Commission Regulation (EC) No 127/2008 of 13 February 2008 entering a designation in the register of protected designations of origin and protected geographical indications (Oscypek (PDO))

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 second sentence of Article 7(5) thereof,

Whereas:

(1) Under Article 6(2) and pursuant to Article 17(2) of Regulation (EC) No 510/2006, Poland's application to register the designation *Oscypek* was published in the *Official Journal of the European Union*[(2)].

(2) Slovakia objected to this registration in accordance with Article 7(1) of Regulation (EC) No 510/2006 citing the points of objection mentioned in Article 7(3)(a), (b) and (c) thereof. Specifically, Slovakia stated in its statement of objection that registering the designation *Oscypek* would undermine the designation *Slovenský oštiepok*, for which Slovakia had applied to the Commission for registration as a protected geographical indication[(3)].

(3) By letter dated 30 May 2007, the Commission invited the Member States concerned to start a consultation procedure.

(4) An agreement was reached between Poland and Slovakia, which was notified to the Commission by the letter received on 28 June 2007.

(5) Under this agreement, Poland and Slovakia recognise that the designations *Oscypek* and *Slovenský oštiepok* refer to cheeses that are now produced quite differently, despite the fact that they share the same history and tradition. According to Poland and Slovakia, the key differences between the two cheeses (concerning the raw material used, the production method and physical, chemical and organoleptic properties) should not give rise to confusion amongst consumers. Poland and Slovakia agree that both designations *Oscypek* and *Slovenský oštiepok* are legitimate and Poland underscores that registration of the designation *Oscypek* as a protected designation of origin would not undermine the right of Slovakian producers to use the designation *oštiepok* either alone or alongside other terms.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 127/2008. (See end of Document for details)*

(6) The agreement reached by the interested parties does not necessitate amending the information published in accordance with Article 6(2) of Regulation (EC) No 510/2006. Accordingly the designation *Oscypek* should be registered in accordance with Article 7(4) of this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on the 20th day following 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 February 2008.

For the Commission

Mariann FISCHER BOEL

Member of the Commission