

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2022/2000

of 18 October 2022

entering a name in the register of Traditional Specialities Guaranteed 'Watercress' / 'Cresson de Fontaine' / 'Berros de Agua' / 'Agrião de Água' / 'Waterkers' / 'Brunnenkresse' (TSG)

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 Article 52(3)(b) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(b) of Regulation (EU) No 1151/2012, the application from the United Kingdom of Great Britain and Northern Ireland ('United Kingdom') to register the name 'Watercress' / 'Cresson de Fontaine' / 'Berros de Agua' / 'Agrião de Água' / 'Waterkers' / 'Brunnenkresse' as a Traditional Speciality Guaranteed (TSG) was published in the Official Journal of the European Union ⁽²⁾.
- (2) 'Watercress' / 'Cresson de Fontaine' / 'Berros de Agua' / 'Agrião de Água' / 'Waterkers' / 'Brunnenkresse' is a variant of the cress family which is grown and harvested in flowing water.
- (3) The application was submitted at the time in which the United Kingdom was a Member State and, when the United Kingdom left the European Union, became an application from a third country.
- (4) On 5 February 2020, the Commission received a notice of opposition, including the reasoned statement, from Germany. The Commission forwarded the notice of opposition sent by Germany to the United Kingdom on 21 February 2020.
- (5) The Commission examined the opposition sent by Germany and found it admissible. The opposition claims that the application for registration of the name fails to comply with the conditions laid down in Article 18(1)(a) and (2)(b) of Regulation (EU) No 1151/2012. The German authorities consider that the plant matter may be of both wild and cultivated origin. However, the traditional method of harvesting in the wild is at odds with the specification, which refers to cultivation as the mode of production. Moreover, it was pointed out that the plant also grows alongside running water and not only in the water, and that, contrary to what is claimed, Germany had the first commercial production of watercress. In addition, the cultivation method described does not correspond to every watercress cultivation method. Germany also considers that the chemical composition of raw plant material is only partly dependent on a specific cultivation method. Furthermore, it argues that the term 'watercress' refers to the generally used name of this plant, what could be considered as a hint of genericity of the name.

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 401, 27.11.2019, p. 8.

- (6) By letter of 3 April 2020, the Commission invited the interested parties to engage in appropriate consultations to seek agreement among themselves in accordance with their internal procedures.
- (7) The consultation between the United Kingdom and Germany has ended on 30 June 2020 without reaching any agreement.
- (8) On 25 February 2020, the Commission received the notice of opposition from the Dutch company Koppert Cress B.V.
- (9) In accordance with Article 51(1) of Regulation (EU) No 1151/2012, natural or legal persons having a legitimate interest, established or resident in a Member State other than that from which the application was submitted, may only lodge a notice of opposition with the Member State in which they are established, to permit an opposition to be lodged with the Commission by that Member State, and may not lodge an opposition directly to the Commission. The Dutch company Koppert Cress B.V. is therefore not entitled to lodge an opposition directly with the Commission. The opposition of the Dutch company Koppert Cress B.V. is accordingly deemed inadmissible.
- (10) On 26 February 2020, the Commission received a notice of opposition from the Netherlands. The Commission forwarded the notice of opposition sent by the Netherlands to the United Kingdom on 5 March 2020. On 21 April 2020, the Commission received the reasoned statement of opposition, within the prescribed deadline.
- (11) The Commission examined the opposition sent by the Netherlands and found it admissible. The opposition claims that the application for registration of the name fails to comply with the conditions laid down in Article 18(1)(a) and (2)(b) of Regulation (EU) No 1151/2012. With regard to the method of production, the Dutch authorities consider, in particular, that if this TSG is granted, watercress produced in a different way or using growing techniques other than those described in the application for registration will no longer be able to be placed on the market. This would affect producers directly, regardless of their origin (the Netherlands or other countries where watercress is grown).
- (12) Further, the opponent argued that the term 'watercress' refers to the generally used name of this plant what could be considered as a hint of genericity of the name. It also mentioned that cress may have different sizes and packaging methods and that the specification was at the same time very detailed and unclear.
- (13) By letter of 20 June 2020, the Commission invited the interested parties to engage in appropriate consultations to seek agreement among themselves in accordance with their internal procedures.
- (14) The consultation between the United Kingdom and the Netherlands ended on 28 September 2020 without reaching any agreement.
- (15) On 26 February 2020, the Commission received a notice of opposition from Belgium. The Commission forwarded the notice of opposition sent by Belgium to the United Kingdom on 5 March 2020. On 24 March 2020, the Commission received the reasoned statement of opposition, within the prescribed deadline.
- (16) The Commission examined the opposition sent by Belgium and found it admissible. The opposition claims that the application by the United Kingdom threatens the interests of the sector in Belgium and the application for registration of the name fails to comply with the conditions laid down in Article 18 of Regulation (EU) No 1151/2012. With regard to the method of production, the Belgian authorities argue, in particular, that the product is produced commercially in various ways with no particular restrictions on the production method. Belgium considers the description of the application is both very specific and fairly vague and possibly open to further interpretation - neither of which is desirable to be imposed on cultivation.
- (17) By letter of 23 June 2020, the Commission invited the interested parties to engage in appropriate consultations to seek agreement among themselves in accordance with their internal procedures.
- (18) The United Kingdom and Belgium reached an agreement, which was notified to the Commission on 28 September 2020, within the prescribed deadline.

- (19) The United Kingdom and Belgium concluded that the protection of the term 'Watercress' / 'Cresson de Fontaine' / 'Berros de Agua' / 'Agrião de Água' / 'Waterkers' / 'Brunnenkresse' (TSG) should be granted with some modifications to the product specification, including amendments to the description of the product to allow for variations as to the size of harvested product, as well as amendments to the description of the production method to accommodate for variations in traditional types of production bed, to allow for local variations in preferred plant densities and in respect of how the harvested product is marketed, and to simplify the difference between watercress and land grown cress.
- (20) As it complies with the provisions of Regulation (EU) No 1151/2012 and EU legislation, the content of the agreement concluded between the United Kingdom and Belgium should be taken into account.
- (21) The information published in accordance with Article 50(2) of Regulation (EU) No 1151/2012 has been subject to non-substantial changes in result of the agreement between the United Kingdom and Belgium.
- (22) The applicant claims that despite the partly unfruitful consultations, the term 'Watercress' / 'Cresson de Fontaine' / 'Berros de Agua' / 'Agrião de Água' / 'Waterkers' / 'Brunnenkresse' should be protected because it complies with the requirements for registration of a TSG and it reflects the tradition of growing watercress in flowing water. Furthermore, the application is supported by Belgian Spanish, French and Portuguese producers.
- (23) The Commission has assessed the arguments exposed in the reasoned statements of opposition in the light of Regulation (EU) No 1151/2012, taking into account the results of the consultations carried out between the applicant and the opponents, and it has concluded that the names 'Watercress' / 'Cresson de Fontaine' / 'Berros de Agua' / 'Agrião de Água' / 'Waterkers' / 'Brunnenkresse' should be registered.
- (24) The oppositions are based on Article 21(1)(a) and (b) and on Article 18(1), (2) and (4) of Regulation (EU) No 1151/2012.
- (25) As regards the incompatibility with the terms of Article 21(1)(b) of Regulation (EU) No 1151/2012, the opponents have demonstrated the potential economic damage that the registration of 'Watercress' / 'Cresson de Fontaine' / 'Berros de Agua' / 'Agrião de Água' / 'Waterkers' / 'Brunnenkresse' would cause, as an identical name is used for similar products existing on the German market for products that do not follow the same method of production.
- (26) As regards the non-compliance with the conditions laid down in Article 18, in accordance with Articles 18(1)(a) and 18(2)(b) of Regulation (EU) No 1151/2012, the name 'Watercress' / 'Cresson de Fontaine' / 'Berros de Agua' / 'Agrião de Água' / 'Waterkers' / 'Brunnenkresse' is eligible for registration as TSG if it results from a mode of production, processing or composition corresponding to traditional practice for that product or foodstuff and it can be registered if it identifies the traditional character or specific character of the product. It has been established that this name has been used for centuries to define this specific product and it identifies the traditional and specific character of the product, being a plant which is cultivated, grown and harvested in flowing water. Therefore, the name complies with the requirements of Regulation (EU) No 1151/2012.
- (27) As regard the claim on genericity, Regulation (EU) No 1151/2012 does not contain a prohibition of registering generic names as TSG. It excludes, however, in accordance with Article 18(4) thereof, that a name is registered if it refers only to claims of a general nature used for a set of products, or to claims provided for by particular Union legislation. The opponents have not given enough evidence that the name to be registered does refer to claims of a general nature used for a set of products.
- (28) In conclusion, the name proposed for registration complies with the requirements of registration as TSG under Regulation (EU) No 1151/2012. However, it has been demonstrated that an identical name is widely used for similar products on the German market, which do not follow the same production method provided for in the product specification.

- (29) Therefore, in accordance with Article 18(3) of Regulation (EU) No 1151/2012, in order to be distinguished from comparable products or products that share an identical or similar name with the name 'Watercress' / 'Cresson de Fontaine' / 'Berros de Agua' / 'Agrião de Água' / 'Waterkers' / 'Brunnenkresse', this name, once registered as TSG, should always be accompanied by the claim 'made following the tradition of' the Member State or third country whose tradition in producing watercress is reflected in the product specification. The Member States are the following: Belgium, Spain, France, The Netherlands and Portugal. The third country is the United Kingdom.
- (30) Therefore, this name should not be protected as such but only in conjunction with the claim 'made following the tradition of', alternatively or cumulatively (and/or), Belgium, Spain, France, The Netherlands, Portugal, and the United Kingdom.
- (31) Extensively, 'Watercress' should be accompanied by the claim 'made following the tradition of the United Kingdom' or 'made following the tradition of Belgium' or 'made following the tradition of Spain' or 'made following the tradition of France' or 'made following the tradition of The Netherlands', or 'made following the tradition of Portugal' or 'made following the tradition of' followed by the names of all or some of these Member States or third country.
- (32) 'Cresson de Fontaine' should be accompanied by the claim 'produit selon la tradition de la France' or 'produit selon la tradition de la Belgique' or 'produit selon la tradition de l'Espagne' or 'produit selon la tradition des Pays Bas' or 'produit selon la tradition du Portugal' or 'produit selon la tradition du Royaume-Uni' or 'produit selon la tradition de' followed by the names of all or some of these Member States or third country.
- (33) 'Berros de Agua' should be accompanied by the claim 'elaborado según la tradición de España' or 'elaborado según la tradición de Bélgica' or 'elaborado según la tradición de Francia' or 'elaborado según la tradición de los Países Bajos' or 'elaborado según la tradición de Portugal' or 'elaborado según la tradición del Reino Unido' or 'elaborado según la tradición de' followed by the names of all or some of these Member States or third country.
- (34) 'Agrião de Água' should be accompanied by the claim 'produzido segundo a tradição de Portugal' or 'produzido segundo a tradição de Bélgica' or 'produzido segundo a tradição de Espanha' or 'produzido segundo a tradição de França' or 'produzido segundo a tradição des Países Baixos' or 'produzido segundo a tradição de Reino Unido' or 'produzido segundo a tradição de' followed by the names of all or some of these Member States or third country.
- (35) 'Waterkers' should be accompanied by the claim 'vervaardigd volgens de traditie van België' or 'vervaardigd volgens de traditie van Spanje' or 'vervaardigd volgens de traditie van Frankrijk' or 'vervaardigd volgens de traditie van Nederland' or 'vervaardigd volgens de traditie van Portugal' or 'vervaardigd volgens de traditie van Verenigd Koninkrijk' or 'vervaardigd volgens de traditie van' followed by the names of all or some of these Member States or third country.
- (36) 'Brunnenkresse' should be accompanied by the claim 'hergestellt nach der Tradition Belgiens' or 'hergestellt nach der Tradition Spaniens' or 'hergestellt nach der Tradition Frankreichs' or 'hergestellt nach der Tradition der Niederlande' or 'hergestellt nach der Tradition Portugals' or 'hergestellt nach der Tradition Vereinigten Königreichs' or 'hergestellt nach der Tradition' followed by the names of all or some of these Member States or third country.
- (37) As a consequence, the name 'Watercress', 'Cresson de Fontaine', 'Berros de Agua', 'Agrião de Água', 'Waterkers' and 'Brunnenkresse' should be allowed to continue to be used for products that do not comply with the product specification of 'Watercress' / 'Cresson de Fontaine' / 'Berros de Agua' / 'Agrião de Água' / 'Waterkers' / 'Brunnenkresse' 'made following the tradition of' Belgium, Spain, France, The Netherlands, Portugal and the United Kingdom, within the territory of the Union, provided that the principles and rules applicable in its legal order are respected.
- (38) In the light of the above, the name 'Watercress' / 'Cresson de Fontaine' / 'Berros de Agua' / 'Agrião de Água' / 'Waterkers' / 'Brunnenkresse', should be entered in the register of traditional specialities guaranteed.

- (39) The consolidated product specification including the reference to the claims and the not substantial changes to the specification agreed between the United Kingdom and Belgium should be published for information only.
- (40) 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 'Watercress' / 'Cresson de Fontaine' / 'Berros de Agua' / 'Agrião de Água' / 'Waterkers' / 'Brunnenkresse' (TSG) is registered.

The name in the first paragraph identifies a product from Class 1.6. Fruit, vegetables and cereals fresh or processed set out in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.

Article 2

'Watercress' shall be accompanied by the claim 'made following the tradition of the United Kingdom' or 'made following the tradition of Belgium' or 'made following the tradition of Spain' or 'made following the tradition of France' or 'made following the tradition of The Netherlands' or 'made following the tradition of Portugal' or 'made following the tradition of' followed by the names of all or some of these Member States or third country.

'Cresson de Fontaine' shall be accompanied by the claim 'produit selon la tradition de la France' or 'produit selon la tradition de la Belgique' or 'produit selon la tradition de l'Espagne' or 'produit selon la tradition des Pays Bas' or 'produit selon la tradition du Portugal' or 'produit selon la tradition du Royaume-Uni' or 'produit selon la tradition de' followed by the names of all or some of these Member States or third country.

'Berros de Agua' shall be accompanied by the claim 'elaborado según la tradición de España' or 'elaborado según la tradición de Bélgica' or 'elaborado según la tradición de Francia' or 'elaborado según la tradición de los Países Bajos' or 'elaborado según la tradición de Portugal' or 'elaborado según la tradición del Reino Unido' or 'elaborado según la tradición de' followed by the names of all or some of these Member States or third country.

'Agrião de Água' shall be accompanied by the claim 'produzido segundo a tradição de Portugal' or 'produzido segundo a tradição de Bélgica' or 'produzido segundo a tradição de Espanha' or 'produzido segundo a tradição de França' or 'produzido segundo a tradição dos Países Baixos' or 'produzido segundo a tradição de Reino Unido' or 'produzido segundo a tradição de' followed by the names of all or some of these Member States or third country.

'Waterkers' shall be accompanied by the claim 'vervaardigd volgens de traditie van België' or 'vervaardigd volgens de traditie van Spanje' or 'vervaardigd volgens de traditie van Frankrijk' or 'vervaardigd volgens de traditie van Nederland' or 'vervaardigd volgens de traditie van Portugal' or 'vervaardigd volgens de traditie van Verenigd Koninkrijk' or 'vervaardigd volgens de traditie van' followed by the names of all or some of these Member States or third country.

'Brunnenkresse' shall be accompanied by the claim 'hergestellt nach der Tradition Belgiens' or 'hergestellt nach der Tradition Spaniens' or 'hergestellt nach der Tradition Frankreichs' or 'hergestellt nach der Tradition der Niederlande' or 'hergestellt nach der Tradition Portugals' or 'hergestellt nach der Tradition Vereinigten Königreichs' or 'hergestellt nach der Tradition' followed by the names of all or some of these Member States or third country.

⁽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).

Article 3

The name 'Watercress', 'Cresson de Fontaine', 'Berros de Agua', 'Agrião de Água', 'Waterkers' and 'Brunnenkresse' may continue to be used for products that do not comply with the product specification of 'Watercress' / 'Cresson de Fontaine' / 'Berros de Agua' / 'Agrião de Água' / 'Waterkers' / 'Brunnenkresse' made following the tradition of Belgium, Spain, France, The Netherlands, Portugal and the United Kingdom within the territory of the Union, provided that the principles and rules applicable in its legal order are respected.

Article 4

The consolidated product specification is set out in the Annex to this Regulation.

Article 5

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, 18 October 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

**‘WATERCRESS’/‘CRESSON DE FONTAINE’/‘BERROS DE AGUA’/‘AGRIÃO DE ÁGUA’/‘WATERKERS’/
‘BRUNNENKRESSE’**

EU No: TSG-GB-0062 – 6.12.2010

United Kingdom

1. Name(s) to be registered

‘Watercress’/‘Cresson de Fontaine’/‘Berros de Agua’/‘Agrião de Água’/‘Waterkers’/‘Brunnenkresse’

The name shall be accompanied by the claim ‘made following the tradition of the United Kingdom’ or ‘made following the tradition of Belgium’ or ‘made following the tradition of Spain’ or ‘made following the tradition of France’ or ‘made following the tradition of the Netherlands’ or ‘made following the tradition of Portugal’ or ‘made following the tradition of’ followed by the names of all or some of these Member States or third country.

2. Type of product

Class 1.6. Fruit, vegetables and cereals fresh or processed

3. Grounds for registration

3.1. *Whether the product:*

- results from a mode of production, processing or composition corresponding to traditional practice for that product or foodstuff
- is produced from raw materials or ingredients that are those traditionally used.

‘Watercress’/‘Cresson de Fontaine’/‘Berros de Agua’/‘Agrião de Água’/‘Waterkers’/‘Brunnenkresse’ based upon *Nasturtium officinale* seeds is grown in flowing water to a traditional production method used for over 200 years.

3.2. *Whether the name:*

- has been traditionally used to refer to the specific product
- identifies the traditional character or specific character of the product

For centuries even before commercial production commenced in Europe over 200 years ago, the name ‘water-cress’ in the UK, ‘cresson de fontaine’ in France, ‘berros de agua’ in Spain, ‘agrião de água’ in Portugal, ‘waterkers’ in Holland and Belgium, and ‘Brunnenkresse’ in Germany has been used to specify this variant of the cress family which is grown in flowing water. Cress is the plant name and water the descriptor.

4. Description

4.1. *Description of the product to which the name under point 1 applies, including its main physical, chemical, microbiological or organoleptic characteristics showing the product’s specific character (Article 7(2) of this Regulation)*

‘Watercress’/‘Cresson de Fontaine’/‘Berros de Agua’/‘Agrião de Água’/‘Waterkers’/‘Brunnenkresse’ with the botanical name *Nasturtium officinale* is an aquatic/semi aquatic plant which still grows wild in streams and springs throughout Europe, and also in many other countries in the world with a temperate climate. The plant remains anchored in position to the base or on the side of the stream or spring by its root system so as not to be washed away. The harvesting and selling of ‘Watercress’/‘Cresson de Fontaine’/‘Berros de Agua’/‘Agrião de Água’/‘Waterkers’/‘Brunnenkresse’ from the wild remains unaffected by this specification which only relates to commercial production.

Commercial production simply replicates how the plant grows in the wild, using the nutrients from the flowing water, this is what consumers would expect and understand of watercress – water is the growing medium and cress is the plant.

The botanical synonyms of *Nasturtium officinale* are *Rorippa nasturtium-aquaticum*, *Nasturtium nasturtium-aquaticum* and *Sisymbrium nasturtium-aquaticum* L. They reflect the true aquatic nature of the plant and how it grows.

The product presented to customers may vary in overall stem length, size of the leaves and in type of presentation and packaging.

The traditionally grown crop is harvested from water and is characterised by soft mid-green, moist leaves which have an unbroken edge and an oval shape. The stems are crisp, slightly paler in colour and can have some lateral roots extending from the joints of leaves to the stem.

Microbiological properties

Derived from the environment in which the plant is grown; commercially grown in flowing spring water or boreholes the crop acquires an epiphytic microbial population characteristically high in benign *Pseudomonad* sp. The plant is grown in flowing water of high microbiological quality.

Physical characteristics

- Alternate, pinnately compound leaves with 3 to 11 oblong to oval leaflets, these are shiny, dark green, rounded at the tip, smooth without teeth or with wavy toothed margins. The colour is typically green (Hex triplet 008000) to dark green (Hex triplet 006400).
- Creeping or floating stems which are succulent or fleshy
- Smooth fibrous roots which allow rooting to occur anywhere along the submerged stem, primarily at the nodes.
- The plant bears white flowers with 4 petals about 3mm to 5mm across, in terminal racemes and in racemes from the axils of the uppermost leaves. Small white and green flowers are produced in clusters. As part of the plants natural life cycle flowers occur during the early summer months when day length is approaching its maximum.
- In comparison Land cress is of the genus *Barbarea* Verna, produces single pinnately divided green leaves on a stem, and during the flowering period has yellow flowers.

Chemical composition

- 'Watercress'/'Cresson de Fontaine'/'Berros de Agua'/'Agrião de Água'/'Waterkers'/'Brunnenkresse' is rich in glucosinolates and unique in high expression of the glucosinolate B-phenylethyl glucosinolate which releases phenylethylisothiocyanate (PEITC). PEITC is released during chewing and is responsible for the characteristic pungent flavour. The peppery taste characteristic is due to the mustard oils inherent in the plant. Stress affects the levels of PEITC in the plant. If the crop is stressed through low or high temperature, or subject to water shortage the plant produces variant levels of PEITC.

Organoleptical properties

Comparative testing of 'Watercress' against land grown cress have indicated that the colour of 'Watercress' is darker/greener than land grown cress, it is significantly more peppery and it has a softer texture.

A further sensory evaluation was conducted in 2009 also indicated that land grown watercress had a weaker and less peppery flavour. Some comments were also recorded as to the water grown sample having darker leaves and a softer texture.

These two assessments demonstrated that on both occasions a professionally conducted evaluation of land versus flowing water grown crops identified differences, and when preference was sought, identified 'Watercress'/'Cresson de Fontaine'/'Berros de Agua'/'Agrião de Água'/'Waterkers'/'Brunnenkresse' as superior – on organoleptic qualities alone.

Characteristically 'Watercress'/'Cresson de Fontaine'/'Berros de Agua'/'Agrião de Água'/'Waterkers'/'Brunnenkresse' has a mustard after taste; it is peppery, hot and slightly bitter.

- 4.2. *Description of the production method of the product to which the name under point 1 applies that the producers must follow including, where appropriate, the nature and characteristics of the raw materials or ingredients used, and the method by which the product is prepared (Article 7(2) of this Regulation)*

'Watercress'/'Cresson de Fontaine'/'Berros de Agua'/'Agrião de Água'/'Waterkers'/'Brunnenkresse' must be grown in flowing water using *Nasturtium officinale* seed. However seed may be sown on a suitable substrate in a propagation facility and the seedlings transferred to the production beds.

The crop can grow all year round in specially constructed beds. The temperature of flowing water which rises from natural springs or boreholes is typically between 10 to 18 °C which affords protection to the crop from hot and cold weather.

In order to have relatively uniform and consistent levels of PEITC (and therefore relatively uniform flavour) the crop needs stable, stress free growing conditions in terms of temperature, water supply and fertiliser. Having a water-based cultivation where constant flowing water is supplied throughout the life cycle of the plant is the ideal way to maintain temperature; the flowing water cooling the crop on hot days and warming it on cold days.

Water Supply

Traditionally the source of water has been from deep mineral rich natural springs or boreholes by either natural flows or pumped, however other sources are acceptable if of a suitably high microbiological quality (target zero *E. coli*, tolerance, 100cfu/100ml; target zero *Listeria*, tolerance 100cfu/100ml, zero *Salmonella*, zero *STEC*) and free from surface water contamination. The water must be of a quality appropriate to the production of a minimally processed food, meaning one that may be consumed without cooking.

Bed Design

The positioning of the production beds will usually be dictated by the source of water and the outlet. The production beds are constructed with impermeable sides, possibly on an incline from the point water enters the bed, and in such a way as to preclude surface water or run-off. Traditionally the incoming water is channelled and regulated into the individual beds by valves, taps or simple openings in the inlet carrier wall. More modern farming systems have been constructed in such a manner as to allow for automated supply systems from the water sources and for targeted temperature, water supply and fertilizer supply. Bed area varies depending on location and country. Surface or run-off water must not be allowed to enter the site. There must be no permanent muddy areas which could be a habitat for the mud snail.

Production Methods

A new crop should be established from seed to prevent the build-up of viruses, some of which are seed-borne. Seeds are either sown directly onto the bed bases, or more usually sown onto compost, or substrate material, in a propagation facility and raised to the first true leaf stage (approx. 3cm to 5cm high). Early summer cropping will require new crops from seed to overcome the natural flowering period which occurs at this time of year. During other months product can be harvested from re-growths, a process of allowing the harvested crop to regenerate into a new crop. Many growers produce their own seed by allowing some crop to flower and set seed, however seed is available from seed companies.

Direct seeding can be hand or machine spread onto the production beds, equally the seedlings produced in a propagation area can be planted by hand or machine, to achieve the appropriate densities over the bed base which is capable of retaining nutrient enriched moisture allowing for early root infiltration and anchorage.

Thereafter the incoming nutrient enhanced water is allowed to flow over the base where by the crop derives the necessary minerals and trace elements essential for growth; the flow of water is increased as the crop matures to meet the needs of the crop.

Standard horticultural fertilisers with high phosphate content may be used to supplement the nutrients from the water and bed base and are applied as appropriate depending on crop requirements.

The crop must be grown in flowing water although their root systems may anchor to the edges. Land cress from *Lepidium sativum* seeds, is entirely grown on soil, and is different from water grown 'Watercress'/'Cresson de Fontaine'/'Berros de Agua'/'Agriã de Água'/'Waterkers'/'Brunnenkresse'.

Harvesting

'Watercress'/'Cresson de Fontaine'/'Berros de Agua'/'Agrião de Água'/'Waterkers'/'Brunnenkresse' is harvested for sale with or without roots or substrate and sold washed or unwashed. A bunched product is commonly characterised by pale stems stripped of leaf and root for 5cm to 6cm and held together by a rubber band or tie, above which the leaves, target 2cm to 5cm form the 'head' of the bunch. However, there can be variations in the way the product is marketed, both in terms of the product itself (loose leaves, rosettes, with or without roots and/or substrate) and in terms of the packaging.

4.3. Description of the key elements establishing the product's traditional character (Article 7(2) of this Regulation)

The traditional character of 'Watercress'/'Cresson de Fontaine'/'Berros de Agua'/'Agrião de Água'/'Waterkers'/'Brunnenkresse' is enshrined in its production method and has been associated with flowing water for thousands of years; historically the crop has always been associated with aquatic production and has remained unaltered by selection and breeding in terms of morphology and flavour. Today it still looks identical to illustrations of the plant dating to Roman times.

Hippocrates, the founder of modern medicine is recorded to have chosen the site for the world's first hospital, on the island of Kos, close to a stream suitable for cultivating the plant which he regarded as essential to the treatment of his patients. The Romans also grew 'Watercress'/'Cresson de Fontaine'/'Berros de Agua'/'Agrião de Água'/'Waterkers'/'Brunnenkresse' in flowing water.

Nicholas Culpeper in his book *Complete Herbal* published in 1653 describes water cress as 'growing in small rivulets of running water'.

The first commercial cultivation of 'Watercress'/'Cresson de Fontaine'/'Berros de Agua'/'Agrião de Água'/'Waterkers'/'Brunnenkresse' took place in Germany in the mid-18th Century, whilst the crop was grown extensively in the clean, free-flowing streams of southern England during the early 1800s. It is a method of commercial production that has remained essentially unchanged, although the method of growing 'Watercress'/'Cresson de Fontaine'/'Berros de Agua'/'Agrião de Água'/'Waterkers'/'Brunnenkresse' in flowing water dates back to Roman times. Production in France was described by Adophle Chatin in 1866 as 'These ditches were an immense culture of Fountain Cresson, this culture was established for several years on water sources'.

By the late 1800's 'Watercress'/'Cresson de Fontaine'/'Berros de Agua'/'Agrião de Água'/'Waterkers'/'Brunnenkresse' was a significant source of employment and revenue, the crop was being supplied to the major conurbations throughout northern Europe. As an example in the UK the railway was extended to Alresford, Hampshire to carry upwards of 30 tonnes a week to the London markets. The restored steam railway is still known as 'The Watercress Line' today.

There are several cinematic recordings from the 1930's showing 'Watercress'/'Cresson de Fontaine'/'Berros de Agua'/'Agrião de Água'/'Waterkers'/'Brunnenkresse' growing in flowing water.

In all countries, traditional 'Watercress'/'Cresson de Fontaine'/'Berros de Agua'/'Agrião de Água'/'Waterkers'/'Brunnenkresse' must be grown in flowing water. Pure spring waters rising from underground strata contain all the minerals needed for growth, however there is normally a lack of phosphorus. In northern Europe this was fortuitously available as a slow release phosphate fertiliser in the form of basic slag, a by-product of the traditional steel making process. For almost 200 years the crop was grown using pure spring waters supplemented by bed base applications of basic slag which supplied the phosphate fertiliser and trace elements the crop could not find in the flowing water. Today the steel making process has changed and basic slag is no longer available. Consequently, slow release commercial phosphate fertilizers are now used instead.

Traditionally grown in flowing water, and is characterised by soft mid green, moist leaves of an oval shape. The stems are crisp and it can have some lateral roots extending from the joints of leaves to the stem. The plants have a characteristic mustard after taste; peppery, hot and slightly bitter.
