

# Consorzio del Formaggio Parmigiano-Reggiano

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## Guidelines on the packaging of the PDO Parmigiano Reggiano

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With effect from 29 August 2012, following the entry into force of Regulation (EU) No. 794/2011<sup>1</sup> the packaging of the cheese bearing the PDO Parmigiano Reggiano shall be regulated as specified below<sup>2</sup>.

'Cheese bearing the PDO Parmigiano Reggiano' means:

- the wheel certified to be complying with the PDO Parmigiano Reggiano specification;
- the portions of a wheel that has been certified to be complying with the PDO Parmigiano Reggiano specification, that are not less than eights of a wheel and bear, even partially but clearly visible, the wording 'Parmigiano Reggiano' in pin dots<sup>3</sup> and one of the following distinctive signs: the oval stamp 'Parmigiano Reggiano Consorzio Tutela'<sup>4</sup>, the oval stamp 'Parmigiano Reggiano Export' or the oval stamp 'Parmigiano Reggiano Extra'<sup>5</sup>;
- pre-packaged portioned cheese, certified to be complying with the PDO Parmigiano Reggiano specification;
- pre-packaged grated cheese, certified to be complying with the PDO Parmigiano Reggiano specification.

### 1. Grating, portioning and packaging operations in the area of origin

Grating, portioning and packaging operations of the cheese bearing the PDO Parmigiano Reggiano must take place within the area of origin<sup>6,7</sup>, and the verification of compliance with these requirements must be carried out by the control body<sup>8</sup>, before placing the pre-packaged product bearing the name Parmigiano Reggiano on the market.

### 2. Operations allowed also outside the area of origin

#### (i) Retailers

<sup>1</sup> Commission Regulation (EU) No. 794/2011 of 8 August 2011, approving amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications [Parmigiano Reggiano (PDO)], published in the Official Journal of the European Communities (OJ) L 204 of 9 August 2011, 19-20, entered into force on 29 August 2011.

[http://www.parmigianoreggiano.com/consortium/rules\\_regulation\\_2/default.aspx](http://www.parmigianoreggiano.com/consortium/rules_regulation_2/default.aspx)

<sup>2</sup> The 28 August 2012 will be the end of the transitional period of 1 year given to operators not established within the geographical area of origin in so far as they were legally engaged in portioning and packaging operations the cheese bearing the PDO Parmigiano Reggiano outside the said area of origin for at least 5 years prior to 16 April 2009.

<sup>3</sup> See Art. 1.2, letter b) of the Marking Regulation that is part of the specification (Picture 1).

[http://www.parmigianoreggiano.com/consortium/rules\\_regulation\\_2/default.aspx](http://www.parmigianoreggiano.com/consortium/rules_regulation_2/default.aspx)

<sup>4</sup> See Art. 8.1, letter b) of the Marking Regulation that is part of the specification (Picture 2).

<sup>5</sup> See Art. 15 of the Marking Regulation that is part of the specification (No Pictures 3 and 4).

<sup>6</sup> The requirement for grating and packaging of the cheese bearing the PDO Parmigiano Reggiano in the area of origin is a requirement of the specification by virtue of the registration of the PDO Parmigiano Reggiano under Regulation (EC) No. 1107/96.

<sup>7</sup> The requirement for portioning and packaging of the cheese bearing the PDO Parmigiano Reggiano in the area of origin is a requirement of the specification by virtue of the amendments approved by Regulation (EU) N.794/2011.

<sup>8</sup> Organismo Controllo Qualità Produzioni Regolamentate Soc. Coop. <http://www.ocqpr.it/>.

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Based on the principles expressed by the Court of Justice<sup>9</sup> of the European Union, at the retail stage, grating and portioning operations must in principle be performed in front of the consumer, or at least the consumer can require that it is, in order to verify in particular that the whole cheese used bears the mark of origin. Therefore, grating, portioning and packaging operations of the cheese bearing the PDO Parmigiano Reggiano, can be performed by retailers for sale to the consumer in the retail outlet where these operations take place, even if established outside the area of origin, at the buyer's request or also for immediate sale<sup>10</sup>. Indeed, there is no difference at the retail stage between the product packaged (or 'wrapped') at the buyer's request and the pre-packaged (or 'pre-wrapped') product for immediate sale, since the consumer is always entitled to request, in particular in case of any doubt on the authenticity of the pre-packaged (or 'pre-wrapped') product for immediate sale, that grating, portioning and packaging operations be performed in his/her presence.

(ii) *Mass caterer*<sup>11</sup>

Grating and portioning operations of the cheese bearing the PDO Parmigiano Reggiano can be performed by mass caterers, even if established outside the area of origin. The above principles expressed by the Court of Justice apply, in fact, to both retailers and mass caterers.

### 3. The collective figurative trademark '*Parmigiano Reggiano and wedge and wheel*'

The cheese bearing the PDO Parmigiano Reggiano, placed on the market pre-packaged, shall bear the collective figurative trademark '*Parmigiano Reggiano and wedge and wheel*', to be reproduced in accordance with the technical conditions defined by the Consorzio through a specific agreement with the operator<sup>12</sup>.



In accordance with the product specification, this agreement may be signed only by operators with plants located in the area of origin, subject to the PDO Parmigiano Reggiano control system<sup>13</sup>.

<sup>9</sup> Among others, Court of Justice, Case C-469/00, judgement of 20 May 2003, paragraph 62.

<http://curia.europa.eu/juris/showPdf.jsf?text=&docid=48308&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=189200>

<sup>10</sup> As for portioning and packaging operations of the cheese bearing the PDO Parmigiano Reggiano by retailers, even if established outside the defined geographical area, this possibility is also expressly mentioned in the Parmigiano Reggiano PDO specification and in the single document published in the Official Journal of the European Union (OJEU) C 87 of 16 April 2009 (paragraph 3.6).

[http://www.parmigianoreggiano.com/consortium/rules\\_regulation\\_2/default.aspx](http://www.parmigianoreggiano.com/consortium/rules_regulation_2/default.aspx)

<sup>11</sup> "Mass caterer" means "any establishment (including a vehicle or a fixed or mobile stall), such as restaurants, canteens, schools, hospitals and catering enterprises in which, in the course of a business, food is prepared to be ready for consumption by the final consumer" [Regulation (EU) 1169/2011 on the provision of food information to consumers, art. 2, paragraph 2, letter (d)].

<sup>12</sup> This is expressly stated both in the specification (Cheese Production Standard) and in the single document published in the OJEU C 87 of 16 April 2009 (paragraph 3.7, second period).

<sup>13</sup> Organismo Controllo Qualità Produzioni Regolamentate Soc. Coop. <http://www.ocqpr.it/>.