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Committee on Technical Barriers to Trade

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**EUROPEAN UNION – QUALITY SCHEMES FOR AGRICULTURAL
PRODUCTS AND FOODSTUFFS**

STATEMENT BY URUGUAY TO THE COMMITTEE ON TECHNICAL BARRIERS TO TRADE,
20 AND 21 JUNE 2018

The following communication, dated 20 June 2018, is being circulated at the request of the delegation of Uruguay.

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1. Uruguay regrets having to raise this specific trade concern once again.
 2. As the Committee is aware, our country is extremely concerned about the possible trade and systemic implications of the protection and registration of the term "danbo" as a protected geographical indication (PGI) in the European Union.
 3. In view of time constraints and so as not to repeat information already mentioned in previous statements, I will refer back to the statement we made at the Committee's last meeting, which appears in full in document G/TBT/W/469. There we provide numerous reasons as to why our country believes that "danbo" is a generic term and, as such, not eligible for registration as a geographical indication or subject to any limitation on free use.
 4. In spite of this, we would like once again to express our disappointment with each of the replies received from the delegation of the European Union. Each time we have enquired – and we have done so on several occasions in recent years – the EU delegation has replied that it had no information to provide on the application, as the process was still ongoing. However, despite the EU's claim that it had no news to report, a little while later, on 19 October 2017 to be exact, we learned of the publication in the Official Journal of the European Union of Implementing Regulation 2017/1901, which registered the term "danbo" as a PGI.
 5. Furthermore, since March 2017, the EU delegation has also maintained that this is solely an intellectual property rights matter and that, as such, it should not be handled by this Committee, while overlooking the fact that the regulation under which these rights are granted had been notified to the TBT Committee by the EU itself on 18 November 2013 in document G/TBT/N/EU/139.
 6. Similarly, the EU delegation is also attempting to ignore the fact that labelling requirements are covered by the Agreement on Technical Barriers to Trade, and not intellectual property, as they claim.
 7. In this regard, we would once again like to remind the European Union of the existence of Codex Stan 264-1966, the standard regulating the production and labelling of danbo cheese, in whose preparation, approval and subsequent revisions the European Union itself participated.
 8. Furthermore, in the case DS231: *European Communities – Trade description of sardines*, the Panel found that a Codex Standard is a "relevant international standard" within the meaning of Article 2.4 of the TBT Agreement and that, as such, it should be used "as a basis" when drawing up regulations.

9. From a reading of the eighth "Whereas" clause of Implementing Regulation 2017/1901, which protects and registers the term "danbo" as a PGI, everything seems to indicate that the European Union did not use Codex Stan 264, the standard specifically for "danbo", "as a basis" for this Implementing Regulation either.

10. We once again urge the European Union to review this measure, which not only constitutes an unjustified barrier to trade in and of itself, but also raises serious doubts and questions about the international standards that serve as a reference for this Organization, such as those of the Codex Alimentarius.
