

# CDG MILK

20 February 2018



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## 30 years of Protection of Dairy Terms in the EU

Single CMO (Common Organisation of Markets) Article 78 and Annex VII Part III Regulation (EU) No 1308/2013



2017

04 July

### Press Release

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EDA celebrates the 30<sup>th</sup> anniversary of the European protection of dairy terms, like "milk" and "butter"

In the EU, milk and dairy products have been legally recognised for decades as unique in their nutritional composition, quality and source, being the secretion from a mammal. For 30 years the specific EU legislative framework has provided to the European citizens a clear knowledge of what milk and milk products are and strongly protected them from being misled. On 14 June 2017, the European Court of Justice reaffirmed forcefully the uniqueness of milk and dairy in the court case C-422/16<sup>1</sup> strongly marking the 30<sup>th</sup> anniversary of the EU protection of dairy terms.



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## 30 years of Protection of Dairy Terms in the EU

What is in for dairy? Protected Dairy Terms (Annex VII, Part III, CMO Regulation)

Whey  
Cream  
Butter  
Cheese  
Yoghurt  
Buttermilk  
Butteroil  
Caseins  
And more...

Terms  
reserved  
exclusively  
for milk  
products at  
all stages of  
marketing

*“Milk means exclusively the normal mammary secretion obtained from one or more milkings without either addition thereto or extraction therefrom”.*



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## Consequences of the ECJ ruling C-422/16 of 14 June 2017 ('tofu-town')

The European Court of Justice on 14 June 2017 ruled that Article 78(2) and Annex VII, Part III, to Regulation No 1308/2013 must be interpreted as precluding the term 'milk' and the designations reserved by that regulation exclusively for milk products from being used to designate a purely plant based product in marketing or advertising, even if those terms are expanded upon by clarifying or descriptive terms indicating the plant origin of the product, unless that product is listed in Annex I to Decision 2010/791.

**EU court bans dairy-style names for soya and tofu**



**FINANCIAL TIMES**

**Sellers of soya milk and tofu butter in EU told to rebrand**



## The future of this protection,

- Dairy terms and marketing standards must remain protected in the EU legislation and be respected by all supply chain partners
- Dairy protected terms and marketing standards must be fully implemented and enforced by all competent authorities of EU Member States at all times
- The EU COM should ensure the correct implementation all across Europe
- The EU COM should draft guidelines for Member States authorities so as to facilitate the correct implementation on a national level
- As a possible future protection EDA proposes to foster the current legal framework regarding protected dairy terms with a similar protection to that ensured to Geographical Indications (Article 13 Regulation 1151/2012)
- A European standard for cheese based on the related CODEX Standard



## Mandatory Origin labelling

National laws on mandatory origin labelling for milk and dairy introduced in: France, Italy, Lithuania, Portugal, Romania, Greece, Finland - discussions in Spain

EU dairy industry against mandatory measures – threats to the EU Single Market and free movement of goods



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# Voluntary Origin Labelling



2017  
2 March

## Position Paper

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EDA comments on the aspect of trademarks and brand names in the draft Commission implementing act on rules for voluntary origin labelling version of February 2017

EDA welcomes the Commission work on the draft Implementing Regulation on voluntary indication of the origin of the food. We remain however highly concerned over a possibility considered by the Commission to include in the scope of the implementing regulation "trademarks and brand names which include or consist of geographical indications". We would like to highlight that concerning the use of trademarks and brand names, the existing legislative framework already ensures consumer protection.

We would also like to take this occasion to encourage a rapid approval and enforcement of harmonised European rules on voluntary origin labelling in order to stop the process of disruption of the internal market caused by introduction of national rules on mandatory origin labelling in several Member States.



## Position Paper

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EDA comments on draft DG SANTE implementing act on rules for voluntary origin labelling

EDA in principle welcomes the new version of the draft Implementing Regulation on rules for voluntary origin labelling (version published for public consultation from 4 January - 1 February 2018), especially because trademarks and geographical indications will not be covered by the scope of the Regulation (Art.1.2). We believe that this is a step in the right direction, showing the EU continues to maintain protection of the intellectual property of the European companies, as well as the EU quality schemes.

However, the current draft text implies that specific rules on trademarks and GIs might be adopted in the future. We believe that the exclusion of trademarks and GIs should be permanent and therefore not be covered by any specific rules in the future. We would like to take this occasion to reiterate the position of the European dairy sector that trademarks, brand names and GIs should be clearly excluded from the scope of the Regulation, for the reasons explained in our detailed comments below.

We would also like to take this occasion to encourage a rapid adoption of harmonised European rules on voluntary origin labelling in order to stop the process of disruption of the internal market caused by introduction of national rules on mandatory origin labelling in several Member States.

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

laying down rules for the application of Article 26(3) of Regulation (EU) N° 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as regards the rules for indicating the country of origin or place of provenance of the primary ingredient of a food where different to that given for that food

2018  
1 February



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## EU COM Draft implementing act on voluntary origin labelling

EDA welcomes that trademarks and geographical indications will not be covered by the scope of the Implementing Regulation (Art.1.2). We believe that this is a step in the right direction, showing that the EU continues to preserve the protection of intellectual property rights of European companies while fostering European quality schemes.

EDA encourages the rapid adoption of harmonised European rules on voluntary origin labelling in order to stop the process of disruption of the internal market caused by the introduction of national rules on mandatory origin labelling



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Thank You  
Merci  
Grazie  
Danke

