

**COMMISSION IMPLEMENTING REGULATION (EU) 2023/1546****of 26 July 2023****entering a name in the register of protected designations of origin and protected geographical indications ‘Pancetta de l’Île de Beauté / Panzetta de l’Île de Beauté’ (PGI), ‘Saucisson sec de l’Île de Beauté / Salciccia de l’Île de Beauté’ (PGI), ‘Bulagna de l’Île de Beauté’ (PGI) and ‘Figatelli de l’Île de Beauté / Figatellu de l’Île de Beauté’ (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 France to register the names: ‘Pancetta de l’Île de Beauté / Panzetta de l’Île de Beauté’ (PGI-FR-02427) <sup>(2)</sup>, ‘Saucisson sec de l’Île de Beauté / Salciccia de l’Île de Beauté’ (PGI-FR-02431) <sup>(3)</sup>, ‘Bulagna de l’Île de Beauté’ (PGI-FR-02429) <sup>(4)</sup> and ‘Figatelli de l’Île de Beauté / Figatellu de l’Île de Beauté’ (PGI-FR-02432) <sup>(5)</sup> as Protected Geographical Indications (PGIs) was published in the *Official Journal of the European Union*.
- (2) Three notices of opposition concerning the above applications were received from Italy, Spain and an international organization based in Switzerland.
- (3) After examining the reasoned statements of opposition and finding them admissible, in accordance with Article 51(3) of Regulation (EU) No 1151/2012, the Commission invited the opponents to engage in appropriate consultations in view of reaching an agreement.
- (4) The consultations between France and the opponents 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 the first place, the opponents invoked a non-compliance of the PGI applications: ‘Pancetta de l’Île de Beauté / Panzetta de l’Île de Beauté’, ‘Saucisson sec de l’Île de Beauté / Salciccia de l’Île de Beauté’, ‘Bulagna de l’Île de Beauté’ and ‘Figatelli de l’Île de Beauté / Figatellu de l’Île de Beauté’ with the conditions laid down in Article 5 of Regulation (EU) No 1151/2012.

In this regard, the opponents argued that the requirements set forth in the definition of a protected geographical indication under the aforementioned Article are not met, because, in their opinion, the products covered by the present PGI applications do not possess any specific characteristics that could be linked to the geographical area concerned. Attention has been also drawn to allegedly industrial methods of production, such as smoking, used for the charcuterie products in question, which according to the opponents, would further demonstrate the absence of the link to the geographical area.

- (6) Moreover, the opponents claimed that, contrary to the requirements of Article 7(1)(a) of Regulation (EU) No 1151/2012, at the time the PGI applications were submitted, the name ‘Île de Beauté’ was not used in trade.

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

<sup>(2)</sup> OJ C 417, 14.10.2021, p. 36.

<sup>(3)</sup> OJ C 417, 14.10.2021, p. 32.

<sup>(4)</sup> OJ C 421, 18.10.2021, p. 15.

<sup>(5)</sup> OJ C 418, 15.10.2021, p. 44.

- (7) The opponents further referred to a potential breach of the rules on homonymy contained in Article 6(3) of Regulation (EU) No 1151/2012 in view of the existing PDOs from Corsica: 'Lonzo de Corse / Lonzo de Corse – Lonzu', 'Jambon sec de Corse / Jambon sec de Corse – Prisuttu' and 'Coppa de Corse / Coppa de Corse – Coppa di Corsica'. To that end, the opponents asked whether, having regard to the specific objective pursued by the above Article, homonymy may exist only in the case of identical terms or also in the case of expressions which are synonymous.
- (8) Furthermore, the opponents argued that the proposed PGIs' registration would jeopardise the existence of the above PDOs, as provided in Article 10(1)(c) of Regulation (EU) No 1151/2012. In this context, they drew attention to the fact that the names under the four PGI applications refer to products produced in a geographical area almost identical to that of other charcuterie products, whose names are already recognised as above PDOs. Although the names under the four PGI applications in question appear to be different from the above indicated PDOs names from a lexical point of view, 'Ile de Beauté' is commonly understood by consumers as synonymous to 'Corse' (Corsica), which forms part of those PDO names.

As a result, the opponents believe that consumers may get the wrong impression that there is a link between 'Pancetta de l'Ile de Beauté / Panzetta de l'Ile de Beauté', 'Saucisson sec de l'Ile de Beauté / Salciccia de l'Ile de Beauté', 'Bulagna de l'Ile de Beauté' and 'Figatelli de l'Ile de Beauté / Figatellu de l'Ile de Beauté' and registered PDOs: 'Lonzo de Corse / Lonzo de Corse – Lonzu', 'Jambon sec de Corse / Jambon sec de Corse – Prisuttu' and 'Coppa de Corse / Coppa de Corse – Coppa di Corsica'. In the opinion of the opponents, the confusion can be more likely taking the fact the products designated as above PGIs and PDOs all belong to the same product category (charcuterie).

- (9) The Commission has assessed the arguments exposed by the opponents in the light of the provisions of Regulation (EU) No 1151/2012 and has taken into account the results of the appropriate consultations carried out between the applicant and the opponents.
- (10) As regards the alleged non-compliance of the PGI applications with the conditions laid down in Article 5 of Regulation (EU) No 1151/2012 in the context of not possessing the specific characteristics that could be linked to the geographical area concerned, the following should be considered:

The product specifications for 'Pancetta de l'Ile de Beauté / Panzetta de l'Ile de Beauté', 'Saucisson sec de l'Ile de Beauté / Salciccia de l'Ile de Beauté', 'Bulagna de l'Ile de Beauté' and 'Figatelli de l'Ile de Beauté / Figatellu de l'Ile de Beauté' demonstrate the qualities of the products designated as above PGIs and show how their characteristics derive from the combination of both know-how of the local producers and from the geographical origin. A particular role in the production is emphasized for several processes, such as dry-salting method of curing pork, particular meat mincing method, hardwood smoking with the use of local broadleaved trees, the use of black pepper and natural ventilation for dry-curing of the meat. These techniques have been cultivated as local know-how in Corsica and are strongly linked to the Corsican natural factors, such as climate and forest cover of the island. The use of such techniques, in combination with certain ingredients, contribute to the final characteristics of the products, including smokiness, pepperiness, notes linked to dry-curing or ageing, particular texture/firmness/smoothness, etc.

On the presumed industrial nature of the production method, and in particular smoking, the applicant pointed out that this method is broadly used in Corsica, while the use of local hardwood in the smoking process makes the link with the area even stronger. This hardwood-smoking over wood from local trees (chestnut, oak, beech, etc.) gives the products one of its features in the final characteristics. In any event, smoking is not the only element that determines the link with the area. On the contrary, the producers indicate a variety of processes and the use of various ingredients, which could be found in Corsican traditions or in local know-how, which together contribute to the final characteristics of the products concerned.

Therefore, the products designated as the PGIs in question have qualities that are attributable to their geographical origin. Consequently, the causal link between the products concerned and the geographical area may not be questioned.

- (11) With regard to the claims that there is no evidence of previous or commercial use of name 'Ile de Beauté' for the charcuterie products in question, it should be reiterated that Article 7(1) of Regulation (EU) No 1151/2012 neither requires, nor presumes any specific length of the prior use of the names to be protected.

The applicant drew attention to the well-established use of the PGI names in recent years and pointed out to various communication or marketing activities undertaken to promote the use of the names since 2015.

In view of the foregoing, the condition for the use of the name in trade, as referred to in Article 7(1) of Regulation (EU) No 1151/2012, should be considered as fulfilled.

- (12) For the claims concerning alleged or potential breach of Article 6(3) of Regulation (EU) No 1151/2012 in case of the registration of the PGI names in question, these claims should be rejected as the situation in the present case does not fall under the scope of the aforementioned provision, which sets forth the rules exclusively for partial or whole homonyms. Homonyms are commonly understood as words having the same spelling or pronunciation, but different meanings and origins. 'Ile de Beauté' and 'Corse / Corsica' are clearly both spelled and pronounced differently and thus cannot be considered as homonyms. The parts of the names referring to the charcuterie types in both PGI and PDO names are also entirely different. As such, the PGI names proposed for registration are neither wholly, nor partially homonymous with the registered PDO names 'Lonzo de Corse / Lonzo de Corse – Lonzu', 'Jambon sec de Corse / Jambon sec de Corse – Prisuttu' and 'Coppa de Corse / Coppa de Corse – Coppa di Corsica'.
- (13) With regard to the opponents' arguments that the proposed PGIs' registration would jeopardise the existence of the above PDOs, as provided in Article 10(1)(c) of Regulation (EU) No 1151/2012, the Commission considers that a risk of such negative effect is unlikely. The PGI names covered by the present applications are sufficiently different from the registered PDO names, as well as the products associated with them. Thus their coexistence on the market would be neither misleading for the consumers, nor would negatively impact the protected PDOs.

Indeed, 'Ile de Beauté' is a customary periphrasis, which, especially for French consumers, means Corsica and the term 'Ile de Beauté' is used to refer to Corsica, particularly on the tourism websites. Therefore, these two terms can be considered as synonyms in the minds of consumers.

However, from the lexical point of view, as explained above, any confusion in the mind of a consumer is unlikely. Both the PGI and the PDO names under consideration are compound names indicating the place of origin and the type of product. The concrete terms pancetta/panzetta, saucisson sec/salciccia, bulagna, or figatelli/figatellu are associated with specific types of charcuterie, which are different from products designated as lonzo / lonzu, jambon sec / prisuttu or coppa. An average consumer, even if not an expert in charcuterie types, should be able to conclude that different terms refer to different products, which are possessing different characteristics.

Visual aspects and the form, in which products are offered on the market (presentation of the product to the final consumer - appearance, size, shapes, etc.) also play a vital role in distinguishing among the products.

In view of the differences between the PGI and PDO products and between their names, the Commission is of the opinion that the registration of the four PGI names under consideration would not negatively impact the products associated with the PDO names 'Lonzo de Corse / Lonzo de Corse – Lonzu', 'Jambon sec de Corse / Jambon sec de Corse – Prisuttu' and 'Coppa de Corse / Coppa de Corse – Coppa di Corsica'. Both such PGI and PDO products could coexist, as the consumers would be able to distinguish them on the market and to make conscious purchasing choices. This, in consequence, leads to conclusion that the registration of the proposed PGI names would not cause the effect indicated in Article 10(1)(c) of Regulation (EU) No 1151/2012.

- (14) In the light of the above, the names 'Pancetta de l'Ile de Beauté / Panzetta de l'Ile de Beauté', 'Saucisson sec de l'Ile de Beauté / Salciccia de l'Ile de Beauté', 'Bulagna de l'Ile de Beauté' and 'Figtelli de l'Ile de Beauté / Figatellu de l'Ile de Beauté' 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 names 'Pancetta de l'Île de Beauté / Panzetta de l'Île de Beauté' (PGI), 'Saucisson sec de l'Île de Beauté / Salciccia de l'Île de Beauté' (PGI), 'Bulagna de l'Île de Beauté' (PGI) and 'Figatelli de l'Île de Beauté / Figatellu de l'Île de Beauté' (PGI) are registered.

The names 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>(6)</sup>.

*Article 2*

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, 26 July 2023.

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

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<sup>(6)</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).