

COMMISSION IMPLEMENTING REGULATION (EU) 2022/144**of 2 February 2022****entering a name in the register of protected designations of origin and protected geographical indications (Ceylon cinnamon (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 ⁽¹⁾, 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 Sri Lanka to register the name 'Ceylon cinnamon' as a protected geographical indication (PGI) was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) On 3 September 2020, the Commission received a notice of opposition including the related reasoned statement of opposition from Germany. The Commission forwarded the notice of opposition sent by Germany to Sri Lanka on 16 September 2020.
- (3) The Commission examined the reasoned statement of opposition received on 3 September 2020 sent by Germany and found it admissible.
- (4) By letter of 22 September 2020, the Commission invited the interested parties to engage in appropriate consultations to seek agreement among themselves in accordance with their internal procedures.
- (5) On 14 December 2020 on request of Sri Lanka, the Commission extended the deadline for consultation by an additional 3 months.
- (6) The consultation between Sri Lanka and Germany ended on 28 December 2020 without an agreement being reached. The Commission should therefore take a decision in accordance with the procedure provided for in Article 57 of Regulation (EU) No 1151/2012.
- (7) The reason for the opposition from Germany is that the name 'Ceylon cinnamon' submitted for registration corresponds to the German translation 'Ceylon-Zimt' (cinnamon from Ceylon, which is the former name of Sri Lanka) and it is in conflict with the botanical name *Cinnamomum ceylanicum*, which is the plant from which cinnamon is obtained. The 'Guiding Principles of the German Food Code for spices and other seasonal ingredients' gives the definition of 'Ceylon cinnamon' as the dried bark of *Cinnamomum ceylanicum*.
- (8) According to the opponent, *Cinnamomum ceylanicum* was originally cultivated in Ceylon, which is the former name of Sri Lanka. However, *Cinnamomum ceylanicum* has, in the last decades, evaded the original geographical area and it has also been cultivated in other tropical countries. Other main suppliers are the Seychelles, Madagascar and China, as well as, to a lesser extent, India, Vietnam, Indonesia, Jamaica, Martinique, French Guiana and Brazil. A significant share of the cinnamon available on the market obtained from the plant *Cinnamomum ceylanicum* does not originate from Sri Lanka.
- (9) Upon the registration of 'Ceylon cinnamon' as a PGI, Germany was of the view that the protection would extend to translations, as evocations of that name, under Article 13(1)(b) of Regulation (EU) No 1151/2012 and there should no longer be any reference of any kind to the term 'Ceylon' in the name of these products. Therefore, the registration of 'Ceylon cinnamon' as a PGI would jeopardise the existence of the name 'Ceylon-Zimt' and the existence of products which have been legally on the German market for at least 5 years preceding the date of publication of the application for registration of the name 'Ceylon cinnamon'.

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 208, 22.6.2020, p. 19.

- (10) In conclusion, in the opinion of the opponent, the registration of the name 'Ceylon cinnamon' would unduly protect as a geographical indication a plant name, which needs to be kept free in use. In addition, following that registration, a significant share of goods available on the market should be renamed as it would no longer be allowed to use their established name, well known to the consumers, including the reference to the plant species *Cinnamomum ceylanicum*.
- (11) The applicant stated that in its view, there was no conflict between 'Ceylon cinnamon' and a plant name because the internationally accepted botanical name from which 'Ceylon cinnamon' is cropped is not *Cinnamomum ceylanicum* as the opponent asserted but *Cinnamomum verum*. *Cinnamomum zeylanicum* or *Cinnamomum ceylanicum* are considered synonyms to *Cinnamomum verum*. The name 'Ceylon cinnamon' does not therefore conflict with the name of the plant from which the product bearing the name is obtained. In addition, the applicant pointed out that the name to be protected is not a plant name and that the name *zeylanicum* or *ceylanicum* is derived from the historical name of Ceylon.
- (12) The Commission has assessed the arguments provided in the reasoned statements of opposition and the information it received regarding the consultations between the interested parties.
- (13) The name 'Ceylon cinnamon' refers to a product which has distinctive qualities and characteristics, in particular as regards its strong organoleptic character. In addition, the name enjoys a consolidated reputation. It therefore meets the requirement for registration as Protected Geographical Indication.
- (14) In the Community Plant Variety Office (CPVO) varieties database, the term 'Ceylan' which corresponds to the species having the Latin name *Cinnamomum verum* J. Presl. is registered in Mexico. Several trade marks and denominations are registered in the varieties database that include the term 'Ceylon' or the term 'cinnamon' but none of them refers to the species *Cinnamomum ceylanicum*.
- (15) The 'Guiding Principles of the German Food Code for spices and other seasonal ingredients' bear limited evidential and legal value in a conflict between a name of a plant variety and a name to be registered in the EU register for protected designations of origin and protected geographical indications under Regulation (EU) No 1151/2012.
- (16) The product to which the name applied for registration refers to, originates from Sri Lanka, whose former name of Ceylon continues to be widely and commonly known today. Therefore, the name 'Ceylon cinnamon' cannot *per se* mislead consumers as to the origin of the product. In accordance with Article 6(2) of Regulation EU No 1151/2012, the conditions of the conflict between the names and the risk of misleading the consumers are interlinked. In the light of the above, the registration of the name 'Ceylon cinnamon' as protected geographical indication (PGI) may not infringe that provision.
- (17) Moreover, the Commission considers that the registration of 'Ceylon cinnamon' as a protected geographical indication would not prevent the use on labelling of the botanical name *Cinnamomum zeylanicum* or *Cinnamomum ceylanicum* or other synonyms of the botanical name for cinnamon products issued from plants having these botanical names and cultivated outside the geographical area, provided that the conditions listed in Article 42 of Regulation (EU) No 1151/2012 are complied with and, in addition, provided that the label clearly shows the indication of the country of origin and does not include any further allusion to Sri Lanka. This will, in addition, guarantee the correct information of consumers in comparison with the product marketed under the registered PGI.
- (18) Accordingly, the name 'Ceylon cinnamon' (PGI) should be entered in the register of protected designations of origin and protected geographical indications.
- (19) 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 'Ceylon cinnamon' (PGI) is registered.

The name in the first paragraph identifies a product from Class 1.8 other products listed in Annex I to the Treaty (spices, etc.) and Class 2.10 Essential oils set out in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.

Article 2

Where, in accordance with Article 42(1) of Regulation (EU) No 1151/2012, the terms *Cinnamomum zeylanicum* or *Cinnamomum ceylanicum* or other synonyms of the botanical names are used on labelling with reference to the variety of the plant from which the cinnamon is issued, the country of origin outside Sri Lanka shall be also indicated in the same field of vision, in letters no smaller than those of the name.

In such cases, the use of any flags, emblems, signs or other graphic representations on the labels that might mislead consumers, in particular as regards the characteristics, origin or provenance of the product, shall be prohibited.

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, 2 February 2022.

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).