Commission Implementing Regulation (EU) No 120/2013 of 11 February 2013 entering a name in the register of protected designations of origin and protected geographical indications ((Khao Hom Mali Thung Kula Rong-Hai) (PGI))

COMMISSION IMPLEMENTING REGULATION (EU) No 120/2013

of 11 February 2013

entering a name in the register of protected designations of origin and protected geographical indications (ข้าวหอมมะลิทุ่งกุลาร้องไห้ (Khao Hom Mali Thung Kula Rong-Hai) (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)(b) thereof,

Whereas:

(1) Pursuant to Article 6(2) of Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs[(2)], an application from Thailand received on 20 November 2008 to register the name 'ข้าวหอมมะลิทุ่งกุลาร้องไห้ (Khao Hom Mali Thung Kula Rong-Hai)' as a protected geographical indication was published in the *Official Journal of the European Union*[(3)].

(2) Belgium, France, Italy, the Netherlands and the United Kingdom lodged objections to such registration under Article 7(1) of Regulation (EC) No 510/2006. The objections were deemed admissible under points (a), (b), (c) and (d) the first subparagraph of Article 7(3) thereof.

(3) By letter dated 14 March 2011, the Commission asked the Parties concerned to seek agreement among themselves in accordance with their internal procedures.

(4) An agreement was reached between Thailand and France. Given that no agreement was reached within the designated timeframe of six months between Thailand and the Netherlands, and that only a partial agreement was reached within such timeframe between Thailand and Belgium, Italy and the United Kingdom, the Commission should adopt a decision.

(5) With regard to the definition of the geographical area for production, processing and packaging, France pointed out an inconsistency between the Single Document and the national legislation of Thailand that allowed processing and packaging outside the geographical area of production. Thailand recognised the inconsistency and amended

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 120/2013. (See end of Document for details)*

its national registration as well as the Single Document to clarify that there is only one single geographical area of production, processing and packaging.

(6) With regard to the scope of protection of the name ‘ข้าวหอมมะลิทุ่งกุลาร้องไห้ (Khao Hom Mali Thung Kula Rong-Hai)’, Belgium, France, Italy, the United Kingdom and Thailand reached an agreement that the protection should be limited to the name as a whole. Thailand confirmed that no protection for the term ‘Khao Hom Mali’, in itself, was sought under Regulation (EC) No 510/2006. The Netherlands and Thailand did not reach an agreement. The Netherlands requested a clear indication that it is possible to use the non-geographical parts of the name, whilst Thailand made clear its anxiety on the impact of such a formulation on a trade mark registered in the European Union.

(7) The protection should indeed be given to the whole name ‘ข้าวหอมมะลิทุ่งกุลาร้องไห้ (Khao Hom Mali Thung Kula Rong-Hai)’. Individual non-geographical components of that term may be used, even jointly and also in translation, throughout the European Union, provided the principles and rules applicable in the European Union’s legal order are respected, including the legislation on trade marks.

(8) With regard to the packaging requirement to take place in the area of production, Belgium, France, Italy, the Netherlands and the United Kingdom objected as being not adequately justified or unnecessarily restricting. France and Thailand found an agreement after amendment of the Single Document by Thailand in order to explain better the reasons why packaging has to take place in the geographical area. No agreement on this issue was reached between Thailand and Belgium, Italy, the Netherlands and the United Kingdom. Thailand has then amended the Single Document and specification and included a justification more specific to the product.

(9) In the light of the above, the name ‘ข้าวหอมมะลิทุ่งกุลาร้องไห้ (Khao Hom Mali Thung Kula Rong-Hai)’ should be entered in the Register of protected designations of origin and protected geographical indications and the Single Document should be updated accordingly and published.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Protected Geographical Indications and Protected Designations of Origin,

HAS ADOPTED THIS REGULATION:

Article 1

The designation contained in Annex I to this Regulation shall be entered in the register.

Article 2

The updated Single Document is contained in Annex II to this Regulation.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 120/2013. (See end of Document for details)*

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, 11 February 2013.

For the Commission

The President

José Manuel BARROSO

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ANNEX I

Agricultural products intended for human consumption in Annex I to the Treaty:

Class 1.6Fruit, vegetables and cereals, fresh or processed
THAILAND

ข้าวหอมมะลิทุ่งกุลาร้องไห้ (Khao Hom Mali Thung Kula Rong-Hai) (PGI)

ANNEX II

SINGLE DOCUMENT**REGULATION (EC) No 510/2006**[(4)]**,ข้าวหอมมะลิทุ่งกุลาร้องไห้, (KHAO HOM MALI THUNG KULA RONG-HAI)EC No: TH-PGI-0005-0729-20.11.2008PGI (X) PDO ( )**

1. **Name**

‘ข้าวหอมมะลิทุ่งกุลาร้องไห้’ (Khao Hom Mali Thung Kula Rong-Hai)

2. **Member State or Third Country**

Kingdom of Thailand

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

3.1. *Type of product*

Class 1.6.Fruit, vegetables and cereals, fresh or processed

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

Khao Hom Mali Thung Kula Rong-Hai is the rice produced in the Thung Kula Rong-Hai area, extending across five provinces of north-east Thailand. It is grown from Khao Dawk Mali (KDML 105) and RD 15 varieties and is a light-sensitive paddy rice. It can be brown or white (milled rice).
Physical characteristics

Rice hull: straw yellow colour.
Long, slim, transparent and shiny.
Silky smooth.
Good smell like pandanus leaf.

Physical characteristics	Brown rice	White rice
Length (mm)	> 7,0	> 7,0
Shape (Length/Width)	> 3,2	> 3,2
Colour	Yellowish brown	White

Chemical characteristics

Moisture content	Not more than 14 %

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Contaminants	Not more than 0,2 %
Yellow grains	Not more than 0,2 %
Mixture of other rice varieties	Not more than 8 %
Amylose (%)	14-16 %
Alkaline test	6-7

Chemical characteristics (mean value (± 5 %))	**Brown rice**	**White rice**
Protein (%)	7,6	5,4
Vitamin B1 (mg/100g)	0,34	0,18
Vitamin B2 (mg/100g)	0,27	0,07
Vitamin B3 (mg/100g)	5,0	1,2
Iron (ppm)	28	16

Other characteristics

1. Cooking characteristics (mean values)

Cooking time	15-20 min.
Rice:water ratio for cooking	1:1 or 1:1,25

2. Aroma and flavour

The cooked rice smells liked pandanus leaf and tastes velvety, spongy and slightly sweet. It has a slight hint of the added condiments when cooked with other ingredients. Newly harvested KDML 105 and RD 15 rice grains have a creamy smooth texture when boiled.

3.3. *Raw materials (for processed products only)*

The rice seeds used to produce Khao Hom Mali Thung Kula Rong-Hai have to be grown in Thung Kula Rong-Hai.

The seeds must be Khao Dawk Mali 105 (KDML 105) and Kor Khor or RD 15 breeds obtained from the Rice Department or rice-grain producers, i.e. farmers' organisations or private organisations certified by the Rice Department based on the standards for rice grain production.

3.4. *Feed (for products of animal origin only)*

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3.5. *Specific steps in production that must take place in the identified geographical area*

The whole of the production cycle must take place in the defined geographical area to ensure that it is conducted entirely under the geomorphological conditions specific to that area. Needless to say, given the growing conditions the entire biological cycle up to harvesting is carried out in the same place, i.e. where the rice was originally sown. Harvesting is governed by special rules which cover the dates, phonological stages and grain moisture to guarantee the hygiene and safety of the product and complete traceability of the rice to the region of origin and even, in many cases, to the original farmer. The processing shall take place in Roi Et, Surin, Sisaket,