



**COMMISSION IMPLEMENTING REGULATION (EU) 2024/423**

**of 31 January 2024**

**entering a name in the register of protected designations of origin and protected geographical indications ('Sel de Camargue/Fleur de sel de Camargue' (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), point (a), of Regulation (EU) No 1151/2012, the application from France to register the name 'Sel de Camargue/Fleur de sel de Camargue' (PGI-FR-02443) as Protected Geographical Indication (PGI) was published in the *Official Journal of the European Union* <sup>(2)</sup>.
- (2) The Commission received one reasoned statement of opposition from Portugal and three reasoned statements of opposition from legal persons based respectively in Japan, the United States and Guinea.
- (3) All oppositions were submitted against a part of the name applied for, namely 'Fleur de sel de Camargue'.
- (4) 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 parties to engage in appropriate consultations in view of reaching an agreement.
- (5) 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), point (b), of Regulation (EU) No 1151/2012.
- (6) The opponents base their oppositions on the grounds laid down in Article 10(1), points (a) and (c), of Regulation (EU) No 1151/2012. They aim at demonstrating that the conditions laid down in Articles 5 and 7(1) of that Regulation are not complied with and that the registration would jeopardise the existence of an entirely or partly identical name or of a product which has been legally on the market for at least five years preceding the date of publication (15 April 2021).
- (7) As regards the ground laid down in Article 10(1), point (a), of Regulation (EU) No 1151/2012, of non-compliance with the conditions laid down in Articles 5 and 7(1) of that Regulation, the opponents argue that the conditions set out in Article 5(2) of that Regulation are not fulfilled because there is no geographical link between the product and the Camargue area. Furthermore, according to the opponents, only salt, which is harvested manually on the surface of a brine, can be called *fleur de sel*. Because 'Fleur de sel de Camargue' is obtained with a shovel at the bottom of the basin, it is not *fleur de sel* and the name of the product would mislead consumers.
- (8) Regarding non-compliance with Article 7(1) of Regulation (EU) No 1151/2012, the opponents claim that there is no historical evidence with regard to the production method in Camargue and, consequently, no evidence of a tradition of production of *fleur de sel* in that region. Therefore, the opponents conclude there is no link between the product and the area.

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

<sup>(2)</sup> OJ C 132, 15.4.2021, p. 12.

- (9) In their claim based on Article 10(1), point (c), of Regulation (EU) No 1151/2012, the opponents argue that 'Fleur de sel de Camargue' does not correspond to the product commonly known as 'fleur de sel'. Following the traditional method for producing 'fleur de sel', the salt is harvested on the surface of the basin and the salt crystals have a specific pyramidal structure, typical of a salt harvested on the surface. The 'Fleur de sel de Camargue' is harvested on the bottom of the basin, as it is deposited on the hard salt layer (the '*gâteau*'), and the salt crystals have a different structure. For these reasons, the product designated as 'Fleur de sel de Camargue' may not be considered as 'fleur de sel' and the registration of such a name would jeopardise the existence of 'Fleur de sel' (products) which have been legally on the market for decades and would mislead consumers as to the nature of the product. In particular, Portugal argued that the registration would be detrimental to the use of the term 'fleur de sel' in itself.
- (10) In addition, the opponents referred to the national laws of some Member States, such as Portugal and Spain, which define 'fleur de sel' as a floating salt that is harvested manually on the surface of the brine. It is also claimed that 'Fleur de sel de Camargue' would contradict previously registered PGI and PDOs names for 'fleur de sel' in the Union. Opponents referred in particular to PGI 'Sel de Guérande/Fleur de sel de Guérande', PDO 'Sal de Tavira/Flor de Sal de Tavira', PDO 'Piranska sol' and PDO 'Paška sol'. The producers from Camargue would take unfair advantage of the reputation of 'fleur de sel' gained among consumers and would harm the economic interests of 'fleur de sel' producers.
- (11) The Commission assessed the arguments provided in the reasoned statements of opposition and the information received regarding the consultations between the parties in light of the provisions of Regulation (EU) No 1151/2012.
- (12) Article 5(2) of Regulation (EU) No 1151/2012 reads: 'a "geographical indication" is a name [...], which identifies a product: (a) originating in a specific place, region or country; (b) whose given quality, reputation or other characteristic is essentially attributable to its geographical origin; and (c) at least one of the production steps of which take place in the defined geographical area'. To meet the definition of PGI, it is sufficient that the name complies with those requirements.
- (13) The application submitted by the applicant included a description of the link between the product 'Fleur de sel de Camargue' and the geographical origin on the basis of the reputation and the specific quality of the product.
- (14) When describing the link between a product and a geographical origin on the basis of reputation, the applicant must show that the product's reputation is linked to the name applied for registration and that it is attributable to the geographical area where the product is made. The applicant demonstrated that the reputation of the product 'Fleur de sel de Camargue' was linked to the name 'Fleur de sel de Camargue' and attributable to the geographical origin (Camargue area) by providing references to cuisine books from renowned chefs, food books and tourist guides, articles in the regional and national press and programmes on national and international television networks which have continued to be published or broadcast since the years 1990.
- (15) As regards the quality and characteristics of the product, the application for registration of the name 'Fleur de sel de Camargue' explains that it is produced in the summer when the wind stops blowing and millions of salt crystals form on the surface of the water. Subsequently, the northerly Mistral wind strikes the large surface areas of the crystallisers, forcing the salt blossom crystallised on the surface towards the edge where it builds up and forms in the original brine. Saturated initial brine and the salt blossoms are not dissolved. The very hard and thick 'salt bed' layer prevents salt blossoms from encountering the sandy soil, ensuring its purity. The final product 'Fleur de sel de Camargue' is a very fine salt, because the rapid rate of evaporation caused by weather conditions helps the formation of small crystals. Accordingly, the application for registration of the name 'Fleur de sel de Camargue' demonstrates a causal link between the geographical area and the specific quality of the product as well as the long-standing reputation of the product, which dates back to the 1990s. This is sufficient for this name to be registered as a PGI.
- (16) The argument that 'Fleur de sel de Camargue' is not *fleur de sel* does not exclude per se the existence of a link between the product and the area.

- (17) The name 'Fleur de sel de Camargue' is sufficiently specific and different from the other products named 'Fleur de sel' and, therefore, is unlikely to mislead the consumers as to the origin of the product. 'Fleur de sel' will always be used in conjunction with the name of the geographical area 'Camargue'. Consequently, consumers will be able to distinguish 'Fleur de sel de Camargue' from other products named 'Fleur de sel' due to the associated geographical term 'Camargue'. Moreover, given that various PDOs or PGIs contain the term 'fleur de sel' associated with the name of a specific geographical area, consumers would be able to clearly distinguish between products protected by a PDO or PGI containing the term 'Fleur de sel' on the basis of their geographical origin. The potential confusion on the nature of the product, because the term which constitutes the common part of the name may not refer to the product usually designated by that term, is not relevant to verify the compliance with the conditions referred to in Article 5 of Regulation (EU) No 1151/2012. The fact that 'Bergamote de Nancy/Bergamotes de Nancy' (PGI) was not a fruit but a confectionery product or that 'Crottin de Chavignol/Chavignol' (PDO) was not a dung but a cheese was not a reason to reject the respective application for registration.
- (18) In view of the foregoing, the conditions laid down in Article 5(2) of Regulation (EU) No 1151/2012 are fulfilled.
- (19) As regards the ground of opposition based on Article 7(1) of Regulation (EU) No 1151/2012, the opponents argue in essence that, because 'Fleur de sel de Camargue' is obtained differently from the traditional 'fleur de sel', there cannot be historical evidence of the production method of 'fleur de sel' produced in Camargue in the past. The applicant has however provided a description of the method for obtaining the product designated as 'Fleur de sel de Camargue'. In addition, the name 'Fleur de sel de Camargue' has been lawfully used for 30 years in France and in the Union (single market). In view of the foregoing, the requirements of Article 7(1) of Regulation (EU) No 1151/2012 are fulfilled.
- (20) As regards the ground of opposition based on Article 10(1), point (c), of Regulation (EU) No 1151/2012, the existence of names and products is normally deemed to be jeopardised when a specific name of a product or a specific product is directly affected by the registration of a new name. The registration should affect natural or legal persons' rights to use the name. That is the case in particular when a product may no longer be produced under the same name using the same production method or when a name may no longer be used. The impact on common names is not relevant.
- (21) The opponents claim that the existence of all the products named 'Fleur de sel' followed by the name of a specific geographical area are jeopardised because a product of alleged lesser quality would take the same market segment as that of a higher quality product, triggering economical losses. However, this does not demonstrate a direct impact on a specific product or on a product with a specific name. That argument also does not concern the right to use a name as all the producers of the various 'Fleur de sel' products may continue to use their names after the registration of 'Fleur de sel de Camargue'. In this case, neither a specific name of a product nor a specific product is jeopardised.
- (22) In any event, the fact that some Member States require, in their national laws, a specific production method for a product to be marketed under the name 'fleur de sel' cannot be considered as conclusive evidence that the same should apply at Union level. In fact, at Union level, since there is no common legal definition of 'fleur de sel', the right to use the name 'fleur de sel' may not be limited to a specific production method.
- (23) Moreover, as regards the structure of the crystals, the analysis done by the Commission of already registered names shows that forms of already registered PGIs or PDOs containing 'fleur de sel' vary. For example, PGI 'Sel de Guérande/Fleur de sel de Guérande' refers to 'formed of light, fine, brittle crystals'; PDO 'Sal de Tavira/Flor de Sal de Tavira' states that this salt 'consists of very fine flakes'; PDO 'Piranska sol' refers to the fact that 'fleur de sel crystallises on the surface of the brine in the crystallisation basins, which gives it its characteristic crystalline structure, which retains some of the seawater' and PDO 'Paška sol' specifies that 'crystals have the shape of shells'. Therefore, these products vary in their specificities and forms due to the geographical area where they are produced and harvested.
- (24) In light of the above, the name 'Sel de Camargue/Fleur de sel de Camargue' should be entered into the register of protected designations of origin and protected geographical indications.

- (25) 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 'Sel de Camargue/Fleur de sel de Camargue' (PGI) is registered.

The name referred to in the first paragraph identifies a product in Class 2.6. – Salt, as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 <sup>(3)</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, 31 January 2024.

*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).