Commission Implementing Regulation (EU) 2017/1106 of 21 June 2017 entering a name in the register of traditional specialities guaranteed (Пастърма говежда (Pastarma govezhda) (TSG))

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1106

of 21 June 2017

entering a name in the register of traditional specialities guaranteed (Пастърма говежда (Pastarma govezhda) (TSG))

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)(b) thereof,

Whereas:

(1) Pursuant to Article 50(2)(b) of Regulation (EU) No 1151/2012, the application from Bulgaria to register the name 'Пастърма говежда' (Pastarma govezhda) as Traditional Speciality Guaranteed (TSG) was published in the *Official Journal of the European Union*[(2)]. 'Пастърма говежда' (Pastarma govezhda) is a specific dried raw meat product with the taste and aroma of mature beef without any spices.

(2) On 5 October 2015, the Commission received a notice of opposition from the Kayseri Chamber of Commerce (Turkey).

(3) On 24 and 30 November and 1 December 2015 the Commission received the documents composing the reasoned statement of opposition from the Kayseri Chamber of Commerce.

(4) Finding such opposition admissible, by letter of 18 January 2016 the Commission invited the interested parties to engage in appropriate consultations for a period of three months to seek agreement among themselves in accordance with their internal procedures.

(5) At the request of the applicant the deadline for these consultations was extended for three additional months.

(6) No agreement was reached within the designated timeframe. The information concerning the appropriate consultations carried out between Bulgaria and the Kayseri Chamber of Commerce was duly provided to the Commission. Therefore, the Commission should decide on registration in accordance with the procedure referred to in Article 52(3)(b) of Regulation (EU) No 1151/2012, taking into account the results of these consultations.

(7) The reasoned statement sent by the opponent is to be framed in Article 21(1) point (b) of Regulation (EU) No 1151/2012 which provides that an opposition to the

registration of a TSG is admissible if it 'shows that use of the name is lawful, renowned and economically significant for similar agricultural product or foodstuffs'. The opponent claims that the registration of 'Пастърма говежда' (Pastarma govezhda) as a TSG would create unfair competition by making unlawful profit of the use of the name 'Kayseri Pastırması', a dried raw meat product similar to 'Пастърма говежда' (Pastarma govezhda), which is protected as a Geographical Indication in Turkey. Opponents allege that 'Kayseri Pastırması', has reached a clear reputation and is consumed in several EU countries. Moreover, the similarity of the words 'pastirma — pastarma' would create confusion in the eyes of the consumer. This risk of confusion is even greater given that the word 'Pastarma' has Turkish roots.

(8) The Commission has assessed the arguments provided in the reasoned statement of opposition and in the information provided to the Commission regarding the negotiations between the interested parties and it has concluded that the name 'Пастърма говежда' (Pastarma govezhda) should be registered as TSG.

(9) 'Пастърма говежда' (Pastarma govezhda) has its specific characteristics and its own production methods. It is a dried raw meat product with specific physical, chemical and organoleptic properties, with the taste and aroma of mature beef without any spices and without foreign flavours. 'Пастърма говежда' (Pastarma govezhda) results from the traditional method used in the production processes of salting, maturing and drying during which complex microbiological, physico-chemical and biochemical processes occur in the meat ingredient. During drying certain parameters are maintained: air temperature and humidity creating favourable conditions for the development of the country-specific micrococci (*M. varians*) and lactobacilli (*L. plantarum*, *L. casei*). The whole process is described in point 4.3 of the product specification.

(10) 'Kayseri Pastırması' and other meat products named 'pastarma' or 'pastirma', or other similar names are produced, using production methods that are different from the one included in the product specification of 'Пастърма говежда' (Pastarma govezhda). Contrary to the 'Kayseri Pastırması', which is a Turkish geographical indication, 'Пастърма говежда' (Pastarma govezhda) is being protected as Traditional Speciality Guaranteed. Its characteristics are due to the traditional production method.

(11) 'Пастърма говежда' (Pastarma govezhda) and 'Kayseri Pastırması' are compound names containing one similar term. Although partly similar, the names are sufficiently differentiated and consumers should be able to distinguish the two products. In addition, 'Пастърма говежда' (Pastarma govezhda) has proven its place in the Bulgarian market as a traditional Bulgarian product, without making any sort of association with 'Kayseri Pastırması'. It has been produced in Bulgaria since the 19th century; the composition and quality requirements were standardised for the first time on 1955 in Bulgarian State Standards. The registration of 'Пастърма говежда' (Pastarma govezhda) as TSG may not affect the use of the name 'Kayseri Pastırması' on the market.

(12) The reasons for opposition, pointed out by the Kayseri Chamber of Commerce, are related mainly to the origin and the use of the word 'pastarma'. However, it should be clarified that Pastarma is a term used throughout the whole Balkan peninsula for dried meat products. Indeed, the product specification itself states that 'the word

'pastarma' in the name 'Pastarma govezhda' is of Turkish origin and refers to a 'salted and pressed dried meat''. By applying for the registration of the name 'Пастърма говежда' (Pastarma govezhda) as TSG, Bulgaria did not aim at reserving the use of the term 'Пастърма (Pastarma)' per se. In the light of the above, the protection should cover only the term 'Пастърма говежда' (Pastarma govezhda) as a whole. The term 'Pastarma' should continue to be used, also in translation, throughout the European Union, provided the principles and rules applicable in the European Union's legal order are respected. The registration of 'Пастърма говежда' (Pastarma govezhda) will accordingly neither prevent 'Kayseri Pastırması' from continuing to be marketed in the EU nor preclude the registration of other names including the term 'Pastarma'.

(13) Notwithstanding the above, in order to avoid any possible risk of confusion for consumers facing comparable products that share similar names, it is appropriate that the name of the TSG 'Пастърма говежда' (Pastarma govezhda) is accompanied by the claim 'made following the tradition of Bulgaria' as provided for by Article 18(3) of Regulation (EU) No 1151/2012 for such cases.

(14) In the light of the above, the name 'Пастърма говежда' (Pastarma govezhda) should be entered in the 'register of traditional specialities guaranteed'.

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

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Пастърма говежда' (Pastarma govezhda) (TSG) is registered.

The name in the first paragraph identifies a product from Class 1.2. Meat products (cooked, salted, smoked, etc.) set out in Annex XI to Commission Implementing Regulation (EU) No 668/2014[(3)].

Article 2

The name referred in Article 1 shall be accompanied by the claim 'made following the tradition of Bulgaria'. The consolidated product specification is set out in the Annex to this Regulation.

Article 3

The name referred in Article 1 is protected as a whole. The term 'Pastarma' may continue to be used, also in translations, throughout the European Union, provided the principles and rules applicable in the European Union's legal order are respected.

Article 4

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.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/1106. (See end of Document for details)*

Done at Brussels, 21 June 2017.

For the Commission

The President

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/1106. (See end of Document for details)*

ANNEX

PRODUCT SPECIFICATION OF A TRADITIONAL SPECIALITY GUARANTEED
‘ПАСТЪРМА ГОВЕЖДА’ (PASTARMA GOVEZHDA)EC No: BG-TSG-0007-01255 — 25.8.2014Bulgaria

1. **Name(s) to be registered**

‘Пастърма говежда’ (Pastarma govezhda)

The name shall be accompanied by the claim ‘made following the tradition of Bulgaria’.

2. **Type of product**

Class 1.2. Meat products (cooked, salted, smoked, etc.)

3. **Grounds for the registration**

3.1. *Whether the product*

results from a mode of production, processing or composition corresponding to traditional practice for that product or foodstuff

is produced from raw materials or ingredients that are those traditionally used.

‘Pastarma govezhda’ results from the traditional method used in the production processes of salting, maturing and drying during which complex microbiological, physico-chemical and biochemical processes occur in the meat ingredient. During drying certain parameters are maintained: air temperature and humidity creating favourable conditions for the development of the country-specific micrococci (*M. varians*) and lactobacilli (*L. plantarum*, *L. casei*). These processes help achieve a good structure and pleasant aroma and taste in the finished product.

3.2. *The name*

has been traditionally used to refer to the specific product

identifies the traditional character or specific character of the product

The name ‘Pastarma govezhda’ is specific in itself because it has a centuries-long history and is known throughout the country. Due to its popularity the name has entered into common use without the geographical region influencing the product's quality or characteristics.

The word ‘pastarma’ in the name ‘Pastarma govezhda’ is of Turkic origin and means salted and pressed dried meat (*Entsiklopedichen rechnik na chuzhdite dumi v balgarskia ezik* (Encyclopaedic Dictionary of Foreign Words in Bulgarian), MAG 77, Sofia, 1996). That method of processing and preserving meat was brought to the territory of what is now Bulgaria in the 7th century AD by the Proto Bulgarians, who belonged to the Turko-Altaic language family.

4. **Description**

4.1. *Description of the product to which the name under point 1 applies, including its main physical, chemical, microbiological or organoleptic characteristics showing the product's specific character (Article 7(2) of this Regulation)*

‘Pastarma govezhda’ is a specific dried raw meat product with the taste and aroma of mature beef without any spices and without foreign flavours.

It is a pressed meat product from uncomminuted fresh beef and auxiliary ingredients produced through salting, drying and pressing, and is suitable for direct consumption.