

COMMENTS FROM THE EUROPEAN COMMUNITIES RELATING TO NOTIFICATION

G/TBT/N/USA/145

FROZEN DESSERTS; PETITION TO REVOKE STANDARDS FOR GOAT'S MILK ICE CREAM AND MELLORINE AND TO AMEND STANDARDS FOR ICE CREAM AND FROZEN CUSTARD, SHERBET AND WATER ICES; PETITION TO AMEND STANDARDS FOR PARMESAN AND REGGIANO CHEESE

The European Communities (EC) thanks the US authorities for the opportunity to comment on the draft text notified by the Food and Drug Administration.

After examination of the notified text, the EC would like to make the following comment.

The EC would like to remind the US authorities that the Parmesan denomination is the translation of the Italian name Parmigiano Reggiano which is registered as a protected designation of origin with the European Community.

Owing to this protected designation, only products which fall within the given product specification can use the Parmesan denomination. As a registered name, the name is protected in the EU against, among others, any misuse, imitation or evocation, even if the true origin of the product is indicated, or if the protected name is translated (such as e.g. Parmesan).

The EC would also like to remind the US authorities that the word "Parmigiano" means "of Parma" or "from Parma"; and that the word "Reggiano" means "of Reggio" or "from Reggio", and thus refer to the geographical area in Italy where the Parmigiano Reggiano cheese originates.

The EC would want to point out that, in accordance with Article 22.2 of the TRIPS Agreement, and in respect of geographical indications, WTO Members are under the obligation to provide the legal means for interested parties to prevent the use of any means in the designation or presentation of a good that indicates or suggests that the good in question originates in a geographical area other than the true place of origin in a manner which misleads the public as to the geographical origin of the good.

The EC invites the US authorities to consider the above comment.

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EUROPEAN COMMISSION
ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

Regulatory policy
Notifications

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Subject: EC comments concerning:

GTBT/USA/145 Frozen desserts; Petition to revoke standards for goat's milk ice cream and mellorine and to amend standards for ice cream and frozen custard, sherbet and water ices; petition to amend standards for parmesan and reggiano cheese

Message:

Dear Sir or Madam,

Please find attached comments from the European Communities on the above-mentioned notification.

Yours faithfully,

Sabine Lecrenier
Head of Unit

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