Commission Implementing Regulation (EU) 2016/304 of 2 March 2016 entering a name in the register of traditional specialities guaranteed (Heumilch/Haymilk/Latte fieno/Lait de foin/Leche de heno (TSG))

COMMISSION IMPLEMENTING REGULATION (EU) 2016/304

of 2 March 2016

entering a name in the register of traditional specialities guaranteed (Heumilch/Haymilk/Latte fieno/Lait de foin/Leche de heno (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 15(1) and Article 52(3)(a) thereof,

Whereas:

(1) Pursuant to Article 50(2)(b) of Regulation (EU) No 1151/2012, the application from Austria to register the names ‘Heumilch’/‘Haymilk’/‘Latte fieno’/‘Lait de foin’/‘Leche de heno’ was published in the *Official Journal of the European Union*[(2)].

(2) On 17 December 2014, the Commission received three notices of opposition from Germany (lodged by Naturland — Verband für ökologischen Landbau e.V., Gläeserne Molkerei GmbH and Bauernverband Mecklenburg-Vorpommern e.V.) which contained also the respective reasoned statements of opposition. On 30 December 2014, a notice of opposition was lodged directly to the Commission by the German association VHM (Verband für handwerkliche Milchverarbeitung im ökologischen Landbau e.V.). On 5 January 2015 Germany sent to the Commission another notice of opposition (lodged by Deutsche Heumilchgesellschaft mbH).

(3) The opposition procedure based on the notice sent directly to the Commission by VHM was not initiated. According to Article 51(1), second subparagraph, of Regulation (EU) No 1151/2012, natural or legal persons having a legitimate interest, established or resident in a Member State other than that from which the application was submitted, may lodge a notice of opposition with the Member State in which it is established. Therefore, VHM was not allowed to lodge a notice or a statement of opposition directly to the Commission.

(4) The opposition procedure based on the notice sent by Germany on 5 January 2015 was not initiated. According to Article 51(1), first subparagraph, of Regulation (EU) No 1151/2012, the lodging of a notice of opposition should be made within three months from the date of publication in the *Official Journal of the European Union*. The notice of opposition received on 5 January 2015 exceeded this deadline.

(5) The Commission examined the three oppositions sent by Germany on 17 December 2014 and found them admissible. By letter of 19 February 2015 it therefore invited

the interested parties to engage in appropriate consultations to seek agreement among themselves in accordance with their internal procedures.

(6) The opposition based on the notice sent by Germany on 17 December 2014 with reference to the opposition lodged by Naturland — Verband für ökologischen Landbau e.V. was withdrawn.

(7) The deadline for consultation was extended for three additional months.

(8) Austria and Germany reached an agreement, which was notified to the Commission on 10 August 2015.

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

(10) Some details in the product specification have been modified. They concern the possibility to separate producer holdings into separate units, the inclusion of auxiliary forms of feed in the 75 % compulsory roughage to be calculated as an annual average, the permission to use green compost for fertilisation and a mitigation of the conditions for the production of moist hay, fermented hay and for the production and storage of silage.

(11) These elements do not constitute substantial amendments under Article 51(4) of Regulation (EU) No 1151/2012. Therefore, the modified product specification should not be published for opposition. It should be, however, annexed to this Regulation for due information.

(12) The agreement reached by the concerned parties also concludes that a two-year transitional period should be granted to the current producers of products bearing the names ‘Heumilch’/‘Haymilk’/‘Latte fieno’/‘Lait de foin’/‘Leche de heno’ in order to let them progressively conform to the product specification. In addition, the products not yet marketed at that date should be allowed to be put on the market until the stocks are exhausted.

(13) The Commission considers that the protection of traditional specialities guaranteed should be modulated taking into account the interest of producers and operators who have been lawfully using such names so far. Therefore, taking into account the abovementioned conclusions agreed by the parties and the objectives of Regulation (EU) No 1151/2012, on the basis of Article 15(1) of Regulation (EU) No 1151/2012, applicable by analogy also to traditional specialities guaranteed, a transitional period of two years for the producers to use the names ‘Heumilch’/‘Haymilk’/‘Latte fieno’/‘Lait de foin’/‘Leche de heno’ without complying with the product specification, combined with the authorisation to continue, after the two-year period has expired, to put on the market products not complying with the product specification until the stocks are exhausted, should be granted with the view to allowing progressive adaptation to the product specification. Such products should however not be marketed accompanied by the indication ‘traditional speciality guaranteed’, the abbreviation ‘TSG’ nor the associated Union symbol.

(14) In the light of the above, the names ‘Heumilch’/‘Haymilk’/‘Latte fieno’/‘Lait de foin’/‘Leche de heno’ 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 names ‘Heumilch’/‘Haymilk’/‘Latte fieno’/‘Lait de foin’/‘Leche de heno’ (TSG) are registered.

The names in the first paragraph identify a product from Class 1.4 Other products of animal origin (eggs, honey, various dairy products except butter, etc.) set out in Annex XI to Commission Implementing Regulation (EU) No 668/2014[(3)].

Article 2

The consolidated product specification is set out in the Annex to this Regulation.

Article 3

The names ‘Heumilch’/‘Haymilk’/‘Latte fieno’/‘Lait de foin’/‘Leche de heno’ may be used to designate products not complying with the product specification for ‘Heumilch’/‘Haymilk’/‘Latte fieno’/‘Lait de foin’/‘Leche de heno’ for a period of two years from the date of entry into force of this Regulation. When used with reference to products not complying with the product specification such names may not be accompanied by the indication ‘traditional speciality guaranteed’, the abbreviation ‘TSG’ or by the associated Union symbol.

After the expiration of the two years period, the producers of ‘Heumilch’/‘Haymilk’/‘Latte fieno’/‘Lait de foin’/‘Leche de heno’ shall be authorised to continue to put on the market products bearing these names, made prior to the end of such period and not complying with the product specification referred to in Article 2, until the stocks are exhausted.

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.

Done at Brussels, 2 March 2016.

For the Commission

The President

Jean-Claude JUNCKER

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2016/304. (See end of Document for details)*

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ANNEX

APPLICATION FOR REGISTRATION OF A TSG Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed[4]

‘HEUMILCH’/‘HAYMILK’/‘LATTE FIENO’/‘LAIT DE FOIN’/‘LECHE DE HENO’

CN: AA-SG-1007-AT035 – 12.8.2014

1. **Name and address of the applicant group**

Name : ARGE Heumilch Österreich
Address : Grabenweg 68, 6020 Innsbruck, AUSTRIA
Telephone : +43 512345245
E-mail : office@heumilch.at

2. **Member state or third country**

Austria

3. **Product specification**

3.1. *Names to be registered*

‘Heumilch’ (de); ‘Haymilk’ (en); ‘Latte fieno’ (it); ‘Lait de foin’ (fr); ‘Leche de heno’ (es)

3.2. *Whether the name*

is specific in itself

expresses the specific character of the agricultural product or foodstuff

Haymilk production is the most natural form of milk production. The milk comes from animals on traditional, sustainable dairy farms. The key difference between standard milk and haymilk, and haymilk's traditional character, stems from the fact that as in the earliest form of milk production, animals are not fed fermented fodder. Since the 1960s, and due to mechanisation, the industrialisation of farming has increasingly relied upon the production of silage (fermented fodder), thus reducing fresh-fodder farming. Moreover, regulations forbid the use of animals and feed which are to be identified as ‘genetically modified’ under prevailing legislation.

The feeding procedure is adapted to match seasonal changes: in the ‘green-feeding period’, animals are fed fresh grass and foliage and some hay and forms of feed permitted under point 3.6; in the winter period, animals are fed hay, or other forms of feed permitted under point 3.6.

3.3. *Whether reservation of the name is sought under Article 13(2) of Regulation (EC) No 509/2006*

Registration, with reservation of the name

Registration without reservation of the name

3.4. *Type of product*

Class 1.4 Other products of animal origin

3.5. *Description of the agricultural product or foodstuff to which the name under point 3.1 applies*

Cow's milk in accordance with the applicable legislation.

3.6. *Description of the production method of the agricultural product or foodstuff to which the name under point 3.1 applies*