



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT
Directorate F – Outreach, Research & Geographical Indications
The Director

Brussels
AGRI.F.3/

Dear Madam,

Thank you for your email of 22 August 2024 (our ref.: Ares(2024)5973297) requesting confirmation of an interpretation of Regulation (EU) 2024/1143 ⁽¹⁾, thereafter ‘the Regulation’, in relation to the labelling of processed products when the geographical indication refers to an ingredient (Articles 27 and 37 (7)).

The interpretation of Article 37(7) of the Regulation proposed by the Spanish authorities and DG AGRI’s respective comments are as follows:

1. Article 37(7) of the Regulation concerns the use of compulsory particulars (EU logo for agricultural products, indications ‘Protected Designation of origin’ and ‘Protected Geographical Indication’ for wine, indication ‘Geographical Indication’ for spirits and the registered name for the geographical indications (GIs) in the three sectors) and optional particulars (indications ‘Protected Designation of origin’ and ‘Protected Geographical Indication’ for agricultural products, EU logo for wine and spirits, as well as abbreviations ‘PDO’ ‘PGI’) in case the GI is used as an ingredient in a processed product.

*Comments from DG AGRI: 1) Article 37(7) of the Regulation does not apply ‘in case the GI [i.e. the protected name] is used as an ingredient’. Article 37(7) concerns the use of the indications (‘protected designation of origin’, ‘protected geographical indication’ (for wine and agricultural products) and ‘geographical indication’ (for spirits)), the abbreviations (‘PDO’ and ‘PGI’ (for wine and agricultural products)) and the logo (for all sectors) **in case of a GI (name) appearing in the list of the ingredients in the label of a processed product.** 2) As regards spirits, there is no provision obliging to use the indication ‘Geographical Indication’. 3) ‘PDO’ and ‘PGI’ are optional for agricultural products and wines, they are not admitted for*

⁽¹⁾ Regulation (EU) 2024/1143 of the European Parliament and of the Council, of 11 April 2024, on geographical indications for wine, spirit drinks and agricultural products, as well as traditional specialities guaranteed and optional quality terms for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2019/787 and (EU) 2019/1753 and repealing Regulation (EU) No 1151/2012.



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spirits. 4) Article 37(7) does not provide any rule for the use of the registered name in the list of ingredients.

2. The first part of Article 37(7) provides the following. The name of the GI can only be used in the list of ingredients. Indications and abbreviations may accompany the name of the product in the same place where they appear (the list of the ingredient). The European logo cannot be used in this context.

Comments from DG AGRI: this interpretation is largely correct. However, consider that, as said above, Article 37(7) does not concern the use of the registered name. A name of a GI may appear in the list of ingredients in so far as the product used as an ingredient in a processed product complies with the product specification of that GI (Article 26(1)(a) and (b)).

3. The second part of Article 37(7) refers to the exception set out in Article 27, which gives the possibility to use the name of the GI in the name of the processed product. In this case it is explicitly specified that the logo may not accompany the GI name when used in the name of the processed product. The specific 'logotipo' of the GI may be used.

Comments from DG AGRI: 1) Article 37(2) does not provide for any rule on the use of the GI name. Therefore, Article 27 may not be considered as an 'exception' to such a rule. 2) For the rest the approach is correct. No logo allowed, either in the list of ingredients or close to the name of the processed product in case it includes the GI. 3) It is worth specifying that the use of the specific 'logotipo' of the GI (specific logo of the GI) may be admitted only in so far as it does not infringe Article 26 of the Regulation.

4. The use of the name of the GI and of the abbreviations PDO/PGI in the list of the ingredients, together with the name of the ingredient, is permitted. Logo is never permitted.

Comments from DG AGRI: 1) Article 37(2) does not concern the permission to use the name of the GI in the list of the ingredients. If the ingredient used corresponds to the product covered by a GI, that name may be used in the list of the ingredient (Article 26(1) (a) and (b)). 2) It is not clear what would be the difference between the name of the GI and the name of the ingredient. 3) The use of the 'indications' is not covered in the text you propose.

5. The name of the processed product must not be confused with the fact that the processed product itself contains the Geographical Indication. For example, adding the expression 'elaborated with', followed by the GI name, in the sale name of the processed product should be allowed.

Comments from DG AGRI: your interpretation is not clear. It is acceptable only if it means that the addition of the expression 'elaborated with', followed by the GI name, in the sale name of the processed product is equivalent to including the GI name in the sale name of the processed product.

6. Prior to using the GI name in the product name, a process must be followed:
- a. The person responsible for the processed product must notify the recognised producer group in writing, providing necessary documentation to ensure compliance with Article 27(1) requirements.
 - i. The processed product must not contain any other product comparable to the ingredient designated by the GI.
 - ii. The ingredient designated by the GI must be used in sufficient quantity to confer essential characteristics to the processed product. A study guaranteeing this must be submitted.
 - iii. The percentage of the ingredient designated by the GI in the processed product must be indicated on the label, with a sketch of the label provided. The indication of the percentage must be in the same field of vision as the product name.
 - b. The recognised producer group must verify the documentation and notify the operator within 4 months.

The European logo cannot be used in any case.

Comments from DG AGRI: 1) The proposed interpretation aligns with Regulation (EU) 2024/1143. However, it should be noted that these rules apply only to prepacked food producers (to be explicitly indicated) and that the Regulation does not specify any requirements for providing a study guaranteeing the sufficient quantity of GIs used to impart essential characteristics to the processed product (Article 27(b)), although Member States may establish additional procedural rules for producers of prepacked food within their territory, in line with the Treaties. 2) Furthermore, there is no established rule on the position in the label of the percentage of the ingredient designated by the GI. 3) It should also be recalled that the producer of prepacked food can use the geographical indication in the name of the prepacked product after receiving the acknowledgment from the recognised producer group or after the 4-month period has elapsed, whichever occurs first.

The above information is based solely on the facts set out in your email of 22 August 2024, expresses the view of the Commission services and does not commit the European Commission. In the event of a dispute involving Union law it is, under the Treaty on the Functioning of the European Union, ultimately for the Court of Justice of the European Union to provide a definitive interpretation of the applicable Union law.

Yours faithfully,

Diego CANGA FANO