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Press and Information

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Judgment of the Court of Justice in Joined Cases C-465/02 and C-466/02

Federal Republic of Germany and Kingdom of Denmark v Commission of the European Communities

THE COURT OF JUSTICE UPHOLDS THE NAME ‘FETA’ AS A PROTECTED DESIGNATION OF ORIGIN FOR GREECE

The name has not become generic.

In 2002, the Commission registered the name ‘feta’ as a protected designation of origin (PDO) for a white cheese soaked in brine, originating in Greece¹. Thus, the name enjoys Community-wide protection² as it is reserved exclusively for cheese originating in Greece.

In order to be registered as a PDO, a traditional name such as ‘feta’, which is not the name of a region, place or country³, must refer to an agricultural product or a foodstuff from a defined geographical environment with specific natural and human factors which is capable of conferring on that product or foodstuff its specific characteristics. Moreover, the name cannot have become generic.

In the Commission’s view, those conditions are fulfilled. The name ‘feta’ has not become the common name for an agricultural product or a foodstuff and, therefore, has not become generic. The geographical area defined by the Greek legislation covers only the territory of mainland Greece and the department of Lesbos. Extensive grazing and transhumance, central to the method of keeping the ewes and goats used to provide the raw material for making Feta cheese, are the result of an ancestral tradition allowing adaptation to climate changes and their impact on the available vegetation. This has led to the development of small native breeds of

¹ It had been registered first, in 1996, at the request of Greece. However, in 1999 that registration was annulled by the Court of Justice following actions brought by Denmark, Germany and France, on the grounds that the Commission had not taken any account of the fact that that name had been used for a considerable time in certain Member States other than Greece.

² This option was introduced by Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (OJ 1992 L 208, p. 1).

³ The term ‘feta’ is derived from the Italian word ‘fetta’, meaning ‘slice’, which entered the Greek language in the seventeenth century.

sheep and goats which are extremely tough and resilient, fitted for survival in an environment that offers little food in quantitative terms but, in terms of quality, is endowed with an extremely diversified flora, thus giving the finished product its own specific aroma and flavour. The interplay between the natural factors and the specific human factors, in particular the traditional production method, which requires straining without pressure, has thus given Feta cheese its remarkable international reputation.

The Court of Justice finds that Germany and Denmark, which, supported by France and the United Kingdom, have applied for annulment of the registration of 'feta' as a PDO for Greece, have not shown that this assessment by the Commission is incorrect.

As regards, in particular, the argument that 'feta' has become a generic name, the Court finds that whilst white cheeses soaked in brine have been produced for a long time, not only in Greece but in various countries in the Balkans and the southeast of the Mediterranean basin, those cheeses are known in those countries under names other than 'feta'.

Although the production in the other countries has been relatively large and of substantial duration (since 1931 in France, since the 1930s in Denmark and since 1972 in Germany) the production of feta has remained concentrated in Greece, with more than 85% of Community consumption of feta, per capita and per year, taking place in Greece. Moreover, the majority of consumers in Greece consider that the name 'feta' carries a geographical and not a generic connotation. In other Member States, feta is commonly marketed with labels referring to Greek cultural traditions and civilisation. Thus, consumers in those Member States perceive feta as a cheese associated with Greece, even if in reality it has been produced in another Member State. As regards Denmark, the Court notes that the relevant Danish legislation does not refer to 'feta' but to 'Danish feta', which would tend to suggest that in Denmark the name 'feta', by itself, has retained a Greek connotation.

Thus, the Commission could lawfully decide that the term 'feta' had not become generic.

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Languages available: FR, DA, DE, EN, ES, GR, IT, PL, CS, SK

The full text of the judgment may be found on the Court's internet site

<http://curia.eu.int/jurisp/cgi-bin/form.pl?lang=en>

It can usually be consulted after midday (CET) on the day judgment is delivered.

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Pictures of the delivery of the judgment are available on EbS "Europe by Satellite", a service provided by the European Commission, Directorate-General Press and Communications,

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