



Decision to register Pitahaya Amazónica de Palora as a protected designation of origin (PDO) under the UK Government's agri-food geographical indications scheme

Decision

1. The Secretary of State has decided to register Pitahaya Amazónica de Palora as a protected designation of origin (PDO) on the UK Government's agri-food geographical indications (GI) register.

Legal basis of the decision

2. In accordance with Article 50(1) of assimilated Regulation 1151/2012, the Secretary of State examined an application submitted to the Secretary of State under Article 49 of assimilated Regulation 1151/2012 to protect Pitahaya Amazónica de Palora as a protected designation of origin and is satisfied that the conditions laid down in assimilated Regulation 1151/2012 are met in respect of that application.

3. In accordance with Article 50(2) of assimilated Regulation 1151/2012, the Secretary of State published the single document and product specification submitted in support of the application to register Pitahaya Amazónica de Palora as a protected designation of origin (PDO), starting the period during which the application could be opposed under Article 51 of assimilated Regulation 1151/2012.

4. No notice of opposition was lodged with the Secretary of State.

5. As no notice of objection was lodged with the Secretary of State under Article 51 of assimilated Regulation 1151/2012, the Secretary of State has decided, in accordance with Article 52(2) of Regulation 1151/2012, to register the name Pitahaya Amazónica de Palora as a protected designation of origin (PDO).

What will happen next

6. A 20-day notice period applies in respect of this notice, which begins on the day on which this notice is published.

7. Under Article 14(1) of assimilated Regulation No 668/2014, the Secretary of State must record an entry on the register relating to the registration of Pitahaya Amazónica de Palora as a protected designation of origin (PDO) and attach a copy of the product specification relating to the use of the name Pitahaya Amazónica de Palora to the register, as soon as possible after the 20-day notice period has expired.

8. Under Article 14(1b) of assimilated Regulation 668/2014, the register entry, and product specification, will be effective from the time the register has been updated and the product specification has been attached to the register, protecting Pitahaya Amazónica de Palora as a protected designation of origin (PDO) in Great Britain from that time.

Appeal against the decision

9. An appeal may be made to the First-tier Tribunal against this decision under Article 54a of assimilated Regulation 1151/2012 as read with Annex 1B to that Regulation and the 2009 Rules. The appropriate notice to complete is form GRC1, which can be found on the www.gov.uk website.

10. Rule 22(2) of the 2009 Rules specifies what the notice of appeal must include. This includes the name and address of the respondent (rule 22(2)(d) of the 2009 Rules).

11. The name of the respondent is the Department for the Environment, Food and Rural Affairs. This should be included in section 4.1 of the form (regulator's details).

12. The address given in section 4.2 of the form should be that of the Government Legal Service, whose postal address is:

102 Petty France
Westminster
London
SW1H 9AJ

13. In section 4.3 of the form, under contact details, you should provide the following service email address of the Government Legal Department:

newproceedings@governmentlegal.gov.uk

14. In accordance with rule 22(3) of the 2009 Rules, an appeal against the decision to which this notice relates must include a copy of this notice.

15. An appeal must be made by sending or delivering a notice of appeal to the Tribunal so that it is received by the Tribunal before 5 p.m. on Monday 15 July 2024.

16. A successful appeal may mean that Pitahaya Amazónica de Palora is removed from the register, ending its protection as a protected designation of origin.

Interpretation

17. In this Decision:

- (a) "the 2009 Rules" means the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 (S.I. 2009/1976), as amended.

- (b) “assimilated Regulation 1151/2012” means 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, as amended;
- (c) “assimilated Regulation 668/2014” means 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, as amended;
- (d) “the register” means the register referred to in paragraph 1 established and maintained under Article 11 of assimilated Regulation 1151/2012.