Commission Implementing Regulation (EU) No 501/2012 of 13 June 2012 entering a name in the register of protected designations of origin and protected geographical indications ((Zhenjiang Xiang Cu) (PGI))

COMMISSION IMPLEMENTING REGULATION (EU) No 501/2012

of 13 June 2012

entering a name in the register of protected designations of origin and protected geographical indications (镇江香醋 (Zhenjiang Xiang Cu) (PGI))

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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[(1)], and in particular the third subparagraph of Article 7(5) thereof,

Whereas:

(1) Pursuant to Article 6(2) of Regulation (EC) No 510/2006, China's application of 16 July 2007 to register the name镇江香醋 (Zhenjiang Xiang Cu) as a protected geographical indication (PGI) was published in the *Official Journal of the European Union*[(2)].

(2) Germany submitted an objection to such registration under Article 7(2) of Regulation (EC) No 510/2006. The objection was deemed admissible under point (c) of the first subparagraph of Article 7(3) thereof.

(3) By letter dated 2 August 2011, the Commission asked the Parties concerned to seek agreement among them.

(4) Given that no formal agreement was reached between Germany and China in accordance with the designated timeframe and forms, the Commission should adopt a decision in accordance with the procedure referred to in Article 15(2) of Regulation (EC) No 510/2006.

(5) The statement of the objection alleged that registration of镇江香醋 (Zhenjiang Xiang Cu) would jeopardise the existence of names, trademarks or products as specified in point (c) of the first subparagraph of Article 7(3) of Regulation (EC) No 510/2006, due to the vinegar's lower (4,5 grams) minimum total acid content than the one specified (5,0 grams) in German law as well as in European Standard EN 13188. Considering the acetic acid content as a decisive quality criterion for vinegar, the objector believes that marketing of such vinegar in the European Union would be misleading for the consumer as it would lead to distortion of the competition.

(6) In the absence of specific legislation of the European Union, vinegar with a lower acidity can be lawfully manufactured and marketed within the EU as well as imported

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 501/2012. (See end of Document for details)*

into the European Union. In addition,镇江香醋 (Zhenjiang Xiang Cu) is rice vinegar with its distinctive characteristics and is linked to Chinese cuisine. Therefore, neither a risk of confusion for consumers nor an attempt to fair and traditional usage could be identified in the fact that镇江香醋 (Zhenjiang Xiang Cu) is marketed in the EU with a minimum total acid content of 4,5 grams/100 ml.

(7) The Commission understands that China would accept a minimum acidity rate of镇江香醋 (Zhenjiang Xiang Cu) not lower than 5,0 grams per 100 ml, which would accordingly meet the request of the German authorities and the aforementioned European Standard EN 13188. Germany has confirmed that this would resolve its concerns.

(8) In order to have the largest consensus the minimum total acid content of镇江香醋 (Zhenjiang Xiang Cu) should, therefore, be set out at 5,00 grams/100 ml.

(9) In the light of the above, the name镇江香醋 (Zhenjiang Xiang Cu) should be entered in the Register of protected designations of origin and protected geographical indications.

(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 the Annex to this Regulation shall be entered in the register.

Article 2

The updated version of the single document is set out in Annex II to this Regulation.

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, 13 June 2012.

For the Commission

The President

José Manuel BARROSO

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 501/2012. (See end of Document for details)*

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ANNEX I

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

Class 1.8Other products of Annex I of the Treaty (spices etc.)
CHINA

镇江香醋 (Zhenjiang Xiang Cu) (PGI)

ANNEX II

SINGLE DOCUMENT**COUNCIL REGULATION (EC) No 510/2006**'**镇江香醋**'**(ZHENJIANG XIANG CU)**EC No: CN-PGI-0005-0630-16.07.2007**PGI (X) PDO ( )**

1. **Name**

'**镇江香醋**' (Zhenjiang Xiang Cu)

2. **Member State or Third Country**

People's Republic of China

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

3.1. *Type of product*

Class 1.8:other products of Annex I of the Treaty (spices etc.)

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

Zhenjiang Xiang Cu is a kind of brewed rice vinegar made from; sticky rice is the main raw material. It has a distinctive fragrance and a delicate flavour. The colour is a strong lustrous reddish brown with umber. It has a strong fragrance of fried rice and brewery products. The taste is dense and mild, fine and fresh, sour but not astringent, delicious and slightly sweet. Depending on specifications, the total acidity (based on acetic acid) falls within the range 5,00 g-6,00 g per 100 ml (not more than 15,50 g), fixed acid (based on lactic acid) 1,20 g-1,60 g per 100 ml, amino acid nitrogen (based on nitrogen) 0,12 g-0,18 g per 100 ml, and reducing sugar (based on dextrose) above 2,20 g per 100 ml.

Depending on length of storage, Zhenjiang Xiang Cu is divided into two categories, viz. 'Fragrant Vinegar', which is the regular form with a storage period of over 180 days, and 'Mature Vinegar', which refers to Zhenjiang Fragrant Vinegar with a storage period of over 365 days.

3.3. *Raw materials*

1. Sticky rice : from the region of Zhenjiang. It has consistently good quality with strong glutinosity and appropriate crude protein. The amylopectin content can be as high as 100.
2. Wheat bran : from processed local wheat of premium quality, rich in the nutritional elements required for the fermentation of acetic acid bacteria.