



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate A. International  
**Director**

Brussels,  
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Dear Mr Emmanouil,

Thank you for your email sent on 3 May 2017 to Mr Vassilakis, where you have expressed concerns of Greek producers of "Feta" cheese in light of the entry into force of EU trade agreements with Canada (CETA) and Southern African countries (SADC EPA). Let me address each of these concerns in turn.

**Status of Feta in EU trade agreements:** in substance, you allege that in the trade agreements concluded by the European Union, "Feta" was the only protected designation of origin (PDO) regarding cheeses that did not benefit from a full protection.

Please note in this connection that while there are *circa* 3400 geographical indications currently protected at EU level, among which 232 cheeses, the protection of "Feta" has systematically been sought in the EU's international agreements, even where only a restricted list of geographical indications was submitted to our negotiating partners.

The full protection of "Feta" has already been achieved in most neighbourhood countries with whom the EU has concluded an international agreement (*e.g.* Bosnia-Herzegovina, Serbia, Montenegro, Switzerland, Moldova, Georgia, Armenia, Ukraine, etc...), as well as in Korea. Such a full protection of "Feta" has equally been secured in a series of agreements that have not yet entered into force (*e.g.* with Morocco or Iceland).

The Commission is further committed to achieving the best possible level of protection in respect of the flagship PDO "Feta" in all ongoing or future agreements.

**Feta protection in CETA and SADC EPA:** you consider in essence that the lesser protection granted to the designation PDO "Feta" in Canada and South Africa is not justified by the limited production of cheese bearing such name in these two countries, and that "Feta" is unduly discriminated as compared to PDOs from other Member States.

The protection of intellectual property rights is governed by the principle of territoriality, and is subject to the concrete market situation prevailing in the country concerned.

Within the EU, the designation "Feta" was registered by the Commission as a PDO by virtue of Regulation (EC) No 1829/2002, following an extremely difficult 8-year process that led to 11 judicial proceedings in front of the European Court of Justice. It was established in this framework that in Greece itself, the compulsory milk composition of "Feta" was defined in 1987, the corresponding geographical area delimited in 1988 and its formal protection as a PDO enshrined in 1994.

Mr Giorgos Emmanouil  
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The late protection of "Feta" in its country of origin coupled with the lack of historic care taken by interested parties to protect such designation in third countries, enabled natural or legal persons in Canada and South Africa to produce and/or market for decades a non-originating cheese under such designation "Feta" that incidentally does not refer to a geographical place, and which gradually acquired in these two countries a quasi-generic character.

Pursuant to international rules, in particular Article 24.4 of the TRIPS agreement, the grandfathering of such prior uses may not be discarded.

Yet, the agreements concluded with Canada and SADC EPA States paved the way for a significantly fairer competition. The alternative would have been to maintain the *status quo*, meaning no specific protection at all for "Feta".

In the agreements with Canada and South Africa, Feta is accordingly protected and recognised as a Greek GI, thus definitively preventing it from becoming generic; the agreement imposes further labelling restrictions and requirements on the non-originating product (i.e. an obligation to refer to the actual country of origin and to the milk composition, a prohibition to use Greek flags, images and any other devices invoking the Greek *terroir*; the addition of the term "style" or "type"...), which allow henceforth the consumer to easily distinguish the genuine product, contrary to the situation prevailing prior to this agreement.

The difference of treatment you invoke as compared to the full protection of other EU PDOs is due to the fact that in Canada and South Africa, there was no identified prior use nor any related genericness claims made in respect of them. As regards Canada, there were four other EU GI, also cheeses, in the very same situation than Feta and which, accordingly, will enjoy the same level of protection in Canada that Feta will.

**Commitment to enhance protection of Feta:** you consider that the Commission has not formally committed to seek a future improvement of the protected status of "Feta" in South Africa and in Canada.

The Commission has repeatedly committed to use the appropriate mechanisms contemplated in these agreements with a view to further increase the level of protection granted to the name "Feta"; such commitment has been made *inter alia* in official declarations of the Commission, as well as in replies of Commissioner Hogan, on behalf of the Commission, to parliamentary written questions P-004696/2016 and P-004719/20162.

In this respect, a key element that would facilitate such enhanced protection is the education of non-EU consumers about the origin and quality of the PDO "Feta", allowing the consumers of our negotiating partners to fully grasp the unique specificities of the authentic product; thus, the Commission indicated in its aforementioned declarations that it will offer its continuous support to Member States, producers and exporters of geographical indications in order to promote their geographical indications; in this connection, an extensive dedicated workshop has already been held on 11 July 2016 in Athens.

I hope the explanations above have proven helpful.

Yours sincerely,



John A. CLARKE