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Press and Information

**PRESS RELEASE No 40/05**

10 May 2005

Advocate General's Opinion in Joined Cases C-465/02 and C-466/02

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

**ADVOCATE GENERAL RUIZ JARABO PROPOSES THAT THE COURT OF JUSTICE SHOULD DISMISS THE APPLICATIONS BY GERMANY AND DENMARK AGAINST REGISTRATION OF THE NAME 'FETA' AS A PROTECTED DESIGNATION OF ORIGIN (PDO)**

*In the view of the Advocate General, 'feta' meets the requirements of a designation of origin in that it describes a cheese originating from a substantial part of Greece, whose characteristics derive from its geographical environment and its production, processing and preparation are carried out in a defined area.*

The regulation on the protection of geographical indications and designations of origin for agricultural products and foodstuffs<sup>1</sup> applies to agricultural products whose characteristics are linked to their origin.

Germany and Denmark seek the annulment of a 2002 regulation<sup>2</sup> which entered the designation 'feta' in the register of PDOs.<sup>3</sup>

The Advocate General first carries out an analysis to determine whether the term 'feta' can be classified as generic, in which case registration would be prohibited, and he then goes on to consider whether the term is a traditional usage.

<sup>1</sup> Council Regulation No 2081/82 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).

<sup>2</sup> Commission Regulation (EC) No 1829/2002 of 14 October 2002 amending the Annex to Regulation (EC) No 1107/96 with regard to the name 'Feta' (OJ 2002 L 277, p. 10).

<sup>3</sup> The designation 'feta' was registered at Greece's request in 1996 and annulled in 1999 by the Court on procedural grounds, in response to actions brought by Germany, Denmark and France, on matters of form (<http://curia.eu.int/jurisp/cgi-bin/form.pl?lang=en> C-289/96). As a result, the designation 'feta' was removed from the PDO register but thereafter the Commission took measures to remedy the defects highlighted in the judgment and, by Regulation No 1829/2002, reinserted the word 'feta' in the list of protected designations.

### *Feta as a generic designation*

After examining factors such as the situation in the Member State of origin and in the areas of consumption (Greece) and the situation in the remaining Member States, Advocate General Ruiz-Jarabo considers that the term ‘feta’ has not become generalised in the Community since it is inextricably associated with a specific foodstuff: the cheese produced in a large area of Greece, using sheep’s milk or a mixture of sheep’s milk and goat’s milk, by the natural and artisanal process of coagulation at normal pressure.

### *‘Feta’ as a traditional designation*

‘Feta’ does not refer directly to any specific location, for which reason it is necessary to verify whether it meets the requirements laid down for traditional names to be included in the Regulation.

*The traditional nature of the name.* The word ‘feta’ is of Italian origin and was introduced into Greece under Venetian influence. The word became established during the 19th century to describe the traditional white cheese in brine made since ancient times in a large part of that country and in other areas of the Balkans.

*The designation of a foodstuff originating in certain territorial areas.* ‘Feta’ is linked with a large part of Greece both historically and at the present time. The size of the area from which it originates is irrelevant, the decisive factor being that it meets certain conditions which individualise the product.

*Quality deriving from the geographical environment.* The quality and the characteristics of ‘feta’ cheese derive from the geographical surroundings where it is made, it having been established that there is a basic connection between its colour, texture, flavour, composition and intrinsic properties on the one hand, and, on the other, the natural environment from which it comes, the culture that it reflects and the traditional production process used in Greece.

*Production, processing and preparation in a specified area.* The Greek legislation provides that the milk used must come from animals of indigenous breeds, reared according to historical methods and fed with feedingstuffs from approved districts. The fact that the region where it is produced has wider boundaries than the area defined for production of the raw material is not relevant, since the various phases of production are carried out within a precise demarcation.

**The Advocate General therefore considers that the name ‘feta’ is not generic, but meets the requirements to be regarded as a traditional name, which can be assimilated to a designation of origin, deserving of protection throughout Community territory.**

Consequently, Advocate General Ruiz-Jarabo proposes that the Court of Justice dismiss the actions brought by Germany and Denmark.<sup>4</sup>

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<sup>4</sup> The Court of First Instance has received a number of applications of this kind against Regulation No 1829/2002, brought by Alpenhain-Camembert-Werk and Others (T-378/82), by the Confédération générale de producteurs de lait de brebis et des industriels de Roquefort (T-381/02) and by Arla Foods and Others (T-397/02). The order of 6 July 2004 (<http://curia.eu.int/jurisp/cgi-bin/form.pl?lang=en>) made in the first of the above-mentioned cases declared the application inadmissible because the contested measure was not regarded as

**IMPORTANT: The Advocate General's Opinion is not binding on the Court. It is the role of the Advocates General to propose to the Court, in complete independence, a legal solution to the cases for which they are responsible. The Judges of the Court of Justice are now beginning their deliberations in this case. Judgment will be given at a later date.**

*Unofficial document for media use, not binding on the Court of Justice.*

*Languages available: DA, DE, EN, ES, FR, GR, HU, IT, NL, PL, PT*

*The full text of the Opinion 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 of delivery.*

*For further information, please contact Christopher Fretwell*

*Tel: (00352) 4303 3355 Fax: (00352) 4303 2731*

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being of individual concern to the applicants, which were German undertakings engaged in the manufacture of cheese marketed as 'feta'. The remaining two cases are pending.