



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate F – Outreach, Research & Geographical Indications
The Director

Brussels
AGRI.F.3 [REDACTED]

**Subject: Request of Extension of Deadline and Additional Questions – PGI
'กาแฟดอยตุง / Kafae Doi Tung' (PGI-TH-0814-AM01 of 3/07/2024)**

Dear Madam, dear Sir,

We refer to your email of 5 September 2024 requesting an extension of the deadline for your reply to our comments of 7 August 2024 concerning your communication of a standard amendment of the PGI 'กาแฟดอยตุง / Kafae Doi Tung' (Ref. No PGI-TH-0814-AM01). Please be informed that the deadline is extended accordingly until 7 December 2024.

Additionally, you ask our assistance regarding some points raised in our comments.

Firstly, you ask whether for third countries, the decision approving the standard amendment must be made public by the third country or it could also be made public by the applicant group, and whether its publication via websites is considered sufficient for public disclosure or it should be made in print.

While our legislation sets out the rule that the approval decision must be made public ⁽¹⁾, it does not specify whether it should be made public by the authorities of the third country or by the applicant group having a legitimate interest, nor does it specify the means by which it should be made public. In consequence, either of the options are possible. In the same line of reasoning, the publication of the decision via websites can be deemed as sufficient as long as it can reach the wide public.

⁽¹⁾ Article 6b(3) of Commission Delegated Regulation (EU) No 664/2014 of 18 December 2013 supplementing Regulation (EU) No 1151/2012 of the European Parliament and of the Council with regard to the establishment of the Union symbols for protected designations of origin, protected geographical indications and traditional specialities guaranteed and with regard to certain rules on sourcing, certain procedural rules and certain additional transitional rules, OJ L 179, 19/06/2014, p. 17–22: “Decisions approving standard amendments concerning products originating in third countries shall be communicated to the Commission by an applicant group having a legitimate interest either directly or via the authorities of the third country, within 1 month from the date on which the relevant decision was made public”.

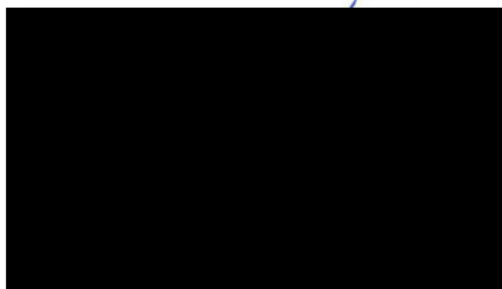
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Secondly, you ask if the proof that the amendment is applicable in the third country can be an approved decision made by the relevant authorities in the third country and whether this proof must also be published and communicated to the Commission within 1 month.

According to Article 24(9) of Regulation (EU) 2024/1143⁽²⁾ of the European Parliament and of the Council, a standard amendment shall be assessed and approved by the third country in whose territory the geographical area of the product concerned is located and communicated to the Commission. The communication of an approved standard amendment to the Commission shall be considered to be duly made when it complies with Article 10a of Implementing Regulation (EU) No 668/2014⁽³⁾. This states that the communication shall include, among others, “proof that the amendment is applicable in the third country”. This provision aims at preserving the alignment between the geographical indications registered and protected in the third country and the one registered and protected in the Union. Therefore, such proof is automatically given when the amendment is approved by administrative or judicial decision of a third country authority or when a decision or a document of the administration or of a judicial authority exists which refers to the geographical indication as amended. In case the amendment is approved without the endorsement of an administrative or judicial authority, the proof may be a document explaining how that amendment is considered to have amended the geographical indication and is applied in the legal system of the third country.

The above information is based solely on the facts set out in your email of 5 September 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 sincerely,

A large black rectangular redaction box covers the signature area. A small blue mark is visible above the top edge of the redaction.

Diego CANGA FANO

⁽²⁾ 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, OJ L, 2024/1143, 23.4.2024.

⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs, OJ L 179, 19/06/2014, p. 36–61.