COMMISSION REGULATION (EC) No 1291/2003

of 18 July 2003

supplementing the Annex to Regulation (EC) No 2400/96 on the entry of certain names in the 'Register of protected designation of origin and protected geographical indications' provided for in Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (Pane di Altamura)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs [1], as last amended by Commission Regulation (EC) No 806/2003 [2], and in particular Article 6(3) and (4) thereof,

Whereas:

(1) In accordance with Article 5 of Regulation (EEC) No 2081/92, Italy forwarded to the Commission an application for the registration of the name 'Pane di Altamura' as a protected designation of origin.

(2) The application was found, in accordance with Article 6(1) of that Regulation, to comply with the Regulation, most notably in that it includes all the particulars provided for in Article 4 of the Regulation.

(3) The Hellenic Republic sent the Commission a statement of objection within the meaning of Article 7 of Regulation (EEC) No 2081/92 as a result of the publication in the *Official Journal of the European Communities* [3] of the main elements relating to the application for registration of 'Pane di Altamura'. The objection related to non-compliance with the conditions referred to in Article 2 of the Regulation. In the case of a designation of origin, production, processing and preparation are to take place in the defined geographical area. However, in the case of 'Pane di Altamura', according to the product specification, the bread was made from raw material, semolina, produced by five different municipalities: Altamura, Gravina di Puglia, Poggiorsini, Spinazzola and Minervo Murge, while the area for processing into bread was restricted to the municipality of Altamura.

(4) The Portuguese Republic sent the Commission a statement of objection within the meaning of Article 7 of Regulation (EEC) No 2081/92 as a result of the publication in the *Official Journal of the European Communities* of the main elements relating to the application for registration of 'Pane di Altamura'. The objection related to the same arguments as those put forward by the Hellenic Republic. It was pointed out, in addition, that registration should have been applied for as a protected geographical indication and not as a protected designation of origin.

(5) The statements of objection from the Hellenic Republic and the Portuguese Republic were admissible within the meaning of Article 7(4) of the Regulation. The Commission asked the Member States concerned to seek agreement among themselves in accordance with their internal procedures.

(6) In its reply to the statements of objection of the Hellenic Republic and the Portuguese Republic, the Italian Republic stated it agreed with the comments made. It also pointed out that defining the area of production of the raw material and the milling area differently from the area of production of the bread was the result exclusively of a clerical error, and provided a reworded version of the paragraph defining the geographical area in the specification summary which states that the production area for 'Pane di Altamura' is the same as that for the raw material.

(7) The Hellenic Republic replied that it no longer had any objection to the registration of the name 'Pane di Altamura'.

(8) The Portuguese Republic replied that it maintained its objection to the registration of the name 'Pane di Altamura' as a protected designation of origin. It pointed out that it appeared inappropriate for the geographical name 'Altamura' to be used to refer to a product originating in the entire geographical area corresponding to the abovementioned five municipalities and that there was evidence in the summary statement that only the municipality of Altamura was famed for the production of the bread and not the entire region. For these reasons the name should, it seemed, have been registered as a protected geographical indication.

(9) The Italian Republic sent the Commission an application for registration of the name 'Pane di Altamura' as a designation of origin, modified in relation to the initial application. The geographical area of production of the bread covers the five abovementioned municipalities and coincides, therefore, with the geographical area of production of the raw material.

(10) Since no agreement has been reached between the Italian Republic and the Portuguese Republic within three months, the Commission must take a decision in accordance with the procedure laid down in Article 15.

[1] OJ L 208, 24.7.1992, p. 1.
[2] OJ L 122, 16.5.2003, p. 1.
[3] OJ C 156, 30.5.2001, p. 10.

(11) The Commission requested the opinion of the Scientific Committee for designations of origin, geographical indications and certificates of specific character. The Scientific Committee expressed the view that the 'characteristics presented in the application for Pane di Altamura refer both to the municipality of Altamura and to specific areas outside the municipality, where production, processing and preparation also take place. The particular geographical environment with its inherent natural and human factors, the quality of raw materials and production as well as the tradition going back to the Middle Ages could be presumed to be the same in the whole area included in the application'. The Scientific Committee found that the application fulfilled the requirements set out in Article 2(2)(a) of Regulation (EEC) No 2081/92. It added that the use of the geographical name of a municipality to designate a geographical area for a designation of origin which is different and defined for that purpose is quite frequent and legally acceptable where justified.

(12) The Commission has taken note of the advisory opinion of the Scientific Committee. It considers the explanations put forward by the Italian authorities admissible. Moreover, the formal analysis of the product specification relating to the name 'Pane di Altamura' has not revealed any obvious error of assessment.

(13) The name should therefore be entered in the Register of protected designations of origin and protected geographical indications and hence be protected throughout the Community as a protected designation of origin.

(14) Annex I to this Regulation supplements the Annex to Commission Regulation (EC) No 2400/96 [1], as last amended by Regulation (EC) No 1257/2003 [2].

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

HAS ADOPTED THIS REGULATION:

Article 1

The name in Annex I to this Regulation is added to the Annex to Regulation (EC) No 2400/96 and entered in the 'Register of protected designation of origin and protected geographical indications' provided for in Article 6(3) of Regulation (EEC) No 2081/92 as a protected designation of origin (PDO).

The main elements in the product specification are set out in Annex II. They replace those published in the *Official Journal of the European Communities* (see footnote 3).

Article 2

This Regulation shall enter into force on the 20th 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, 18 July 2003.

For the Commission
Franz FISCHLER
Member of the Commission

[1] OJ L 327, 17.12.1996, p. 11.
[2] OJ L 177, 16.7.2003, p. 3.

ANNEX I

FOODSTUFFS REFERRED TO IN ANNEX I TO REGULATION (EEC) No 2081/92

Bread, pastry, cakes, confectionery, biscuits and other baker's wares

ITALY

Pane di Altamura (PDO)

ANNEX II

COUNCIL REGULATION (EEC) No 2081/92

APPLICATION FOR REGISTRATION: ARTICLE 5

PDO(X) PGI ( )

National application No 5/2000

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

Name:	Ministero delle Politiche Agricole e Forestali
Address:	Via XX Settembre 20, I-00187 Roma
Tel.:	(06) 481 99 68
Fax:	(06) 42 01 31 26

2. **Applicant group**

2.1. Name: Consorzio per la tutela del Pane di Altamura

2.2. Address: Corso Umberto I 5, I-70022 Altamura (BA)

2.3. Composition: Craft-trade bakers

3. **Type of product**

Bread — Class 2.4.

4. **Specification**

(Summary of requirements under Article 4(2))

4.1. *Name*

Pane di Altamura

4.2. *Description*

'Pane di Altamura' is a baker's product obtained from flour of durum-wheat semolina made by milling durum-wheat grain of the 'appulo', 'arcangelo', 'duilio' and 'simeto' varieties produced in the area defined in the rules of production, used on their own or in combination and making up at least 80 % of the total, provided they are produced in the defined area of production.

The product is produced by the traditional method, using sourdough leavening, sea salt and water.

On placing on the market, it must have the following characteristics:

— the loaves, having the characteristic aroma and weighing not less than 0,5 kg, come in two traditional forms; the first type, known locally as 'U sckuanète' (folded loaf), is a tall loaf formed by folding the dough from either side into the centre and is baked without the edges of the loaves coming into contact with each other; the second type, known locally as 'a cappidde de prèvete' (priest's hat), is lower and, on baking, the edges of the loaves do not touch each other.

— the crust must not be less than 3 mm thick; the texture of the crumb, which is a straw-yellow colour, has air-bubbles of uniform size; the moisture content must not exceed 33 %.

4.3. *Geographical area*

The defined geographical area of production of the grain and the ground semolina used comprises the municipalities of Altamura, Gravina di Puglia, Poggiorsini, Spinazzola and Minervino Murge in the province of Bari, as laid down in Article 5 of the rules of production and shown on the appended map.

The area of production of 'Pane di Altamura' coincides with the territory defined above, in which over the centuries production of the product which originated in the 16th century in the municipality of Altamura has come to be concentrated. The ovens for baking the bread must preferably be wood- or gas-fired, the heat being applied indirectly or directly, exceptions being allowed by law.

4.4. *Proof of origin*

The origin of 'Pane di Altamura' is linked to the peasant-farmer tradition of the area of production.