



Council of the European Union
General Secretariat

**Interinstitutional files:
2022/0089 (COD)**

Brussels, 02 May 2023

WK 5717/2023 INIT

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CONTRIBUTION

From:	General Secretariat of the Council
To:	Delegations
Subject:	Regulation on geographical indications and quality schemes - Comments from the Danish delegation

Delegations will find attached written comments from the Danish delegation on the Presidency drafting suggestions set out in 8598/23 REV1.

Annex

Denmarks finds that the changes introduced by the Presidency with regard to Article 28 – the obligation for producers to give prior notification to the recognized producer group - is unclear both in regard to how the obligation is to be carried out by the producer (and should the producer wait for a response from the recognized producer groups) and how the producer-notification is to be controlled, and should therefore be deleted.

- Art. 28: a notification obligation has been added for producers of prepacked food which contains as an ingredient a product designated by a geographical indication and who want to use the geographical indication in the name of that prepacked food where recognised producer groups exist for the concerned geographical indication;

Article 28

Ingredients in the names of processed products

1. ~~Article 27 is without prejudice to the use of a geographical indication by operators in conformity with Article 36 to indicate that a processed product contains, as an ingredient, a product designated by that geographical indication provided that such use is made in accordance with honest commercial practices and does not weaken, dilute or is not detrimental to the reputation of the geographical indication.~~
2. **Without prejudice to Article 27, the geographical indication designating a product used as an ingredient in a processed product shall not ~~may~~ be used in the food name of ~~the related that~~ processed product, ~~where:~~ except in cases of an agreement with a producer group representing two thirds of the producers.**
 - a) **the processed product does not contain any other product comparable to the product ingredient designated by the geographical indication included in its name; the concerned product ingredient is used in sufficient quantities to confer an essential characteristic on the processed product concerned; and**
 - c) **the percentage of the concerned product ingredient in the processed product is indicated in the label.**

A producer of a prepacked food as defined in Article 2(2)(e) of Regulation (EU) No 1169/2011, containing as an ingredient a product designated by a geographical indication, who wants to use that geographical indication in the name of that prepacked food, shall give a prior notification to the recognised producer group where such a group exist.

This paragraph shall not apply to spirit drinks.
3. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by additional rules on the use of geographical indications ~~to identify ingredients in processed products referred to in paragraph (1) of this Article~~ **in the name of processed products with reference to the use of comparable ingredients and the criteria of conferring essential characteristics on the processed products.**