of protected designations of origin and protected geographical indications (Štajerski hmelj (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 Article 50(2)(a) of Regulation (EU) No 1151/2012, Slovenia's application to register the name ‘Štajerski hmelj’ as protected geographical indication (PGI) was published in the *Official Journal of the European Union*[(2)].

(2) ‘Štajerski hmelj’ is a hop plant. Its name means ‘Styrian hops’. Styria is the name of a historical region related to the territories of Austria and Slovenia.

(3) On 26 August 2016 the Commission received the notice of opposition and the reasoned statement of opposition from Austria. The Commission forwarded the notice of opposition and the reasoned statement of opposition sent by Austria to Slovenia on 12 September 2016. Additional documents completing the reasoned statement of opposition were received by the Commission on 20 October 2016.

(4) Austria opposed to the registration of the name ‘Štajerski hmelj’ because it would jeopardise the existence of Austrian-Styrian hops. ‘Styrian hops’ (‘Steirischer Hopfen’) is used in beer-making and the designation ‘Styrian beer from Styrian hops’ (‘Steirisches Bier aus steirischem Hopfen’) is also a brand developed by Brau Union Österreich AG over decades both nationally and internationally. The registration of the name ‘Štajerski hmelj’ therefore would damage the economic interests both of members of the Association of Hops Producers and of Austrian breweries.

(5) Finding such opposition admissible, by letter dated 13 December 2016, including the additional documents sent by Austria to complete the reasoned statement of opposition, the Commission invited Slovenia and Austria 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. Slovenia communicated the results of the agreement to the Commission on 6 March 2017.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/1433. (See end of Document for details)*

(7) Slovenia and Austria concluded that the use of the terms 'Hopfen aus der Steiermark' (Hops from Styria) and 'Hopfen aus der Südsteiermark' (Hops from Southern Styria) referring to products produced in these two Austrian regions should continue to be allowed on the market even after the registration of the term 'Štajerski hmelj' as PGI. They recognised that 'Hopfen aus der Steiermark' and 'Hopfen aus der Südsteiermark' are clearly connected to Austria, do not represent in itself a misuse, imitation or evocation of 'Štajerski hmelj' and are not likely to mislead the consumers as to the true origin of the product.

(8) In any event, in order to avoid any confusion for consumers, Slovenia and Austria agreed that when using the terms 'Hopfen aus der Steiermark' or 'Hopfen aus der Südsteiermark' on the market, clear additional reference to the Austrian origin should be made in labelling or presentation, by means of wording, symbols or presentation, in the same field of vision of the name. Austrian producers should not use elements referring to Slovenia in the packaging. When the products bearing the names 'Hopfen aus der Steiermark' or 'Hopfen aus der Südsteiermark' are exported they could only be translated into 'Austrian Hops'. When the name 'Štajerski hmelj' needs to be translated into German language the term 'Štajerski' should be maintained as such and no reference should be made to 'Steiermark' or 'Südsteiermark'.

(9) The Commission notes that the agreement recognises that 'Štajerski hmelj' fulfils the requirements for registration as PGI and sets out certain lawful conditions aiming at ensuring fair usage of the related rights.

(10) In the light of the above, the name 'Štajerski hmelj' should be entered in the Register of protected designations of origin and protected geographical indications,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Štajerski hmelj' (PGI) is registered.

The name in the first paragraph identifies a product from Class 1.8. Other products of Annex I to the Treaty (spices etc.) of Annex XI to Commission Implementing Regulation (EU) No 668/2014[(3)].

Article 2

The terms 'Hopfen aus der Steiermark' or 'Hopfen aus der Südsteiermark' referring to hops produced in the Austrian regions of 'Styria' and 'Southern Styria' may continue to be used on the market provided that clear additional reference to the Austrian origin is made in labelling or presentation, by means of wording, symbols or presentation, in the same field of vision of the name. Austrian producers shall not use elements referring to Slovenia in the packaging.

Article 3

The terms 'Hopfen aus der Steiermark' or 'Hopfen aus der Südsteiermark' used for the marketing of hops produced in the Austrian regions of 'Styria' and 'Southern Styria' may only be translated into 'Austrian Hops'. When the name 'Štajerski hmelj'