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Committee on Technical Barriers to Trade

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**EUROPEAN UNION - QUALITY SCHEMES FOR AGRICULTURAL  
PRODUCTS AND FOODSTUFFS**

**STATEMENT BY THE UNITED STATES TO THE COMMITTEE ON TECHNICAL BARRIERS TO TRADE  
6 AND 7 MARCH 2019**

The following communication, dated 21 March 2019, is being circulated at the request of the delegation of the United States.

1. The United States would like to raise two issues with regard to the EU's registration process for protected geographical indication (PGI) – first regarding the applications for "danbo" and "havarti" cheese, and second regarding the notification of G/TBT/N/EU/593.

**1 HAVARTI/DANBO APPLICATIONS:**

2. First, the United States remains concerned with the registration of the name "danbo" as a protected geographical indication (PGI), with a complete disregard for the international standard in Codex.

3. Furthermore, we feel the application under consideration for the name "havarti" also lacks transparency, particularly considering the existing Codex standard for havarti.

4. We reiterate that we found the EU's consultation process with regard to these registrations unsatisfactory. Moreover, our interventions at the TBT committee have not resulted in additional clarity. In particular, we seek to understand how the Commission considered the existing Codex standards for both danbo and havarti.

5. To that end, we would also like to reiterate our opposition to the EU granting GI protection for harvati because there is an international Codex Alimentarius standard for havarti, which Codex members – including the EU – reconfirmed in 2007, 2008, and 2010.

6. The Council's own decision on the EU's accession to the Codex Alimentarius Commission affirms, "Codex standards have acquired increased legal relevance by virtue of the reference made to Codex in the WTO Agreements and the presumption of conformity which is conferred on national measures when they are based on such standards."

7. The EU and its Member States also supported and agreed to the Codex Committee for Milk and Milk Products Individual Cheese standards, which contain labeling provisions under section 7 that preserve the generic nature and use of the names of these cheeses.

8. Both danbo and havarti underwent a rigorous review to prove their use in public domain and international trade.

9. We again would like to ask if the Commission's view of the legal relevance of Codex standards changed since the publication of the Council Decision?

## **2 NEW NOTIFICATION - G/TBT/N/EU/593**

10. Second, we would like to better understand the EU's proposal to amend EU regulation No. 1151/2012 on quality schemes for agricultural products and foodstuffs, as well as other regulations pertaining to GIs outlined in TBT notification G/TBT/N/EU/593. We submitted comments to the EU's notification on 19 October 2018, and to date have received no response.

11. In general, we are concerned about many of the proposed amendments, as they appear to exacerbate rather than alleviate our existing concerns. We will highlight some of those concerns here, but seek further bilateral discussions on these issues. In addition, per our comments, we urge the EU to rescind the elements of the Proposed Amendments that will exacerbate our concerns.

12. The proposal appears to shift authority from the Commission to member states, giving member states greater flexibilities and control over GI applications. We urge the Commission to retain this function without modification to ensure uniformity and predictability across the EU.

13. More concretely, how would this proposal affect existing applications such as havarti? Would Denmark now take control of the application or will these proposals only apply to new applications?

14. Under the new proposal, how will the EU Commission ensure member states adhere to TBT commitments including the use of international standards?

15. We are also concerned that the proposed extension of the "protection" of EU GIs to in-transit goods would exacerbate concerns the United States has regarding the negative market access effects of the EU's protection and enforcement of GIs in the EU and third-country markets for U.S. producers and traders.

16. We are also concerned that the Proposed Amendments will truncate the opposition period on GI registrations.

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