Commission Regulation (EU) No 1122/2010 of 2 December 2010 entering a designation in the register of protected designations of origin and protected geographical indications [Gouda Holland (PGI)]

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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) In accordance with the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, and pursuant to Article 17(2) of the same Regulation, the application of the Netherlands to enter the designation 'Gouda Holland' in the register of protected designations of origin and protected geographical indications was published in the *Official Journal of the European Union*[(2)].

(2) The Czech Republic, Germany, France, Austria, the governments of Australia, New Zealand and the United States of America, as well as Dairy Australia, Dairy Companies Association of New Zealand and the National Milk Producers Federation together with the US Dairy Export Council submitted objections to the registration under Article 7(1) of Regulation (EC) No 510/2006. These objections were deemed admissible under Article 7(3) of that Regulation.

(3) Statements of objection concerned non-compliance with the conditions laid down in Article 2 of Regulation (EC) No 510/2006, in particular the name and its use, specificity and reputation of the product, delimitation of geographical area as well as restrictions on the origin of raw materials. The objections also claimed that registration would be contrary to Article 3(3) of Regulation (EC) No 510/2006, would jeopardise the existence of names, trademarks or products which had been legally on the market for at least five years preceding the date of the publication provided for in Article 6(2), and that the name proposed for registration was generic.

(4) By letters dated 4 November 2008, the Commission asked the Netherlands and the objectors to seek agreement among themselves in accordance with their internal procedures.

(5) Given that no agreement with the objectors was reached within the designated time limit, with the exception of an agreement reached between the Netherlands and France,

the Commission should adopt a decision in accordance with the procedure referred to in Article 15(2) of Regulation (EC) No 510/2006.

(6) Concerning the alleged failure of compliance with Article 2 of Regulation (EC) No 510/2006 in respect of the name, geographical area, specificity of the product, link between the product characteristics and the geographical area, reputation and restrictions concerning the origin of raw material, the national authorities responsible provided confirmation that these elements were present and in addition no manifest error was identified. It should be pointed out that Holland is not the name of the Member State concerned and that 'Gouda Holland' is considered a traditional geographical name encompassed by Article 2(2) of Regulation (EC) No 510/2006. The requirements of Article 2(1) point (b) of the said Regulation are in this connection fulfilled since the related geographical area is delimited according to the link and the main elements of the product specificity. The specificity of Gouda Holland is due to a combination of factors linked to the geographical area such as the quality of milk (high fat level and protein content), amino acids originating from β-CN and γ-glutamyl peptide, prevalence of grazing on meadows, use of calf rennet, natural ripening, as well as the skills of the farmers and cheese producers.

(7) As regards objections based on non compliance with Article 3(3) of Regulation (EC) No 510/2006, the Netherlands submitted information regarding the distinction between the product bearing the registered name 'Noord-Hollandse Gouda' and that for which the name 'Gouda Holland' is applied. No evidence was provided in the statement of objections that consumers would be liable to be misled or that the producers would be treated in an inequitable manner.

(8) It appears that the objectors did not refer to the entire name 'Gouda Holland' when claiming that registration would jeopardize the existence of names, trademarks or products and that the name proposed for registration is generic, but only to one element of it, namely 'Gouda'. However, protection is granted to the term 'Gouda Holland' as a whole. Pursuant to the second sub-paragraph of Article 13(1) of Regulation (EC) No 510/2006, the term 'Gouda' may continue to be used provided the principles and rules applicable in the Union's legal order are respected. For the sake of clarification, the specification and the summary have been modified accordingly.

(9) In the light of the above, the name 'Gouda Holland' 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 Annex I to this Regulation shall be entered in the Register.

Notwithstanding the first paragraph, the name ‘Gouda’ may continue to be used within the territory of the Union, provided the principles and rules applicable in its legal order are respected.

Article 2

A consolidated version of the summary containing the main points of the specification 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, 2 December 2010.

For the Commission

The President

José Manuel BARROSO

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 1122/2010. (See end of Document for details)*

ANNEX I

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

Class 1.3.Cheeses
THE NETHERLANDS

Gouda Holland (PGI)

ANNEX II

SUMMARY

COUNCIL REGULATION (EC) No 510/2006on the protection of geographical indications and designations of origin for agricultural products and foodstuffs**'GOUDA HOLLAND'**EC No: NL-PGI-0005-0328-27.11.2003**PDO ( ) PGI (X)**

This summary sets out the main elements of the product specification for information purposes.

1. **Responsible department in the Member State**

Name	:	Hoofdproductschap Akkerbouw
Address	:	Postbus 29739 - 2502 LS 's-Gravenhage
Tel.	:	+31-70-3708708
Fax	:	+31-70-3708444
E-mail	:	plw@hpa.agro.nl

2. **Group**

Name	:	Nederlandse Zuivel Organisatie (NZO)
Address	:	Postbus 165 - 2700 AD Zoetermeer
Tel.	:	+ 31-79-3430300
Fax	:	+31-79-3430320
E-mail	:	info@nzo.nl
Composition	:	Producers/processors (X) Other ( )

3. **Type of product**

Class 1.3. Cheese

4. **Specification**

(summary of requirements under Article 4(2) of Regulation (EC) No 510/2006)

4.1. *Name*

'Gouda Holland'

4.2. *Description*

Gouda Holland is a full-fat (48 % +), naturally matured semi-hard cheese.

It is produced in the Netherlands from cows' milk obtained from Dutch dairy farms and is matured to a consumer-ready product in Dutch maturing rooms.
Composition

Gouda Holland is produced from one or more of the following raw materials:

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) No 1122/2010. (See end of Document for details)*

— milk, cream and skimmed or semi-skimmed cows' milk (exclusively cows' milk) from Dutch dairy farms.

Characteristic properties

The cheese is shaped like a flattened cylinder, a block or a loaf and weighs from 2,5 kg to 20 kg. A flattened cylindrical shape is a shape with convex sides that curve smoothly into a flat top and bottom and a height that is a quarter to a third of the diameter.

The fat content is a minimum of 48,0 % and a maximum of 52,0 % in dry matter. The (maximum) moisture content 12 days after the first day of manufacture is 42,5 % and the salt content in dry matter is a maximum of 4,0 %. The other characteristic properties are as follows:

— Flavour: aromatic, pleasant and mild to strong, depending on its age. Cumin may be added.

— Cross-section: after slicing the cheese, hole formation is visible but may not be evenly distributed. The colour of the cheese varies from ivory to yellow.

— Rind: the rind is firm, smooth, dry, clean and has no fungal flora. It is produced by drying during the maturing stage.

— Texture: the cheese is slightly soft to pliable at an age of four weeks. Once the cheese has matured further, it becomes firmer and tighter in structure. The cheese is easy to cut.

— Maturing period: at least 28 days. Gouda Holland is a naturally matured cheese. Foil maturing is not permitted for Gouda Holland.

— Maturing temperature: a minimum of 12 °C.

— Age: the shelf-life varies from a minimum of 28 days after manufacture to more than a year.

Special quality criteria

— When they reach and are stored by the cheese-maker, the milk, cream or semi-skimmed milk have undergone either no heat treatment at all or a non-pasteurising heat treatment.

— The cream and the skimmed or semi-skimmed milk should undergo pasteurisation immediately before being made into Gouda Holland so as to meet the following criteria:

  — phosphatase activity is undetectable, unless peroxidase activity is undetectable;

  — acidity levels, for cream measured on the basis of the fat-free product, are no higher than 20 mmol NaOH per litre, unless the lactate content is 200 mg per 100 g of fat-free matter or less;

  — no coliform micro-organisms are detectable in 0,1 ml.

— Immediately before being made into Gouda Holland, all raw materials must be pasteurised in such a way that the undenatured whey protein content does not deviate or deviates only slightly from that of unpasteurised raw material of a similar type and quality. Only non-genetically modified cultures of lactic-acid-forming and aroma-forming micro-organisms may be added when manufacturing Gouda Holland. These cultures consist of appropriate mesophilic starter cultures for Gouda Holland: Lactococcus and Leuconostoc L or LD, possibly in combination with thermophilic Lactobacillus and/or Lactococcus cultures. The available cultures are protected. Their use is mandatory in the production of Gouda Holland.

— Rennet: only calf rennet is used to manufacture Gouda Holland. It is only in special circumstances, for example if required as a result of epizootic disease, that it may be necessary to switch to other types of rennet. In that case, the rennet used must comply