COMMISSION IMPLEMENTING REGULATION (EU) 2023/700

of 29 March 2023

entering a name in the register of protected designations of origin and protected geographical indications ('Plăcintă dobrogeană' (PGI))

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ([1]), and in particular Articles 15(2) and 52(3)(b) thereof,

Whereas:

(1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, the application from Romania to register the name 'Plăcintă dobrogeană' as Protected Geographical Indication was published in the *Official Journal of the European Union* ([2]).

(2) On 27 April 2021 the Commission received from Bulgaria the notice of opposition. The Commission forwarded the notice of opposition to Romania on 29 April 2021. On 23 June 2021 Bulgaria submitted to the Commission a reasoned statement of opposition.

(3) After examining the reasoned statement of opposition and founding it admissible, in accordance with Article 51(3) of Regulation (EU) No 1151/2012, the Commission invited Romania and Bulgaria, by letter of 20 July 2021, to engage in appropriate consultations in view of reaching an agreement.

(4) The consultations between Romania and Bulgaria ended without an agreement being reached. The Commission should therefore take a decision on the registration in accordance with the procedure provided for in Article 52(3)(b) of Regulation (EU) No 1151/2012 taking into account the results of these consultations.

(5) In accordance with Article 10(1)(c) of Regulation (EU) No 1151/2012 Bulgaria alleged that the registration of 'Plăcintă dobrogeană' as a Protected Geographical Indication would be a threat to the existence of the product named 'Dobrudzhanska banitsa', which has been prepared as traditional pastry in Bulgaria for centuries and is a part of the Bulgarian gastronomic and cultural heritage.

In fact, in Bulgarian 'Dobrudzhanska banitsa' has the same meaning as 'Plăcintă dobrogeană'. Moreover, Bulgaria claimed that this name designates products sharing similar ingredients, preparation stages and final product characteristics, and thus the essential elements of both 'Dobrudzhanska banitsa' and 'Plăcintă dobrogeană' could be considered as identical. Such similarities are historically determined, bearing in mind that Dobrudzha, as a historical and geographic region, is divided between the two countries, e.g. Northern Dobrudzha situated in Romania, and Southern Dobrudzha situated in Bulgaria. Therefore, both regions, even if located in two different countries, share similar traditions and culinary habits.

As a result, Bulgaria questioned the link between the product and the geographical area.

(6) Finally, Bulgaria drew attention to a negative effect on the economic interests of 'Dobrudzhanska banitsa' producers in Bulgaria that the registration of 'Plăcintă dobrogeană' as a Protected Geographical Indication would have, and claimed it might mislead consumers about the origin of the product.

([1]) OJ L 343, 14.12.2012, p. 1.
([2]) OJ C 38, 3.2.2021, p. 4.

(7) The Commission has assessed the arguments exposed in the reasoned statement of opposition from Bulgaria in the light of the provisions of Regulation (EU) No 1151/2012, taking into account the results of the appropriate consultations carried out between the applicant and the opponent.

(8) The product designated as 'Plăcintă dobrogeană' in Romania shares similarities with the product being in legal use in Bulgaria and which is designated as 'Dobrudzhanska banitsa'. However, despite the shared traditions and culinary habits linked to the geographical and historical region of Dobrogea/Dobrudzha, these traditions and habits evolved distinctively in Romania and Bulgaria, resulting in differences in the preparation, reputation and the use of the names designating the products.

Firstly, the product designated as 'Plăcintă dobrogeană' has specific characteristics that makes it distinctive, if compared to the product designated as 'Dobrudzhanska banitsa'. In Romania only cheese, yoghurt and eggs are admitted as filling, while for production of 'Dobrudzhanska banitsa' in Bulgaria also meat and/or vegetables can be used, as well as fresh milk. Further differences concern the use of curd – compulsory in Romania, but optional in Bulgaria. Another distinction concerns dough sheets, which are creased and rolled in Romania, while in Bulgaria they are folded like an accordion.

Romania has also demonstrated an established reputation of the name 'Plăcintă dobrogeană', which refers to the product produced in the geographical area, defined in the single document as the Tulcea and Constanța Counties, also known as 'Dobrogea'. In Bulgaria, a parallel reputation of the name 'Dobrudzhanska banitsa' was neither claimed, nor sufficiently demonstrated.

Finally, in contrast to 'Plăcintă dobrogeană', the product designated as 'Dobrudzhanska banitsa' is primarily destined for local and home production.

(9) The name 'Plăcintă dobrogeană' is indisputably associated with the pastry product made out of pastry sheets filled with salted soft cheese (telemea) mixed with curd and eggs produced in the geographical area. The product has, therefore, qualities and reputation that are attributable to its geographical origin. In the light of the above, the link between the product designated as 'Plăcintă dobrogeană' and the geographical area may not be questioned.

(10) The terms 'Dobrudzhanska banitsa' is the translation in Bulgarian of the name 'Plăcintă dobrogeană'. As the names are identical in translation, the protection of the registered name 'Plăcintă dobrogeană', as provided for by Article 13 of Regulation (EU) No 1151/2012, would have the result of preventing Bulgarian producers from using the term 'Dobrudzhanska banitsa' to market their comparable products.

(11) The use of the term 'Dobrudzhanska banitsa' was not meant to exploit the reputation of the name 'Plăcintă dobrogeană'. The consumers have not been, nor could have been misled as to the true origin of the products. In fact, the situation on the two markets was different for the two products. 'Plăcintă dobrogeană' refers to a product that possesses its distinct market, where it enjoys reputation for its own qualities and characteristics linked to the geographic origin. 'Dobrudzhanska banitsa' refers to a product that is consumed mainly as local or even home production.

(12) The product 'Dobrudzhanska banitsa' is usually prepared and consumed directly within the same day. This product has not been marketed in another country, as it is not offered frozen and, therefore, consumers have not been and could not be misled as to the true origin of the product. In particular, 'Dobrudzhanska banitsa' has not been and it is not export oriented.

(13) For these reasons, and as it was shown that the name 'Dobrudzhanska banitsa' has been in legal use consistently and fairly for at least 25 years before the application for registration of 'Plăcintă dobrogeană' was submitted to the Commission, in the interests of fairness and traditional usage and given the agreement reached between the applicant and the opponent in this regard, the transitional period of 10 years should be granted.

(14) In the light of the above, the name 'Plăcintă dobrogeană' should be entered in the Register of protected designations of origin and protected geographical indications.

(15) The measures provided for in this Regulation are in accordance with the opinion of the Agricultural Product Quality Policy Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Plăcintă dobrogeană' (PGI) 'is registered.

The name in the first paragraph identifies a product from Class 2.3. Bread, pastry, cakes, confectionery, biscuits and other baker's wares set out in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ([3]).

Article 2

The term 'Dobrudzhanska banitsa' ('Добруджанска баница') may be used to designate pastry product not complying with the specification for 'Plăcintă dobrogeană' PGI for a period of 10 years from the date of entry into force of this Regulation in the territory of the Union, provided that the principles and rules applicable in its legal order are respected.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 March 2023.

For the Commission
The President
Ursula VON DER LEYEN

([3]) Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).