

COMMISSION IMPLEMENTING REGULATION (EU) 2021/591**of 12 April 2021****entering a name in the register of protected designations of origin and protected geographical indications ('Χαλλούμι' (Halloumi)/'Hellim' (PDO))**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(3)(b) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, the application from Cyprus to register the name 'Χαλλούμι' (Halloumi)/'Hellim' as Protected Designation of Origin (PDO) identifying a product whose geographical area corresponds to the surface of Cyprus, was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) The Commission received in total 17 notices of opposition, namely from Dairy Australia (Australia) on 21 October 2015; Consortium for Common Food Names (United States) on 22 October 2015; the United Kingdom of Great Britain and Northern Ireland (United Kingdom) on 23 October 2015; Milk and Oil Products Production and Marketing Cooperative Ltd. (Cyprus) on 26 October 2015; Hayvan Ureticileri ve Yetistiricileri Birliđi (Cyprus) on 26 October 2015; Fatma GARANTI (Cyprus) on 26 October 2015; Sut Imalatçilari Birliđi (SUIB) (Cyprus) on 26 October 2015; Cyprus Turkish Chamber of Industry (Cyprus) on 26 October 2015; Turkish Cypriot Chamber of Commerce (Cyprus), on 26 October 2015; Navimar Food Gida Imalati ve Gida (Turkey) on 26 October 2015; D.M Gida Maddeleri Pazarlama Sanayi ve Ticaret Ltd. Sti (Turkey) on 26 October 2015; Avunduk Ithalat Ihracat Gida ve Zirai Aletler Sanayi Ticaret Ltd. (Turkey) on 26 October 2015; U.T.CO Trading Company – W.L.L. – (Kuwait) on 27 October 2015; Dairy Companies Association of New Zealand (DCANZ) and New Zealand Specialist Cheesemakers Association (New Zealand) on 27 October 2015; Dr Nutrition (United Arab Emirates) on 27 October 2015; FFF Fine Foods Pty Ltd (Australia) on 28 October 2015 and Finland on 3 November 2015.
- (3) The Commission forwarded these notices of opposition to Cyprus, with the exception of the notice of opposition of Finland and the notices from the six natural or legal persons resident or established in Cyprus. The notice of opposition sent by Finland was lodged with the Commission after the expiration of the deadline set out in Article 51(1) of Regulation (EU) No 1151/2012. In accordance with that Article, natural or legal persons established or resident in the Member State from which the application was submitted are excluded from the opposition procedure as they already had the opportunity to participate in the national opposition procedure. In this specific case, the oppositions from the six natural or legal persons established or resident in Cyprus had been dismissed in the context of the national opposition procedure following an examination of the merits of the submitted grounds for opposition. Accordingly, neither the notices of opposition nor the subsequent reasoned statements of opposition from the six natural or legal persons established or resident in Cyprus are deemed admissible.
- (4) Nine reasoned statements of opposition were subsequently received by the Commission, namely from Dairy Companies Association of New Zealand (DCANZ) and New Zealand Specialist Cheesemakers Association (New Zealand) on 15 December 2015; Dairy Australia (Australia) on 17 December 2015; the United Kingdom on 21 December 2015; Consortium for Common Food Names (United States) on 21 December 2015; Navimar Food Gida Imalati ve Gida (Turkey) on 21 December 2015; D.M Gida Maddeleri Pazarlama Sanayi ve Ticaret Ltd. Sti (Turkey) on 21 December 2015; Avunduk Ithalat Ihracat Gida ve Zirai Aletler Sanayi Ticaret Ltd. (Turkey) on 21 December 2015; U.T.CO Trading Company – W.L.L. – (Kuwait) on 21 December 2015 and FFF Fine Foods Pty

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.⁽²⁾ OJ C 246, 28.7.2015, p. 9.

Ltd (Australia) on 24 December 2015. The notice of opposition lodged by Dr Nutrition (United Arab Emirates) was not followed by a reasoned statement of opposition, therefore the opposition thereof is deemed to have been withdrawn.

- (5) After examining these reasoned statements of opposition and finding them admissible, the Commission invited all the interested parties, in accordance with Article 51(3) of Regulation (EU) No 1151/2012, to engage in appropriate consultations in view of reaching an agreement.
- (6) Consultations were carried out between Cyprus and the nine admissible opponents within a period of 3 months. The deadline for the consultations between Cyprus and the United Kingdom was extended by one additional month at the request of Cyprus.
- (7) No agreement was reached within the designated timeframe in any of those nine opposition procedures. The information concerning the consultations carried out between Cyprus and the opponents was duly provided to the Commission. Therefore, the Commission should decide on registration taking into account the results of these consultations in accordance with the procedure referred to in Article 52(3)(b) of Regulation (EU) No 1151/2012.
- (8) The arguments of the opponents as set out in their reasoned statements of opposition and in the consultations carried out can be summarised as follows.
- (9) The product specification indicates that the conditions for registration as a PDO are satisfied because the product concerned is made with sheep and goat's milk which comes from local breeds – the Chios sheep and the Damascus goat – and their crosses that have adapted to the island's climate. However, the Chios sheep and the Damascus goat were introduced in Cyprus in the 1950s and 1930s, respectively; additionally, there is no evidence of specific morphology or genetic or productive characteristics of such Cypriot sheep. The existence of a Cypriot type of Chios sheep is accordingly to be challenged. The relatively recent introduction of sheep and goats whose milk is reputed having a major role in determining the unique characteristics of 'Χαλλούμι' (Halloumi)/'Hellim' would also be a reason to rebut the claimed antiquity (16th century) of the related tradition.
- (10) Animal feed is cited as a relevant factor in the application. However, the application does not specify how the feeding and grazing is uniquely connected with the Cyprus plants, taking into consideration that the geographical area of grazing encompasses the entire island. No evidence is given of the availability of these plants throughout the year and all over Cyprus. No evidence is given of the difference in the feeding among animals that are grazing all year round, animals of semi intensive farming and those of intensive farming. Further, no evidence is given that the cheese production level would be maintained while reducing the cow's milk share in the raw materials. There would be insufficient evidence that the feed has a consistent impact on the quality or characteristics of the cheese produced.
- (11) As regards the human factor, even if Cyprus dairies may have established a specific 'Χαλλούμι' (Halloumi)/'Hellim' know-how, this does not confirm the existence of the required link between the characteristics of the product and the Cyprus geographical environment for the purposes of PDO registration, as such know-how and production methods may be replicated virtually everywhere.
- (12) The application does not indicate that 'Χαλλούμι' (Halloumi)/'Hellim' is the product of 'authentic and unvarying local methods' as this name has been applied to a diversity of cheeses made with methods and raw materials that have varied over time and which continue to evolve.
- (13) The product specification is alien to the product actually marketed: the majority of 'Χαλλούμι' (Halloumi)/'Hellim' produced in Cyprus is made using varying proportions and types of milk, with a predominance of cow's milk. There are indications that 95 % of 'Χαλλούμι' (Halloumi)/'Hellim' produced in Cyprus would currently have an 80-95 % cow's milk content.

- (14) The product specification fails to respect the traditions of the whole of the geographical area indicated. The product specification concerns a traditional product made throughout the island of Cyprus, yet the application fails to include specific traditional characteristics of the cheese made by the producers of the Turkish Cypriot community. Thus, the product specification does not identify a product as actually marketed throughout the island. In particular, use of mint should be optional and raw milk should be allowed.
- (15) Several statements included in the product specification are not supported by scientific evidence, such as the claim that ovine and caprine milk is important for the taste of the cheese; the differentiation in morphology of the Cypriot type of Chios sheep; the fact that the low molecular weight of free fatty acids affects the taste, smell and aroma of the cheese; the fact that the endemic plants that are mentioned as feed for animals contain essential oils; whether terpene is present in the *Sarcopoterium spinosum* and in which quantity, how terpenes is transferred from ingestion of the *Sarcopoterium spinosum* to the milk and subsequently to the halloumi, the presence of *Lactobacillus ypricasei* in fresh ovine Halloumi and the impact of fresh or dry mint on the sensory characteristics.
- (16) The product specification designates the Ministry of Agriculture, Rural Development and the Environment of the Republic of Cyprus as the sole competent authority for controls on compliance with the product specification in respect of the entire delimited geographical area. However, as that Ministry does not exercise effective control throughout the production area set out in the specification, a valid system for the verification of compliance with the product specification is not ensured.
- (17) The product specification does not refer to any delegated control body. Such failure is not remedied by the non-legally binding Common understanding on a temporary solution for 'Halloumi'/'Hellim', to be implemented pending the reunification of Cyprus ('the Common Understanding'), reached under the guidance of the President of the Commission on 16 July 2015, that refers to the appointment of the internationally accredited body Bureau Veritas in accordance with Article 39 of Regulation (EU) No 1151/2012 (which has in substance been replaced by Articles 28 and 29 of Regulation (EU) 2017/625 of the European Parliament and of the Council⁽³⁾ on official controls) as the body in charge of the control tasks provided for by the former Regulation.
- (18) 'Halloumi'/'Hellim' is produced in Bulgaria, Germany and Greece. Outside the Union, it is produced in Australia, Canada, the Gulf Cooperation Council countries, several Middle Eastern countries (Iraq, Lebanon, Syria), New Zealand, Turkey and the United Kingdom. Entries and results in prestigious cheese contests confirm the well-established production of 'Halloumi'/'Hellim' in locations outside Cyprus. In the United Kingdom, for instance, the name 'Halloumi' is claimed to have been used for cheese produced since the 1980s, with an estimate of about 300 tons per year. In addition, such products produced outside Cyprus and bearing the name 'Χαλλούμι' (Halloumi)/'Hellim' are marketed in a large number of Member States and third countries.
- (19) A range of registered trade marks include the term 'Halloumi' in Czechia, Germany, Greece, Australia, New Zealand and the United Kingdom. Trade marks referring to 'Hellim' also exist in Germany, Sweden and Turkey. Hence, the proposed PDO would conflict with existing names, trade marks and products and is accordingly liable to jeopardise them in case of registration. In particular, the said presence in the Union market of specific trade marks including the name 'Halloumi' should prevent the Commission from registering such name since Article 6(4) of Regulation (EU) No 1151/2012 provides that a name is not to be registered where, in the light of a trade mark's reputation and renown and the length of time it has been used, that registration would be liable to mislead the consumer as to the true identity of the product.

⁽³⁾ Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).

- (20) 'Halloumi'/'Hellim' is produced and marketed both inside and outside the Union. Standards for the production of 'Halloumi'/'Hellim' have been issued in Bahrain, Qatar and Saudi Arabia. The use of this name in the Union beyond the boundaries of Cyprus is well established. The fact that the name 'Halloumi'/'Hellim' is commonly used on cheese products which are not of Cypriot origin is a relevant piece of evidence which tends to show that it has become a generic term.
- (21) In addition, 'Χαλλούμι' (Halloumi)/'Hellim' standards issued by Cyprus did not refer to any particular sheep, goat or cattle breeds or cross-breeds. Consumers consider 'Halloumi'/'Hellim' as a type of product. The Canada Federal Court and the Office for Harmonization in the Internal Market (OHIM) (now the European Union Intellectual Property Office) are of the view that 'Halloumi'/'Hellim' is a generic type of cheese (*).
- (22) Consumers in the Union and in third countries, such as Australia and New Zealand, associate 'Halloumi'/'Hellim' with a cheese type that has a high melting point, allowing it to be grilled or fried, a rubbery 'squeaky' texture, and a salty taste. These taste, textural and functional properties of 'Halloumi'/'Hellim' are what make it unique for consumers, irrespective of the origin of the cheese, which is not relevant.
- (23) The Commission has assessed the arguments exposed in the reasoned statements of opposition in the light of Regulation (EU) No 1151/2012, taking into account the results of the consultations carried out between the applicant and the opponents, and it has concluded that the name 'Χαλλούμι' (Halloumi)/'Hellim' should be registered. The Commission considers in particular the following.
- (24) Regarding the morphology of eligible sheep and goat, it stems from the information contained in the single document that the Chios sheep and the Damascus goat, introduced in the 1950s and 1930s respectively, have acquired morphological and production characteristics that diverged from those of the populations of origin, following a long-standing national breeding programme. There are incidentally numerous commercial references available on the internet as to international trade ongoing for decades of 'Cyprus Chios sheep' and 'Cyprus Damascus goat', from Cyprus to 20 countries, referring to the international reputation gained by Cyprus in its successful selective breeding thereof.
- (25) Thus, the development of unique sheep and goat breeds used in production of 'Χαλλούμι' (Halloumi)/'Hellim' as well as the development of the cheese itself does not negate the existence of origins of the product in the 16th century. In accordance with Article 5 of Regulation (EU) No 1151/2012, a 'designation of origin' is a name which identifies a product: (a) originating in a specific place, region or, in exceptional cases, a country; (b) whose quality or characteristics are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors; and (c) the production steps of which all take place in the defined geographical area. Therefore, to be registered as a PDO, it is sufficient that the name complies with those requirements. The production conditions of a given cheese may legitimately evolve gradually over time and are not required to remain unaltered for centuries.
- (26) Regarding the impact and availability of the feed, the single document indicates, inter alia, that the 'local Cypriot vegetation consumed by the animals either fresh or dried, has a crucial effect on the quality of the milk and consequently the specific characteristics of the cheese (Papademas, 2000). The presence of the bacillus *Lactobacillus cypricasei* (lactobacillus from Cypriot cheese), which has been isolated only from Cypriot Halloumi, testifies to the link between the island's microflora and the product (Lawson et al., 2001)'. Scientific surveys have been cited to demonstrate the link between the animal feed and the quality of the cheese made with the milk of the animals concerned. It has been shown, for example, that volatile compounds were detected in milk, originating from the plants used to feed the animals (Papademas et al. 2002). Moreover, based on other surveys, (Palmquist et al. 1993), the ratio of fat in milk, which is a crucial factor that affects the organoleptic characteristics of the cheese, depends on the diet of the animals. Based on another survey (Bugaud et al. 2001), the terpene content of milk is directly linked to the terpene content of the feed obtained by grazing.

(*) Decision in Opposition No B2152604, Decision in Opposition No B2318585, Decision in Opposition No B2190257, Decision in Opposition No B2191396, Decision in Opposition No B002124637.

- (27) Moreover, the grazing of plants which are endemic of Cyprus, such as thyme and *Sarcopoterium spinosum*, and the ingestion of these plants, lead to the presence of related aromatic characteristics in the final product.
- (28) Further, there are no provisions in Regulation (EU) No 1151/2012 requiring that the delimited area should offer an absolute homogeneity, nor that a PDO should refer to fully standardised and absolutely uniform products. Therefore, the opponents' claims that local plants having an impact on product specificities are not available all over Cyprus are not relevant.
- (29) The product specification of 'Χαλλούμι' (Halloumi)/'Hellim' has not been altered as compared with the related legislative standard adopted by Cyprus in 1985. Therefore, a potential scarcity of raw material available for the production of this cheese would not *per se* render the prescriptions on milk percentage or feedstuffs included in the product specification unattainable. In addition, Regulation (EU) No 1151/2012 does not require quantitative production thresholds. Notwithstanding the above, a transitional period has been granted by Cyprus to the operators not able to meet the product specification requirements, in order for them to fully align their production to the requirements in that respect, allowing them, under stringent conditions, to provisionally use a lower amount of sheep and goat's milk.
- (30) Regarding the human factors and know-how related to the production of this cheese, there are numerous references showing that it has been produced in Cyprus since 1554. The single document indicates in that respect that 'Χαλλούμι' (Halloumi)/'Hellim' is considered traditional to Cyprus, since it has played a very important role in the life and diet of the island's inhabitants, both Greek Cypriots and Turkish Cypriots. Knowledge of the production process has been handed down from one generation to the next. Both its characteristic folded shape and its specific property of not melting at high temperatures are due to this traditional production process that has been passed down through the generations.
- (31) Given worldwide migration of Cypriot citizens over centuries, the specific methods used to produce this cheese might have been copied elsewhere, yet the production of 'Χαλλούμι' (Halloumi)/'Hellim' is still inseparably and uniquely linked to the culinary culture of Cyprus.
- (32) The human factor cannot be considered as an isolated element. Human and natural factors are meant to interact, thus determining the specific final result.
- (33) Furthermore, Article 7(1)(e) of Regulation (EU) No 1151/2012 does not require that the name to be registered refer to a product elaborated through centuries in an unvarying method. It merely requires the product specification to include the methods, if any, to obtain that specific product which are different from the standard methods used to obtain that kind of product. Therefore, the eligibility of 'Χαλλούμι' (Halloumi)/'Hellim' may not be challenged on the ground that the production methods have not remained absolutely immutable.
- (34) Other allegations in opponents' claims relate to the discrepancy between the product described in the product specification and the one actually produced as regards the respective proportion of sheep, goat's and cow's milk and certain specific characteristics of the production methods followed by some producers of the Turkish Cypriot community that do not use mint or pasteurised milk.
- (35) However, firstly, such allegations have not been accompanied by any solid evidence. Secondly, the requirements concerning the addition of mint, the use of pasteurised milk and the respective proportion of sheep, goat's and cow's milk are already included in the relevant Cyprus standard adopted in 1985. Therefore, any product not conforming to such standard could not be legally marketed as 'Χαλλούμι' (Halloumi)/'Hellim' within Cyprus, independently of the fact that it may be marketed in the territory of third countries where this cheese would not be currently protected. Furthermore, an exhaustive national opposition procedure over several years has been carried out at national level on the current application, and natural or legal persons disagreeing with the legally required production standards have had the opportunity to raise fully their related claims in front of the administrative and judicial authorities of Cyprus. In that framework, as indicated, a transitional period has been granted to these operators.

- (36) As regards the alleged lack of scientific evidence in respect of various parameters and characteristics included in the product specification, requesting overly detailed information is unreasonable, excessively burdensome and irrelevant. Regulation (EU) No 1151/2012 does not require such a detailed technical and scientific description of each parameter or characteristic of the product for which the PDO concerned is to be used.
- (37) The Commission has assessed the Cypriot application and it has not identified any manifest error therein. The opponents did not submit sufficiently reasoned evidence showing that the Cypriot application is inherently flawed. They essentially invoke insufficient scientific grounds for the application. The facts, statements, reasoning and references submitted by Cyprus are deemed sufficiently convincing to justify the registration of 'Χαλλούμι' (Halloumi)/'Hellim' as PDO under Regulation (EU) No 1151/2012.
- (38) The product specification of 'Χαλλούμι' (Halloumi)/'Hellim' contains numerous elements qualifying the name as Protected Designation of Origin under Article 5(1) of Regulation (EU) No 1151/2012: the Mediterranean climate, characterised by hot/dry summers and mild/wet winters; the terrain, as mountains on the island receive a relatively high amount of rainfall, and affect the hydrology and environment of the lower lying areas; that, owing to its geological structure, climate, geographical position and surrounding sea, Cyprus has one of the richest floras in the Mediterranean, despite its small size; the local breeds of fat-tailed sheep and of the local Machaira and Pissouri goats, as well as other breeds which are well-adapted to the local climate; the local practice of cooking the product at a high temperature for a specific length of time without melting, so producing high levels of certain basic chemical compounds that help determine the taste of 'Χαλλούμι' (Halloumi)/'Hellim' (mainly lactones and methyl ketones); the typical folding of the curds, as part of the production process, which sets 'Χαλλούμι' (Halloumi)/'Hellim' apart from all other cheeses; and the addition of Cypriot mint, which gives the final product its characteristic aroma.
- (39) Pursuant to the division of powers between the Commission and the Member States concerning the registration procedure of geographical indications under Regulation (EU) No 1151/2012, the Commission should verify that a given application is not tainted with manifest errors, while competent national authorities, including, if applicable, national courts, are best placed to assess the technicalities of a given application before the application for registration is submitted to the Commission.
- (40) Pending the reunification of Cyprus, Article 1(1) of Protocol No 10 on Cyprus to the 2003 Act of Accession suspends the application of the *acquis* in the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control. Consequently, the Cypriot Government may not be held liable for any consequences of not supervising the application of Union law in those areas. Pursuant to Article 3 of that Protocol, nothing is to preclude measures with a view to promoting the economic development of those areas. Such measures are not to affect the application of the *acquis* under the conditions set out in the Accession Treaty in any other part of the Republic of Cyprus. A bi-communal working group may be constituted in relation to 'Χαλλούμι' (Halloumi)/'Hellim' since experience has shown such groups play an important role.
- (41) Within this framework, considering that the natural and human factors related to the production of 'Χαλλούμι' (Halloumi)/'Hellim' are objectively, traditionally and historically common to the entire island of Cyprus, the whole island of Cyprus should be included when delimiting the eligible geographical area of this cheese.
- (42) Accordingly, in order to allow the registration to cover the entire eligible geographical area of production of this cheese, and bearing in mind the requirement of Article 46(2) of Regulation (EU) No 1151/2012, operators willing to adhere to the specification of this cheese should be able to do so without facing obstacles to participation that would prove discriminatory or otherwise not objectively founded. An effective and lasting control mechanism, in accordance with Articles 35 to 40 of that Regulation, ensuring compliance by operators with the product

specification throughout the eligible geographical area should therefore be laid down. Bearing in mind that the *acquis* is suspended in the areas in which the Government of the Republic of Cyprus does not exercise effective control, a workable arrangement should be exceptionally and temporarily established pending the reunification of Cyprus, in order to guarantee that controls may be efficiently performed throughout the island, as the lack thereof would constitute grounds for cancellation in accordance with Article 54 of Regulation (EU) No 1151/2012.

- (43) Article 37(1)(b) of Regulation (EU) No 1151/2012 provides that in respect of protected designations of origin verification of compliance with the product specification, before placing the product on the market, may be carried out by delegated bodies as defined in Article 3(5) of Regulation (EU) 2017/625. Delegated bodies are separate legal persons to which certain official control tasks have been delegated. Within that framework and in line with the Common Understanding, as well as due to the exceptional situation in the areas of the Republic of Cyprus where the application of the *acquis* is suspended, it is appropriate that the internationally accredited body Bureau Veritas is appointed as the body in charge of the control tasks provided for by Regulation (EU) No 1151/2012 in respect of the 'Χαλλούμι' (Halloumi)/'Hellim' specification throughout Cyprus. Registration of 'Χαλλούμι' (Halloumi)/'Hellim', as envisaged by the Common Understanding, is conditional upon those control tasks being delegated to Bureau Veritas in accordance with Articles 28 and 29 of Regulation (EU) 2017/625. Indeed, Bureau Veritas has acquired a significant and long-standing expertise in checking PDOs, and is able to ensure the establishment of an effective, objective and impartial overall mechanism for the performance of the official controls related to the verification of compliance with the product specification of 'Χαλλούμι' (Halloumi)/'Hellim' throughout Cyprus at farm, feed mill, milk collection, transportation and cheese factory level. Thus, all producers throughout the island would be subject to a common control mechanism that ensures full compliance with the product specification of 'Χαλλούμι' (Halloumi)/'Hellim'. Should it be deemed appropriate, Bureau Veritas should be authorised to liaise with the Turkish Cypriot Chamber of Commerce. Should Bureau Veritas report instances of non-compliance and should the producers concerned fail to remedy the said instances of non-compliance, they should ultimately be deprived of the right to use the name.
- (44) Due to the exceptional situation in the areas of the Republic of Cyprus where the application of the *acquis* is suspended, the delegation to Bureau Veritas should provide that its reports be sent to the competent authorities of the Republic of Cyprus and to the Commission. The Turkish Cypriot Chamber of Commerce will receive information when deemed appropriate.
- (45) Intellectual property rights are governed by the principle of territoriality. As a consequence, the registration of 'Χαλλούμι' (Halloumi)/'Hellim' as a PDO within the Union is solely subject to the situation prevailing there. The possible production or marketing in third countries of a cheese bearing that name has no relevance in that connection. Likewise, the possible existence of regulatory production standards for this cheese outside the Union is of no relevance.
- (46) It should further be pointed out that, in accordance with Article 2(3) of Regulation (EU) No 1151/2012, the placing on the market of 'Χαλλούμι' (Halloumi)/'Hellim' within the Union is conditional on the compliance with other specific Union provisions of relevance, including the fulfilment of sanitary provisions applicable at Union level.
- (47) No solid evidence has been provided in the opposition procedure as regards imports of such cheese from third countries into the Union. As a consequence, there are no grounds for a transitional period under Article 15(1) of Regulation (EU) No 1151/2012 to be granted to specific producers in third countries.
- (48) It is undisputed that Cyprus is by far the largest producer and exporter of this cheese worldwide, with a production of more than 19 500 tons per year, amounting to 24,4 kg per capita. These figures do not include the production in the areas of the Republic of Cyprus where the Government of the Republic of Cyprus does not exercise effective control.

- (49) 'Halloumi' was registered as a trade mark in 2000 with the OHIM in respect of the cheese made in Cyprus pursuant to the relevant Cyprus standard adopted in 1985, thus in accordance with the 'Χαλλούμι' (Halloumi)/'Hellim' specification. A single opposition to such registration was lodged before the OHIM, yet subsequently withdrawn. Therefore, the Cypriot identity of such cheese was not challenged at that time. The General Court has also considered, notably in joined Cases T-292/14 and T-293/14 ⁽⁵⁾, that 'HALLOUMI' and 'ΧΑΛΛΟΥΜΙ' refer to a speciality cheese from Cyprus. In Case T-535/10 ⁽⁶⁾, the General Court held that the Greek term 'Halloumi' is to be translated in the Turkish language as 'Hellim', thus both referring to the same special Cypriot cheese. In respect of other trade marks registered in the Union, should they conflict with the 'Χαλλούμι' (Halloumi)/'Hellim' designation, the provisions of Article 14 of Regulation (EU) No 1151/2012 would apply. By contrast, no elements have been adduced by the opponents that would lead to the non-protection of 'Χαλλούμι' (Halloumi)/'Hellim' due to the reputation or renown of a prior registered trade mark.
- (50) The United Kingdom was a Member State of the European Union when it lodged the opposition but it is no longer part of it.
- (51) According to the reasoned statement of opposition submitted by the United Kingdom its domestic production amounted to around 300 tons per year, amounting to 0,00461 kg per capita, while the United Kingdom imports roughly 6 500 tons of this cheese from Cyprus per year.
- (52) According to this reasoned statement, the registration of 'Χαλλούμι' (Halloumi)/'Hellim' as a protected designation of origin under Regulation (EU) No 1151/2012 would therefore prevent the use of the name 'Halloumi'/'Hellim' for cheese products produced in the United Kingdom.
- (53) However, with the exception of Northern Ireland, this Regulation does not apply to the territory of the United Kingdom as the protection of the name would not extend thereto. As regards in particular Northern Ireland, on which territory the protection of the name will apply, in the light of the information included in the reasoned statement of opposition submitted by the United Kingdom to the Commission and of the factual and legal context concerning the use of the name 'Χαλλούμι' (Halloumi)/'Hellim', there are no valid grounds for operators to continue to use the name 'Halloumi'/'Hellim' for cheese products produced in the United Kingdom.
- (54) Regarding the alleged generic nature of 'Χαλλούμι' (Halloumi)/'Hellim', it should be stated that the perception of this term outside the European Union and the possible existence of related regulatory production standards or judicial decisions adopted in third countries are not deemed relevant to the present decision.
- (55) Contrary to the claims of the opponents, 'Χαλλούμι' (Halloumi)/'Hellim', has not become a type of cheese produced all over Europe whose name has become generic. The production of this cheese outside Cyprus is negligible, while the product is known and consumed in most of the Union territory. No national or Union acts have established the generic nature of the name 'Χαλλούμι' (Halloumi)/'Hellim'. No claims for the generic nature of the name have been made in the framework of the opposition procedure conducted at Union level, with the exception of the opposition from the United Kingdom.
- (56) Likewise, the consumption of 'Χαλλούμι' (Halloumi)/'Hellim' within the Union territory concerns in the vast majority of cases a cheese produced in Cyprus.
- (57) The Cypriot authorities have further convincingly demonstrated that Union consumers do not consider 'Halloumi' or 'Hellim' as a mere type of cheese, disconnected from a specific geographical origin. Evidence from stakeholders in the food industry, export activity of Cypriot companies for over 100 years, numerous articles in the media, cheese promotion/advertising activities show beyond any doubt the intrinsic Cypriot identity of this cheese since centuries. Equally, prestigious encyclopaedias and dictionaries from various countries and in different languages do confirm such standing and exclusive correlation between this cheese and the Cyprus *terroir*.

⁽⁵⁾ Judgment of the General Court (Fourth Chamber) of 7 October 2015 in joined Cases T-292/14 and T-293/14 Republic of Cyprus v Office for Harmonisation in the Internal Market (Trade Marks and Designs).

⁽⁶⁾ Judgment of the General Court (Eighth Chamber) of 13 June 2012 in Case T-535/10 Organismos Kypriakis Galaktokomikis Viomichanias v Office for Harmonisation in the Internal Market (Trade Marks and Designs).

- (58) Incidentally, a number of labels of 'Halloumi'/'Hellim' produced outside Cyprus refer directly or indirectly to Cyprus, by suggesting that the cheese follows the Cypriot traditional recipe or tradition or is inspired by that recipe or tradition, or by using imagery or textual representations linking it to Cyprus culture. Such correlation made with Cyprus, albeit in respect of a non-Cypriot cheese, is thus suggested and sought deliberately as part of a sales strategy that capitalises on the reputation of the original product, hence creating a genuine risk of consumer confusion.
- (59) The statement of the OHIM concerning the allegedly generic nature of the name 'Halloumi' made in various decisions of the Board of appeal, and in particular in the Decision 20 September 2010 then annulled by the General Court (⁽⁷⁾), is merely an *obiter dictum*. That statement stands in contrast with the judgment of the General Court in Case T-535/10, that outlines the Cypriot identity of the cheese named 'Halloumi' or 'Hellim', and does not address the generic nature of the name within the meaning of Article 41 of Regulation (EU) No 1151/2012. Furthermore, that statement was made before the submission of the application to register the name 'Χαλλούμι' (Halloumi)/'Hellim' as a PDO.
- (60) By letter of 9 July 2014, Cyprus communicated to the Commission that a transitional period of 10 years as from the date of submission of the application to the Commission had been granted, by decision No 326/2014 of the Ministry of Agriculture, Rural Development and the Environment of the Republic of Cyprus of 9 July 2014, to operators established in the geographical area that fulfil the conditions of Article 15(4) of Regulation (EU) No 1151/2012.
- (61) In order to allow adequate time, taking into account also the additional constraints imposed by the pandemic of COVID-19, for the body in charge of the control tasks to put in place and implement its control plan allowing all operators in the geographical area willing to adhere to the rules of the scheme to be covered by the applicable verification system, the application of this Regulation should be deferred to 1 October 2021.
- (62) The name 'Χαλλούμι' (Halloumi)/'Hellim' should therefore be entered in the register of protected designations of origin and protected geographical indications.
- (63) The measures provided for in this Regulation are in accordance with the opinion of the Agricultural Product Quality Policy Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Χαλλούμι' (Halloumi)/'Hellim' (PDO) is registered.

The name referred to in the first paragraph identifies a product from Class 1.3. Cheeses set out in Annex XI to Commission Implementing Regulation (EU) No 668/2014 (⁽⁸⁾).

Article 2

The protection of the name 'Χαλλούμι' (Halloumi)/'Hellim' (PDO) shall be subject to the 10 years transitional period granted by Cyprus, by decision No 326/2014 of the Ministry of Agriculture, Rural Development and the Environment of the Republic of Cyprus of 9 July 2014, to operators established in the geographical area that fulfil the conditions of Article 15(4) of Regulation (EU) No 1151/2012.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

(⁽⁷⁾) Decision of the fourth board of appeal of OHMI of 20 September 2010 (Case R 1497/2009-4), annulled by the judgment of the General Court (Eighth Chamber) of 13 June 2012 in Case T-535/10.

(⁽⁸⁾) Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

It shall apply from 1 October 2021.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12 April 2021.

For the Commission
The President
Ursula VON DER LEYEN
