



COMMISSION IMPLEMENTING REGULATION (EU) 2025/661

of 3 April 2025

approving non-minor amendments to the product specification for a name entered in the register of protected designations of origin and protected geographical indications ('Parmigiano Reggiano' (PDO))

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 52(3)(b) and 53(2), first subparagraph, thereof,

Whereas:

- (1) In accordance with Article 90(1) and (2) of Regulation (EU) 2024/1143 of the European Parliament and of the Council ⁽²⁾, which repealed Regulation (EU) No 1151/2012, that latter remains applicable to the applications for approval of a non-minor amendment to the product specification of geographical indications for agricultural products and foodstuffs received by the Commission and published in the *Official Journal of the European Union* before 13 May 2024. In addition, in accordance with Article 5(2) of Regulation (EU) 2021/2117 of the European Parliament and of the Council ⁽³⁾, the rules applicable before 7 December 2021 continue to apply to applications for approval of amendment of a product specification of designations of origin received by the Commission before 8 June 2022. Since the Commission received an application for approval of a non-minor amendment to the product specification of the PDO 'Parmigiano Reggiano' on 2 December 2021, the provisions of Regulation (EU) No 1151/2012 apply as in the version applicable before 7 December 2021.
- (2) Since the amendments in question are not minor within the meaning of Article 53(2) of Regulation (EU) No 1151/2012, pursuant to Article 50(1) of Regulation (EU) No 1151/2012, the Commission has examined Italy's application for the approval of amendments to the specification for the protected designation of origin 'Parmigiano Reggiano', registered under Commission Regulation (EC) No 1107/96 ⁽⁴⁾.
- (3) The Commission published the amendment application in the *Official Journal of the European Union* ⁽⁵⁾ as required by Article 50(2)(a) of Regulation (EU) No 1151/2012.
- (4) On 8 September 2023 the Commission received a notice of opposition and the related reasoned statement of opposition from a company based in Germany.

⁽¹⁾ OJ L 343, 14.12.2012, p. 1, ELI: <http://data.europa.eu/eli/reg/2012/1151/oj>.

⁽²⁾ Regulation (EU) 2024/1143 of the European Parliament and of the Council of 11 April 2024 on geographical indications for wine, spirit drinks and agricultural products, as well as traditional specialties guaranteed and optional quality terms for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2019/787 and (EU) 2019/1753 and repealing Regulation (EU) No 1151/2012 (OJ L 2024/1143, 23.4.2024, ELI: <http://data.europa.eu/eli/reg/2024/1143/oj>).

⁽³⁾ Regulation (EU) 2021/2117 of the European Parliament and of the Council of 2 December 2021 amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union (OJ L 435, 6.12.2021, p. 262, ELI: <http://data.europa.eu/eli/reg/2021/2117/oj>).

⁽⁴⁾ Commission Regulation (EC) No 1107/96 of 12 June 1996 on the registration of geographical indications and designations of origin under the procedure laid down in Article 17 of Council Regulation (EEC) No 2081/92 (OJ L 148, 21.6.1996, p. 1, ELI: <http://data.europa.eu/eli/reg/1996/1107/oj>).

⁽⁵⁾ OJ C 202, 9.6.2023, p. 53.

- (5) In accordance with Article 51(1), second subparagraph, of Regulation (EU) No 1151/2012, natural or legal persons having a legitimate interest, resident or established in a Member State other than that from which the application was submitted, may lodge a notice of opposition with the Member State in which they are established. Taking into consideration that the notice of opposition from the company based in Germany was lodged directly with the Commission and thus not in accordance with the procedure provided in Article 51(1), this notice of opposition is deemed inadmissible.
- (6) On 28 August 2023 the Commission received a notice of opposition and the related reasoned statement of opposition from Austria. The Commission forwarded the notice of opposition and the related reasoned statement to Italy on 29 August 2023. On 6 October 2023 Austria confirmed that the reasoned statement of opposition was complete and that it did not wish to provide any additional information.
- (7) 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 Italy and Austria, by letter of 14 November 2023, to engage in appropriate consultations in view of reaching an agreement. On 23 February 2024, on request of Italy, the Commission extended the deadline for consultation by additional thirty days.
- (8) The consultations between Italy and Austria ended without an agreement being reached. The Commission is therefore to take a decision in accordance with Articles 52(3)(b) and 53(2), first subparagraph, of Regulation (EU) No 1151/2012, taking into account the results of these consultations.
- (9) The current product specification requires a four-month feeding transition period for livestock from production chains other than the 'Parmigiano Reggiano' chain. The amendment to Article 9 of the 'Cows Feeding Rules' section of the product specification establishes the requirement that the introduction of livestock from production chains other than the 'Parmigiano Reggiano' chain into dairy farms or restocking units must take place no later than on the day on which the animal reaches 10 months of age. The 'Cows Feeding Rules' section of the product specification applies to feeding animals intended to produce milk for processing into Parmigiano Reggiano. The 'Parmigiano Reggiano' chain includes dairy farms that produce 'Parmigiano Reggiano'.
- (10) In the justification of the amendment Italy highlighted the need to preserve the unique elements of 'Parmigiano Reggiano' cheese, that is, the impact of the territory with bans on silage and emphasis on pasture forage; livestock management with proper animal nutrition and care; and the specific diet that foster favourable microbiological conditions for cheese production. Italy indicated that the proposed changes are intended to adapt the animals to the diet, meet PDO standards, simplifying compliance checks and reducing non-compliance issues.
- (11) The arguments of Austria as set out in its reasoned statement of opposition and in the consultations carried out with Italy can be summarised as follows.
- (12) Austria claimed that the application for a non-minor amendment introduces conditions that constitute an unauthorised restriction on the free movement of goods. The opponent referred to Articles 34 and 36 of Treaty on the Functioning of the European Union (TFEU), to Article 5(1) of Regulation (EU) No 1151/2012 and to Directive (EU) 2015/1535 of the European Parliament and of the Council ⁽⁶⁾.
- (13) In this context, Austria argued that the restriction introduced by the amendment goes beyond what is necessary to establish the link to the geographical environment.

⁽⁶⁾ Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1. ELI: <http://data.europa.eu/eli/dir/2015/1535/oj>).

- (14) Austria also argued that the facilitation of controls under the certified production system cannot justify the proposed restriction. In order to support that claim Austria invoked Article 7(1)(e) of Regulation (EU) No 1151/2012 according to which the requirement of the packaging to take place in the defined geographical area must be based on the need to safeguard quality, to ensure the origin or to ensure control and must not constitute unjustifiable restriction on the free movement of goods and services, and Article 1(2) of Commission Delegated Regulation (EU) No 664/2014 ⁽⁷⁾ that requires any restriction to the origin of raw materials provided in the product specification of a product the name of which is registered as a protected geographical indication to be justified in relation to the link with the geographical area.
- (15) Italy confirmed that the reasoning for the change in relation to livestock originating from other production chains that was provided in the application for non-minor amendment is valid and provided additional argumentation as regards the impact of the production of raw materials on the final product and the need to strengthen the controls of product quality.
- (16) The Commission has assessed the arguments provided in the reasoned statement of opposition from Austria in light of Regulation (EU) No 1151/2012, taking into account the information it received regarding the consultations between the interested parties, and has reached the following conclusions.
- (17) As regards the alleged unauthorised restriction on the free movement of goods, Article 34 of the TFEU prohibits quantitative restrictions on imports and all measures having equivalent effect. Nevertheless, Article 34 of the TFEU should be applied in light of Article 36 of the TFEU, which provides for exceptions to the free movement of goods, allowing restrictions justified by reasons such as protection of industrial and commercial property. PDOs are an intellectual property right covered by that exception.
- (18) Article 5(1) of Regulation (EU) No 1151/2012 defines a designation of origin as being a name which identifies a product (a) originating in a specific place, region or, in exceptional cases, a country; (b) whose quality or characteristics are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors; and (c) the production steps of which all take place in the defined geographical area. Furthermore, the same Article requires that raw materials for products marketed under a PDO must come from the defined geographical area and only exceptionally and subject to conditions they may come from outside this area. Live animals, meat and milk are considered as raw materials for this purpose.
- (19) It is not disputed that the special feeding regime for cows is a necessary condition to ensure that the milk they produce has the required qualities for producing Parmigiano Reggiano and thereby establish the link to the geographical environment. It is also not disputed that cows need an adaptation period for the feeding regime to produce the desired effect. This is the objective of the requirement of the four-month feeding transition period laid down in the current version of the Product Specification. This requirement is to be removed and replaced by the requirement that cows must be maximum 10 months old before being introduced in the Parmigiano Reggiano production chain. This new requirement ensures that the same objective is achieved in a more efficient and effective way, by increasing compliance with and controllability of the product specification.
- (20) In this regard, it appears that the checks carried out to make sure that the current system is respected, have revealed numerous failures, and an increasing number of cases of non-compliance, in which operators did not manage properly the segregation of animals under feeding transition period. By consequence cheese was produced from milk obtained from cows subject to the four-month feeding transition period, and was, therefore, not eligible for PDO protection. The introduction of the cows at the age of maximum 10 months [old], when lactation is not yet

⁽⁷⁾ Commission Delegated Regulation (EU) No 664/2014 of 18 December 2013 supplementing Regulation (EU) No 1151/2012 of the European Parliament and of the Council with regard to the establishment of the Union symbols for protected designations of origin, protected geographical indications and traditional specialties guaranteed and with regard to certain rules on sourcing, certain procedural rules and certain additional transitional rules (OJ L 179, 19.6.2014, p. 17, ELI: http://data.europa.eu/eli/reg_del/2014/664/oj).

occurring, can be considered as providing more guarantees for the quality and authenticity of the product than four months of feeding transition period. There would be no risk of the operator mismanaging the segregation of animals during the feeding transition period and their milk flows, that might cause issues with the cheese, something that could occur at present if a cow is already lactating when brought onto the farm. Furthermore, this measure will substantially increase the controllability of the product specification as there will be no need to control segregation of the animals and separate milk flows to ensure that only milk from eligible animals is used for the production of Parmigiano Reggiano.

- (21) Furthermore, in accordance with established case-law, geographical indications are intended to guarantee that the product designated as such comes from a specified geographical area and displays certain particular characteristics. They may enjoy a high reputation amongst consumers that is based on the quality of the product. For consumers, the link between the reputation of the products and the quality of the products also depends on his being assured that products sold under the designation of origin are authentic. In accordance with the established case-law a restriction must be regarded as compatible with Union law despite its restrictive effects on trade if it is shown that it is necessary and proportionate and capable of upholding the reputation of the designation of origin concerned ⁽⁸⁾. In the case of Parmigiano Reggiano, The requirement to introduce the cows at maximum 10 months old into the production chain also aims at preserving the reputation of 'Parmigiano Reggiano' by facilitating controls over its quality and authenticity and removing the risk that milk that does not have the required qualities is used for the production of the product concerned. The requirement therefore pursues a legitimate objective.
- (22) Furthermore, it is not demonstrated that there are alternative less restrictive measures capable of establishing an adaptation period and at the same time ensuring that the operator manages properly the segregation of animals under feeding transition period. Furthermore, the disputed amendment allows Austria to continue exporting its cows to Italy, by complying with the new requirement to sell the cattle at a younger age.
- (23) Concerning the reference made by Austria to Article 7(1)(e) of Regulation (EU) No 1151/2012 and Article 1(2) of Delegated Regulation (EU) No 664/2014, it should be noted that these provisions, which concern respectively packaging in relation to PDOs and raw materials in relation to PGIs, are not applicable in the case at issue.
- (24) In light of the above, the application for non-minor amendment for 'Parmigiano Reggiano' PDO is not considered as imposing unauthorised restriction on the free movement of goods in the meaning of Article 34 in conjunction with Article 36 of the TFEU or as infringing Article 5(1) of Regulation (EU) No 1151/2012.
- (25) As regards compliance with Directive (EU) 2015/1535, it should be noted that in accordance with Article 2(4) of Regulation (EU) No 1151/2012, Directive 98/34/EC, that was subsequently repealed and replaced by Directive (EU) 2015/1535, does not apply to the quality schemes established by this Regulation. In view of the foregoing, it is not necessary to assess whether the proposed amendment would be allowed in accordance with the requirements of the above-mentioned Directive.
- (26) Accordingly, the amendments to the product specification published in the *Official Journal of the European Union* regarding the name 'Parmigiano Reggiano' (PDO) should be approved.
- (27) The measures provided for in this Regulation are in accordance with the opinion of the Quality Policy Committee for agricultural products, wine and spirit drinks,

⁽⁸⁾ See, inter alia, judgment of 20 May 2003, Ravil, C-469/00, ECLI:EU:C:2003:295, paragraphs 49 and 51 and Judgment of 20 May 2003, Consorzio del Prosciutto di Parma and Salumificio S. Rita, C-108/01, ECLI:EU:C:2003:296, paragraphs 64 and 66.

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the product specification published in the *Official Journal of the European Union* regarding the name 'Parmigiano Reggiano' PDO are hereby approved.

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, 3 April 2025.

For the Commission
The President
Ursula VON DER LEYEN
