



Council of the
European Union

Brussels, 30 April 2015
(OR. en)

8508/15

LIMITE

WTO 100

NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Protection of the Geographical Indication of Feta cheese in the context of
the EU-Canada Comprehensive Economic and Trade Agreement (CETA)
- Request from the Greek Delegation

Delegations will find in ANNEX a document submitted by the Greek Delegation to be presented under "Any other business" at the Foreign Affairs/Trade Council at its session on 7 May 2015.

FOREIGN AFFAIRS COUNCIL (TRADE)

Brussels, 7th May 2015

Request from the Greek Delegation

Protection of the Geographical Indication of Feta cheese in the context of the EU-Canada Comprehensive Economic and Trade Agreement (CETA)

In anticipation of the upcoming Foreign Affairs Council (Trade), taking place on May 7th, Greece would like to put into consideration, the highly sensitive issue of the enhanced protection of EU Geographical Indications (GIs) as Intellectual Property Rights (IPRs) in the context of international trade agreements.

In many cases, renowned European products lack the protection they are entitled, due to the misconception of being generics in the territory of the EU trade partners, as in the case of our flagship product Feta cheese in the outcome of the CETA negotiations. In this context, we would like to express our deepest concerns on the apparent limited results and the lack of proper protection of our prime GI Feta in CETA, the latter having been repeatedly communicated to the European Commission during the various stages of the negotiations during the previous months.

Specifically, during these negotiations we informed the European Commission about the numerous usurpers of our famous GI feta cheese in the Canadian market. The Canadian controversial “Feta” cheese is not related in any way to our renowned GI, since the primary source of the milk is different as well as the method of production. Our GI feta cheese is produced from sheep and goat milk as opposed to barn-raised cow milk, which is the case of the Canadian so called “feta” cheese. It is also closely linked to Greek cultural tradition as ruled in ECJ cases C-465/02 and C-466/02. Furthermore, feta cheese is the pillar of Greek stock raising, since 80% of domestic sheep and goat milk is used for the production of our acclaimed GI.

Despite the aforementioned, the outcome of CETA negotiations regarding the list of EU GIs to be protected was that Feta Cheese has been unfairly singled out as it has been granted the least protection.

It should also be mentioned that, as it is clearly stated in the CETA Negotiating Directives, the European Commission was obliged to come to Council and present to member-states the expected results of the negotiations, before their conclusion. Unfortunately, despite repeated requests from our side, the Commission closed the CETA negotiations without consulting us on the expected results regarding the protection of our flagship GI. Furthermore, as it is clearly stated in “*Title 7: Intellectual Property Rights*” on the Negotiating Directives, the Commission was obliged to make sure that EU GIs, especially the most important ones, were to receive “*ex officio protection in CETA, including the phasing out of current misuse of EU GIs in Canada, for instance linked with generic denominations or trademarks*”. In spite of our expectations, the Commission failed to carry out its above stated obligation regarding the protection of Feta cheese.

In light of the above, at this crucial stage of legal scrubbing, Greece pursues an acceptable protection of our GI Feta cheese, similar to the protection granted to other EU GI flagships. We expect the proper differentiation between the two totally different cheese products in the Canadian market, given the different primary source of milk and method of production. This protection should not only apply to future producers or importers but also to previously existing ones.

More specifically, a phasing out period of current misuse of GI Feta cheese in Canada should be implemented. A derogation that could be accepted is the use of “Feta style/type cheese” for the Canadian cheese made from goat’s and sheep’s milk.

Our position should be properly conveyed to the Canadian side and the relevant text of the agreement should be readjusted accordingly at the legal scrubbing procedure. Given that the enhanced protection of our flagship GI is one of our highest priorities, it would be extremely difficult, if not impossible for us, to endorse the existing results, should the terms for the protection of our flagship GI “Feta cheese” are not on par with our above stated redline. Additionally, an unfortunate CETA outcome on Feta will set a very negative precedent for other strategic trade agreements that EU is currently negotiating (TTIP, Japan, Vietnam etc.) or intends to negotiate in the near future, having long lasting and damaging consequences for our well known GI.