



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT  
Directorate H. Sustainability and Quality of agriculture and rural development  
Acting Director

Brussels, **10 DEC. 2013**  
BT/af D(2013) 3882808

**Subject: "IRISH SALMON" (MULTI-PGI-0005-01147)**  
**Application for registration pursuant to Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs**

Dear Madam,

Having completed our scrutiny pursuant to Article 50 (1) of Regulation (EU) No 1151/2012, of the application referred to above, we conclude that the application does not fulfil the requirements under the Regulation.

Please find annexed to this letter the grounds on which we base this finding.

Please be advised that in these circumstances we intend to recommend to the Commission, pursuant to Article 52 (1) of Regulation (EU) No 1151/2012, to reject the application.

Yours faithfully,

Enclosure: Annex

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## ANNEX

The conditions for PGI registration are not met for the following reasons:

### 1. THE NAME

Following Regulation (EC) No 104/2000 on the common organisation of the markets in fishery and aquaculture products and Regulation (EC) No 2065/2001 laying down detailed rules for the application of Regulation (EC) No 104/2000 as regards informing consumers about fishery and aquaculture products, the compulsory indication on the label shall include the commercial designation, the scientific name, the production method and the country of production. This means that any farmed salmon produced in Ireland or Northern Ireland must be labelled as "Salmon", and the origin: "Ireland" or "United Kingdom" must be indicated, in line with the above mentioned legislation.

If the name "Irish Salmon" were to be registered as a PGI, any use of the words "Irish" or "Ireland" on farmed salmons not protected by a geographical indication should have been prohibited following Article 13(1) of Regulation (EU) N° 1151/2012, taking into account that the risk of misleading consumers seems in this case to be very high. However, not indicating the country of production would be against the rules of the Regulations mentioned above.

It should be clear that when a name, referring to a country, is registered as a PGI according to Regulation (EU) N°1151/2012, the registration is not meant just to guarantee the proof of origin of the product.

According to Article 3(1) of Regulation (EC) No 1898/2006 the name proposed for registration should be used, whether in commerce or in common language, to designate the product described under point 3.2 of the single document. However, no satisfactory proof for use of the name was provided in the application or could be found.

### 2. THE GEOGRAPHICAL AREA

The area defined is very broad and the 12 miles limit appears to be very large compared to the typical location of salmon farms. With this regard, no evidence is provided about the real location of salmon farms concerned by the PGI application, which would justify the extension of the geographical area up to 12 miles from the shore.

More in general, reservation can be made on the broad geographical extension of this PGI application, which includes more than half of the territorial seawaters of Ireland and Northern Ireland. No information is provided to show that the whole geographical area concerned has the same specific characteristics (hydrographical or other human factors) that would explain and justify the link.

Moreover, from the application it is not clear whether the exposed location of the farms is indeed a relevant characteristic (i.e. a necessary condition) for Irish Salmon producers.

Expressions as "*the majority of the farms...*" raise doubts whether farms which do not present such characteristic could also take part to the scheme.

### 3. SPECIFICITY OF THE PRODUCT AND THE LINK

It is not clear which are the binding requirements that would make a farmed salmon eligible for the PGI scheme "Irish Salmon", other than the country of origin. As such, this seems to be only a provenance designation and does not qualify as a geographical indication within the meaning of Article 5(2) point (b) of Regulation (EU) No 1151/2012.

With regard to the reputation, the text under point 5.1 does not provide proofs for reputation related to the whole geographical area as defined in point 4, and it rather limits the proof for reputation to just one production place (*Killary in Co. Galway*). Moreover, the myths and legends supporting the reputation seem to refer mainly to the wild salmon, while the application should prove the reputation on farmed salmon as described in point 3.2.

With regard to the quality, information provided in point 5.2 does not allow identifying a specificity of the product compared to other farmed salmons. The sentence "*The appearance, confirmation and body shape is typical of Atlantic Salmon*" speaks against specific quality if the product is such as any Atlantic salmon. Moreover, "*high in omega-3*" is a usual characteristic for a salmon and cannot be used as a proof of specificity for the product.

In conclusion, there is not enough information to justify a link between the specificities of the product and the geographical area, according to Article 5(2)(b) and Article 8(1)(c)(ii) of Regulation (EU) N° 1151/2012.

### 4. OTHER POINTS:

#### - *Description of the product:*

The description of the product in point 3.2 does not make use of specific technical data and/or organoleptic data, as required under Article 11(3) of Regulation (EC) No 1898/2006. Rather, the information provided is common for all farmed Atlantic salmons.

Furthermore, the application refers to farmed *fresh* fish, while processing is mentioned as the last of the production steps in point 3.5. It is therefore not clear from the description what kind of processing this could be and in which form the product may be marketed.

Finally, in the second paragraph of point 3.2, it is not clear which would be the schemes "*equivalent*" to the Irish Quality Salmon Scheme. The information provided in the application should be precise and should not give rise to doubts.

#### - *Feed:*

Feed information concerning organic production should be compliant to Regulation (EC) 710/2009 amending Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007, as regards laying down detailed rules on organic aquaculture animal and seaweed production. The last paragraph of point 3.4 "[...] or with organic feed composed of agricultural ingredients" should read "[...] and with organic feed composed of agricultural ingredients", according to the said Regulation.

- *Labelling:*

Mandatory labelling information should not be included in point 3.7 which requires specific rules concerning labelling. Therefore the sentence "*Product must be labelled clearly indicating that the salmon is farmed*" is inappropriate, since labelling requirements must anyhow comply with the already mentioned Regulation (EC) No 104/2000 and Regulation (EC) No 2065/2001.

Under this section it is not clear what is meant by the wording that PGI identification must be "*combined*" with the scheme's label. "*Combined*" could mean the PGI and the scheme's label in a single logo. The information provided in the application should be precise and should not give rise to doubts.

- *Causal link:*

The AB organic label cannot be used as a proof for reputation, as it applies only to organic producers and not to the product "Irish Salmon" as a whole.

- *Editorial issues:*

The sentence in point 3.2 "*Irish Salmon swim in unique salmon producing conditions of the designated area. Over the 2 years spent at sea the salmon swim an equivalent of 13,000 km against strong tidal currents*" would better fit into point 5.3, since it would help clarifying the link.

The sentence "*The sites used to produce Irish Salmon are the most westerly in Europe*" is irrelevant for the purpose of point 5.1, which must contain only the relevant specificities for the product.

Non-specific terms or adjectives such as "*distinctive*", etc. do not provide product characteristics that could be controlled.