

**COMMISSION IMPLEMENTING REGULATION (EU) 2022/2107****of 3 November 2022****entering a name in the register of protected designations of origin and protected geographical indications ('Aito saunapalvikinkku'/'Äkta basturökt skinka' (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 <sup>(1)</sup>, and in particular Article 52(3)(b) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, the application from Finland to register the name 'Aito saunapalvikinkku'/'Äkta basturökt skinka' as protected geographical indication was published in the *Official Journal of the European Union* <sup>(2)</sup>.
- (2) On 23 April 2021 the Commission received from Sweden the notice of opposition. The Commission forwarded the notice of opposition to Finland on 27 April 2021. On 4 June 2021 Sweden submitted to the Commission a reasoned statement of opposition.
- (3) After examining the reasoned statement of opposition and finding it admissible, in accordance with Article 51(3) of Regulation (EU) No 1151/2012, the Commission invited Finland and Sweden, by letter of 29 June 2021, to engage in appropriate consultations in view of reaching an agreement.
- (4) On 20 July 2021, on request of Finland, the Commission extended the deadline for consultations by three months. The consultations between Finland and Sweden 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) The main arguments of Sweden as set out in its reasoned statement of opposition and in the consultations carried out with Finland can be summarised as follows.
- (6) Sweden claimed that a significant number of hams from a variety of producers and brands were sold since at least 2008 on the Swedish market under the designation 'Basturökt skinka'. Because of the partial homonymy with the name to be registered, the opponent argued that the registration would jeopardise the existence of 'Basturökt skinka', which referred to products legally marketed in Sweden since 2008.
- (7) Moreover, Sweden claimed that the term 'Aito saunapalvikinkku'/'Äkta basturökt skinka', where 'aito/äkta' translates to 'genuine' or 'authentic', would be generic, especially considering there is no reference to a place, region or country in the name applied to be protected as a protected geographical indication. Thus the registration, in Sweden's view, would not comply with article 6(1) of Regulation (EU) No 1151/2012.
- (8) The Commission has assessed the arguments exposed in the reasoned statement of opposition from Sweden 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 and it has reached the following conclusions.
- (9) 'Aito saunapalvikinkku'/'Äkta basturökt skinka' is a compound name that designates product produced in the whole area of Finland using a specific traditional method of direct smoking with alder wood sticks/blocks in a smoke sauna. Its processing time is long, lasting at least 12 hours. The product has been on the market since 1950's under the Finnish name 'Aito saunapalvikinkku' and the Swedish name 'Äkta basturökt skinka' or 'Äkta bastupalvad skinka'. This product is distinct from the product designated in both Finland and Sweden as 'Saunapalvikinkku' or

<sup>(1)</sup> OJ L 343, 14.12.2012, p. 1.

<sup>(2)</sup> OJ C 27, 25.1.2021, p. 29.

'Basturökt skinka', for production of which a different production method is used (smoking method, where the smoke is generated outside the smoke chamber from wood chips or by regenerated smoke). The word 'aito/äkta' ('genuine') in 'Aito saunapalvikinkku'/Äkta basturökt skinka' refers to the fact that the product is prepared using only the above described specific traditional method, thanks to which the product has its own distinct characteristics compared to 'Saunapalvikinkku' or 'Basturökt skinka'. Sweden has confirmed that there are no products on the Swedish market produced in a traditional method and sold under the name 'Äkta basturökt skinka'. The name 'Aito saunapalvikinkku'/Äkta basturökt skinka' only refers therefore to the product as produced in Finland using that specific method of production.

- (10) It follows that the compound name 'Aito saunapalvikinkku'/Äkta basturökt skinka' identifies a product originating in a specific place, in particular in a country, which has specific quality and characteristics attributable to its geographical origin.
- (11) Only the compound name refers to the specific product produced in the defined geographical area following the traditional method. Therefore, the common terms the compound name is composed of product marketed in Sweden and in Finland, should not be protected in themselves.
- (12) In the light of the above, the protection should be limited to the name 'Aito saunapalvikinkku'/Äkta basturökt skinka' as a whole, while the individual components of that name should continue to be allowed for products not complying with the product specification of 'Aito saunapalvikinkku'/Äkta basturökt skinka' throughout the European Union, provided the principles and rules applicable in its legal order are respected.
- (13) Moreover, Sweden's opposition also concerns the generic character of the whole name 'Aito saunapalvikinkku'/Äkta basturökt skinka' and the fact that there is no reference to a place, region or country.
- (14) According to the definition contained in Article 3(6) of Regulation (EU) No 1151/2012, 'generic terms' means the names of products which, although relating to the place, region or country, where the product was originally produced or marketed, have become the common name of a product in the Union.
- (15) The name 'Aito saunapalvikinkku'/Äkta basturökt skinka' as a whole refers to a specific product being produced in a specific geographical area and having specific and distinctive quality and characteristics linked to its geographical origin. Therefore, it is clear that the name 'Aito saunapalvikinkku'/Äkta basturökt skinka', as a whole, has not become a common name and thus has not become generic.
- (16) It is true that the name consist of multiple common terms without a geographical term. Though, as long as the whole name designates an agricultural product or a foodstuff that fulfils the conditions referred to in Article 5(2) of Regulation (EU) No 1151/2012, it is eligible for registration as a protected geographical indication.
- (17) Accordingly, the name 'Aito saunapalvikinkku'/Äkta basturökt skinka' (PGI) should be entered in the register of protected designations of origin and protected geographical indications.
- (18) 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 'Aito saunapalvikinkku'/Äkta basturökt skinka' (PGI) is registered.

The name in the first paragraph identifies a product from Class 1.2. Meat products (cooked, salted, smoked, etc.) set out in Annex XI to Commission Implementing Regulation (EU) No 668/2014 <sup>(3)</sup>.

*Article 2*

The terms 'Saunapalvikinkku' and 'Basturökt skinka' may continue to be used within the territory of the Union, provided 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, 3 November 2022.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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<sup>(3)</sup> 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).