ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2021 OF THE JOINT COMMITTEE UNDER THE AGREEMENT BETWEEN THE EUROPEAN UNION AND JAPAN FOR AN ECONOMIC PARTNERSHIP

of 25 January 2021

on the amendments to Annexes 14-A and 14-B on geographical indications [2021/109]

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Union and Japan for an Economic Partnership (hereinafter referred to as the 'Agreement'), and in particular Articles 14.30 and 22.2 thereof,

Whereas:

(1) The Agreement entered into force on 1 February 2019.

(2) On 8 June 2019, Chapter III of Regulation (EC) No 110/2008 of the European Parliament and of the Council ([1]) referred to in Part 1 of Annex 14-A and in Section A of Part 2 of Annex 14-B of the Agreement was repealed by Regulation (EU) 2019/787 of the European Parliament and of the Council ([2]). References to Regulation (EC) No 110/2008 in the Agreement should therefore be replaced accordingly by references to Regulation (EU) 2019/787.

(3) On 28 November 2019, during the first meeting of the Committee on Intellectual Property, the European Union and Japan (hereinafter referred to as 'the Parties') discussed the modalities to amend Annex 14-B of the Agreement pursuant to Article 14.30 and agreed to continue discussions in the coming months aiming to reach an agreement related to the addition of new geographical indications (hereinafter referred to as 'GIs') at the next Joint Committee meeting. As a result of those discussions, the Parties confirmed that every year, starting from 2020 and until 2022 the Joint Committee will consider up to 28 names from the European Union and from Japan respectively to be protected as GIs and added in Annex 14-B of the Agreement, provided that those names are protected as GIs domestically ([3]). As from 2023, the Parties will work to continuously add to Annex 14-B additional GIs in view of each side's interests under close coordination between the Parties.

(4) Following the request of the Parties and pursuant to paragraph 1 of Article 14.30, the European Union has completed the opposition procedure and the examination of 28 additional GIs of Japan and Japan has completed the opposition procedure and the examination of 28 additional GIs of the European Union.

(5) On 2 March 2020, in accordance with paragraph 3 of Article 14.30 of the Agreement, Japan notified the European Union of the cessation of protection of the Japanese geographical indication '西尾の抹茶/Nishio Matcha' in Japan.

([1]) Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89 (OJ L 39, 13.2.2008, p. 16).

([2]) Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008 (OJ L 130, 17.5.2019, p. 1).

([3]) For greater certainty, the Joint Committee will consider 27 or 28 names from the European Union every year regardless of the number of the names from Japan.

(6) On 28 December 2020, in accordance with paragraph 3 of Article 14.53 of the Agreement, the Committee on Intellectual Property recommended to the Joint Committee to amend Annex 14-A and Annex 14-B to the Agreement accordingly.

(7) The Parties have already completed their internal procedures necessary for adoption of the Decision by the Joint Committee under the Agreement, and should swiftly endeavour to exchange the diplomatic notes confirming the amendments to the Agreement in order for them to enter into force not more than ten working days after the Decision is adopted.

(8) Consequently, Annexes 14-A and 14-B to the Agreement should be amended, in accordance with paragraph 3 and subparagraphs 4(f) and 4(g) of Article 23.2 of the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

In Part 1 of Annex 14-A and in footnote 1 to the title 'The European Union' of Section A of Part 2 of Annex 14-B, references to EU regulation shall be amended as described in Annex 1 to this Decision.

Article 2

1. In Section A of Part 1 of Annex 14-B to the Agreement, the GIs listed in Annex 2 to this Decision shall be added under the corresponding list of GIs of the respective Member State of the European Union.

2. In Section B of Part 1 of Annex 14-B to the Agreement, the geographical indication '西尾の抹茶/Nishio Matcha' shall be removed from the list of GIs of Japan as indicated in Annex 3-Part 1 to this Decision and the GIs listed in Annex 3-Part 2 to this Decision shall be added to the list of GIs of Japan.

3. In Section A of Part 2 of Annex 14-B to the Agreement, the GIs listed in Annex 4 to this Decision shall be added under the corresponding list of GIs of the respective Member State of the European Union.

4. In Section B of Part 2 of Annex 14-B to the Agreement, the GIs listed in Annex 5 to this Decision shall be added to the list of GIs of Japan.

Article 3

1. In the third and fourth years of implementation of the Agreement, the Joint Committee will decide on the addition to Annex 14-B of the Agreement of a number of up to 28 names from the European Union and from Japan respectively to be protected as GIs under the Agreement, up to 83 names in total for each Party including the names under Article 2 of this Decision, provided that those names are GIs protected in the territory of the Party in accordance with its laws and regulations.

2. As from the fifth year of implementation of the Agreement, the Parties will work to continuously include additional GIs in view of the interests of each Party.

Article 4

This Decision is drawn up in duplicate. Articles 1 and 2 and Annexes to this Decision are drawn up in duplicate in the authentic languages of the Agreement provided for in paragraph 1 of Article 23.8 of the Agreement, all texts being equally authentic.

Article 5

This Decision shall be implemented by the Parties as referred to in paragraph 1 of Article 22.2 of the Agreement. The amendments to the Agreement adopted through this Decision shall be confirmed by and enter into force upon the exchange of diplomatic notes in accordance with paragraph 3 of Article 23.2 of the Agreement.

For the Joint Committee

Toshimitsu MOTEGI
Co-Chair [for Japan]

Valdis DOMBROVSKIS
Co-Chair [for EU]

ANNEX 1

In Part 1 of Annex 14-A and in footnote 1 to the title 'The European Union' of Section A of Part 2 of Annex 14-B, references to 'Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89' shall be replaced by references to 'Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008'.

ANNEX 2

AUSTRIA

Name to be protected	Transcription into Japanese (for information purposes)	Category of good and short description [in square brackets, for information purpose]
'Vorarlberger Bergkäse	ファアアールベルガー・ベルクケーゼ	Cheese'

BULGARIA

Name to be protected	Transcription into Japanese (for information purposes)	Category of good and short description [in square brackets, for information purpose]
'Българско розово масло (Transliteration into latin Alphabet: Bulgarsko rozovo maslo)	バルガルスコ・ロゾヴォ・マスロ	Essential oils
Странджански манов мед/Манов мед от Странджа (Transliteration into latin Alphabet: Strandzhanski manov med/Manov med ot Strandzha)	ストランジャンスキ・マノフ・メッド/マノフ・メッド・オット・ストランジャ	Other products of animal origin (eggs, honey, various dairy products except butter, etc.) [honey]'

CROATIA

Name to be protected	Transcription into Japanese (for information purposes)	Category of good and short description [in square brackets, for information purpose]
'Baranjski kulen	バラニュスキ・クレン	Meat products (cooked, salted, smoked, etc.) [pork ham]
Dalmatinski pršut	ダルマティンスキ・プロシュート	Meat products (cooked, salted, smoked, etc.) [pork ham]
Drniški pršut	ドゥルニシュキ・プロシュート	Meat products (cooked, salted, smoked, etc.) [pork ham]
Međimursko meso `z tiblice	メジムルスコ・メソ・ズ・ティブリツェ	Meat products (cooked, salted, smoked, etc.) [pork ham]
Slavonski med	スラヴォンスキ・メド	Other products of animal origin (eggs, honey, various dairy products except butter, etc.) [honey]'

FRANCE

Name to be protected	Transcription into Japanese (for information purposes)	Category of good and short description [in square brackets, for information purpose]
‘Beurre Charentes-Poitou/Beurre des Charentes/Beurre des Deux-Sèvres	ブール・シャラント・ポワトゥー/ブール・デ・シャラント/ブール・デ・ドゥー・セーヴル	Oils and fats (butter, margarine, oil, etc.) [butter]
Laguiole	ライオル	Cheese’

GERMANY

Name to be protected	Transcription into Japanese (for information purposes)	Category of good and short description [in square brackets, for information purpose]
‘Aachener Printen	アーヘナー・プリンテン	Bread, pastry, cakes, confectionery, biscuits and other baker’s wares [biscuits]’

GREECE

Name to be protected	Transcription into Japanese (for information purposes)	Category of good and short description [in square brackets, for information purpose]
‘Καλαμάτα (Transliteration into latin Alphabet: Kalamata)	カラマタ	Oils and fats (butter, margarine, oil, etc.) [olive oil]
Κασέρι (Transliteration into latin Alphabet: Kasseri)	カセリ	Cheese
Κεφαλογραβιέρα (Transliteration into latin Alphabet: Kefalograviera)	ケファログラヴィエラ	Cheese’

ITALY

Name to be protected	Transcription into Japanese (for information purposes)	Category of good and short description [in square brackets, for information purpose]
‘Culatello di Zibello	クラテッロ・ディ・ジベッロ	Meat products (cooked, salted, smoked, etc.) [pork ham]
Toscano	トスカーノ	Oils and fats (butter, margarine, oil, etc.) [olive oil]’

ROMANIA

Name to be protected	Transcription into Japanese (for information purposes)	Category of good and short description [in square brackets, for information purpose]
‘Magiun de prune Topoloveni	マジュン・デ・プルネ・トポロヴェニ	Fruit, vegetables and cereals fresh or processed [plum jam]
Salam de Sibiu	サラム・デ・シビウ	Meat products (cooked, salted, smoked, etc.) [pork salami]
Telemea de Ibănești	テレメア・デ・イバネシュティ	Cheese’

SLOVENIA

Name to be protected	Transcription into Japanese (for information purposes)	Category of good and short description [in square brackets, for information purpose]
‘Kranjska klobasa	クランスカ・クロバサ	Meat products (cooked, salted, smoked, etc.) [pork sausage]’

SPAIN

Name to be protected	Transcription into Japanese (for information purposes)	Category of good and short description [in square brackets, for information purpose]
‘Estepa	エステパ	Oils and fats (butter, margarine, oil, etc.) [olive oil]’

ANNEX 3

PART 1

The geographical indication '西尾の抹茶/Nishio Matcha' shall be removed from the list of GIs of Japan in Section B of Part 1 of Annex 14-B to the Agreement.

PART 2

Name to be protected	Transcription into Latin alphabet (for information purposes)	Category of good and short description [in square brackets, for information purpose]
'水戸の柔甘ねぎ	Mito no Yawaraka Negi	Agricultural product [green onion]
松館しぼり大根	Matsudate Shibori Daikon	Agricultural product [Japanese white radish (daikon)]
対州そば	Taisyu Soba	Agricultural product [buckwheat] Processed agricultural product [buckwheat flour]
山形セルリー/ Yamagata Celery	Yamagata Celery	Agricultural product [celery]
南郷トマト	Nango Tomato	Agricultural product [tomato]
ヤマダイかんしょ/かんしょ	Yamadai Kansho	Agricultural product [sweet potato]
岩出山凍り豆腐/ 岩出山名産凍り豆腐	Iwadeyama Koridofu/ Iwadeyama Meisan Koridofu	Processed agricultural product [freeze dried bean curd]
くまもとあか牛	Kumamoto Akaushi	Fresh meat[beef]
二子さといも/二子いものこ	Futago Satoimo/ Futago Imonoko	Agricultural product [taro]
越前がに/越前かに	Echizen Gani/Echizen Kani	Marine product [snow crab] Processed marine product [boiled snow crab]
大山ブロッコリー/ Daisen Broccoli	Daisen Broccoli	Agricultural product [broccoli]
奥久慈しゃも/ Okukuji Shamo Chicken	Okukuji Shamo	Fresh meat [chicken, offal meat]
こおげ花御所柿/ Koge Hanagoshogaki	Koge Hanagoshogaki	Agricultural product [Japanese persimmon]
菊池水田ごぼう/ Kikuchi Suiden Gobo	Kikuchi Suiden Gobo	Agricultural product [burdock]
つるたスチューベン/ Tsuruta Steuben [1]	Tsuruta Steuben	Agricultural product [grapes]
小笹うるい/Ozasa Urui	Ozasa Urui	Agricultural product [hosta]
東京しゃも/ Tokyo Shamo	Tokyo Shamo	Fresh meat [chicken, offal meat]

Name to be protected	Transcription into Latin alphabet (for information purposes)	Category of good and short description [in square brackets, for information purpose]
佐用もち大豆/ Sayo Mochidaizu	Sayo Mochidaizu	Agricultural product [soy beans]
いぶりがっこ/Iburigakko	Iburigakko	Processed agricultural product [pickles]
大栄西瓜/Daiei Suika	Daiei Suika	Agricultural product [watermelon]
津南の雪下にんじん/ Tsunan no Yukishita Ninjin	Tsunan no Yukishita Ninjin	Agricultural product [carrot]
善通寺産四角スイカ/Zentsujisan Shikakusuika	Zentsujisan Shikakusuika	Agricultural product [watermelon]
比婆牛/Hiba Gyu	Hiba Gyu	Fresh meat [beef]
伊吹そば/Ibuki Soba/伊吹在来そば/ Ibuki Zairaisoba	Ibuki Soba/Ibuki Zairaisoba	Agricultural product [buckwheat]
東出雲の㊭ほし柿/Higashiizumo no Maruhata Hoshigaki/Higashiizumo no Maruhata Hoshikaki	Higashiizumo no Maruhata Hoshigaki	Processed agricultural product [dried Japanese persimmon]

([1]) For greater certainty, varietal names containing or consisting of 'Steuben' may continue to be used on similar goods, provided that the consumer is not misled on the nature of such term or the precise origin of the good.'

ANNEX 4

ESTONIA

Name to be protected	Transcription into Japanese (for information purposes)	Category of good and short description [in square brackets, for information purpose]
'Estonian vodka	エストニアン・ウォッカ	Spirits'

FRANCE

Name to be protected	Transcription into Japanese (for information purposes)	Category of good and short description [in square brackets, for information purpose]
'Cassis de Dijon	カシス・ドゥ・ディジョン	Spirits'

GERMANY

Name to be protected	Transcription into Japanese (for information purposes)	Category of good and short description [in square brackets, for information purpose]
'Pfalz	ファルツ	Wine'

IRELAND

Name to be protected	Transcription into Japanese (for information purposes)	Category of good and short description [in square brackets, for information purpose]
'Irish Poteen/Irish Poitín	アイリッシュポティーン/アイリッシュポッチーン	Spirits'

SLOVENIA

Name to be protected	Transcription into Japanese (for information purposes)	Category of good and short description [in square brackets, for information purpose]
'Goriška Brda	ゴリシュカ・ブルダ	Wine
Štajerska Slovenija	シュタイエルスカ・スロヴェニア	Wine'

SPAIN

Name to be protected	Transcription into Japanese (for information purposes)	Category of good and short description [in square brackets, for information purpose]
'Cariñena	カリニェナ	Wine'

ANNEX 5

Name to be protected	Transcription into Latin alphabet (for information purposes)	Category of good and short description [in square brackets, for information purpose]
‘北海道	Hokkaido	Wine
灘五郷	Nadagogo	Seishu (Sake)
はりま	Harima	Seishu (Sake)’