

COMMISSION IMPLEMENTING REGULATION (EU) 2021/656**of 21 April 2021****entering a name in the register of Traditional Specialities Guaranteed ('Slovenska potica' (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)(a) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(b) of Regulation (EU) No 1151/2012, the application from Slovenia to register the name 'Slovenska potica' as a Traditional Speciality Guaranteed (TSG) was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) On 29 June 2020 the Commission received the notice of opposition and the related reasoned statement of opposition from Austria. The Commission forwarded the notice of opposition and the reasoned statement of opposition sent by Austria to Slovenia on 3 July 2020.
- (3) The Commission examined the opposition sent by Austria and found it admissible. The opposition claims that in Austria the name 'Potize'/'Putize' is still used for similar products made in Austria and the use of the name is lawful and has been recognised for generations. Further it is argued that the production of the 'Potize'/'Putize' is of major economic significance in Austria, particularly for the companies making it that are based in southern Austria. Therefore, Austria considers that reserving the name exclusively for products of this name made in Slovenia (in accordance with the Slovenian tradition) must be rejected. In any case, Austria considers that it must be ensured that the production and use of the name 'Potize' or 'Putize' traditionally used for many years in Austria for a product made in accordance with Austrian tradition remains possible. In summary, the opposition claims that the name proposed for registration is lawful, renowned and economically significant for similar agricultural products or foodstuffs in line with point (b) of Article 21(1) of Regulation (EU) No 1151/2012.
- (4) By letter of 28 July 2020 the Commission invited the interested parties to engage in appropriate consultations to seek agreement among themselves in accordance with their internal procedures.
- (5) Slovenia and Austria reached an agreement, which was notified to the Commission on 5 October 2020, within the prescribed deadline.
- (6) Slovenia and Austria agreed that the use of terms 'Potize' and 'Putize' does not represent any misuse, imitation or evocation towards the name 'Slovenska potica' as a Traditional Speciality Guaranteed (TSG).
- (7) Furthermore, they agreed that the names 'Slovenska potica' on the one hand and 'Potize' and 'Putize' on the other hand, are legitimate. Slovenia confirmed that registration of the name 'Slovenska potica' as a Traditional Speciality Guaranteed (TSG) would not undermine the right of Austrian producers to use terms 'Potize' and 'Putize'. Austrian producers shall nevertheless not use any elements in the packaging referring to Slovenia, e.g. flags, colours etc.

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 110, 2.4.2020, p. 12.

- (8) It can be deduced from the agreement that Slovenia recognised the right of the Austrian producers to continue to use the names 'Potize', and 'Putize' and, therefore, that there is no intention to protect the term 'potica' which is part of the compound name 'Slovenska potica' for which the protection is sought. As a consequence, the name 'Slovenska potica' should be protected as a whole, whereas the term 'Potica' should be allowed to continue to be used for products that do not comply with the product specification of 'Slovenska potica' within the territory of the Union, provided that the principles and rules applicable in its legal order are respected.
- (9) The agreement between Slovenia and Austria does not necessitate amending product specification published in accordance with Article 50(2) of Regulation (EU) No 1151/2012.
- (10) Accordingly the name 'Slovenska potica' should be entered in the register of Traditional Specialities Guaranteed (TSG),

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Slovenska potica' (TSG) 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 name 'Potica' may continue to be used for products that do not comply with the product specification of 'Slovenska potica' within 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, 21 April 2021.

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).