



Brussels, 21/10/2019

Subject : Objection to the protection of “Emmentaler” as a designation of origin in Mercosur

To whom it may concern,

Eucolait, the European Association of Dairy Trade, represents the interests of wholesalers, exporters and importers of dairy products in the European Union. Many of our members are producing or trading Emmental cheese.

With the present statement, we would like to oppose the planned registration of the name “Emmentaler” (Emmental) as a protected designation of origin under the future trade agreement between EFTA and Mercosur. We strongly believe that Emmental(er) should not be granted protection on the territories of the Mercosur countries since it is a generic name, the generic character of which is recognised worldwide. The non-protection of “Emmentaler” was agreed upon in the context of the EU-Mercosur negotiations for the same reasons. Furthermore, reserving the protection of the term Emmental(er) to Swiss Emmentaler would jeopardise the protection of the EU geographical indication “Emmental de Savoie” and of the EU designation of origin “Allgäuer Emmentaler” under the EU-Mercosur agreement.

Emmental(er) is a generic name

Emmental is a type of cheese and the name is considered as generic worldwide. Several facts support this view.

Emmental is one of the cheese types for which a Codex Standard has been adopted (CODEX STAN 296-1967). This standard has also been endorsed by your country. The existence of a codex standard implies that the cheese can be manufactured anywhere in the world as long as the composition and other requirements laid down in the standard are complied with. By no means is production restricted to a certain geographical area. Point 7.2 of the standard states that the country of origin (which means the country of manufacture, not the country in which the name originated) shall be declared. It has been explicitly recognised by the Codex committee on food labelling that this part of the standard on the labelling of origin preserves the generic nature of the cheese (see Annex 2).

The existence of a Codex Standard further means that Emmental is a widely produced and traded cheese variety since these are the key criteria for establishing a Codex Standard for a type of cheese (see Annex 3 concerning the criteria). Indeed, Emmental cheese is produced in large volumes around the globe, in particular in Europe (notably Austria, Denmark, Ireland, Finland, France, Germany and Switzerland) but also in other countries such as Australia, Canada, Japan, New Zealand or the US. While we do not have a comprehensive overview of Emmental production around the world, it definitely exceeds 500 000 tonnes, of which only some 17 000 tonnes are accounted for by Swiss AOP Emmentaler production.



Emmental cheese is consumed in a much larger number of countries, including to our knowledge the members of Mercosur, highlighting the importance of international trade in Emmental cheese. By way of example, EU exports of Emmental amounted to 19 000 tonnes in 2018 of which a small proportion is being sold on the Mercosur markets.

EU – Mercosur agreement

It is our understanding that the Emmental(er) was the subject of specific discussions during the EU – Mercosur negotiations. During these negotiations it was agreed that the term Emmentaler (in isolation) could not be protected because it is a term free of use in both the EU and Mercosur territories. The term was included in a list of names for which protection is not sought by the EU, under the assumption that it is generic also in the Mercosur countries.

The EU instead sought the protection of its geographical indications “Allgäuer Emmentaler” and “Emmental de Savoie” which would be incompatible with the protection of Emmentaler as a standalone term.

Because of the generic nature of Emmental and in light of commitments taken towards the EU, we kindly request you not to proceed with the registration of Swiss Emmentaler as a designation of origin and remain at your disposal for any further information.

Yours sincerely,

Jukka Likitalo
Secretary General

Annexes:

Annex 1: Codex Standard for Emmental

Annex 2: Report of the 35th session of the Codex Committee on Food Labelling

Annex 3: Codex criteria for elaboration or revocation of individual standards for cheeses