

**Number 11**  
**26 January 2021**

**Issue 12 - Section I. - Page 2213**

<http://boib.caib.es> D.L.: PM 469-1983 - ISSN: 2254-1233

**Section I. General Provisions**  
**GOVERNING COUNCIL**

**656 Decree 2/2021 of 25 January, approving the Specifications of the Protected Designation of Origin Pebre Bord de Mallorca – Pimentón de Mallorca and regulating the Regulatory Council**

**PREAMBLE**

**I**

During the years 2016 and 2017, the University of the Balearic Islands carried out a series of research works with the aim of evaluating and determining the characteristics of the paprika produced in Mallorca and comparing it with others produced elsewhere, with the aim of defining its own and differential characteristics, its link with the natural environment, and the influence of the human factor.

The result of these studies determined that the paprika produced in Mallorca, from the native variety “tap de cortí”, has physical, chemical, and sensory characteristics different from other paprikas from other places.

They also demonstrated that the paprika produced in Mallorca, from the native variety “tap de cortí”, enjoys a specific quality, reputation, and characteristics, undoubtedly conferred by the native variety of the pepper, the specific environmental conditions of the island of Mallorca, and the appropriate handling by producers and processors of the Pimentón de Mallorca.

The differentiated quality of Pimentón de Mallorca is undoubtedly attributable to the geographical production environment, the “tap de cortí” variety, traditional cultivation practices, and the differentiated production system.

Mallorca presents unique climatic characteristics from April to September, the period for cultivating the “tap de cortí” pepper, providing ideal conditions for the growth of the “tap de cortí” pepper plant without the use of greenhouses. Additionally, Mallorca has optimal soils for producing this pepper variety.

In the production phase, the human factor, resulting from the producers' experience, has been crucial for the quality of the pepper, starting with the traditional seed selection for planting, which has allowed the availability of a “tap de cortí” variety plant completely adapted to the environment.

Another important aspect is the manual harvesting at the optimal moment when the pepper is overripe.

Regarding the production system, sun drying is notable, possible thanks to Mallorca's high number of sunlight hours and the fact that the day/night temperature fluctuation is moderate and does not affect product quality.

It is also significant that some of the seeds are removed from the pepper, increasing the relative carotenoid content in the paprika.

The differentiated quality gives Pimentón de Mallorca a high reputation, accredited by numerous historical, gastronomic, and consumer valuation references and studies.

## II

At the regional level, Article 30.43 of the Statute of Autonomy of the Balearic Islands, approved by Organic Law 1/2007 of 28 February, establishes that the Autonomous Community has exclusive competence in matters of designations of origin and other indications of provenance related to the products of the Autonomous Community, a title of competence that legitimizes the approval of this regulation based on the provisions of Article 58.1 of the Statute.

Article 132 of Law 3/2019 of 31 January on agriculture of the Balearic Islands regulates designations of differentiated quality, including protected designations of origin. In this regard, it establishes that they must have a "regulation or specification" and the fourth final provision authorizes the Governing Council of the Autonomous Community of the Balearic Islands to issue the necessary regulatory provisions for the development and execution of the Law.

It is also worth mentioning Law 1/1999 of 17 March, regulating the Statute of Agro-food Producers and Industrialists of the Balearic Islands, which aims to guarantee the fairness of agro-food commercial transactions and the protection of the rights and legitimate interests of agricultural producers and agro-food industrialists in the territory of the Balearic Islands.

In accordance with Article 129 of Law 39/2015 of 1 October on the common administrative procedure of public administrations, the following principles of good regulation are sufficiently justified: necessity and effectiveness, because this regulation is the appropriate instrument to approve the Specifications and the Regulation of the Regulatory Council of the Protected Designation of Origin Pebre Bord de Mallorca; proportionality, since the purpose of this Decree is to regulate the representation, defence, and promotion of the Protected Designation of Origin Pebre Bord de Mallorca / Pimentón de Mallorca; legal certainty, as it is a regulation that is stably inserted into the regional regulatory framework and maintains coherence with the rest of the applicable legal system, and establishes the transitional periods for operators to adapt; transparency, in relation to which it should be noted the citizen participation before and during the regulation development process, where the representative entities of the affected agro-food sectors were consulted; and finally, efficiency, since the regulatory initiative does not imply unnecessary or accessory administrative burdens.

Finally, Decree 21/2019 of 2 August of the President of the Balearic Islands, establishing the competencies and basic organic structure of the ministries of the Administration of the Autonomous Community of the Balearic Islands, and Decree 9/2019 of 2 July of the President of the Balearic Islands, determining the composition of the Government and establishing the structure of the Administration of the Autonomous Community of the Balearic Islands. According to Article 2.10.a) of Decree 21/2019, the Regional Ministry of Agriculture, Fisheries, and Food exercises the competencies in matters of designations of origin.

Therefore, at the proposal of the Minister of Agriculture, Fisheries, and Food, in accordance with the Consultative Council of the Balearic Islands and after considering the Governing Council in the session of 25 January 2021, I issue the following

## **DECREE**

### **Article 1 Object**

This Decree aims to approve the Specifications of the Protected Designation of Origin Pebre Bord de Mallorca – Pimentón de Mallorca and the creation and regulation of the Regulatory Council of the Protected Designation of Origin Pebre Bord de Mallorca.

### **Article 2 Protected Product**

The paprika meeting the characteristics and conditions of the specifications is protected under the Protected Designation of Origin Pebre Bord de Mallorca – Pimentón de Mallorca.

### **Article 3 Sanctioning Regime**

The applicable sanctioning regime established by this Decree is as provided in Law 28/2015 of 30 July for the defence of food quality, Law 1/1999 of 17 March on the Statute of Agro-food Producers and Industrialists of the Balearic Islands, Law 3/2019 of 31 January on agriculture of the Balearic Islands, and Royal Decree 1945/1983 of 22 June regulating infringements and sanctions in consumer and agro-food production matters.

#### **Transitional Provision One :Provisional Management**

Until the establishment of the Regulatory Council of the Protected Designation of Origin Pebre Bord de Mallorca, the management and certification tasks assigned by this Decree will be provisionally assumed by the Directorate General of Policies for Food Sovereignty of the Government of the Balearic Islands.

#### **Transitional Provision Two: Provisional Certification**

In the event that there is no accredited certification body, the Directorate General of Policies for Food Sovereignty will carry out the certification tasks for the Protected Designation of Origin Pebre Bord de Mallorca – Pimentón de Mallorca.

#### **Transitional Provision Three: Establishment of the Regulatory Council**

Within a maximum period of twelve months from the entry into force of this Decree, the Regulatory Council of the Protected Designation of Origin Pebre Bord de Mallorca must be established, in accordance with Decree 139/2002 of 22 November, which regulates the electoral process for the renewal of the members of the regulatory councils of agri-food quality designations.

#### **Final Provision: Enforcement**

**This Decree will enter into force the day after its publication in the Official Bulletin of the Balearic Islands.**

**Palma, 25 January 2021**

**The President Francina Armengol i Socias**

**The Minister of Agriculture, Fisheries and Food Maria Asunción Jacoba Pía de la Concha García-Mauriño**

## **ANNEX I**

### **Specifications of the Protected Designation of Origin Pebre Bord de Mallorca – Pimentón de Mallorca**

#### **A. Name of the Protected Designation of Origin**

The names to be protected are two, one in Spanish, Pimentón de Mallorca, and one in Catalan, Pebre Bord de Mallorca, both are used interchangeably, consistently, and frequently in the market to identify the paprika originating from the island of Mallorca.

#### **B. Product Description**

Pebre Bord de Mallorca / Pimentón de Mallorca, hereinafter referred to as Pimentón de Mallorca, is the product resulting from the grinding of peppers of the *Capsicum annuum* L. species, native variety “tap de cortí”, previously dried.

The “tap de cortí” variety pepper has a fresh weight of 17 to 20 g and measures 4 to 6 centimetres in length. It is pyramidal in shape, with a triangular base.

Organoleptically, Pimentón de Mallorca is characterized by:

- Flavour: Sweet, with an oily mouthfeel and no bitterness or spiciness.
- Colour: Homogeneous reddish-orange.
- Aroma: Medium intensity, refreshing, with a clear perception of red pepper. No burnt or roasted aromas.
- Texture: Fine and oily.

Pimentón de Mallorca has the following physicochemical characteristics:

- Maximum granulometry: 0.500 mm. AOAC 920.164 Method
- Extractable colour: minimum 100 ASTA degrees. AOAC 30.002 Method
- Colour coordinate L\*:  $\geq 40$ . Topuz et al. 2009 Method
- Colour coordinate b\*:  $\geq 38$ . Topuz et al. 2009 Method
- Maximum moisture: 4.2%. AOAC 934.06 Method
- Fat: between 7% and 12% d.w. UNE-ISO 1108:2010 Method
- Capsaicinoids:  $\leq 4$  ppm. AOAC 995.03 Method

#### **C. Geographical Area Demarcation**

The production, processing, and packaging area is limited to the island of Mallorca.

Mallorca is located in the Autonomous Community of the Balearic Islands (Spain). With a total area of 3626 km<sup>2</sup>, it is the largest of the Balearic archipelago, located in the central-western Mediterranean, between parallels N38°40'27" and N40°05'17" and meridians E1°17'23" and E3°50'23".

#### **D. Elements Proving the Product's Origin**

The fundamental elements validating the origin are controls and certification. These will take into account:

D.1. To ensure compliance with the provisions of the Specifications and other applicable regulations, the following registers are managed:

- Producers and plantations.
- Processors - packers.

D.2. Pimentón de Mallorca comes exclusively from farms located on the island of Mallorca registered in the census of producers and plantations.

D.3. The protected peppers are handled and packaged only in facilities registered in the "Census of processors-packers." Processors-packers handling peppers produced in Mallorca and destined for the Protected Designation of Origin from the plantations registered in the "Census of producers and plantations" and meeting the requirements of the Specifications. These establishments have a verifiable control and traceability plan to prevent contamination with other peppers of different varieties or origins. This requirement is expressly verified in audits and controls.

D.4. To ensure traceability, the movements of peppers from the plantations to the packaging of the final product are recorded, identifying the quantity and origin of each batch. Thus, the correlation between each packaged product lot and each pepper batch from the plantations is established.

D.5. Plantations and processing and packaging establishments are subject to audits and controls by the competent authority or an accredited certification body to verify that the products covered by the Protected Designation of Origin comply with the Specifications' requirements.

D.6. Controls are based on inspections of plantations, processors, and packers, reviewing documentation, especially the traceability system, and conducting physicochemical and sensory analyses.

D.7. Only paprika obtained from peppers produced, processed, and packaged in accordance with these Specifications is packaged and marketed under the Protected Designation of Origin. Paprika from Mallorca that does not meet the Specifications is not marketed under this designation.

D.8. Pimentón de Mallorca is marketed packaged at the origin and with an alphanumeric coding of sequential numbering.

## E. Production Method

### E.1. Seed Selection and Cultivation

Seed selection involves choosing the best specimens from the year's harvest: the peppers with optimal morphological characteristics are separated from the rest and used for the next year's planting; this ensures careful selection by farmers and processors, who have improved the plant material each year.

The peppers are sown by planting the selected seeds from February to April. Transplanting occurs two months after sowing, between April and June.

To carry out the planting, mulching is used to increase soil temperature, reduce water evaporation, and control spontaneous vegetation. The planting density is 32,000-42,000 plants/ha.

Cultural practices include deep soil tillage, base fertilization, and topdressing. The irrigation system is localized to ensure water efficiency.

Usually, there are three staggered harvests from late August to October.

The peppers are harvested overripe: when they have already lost a high degree of moisture on the plant, are fully red, and the placenta is also reddish; all this ensures the characteristic colouring of Pimentón de Mallorca.

## E.2. Processing

### E.2.a Natural Drying

To achieve initial dehydration, the peppers are sun-dried at ambient temperature for one day to one week, taking appropriate measures to prevent alterations and contamination.

### E.2.b Transportation

The peppers are transported to the processing facilities in rigid, ventilated, clean, and resistant containers to avoid unwanted alterations to the product.

Once at the processing facilities, the peppers undergo the following processes:

### E.2.c Oven Drying

The peppers are dried at a temperature between 50 and 65°C in continuous ovens for a period of 6 to 12 hours, or in wood-fired ovens for a week.

### E.2.d Breaking the Pepper

The peppers are broken by hand with the help of mallets or by machine in a hammer mill.

### E.2.e Peduncle Removal

If the peduncle was not removed from the fresh pepper, it is manually or mechanically removed.

### E.2.f Grinding

Grinding is carried out in a stone mill, ensuring that no temperature rise occurs that would detract from the product's quality.

### E.2.g Sieving

Sieving is performed with a 0.500 mm mesh to ensure an appropriate granulometry.

### E.2.h Packaging

To ensure optimal preservation, the paprika is packaged immediately after sieving.

For commercialization, the containers used are new, clean, hermetic, made of oxygen and water vapor barrier material, and with a net weight not exceeding 5 kg.

Packaging is considered the final stage of processing and is crucial for preserving and guaranteeing the differentiated quality characteristics of Pimentón de Mallorca.

Due to the specific characteristics of the product, especially its high hygroscopicity (absorption of moisture from the environment), which modifies the product's texture and acts as a pro-oxidant factor causing the oxidation of unsaturated lipids, packaging must occur immediately after sieving.

This oxidative rancidity of the lipids is directly linked to the loss of carotenoids and the characteristic reddish-orange colour of paprika. Fat oxidation is the most influential cause of carotenoid loss, as paprika fats dissolve carotenoids, providing them with stability.

Additionally, the fact that Mallorca is an island implies discontinuity with the European continent, making transportation involve a considerable maritime journey. Thus, the quality of Pimentón de Mallorca can be affected by humidity and other environmental characteristics that may alter the flavour, aroma, and antioxidant capacity.

Therefore, it is essential to ensure that packaging takes place exclusively in the production area to guarantee the characteristics of Pimentón de Mallorca.

#### F. Link with the Geographical Environment

The link is based on the differentiated quality of Pimentón de Mallorca, attributable to the geographical production environment (differentiated geo-climatic conditions), the exclusive use of the native variety “tap de cortí”, traditional cultivation practices, a unique production system (with the removal of some seeds and the entire peduncle), and natural sun drying.

Mallorca has distinct geo-climatic characteristics that provide the ideal conditions for the growth of the “tap de cortí” pepper without the use of greenhouses.

In Mallorca, from April to October, the cultivation period of the “tap de cortí” pepper, the climatic conditions correspond to the crop's needs, as it requires high temperatures and humidity. Optimal daytime temperatures for the growth of the “tap de cortí” pepper range from 22-28°C, and nighttime temperatures from 16-18°C. The optimal hygrometry ranges from 50% to 70%.

Similarly, Mallorca has suitable soils for the production of the “tap de cortí” pepper, as they are calcareous, medium to strong in consistency, with a significant proportion of coarse elements and an alkaline pH tendency. They present high stoniness, beneficial for the water regime as it acts as a cover reducing evaporation. They have a structure with horizontal strata where fine clays accumulate, which can be perfectly explored by the pepper plant's root system, which has a taproot.

In 2016, the University of the Balearic Islands conducted a comparative study of the characteristics of the “tap de cortí” paprika cultivated in Mallorca and various localities on the Iberian Peninsula, concluding that the carotenoid content of the “tap de cortí” cultivated in Mallorca is 60% higher than that of the Peninsula, with a higher fat content, greater luminosity (L), more yellow (b), and superior colouring capacity.

The traditional seed selection for planting, carried out according to the producers' experience, has resulted in a plant completely adapted to the environment, with the “tap de cortí” variety being the result of the genetic selection of the best specimens. The producers' and processors' experience in seed selection has been acquired primarily through observing the behaviour of the pepper crop and its ripening, transmitted from generation to generation. The “tap de cortí” variety provides paprika with its reddish-orange colour, high carotenoid content, and absence of capsaicinoids, resulting in no spicy sensation.

Thus, the production system is entirely linked to the natural environment, which has undoubtedly imparted the described characteristics to the pepper.

Regarding the harvest, it is manually carried out, with experience determining the optimal moment based on the overripe appearance of the pepper, observing the exocarp and mesocarp, which

acquire a fully red colour, and the placenta becoming reddish. Overripening increases the carotenoid content and favours the characteristic colour of the "tap de cortí".

In terms of the production system, sun drying stands out, possible thanks to the high number of sunlight hours in Mallorca and the moderate day/night temperature fluctuation that does not affect the product quality. This drying allows the characteristic colouring of Pimentón de Mallorca.

In the production process, removing the peduncle and some of the pepper's seeds to obtain Pimentón de Mallorca increases the relative carotenoid content since they are found in greater proportion in the fruit's pulp.

Slow drying and low-temperature grinding prevent carotenoid denaturation and preserve the color and characteristics provided by the raw material: the "tap de cortí" pepper.

Studies show the importance of drying temperature, proving that temperatures above 70°C cause significant carotenoid loss. The fresh aroma characteristic of Pimentón de Mallorca results from the differentiated production method, particularly due to two factors. The first is the removal of the pepper's peduncle before grinding, eliminating the least aromatic part of the fruit, and the second is the slow drying process, which gradually reduces moisture and avoids possible burnt or roasted aromas.

Finally, immediate packaging of the freshly produced product minimizes the influence of environmental humidity and preserves the differential characteristics. The differentiated quality gives Pimentón de Mallorca a high reputation linked to the production area, accredited by historical, gastronomic, and consumer references and studies.

#### F.1 Historical

Peppers arrived from America to Mallorca in the 16th century, and it was not until the late 17th century that paprika began to appear as a seasoning in the oldest culinary recipes of the island: sopas escaldadas, pan con aceite, sopas de col a la mallorquina, salmonetes a la mallorquina, coca de verdura, pancuit, tumbet, mero a la mallorquina, sopa de pescado, arroz con bacalao.

Josep Antoni Cabanyes i Ballester, a merchant and patron who lived in Mallorca from 1837 to 1839, in his book "Notas y observaciones hechas en mi viaje y permanencia en Mallorca," mentions paprika several times and comments that it was common to see strings of peppers hanging on the house facades drying.

Archduke L. Salvador, in his work "Die Balearen" (1869-1891), explains that pepper is one of the most important vegetables in Mallorca and mentions:

The most important application is as paprika, which is why they are dried hanging on the exterior walls of houses, where they stand out for their intense red colour. Once dried, they are ground, and the grinding quickly finds application in various meat marinades.

In the Palma Customs register of 1884, exported goods include 13,287 kg of Pimentón de Mallorca destined for the Peninsula, 740 kg for Europe and Africa, and 2,139 kg for the American continent.

In the book "Agricultura practica regional" by Pere Antoni Cerdà (1910), it is highlighted that:

Paprika (referring to Pimentón de Mallorca) is used to make Majorcan sobrasada, highly appreciated in Mallorca and abroad.



Antoni Contestí, owner of a paprika factory in Mallorca founded in 1912, in the book "Els Nostres Arts i Oficis d'Antany" (Llabrés, J. and Vallespir, J) testifies to the importance of Mallorcan paprika production, as there were factories in Randa, Pòrtol, Lluçmajor, Santa Maria del Camí, Palma, Sant Jordi, etc. He also mentions that the kilogram was priced at 2 pesetas and that the "tap de cortí" variety pepper was used for grinding, proving its suitability for paprika production.

One of the companies currently producing "Pimentón de Mallorca" has photographic documentation of the production process and handwritten records of various campaigns (1967-1985), indicating the kilograms of peppers received and the "Pimentón de Mallorca" obtained, as well as other technical data (oven temperature, ambient temperature, humidity level, etc.), labour costs, etc.

It is documented that since 1871, the Pimentón Fair has been held in Felanitx (Mallorca). This fair takes place in late October and stems from the tradition of buying Pimentón de Mallorca for making homemade sobrasada.

## F.2 Gastronomy and Consumers

Pimentón de Mallorca is a widely used spice in many typical Mallorcan dishes, such as cocas, tumbet, pancuit or Mallorcan garlic soup, espinagades, cuinats, rehogada cauliflower, etc. As mentioned earlier, it began appearing as a condiment in the oldest island culinary recipes in the 17th century and is still widely used today.

Consumers highly value the product, as evidenced by the study "El consumo de los alimentos de las Illes Balears 2016" by the Institute of Agro-food Quality, which concludes that 42% of Mallorquins buy Pimentón de Mallorca.

An indicator of the positive evaluation of Pimentón de Mallorca is its retail price. Pimentón de Mallorca's price is, on average, 95% higher than other paprikas.

In summary, the great reputation of Pimentón de Mallorca is due to the differential sensory characteristics described in section B, especially colour, aroma, and flavour.

## G. Control Structure

Name: Instituto de Calidad Agroalimentaria

Directorate General of Policies for Food Sovereignty

Regional Ministry of Agriculture, Fisheries, and Food

Address: C/ Reina Constança, 4

07006 Palma

Spain

Phone: 971 176100

Fax: 971 176870

Email: [iqua@caib.es](mailto:iqua@caib.es)

Control and audit activities can also be exercised by an appropriately accredited external certification body.

## H. Labelling

The labelling of each package of Pimentón de Mallorca marketed under the Protected Designation of Origin must include:

- The name of the Protected Designation of Origin
- The mention "Protected Designation of Origin"
- An alphanumeric coding of sequential numbering to facilitate product traceability control

#### I. Legislative Requirements

- 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.
- Royal Decree 1335/2011 of 3 October regulating the procedure for processing applications for registration of protected designations of origin and protected geographical indications in the Community register and their opposition.
- Law 1/1999 of 17 March on the Statute of Agro-food Producers and Industrialists of the Balearic Islands.

### **ANNEX II Regulations of the Regulatory Council of the Protected Designation of Origin Pebre Bord de Mallorca**

#### **TITLE I. REGULATORY COUNCIL**

##### **Article 1. Definition and Operating Regime**

1. The Regulatory Council is a public law corporation based on association, to which the management of the Protected Designation of Origin Pimentón de Mallorca / Pebre Bord de Mallorca is attributed, with the functions determined by Decree 49/2004 of 28 May on the legal and economic regime of regulatory councils and other management and control bodies for quality designations, and the rest of the applicable regulations.
2. The Regulatory Council has its own legal personality, economic autonomy, full legal capacity, and capacity to act to fulfil its functions. As for the legal regime, the Regulatory Council is generally subject to private law, except in actions involving the exercise of public powers or functions, where administrative law must be applied.
3. The Regional Ministry of Agriculture, Fisheries, and Food exercises administrative supervision over the Regulatory Council.
4. Regulatory Council agreements that do not have a particular character and affect a plurality of subjects must be published through circulars displayed in the Regulatory Council offices or other systems that allow dissemination. Particular agreements adopted by the Regulatory Council must be individually notified.
5. Regulatory Council agreements and decisions affecting control or certification must be communicated to the certification bodies authorized to certify the paprika of the Protected Designation of Origin

## **Article 1. Definition and Operating Regime (continued)**

Pimentón de Mallorca / Pebre Bord de Mallorca and to the person holding the Directorate General of Policies for Food Sovereignty of the Government of the Balearic Islands within a maximum period of ten days from their adoption.

6. Appeals against Regulatory Council acts and agreements subject to administrative law can be filed with the Regional Ministry of Agriculture, Fisheries, and Food within the period and under the requirements established by the regulations governing administrative procedure.
7. The internal structure and operation of the Regulatory Council must be governed by democratic principles.
8. The scope of the Regulatory Council's competence is determined by:

a) Territory, which covers the production and processing area. b) Products, which are intended for the Protected Designation of Origin Pimentón de Mallorca / Pebre Bord de Mallorca at any stage of production, processing, storage, packaging, and circulation. c) Subjects, including individuals or legal entities, or associations of such persons, registered in any of the censuses.

## **Article 2. Aims and Functions**

1. The aim of the Regulatory Council is to represent, defend, and promote the paprika of the Protected Designation of Origin Pimentón de Mallorca / Pebre Bord de Mallorca.
2. According to Decree 49/2004 and other applicable regulations, the Regulatory Council performs the following functions:

a) Ensure the prestige and promotion of the Protected Designation of Origin Pimentón de Mallorca / Pebre Bord de Mallorca. b) Propose possible amendments to the Regulations to the Regional Ministry of Agriculture, Fisheries, and Food of the Government of the Balearic Islands. c) Guide the production and quality of paprika, promote the protected paprikas, and inform consumers about the Protected Designation of Origin Pimentón de Mallorca / Pebre Bord de Mallorca, particularly about its specific quality characteristics. d) Ensure compliance with these Regulations and the Specifications, and report any improper use to the competent administrative and judicial authorities. e) Create and maintain updated censuses of the Protected Designation of Origin Pimentón de Mallorca / Pebre Bord de Mallorca. f) Establish the minimum control requirements each operator must meet in the phases of production, processing, packaging, storage, and marketing of the protected product, and if necessary, the minimum control requirements for initial certification and its maintenance. g) Establish the labelling requirements for products protected by the Protected Designation of Origin Pimentón de Mallorca / Pebre Bord de Mallorca. h) Issue certificates where appropriate, and establish control mechanisms. i) Compile statistics on the production, processing, and marketing of protected products, and any other information required by the competent authorities, and communicate this information to the Directorate General of Policies for Food Sovereignty. j) Establish and manage mandatory fees to finance the Regulatory Council, according to the provisions of these Regulations. k) Annually prepare a report on the activities carried out and the economic management of assets, liquidate the previous year's budget within the first semester, and prepare the current income and expense budget before the end of the first quarter of the year. These documents must be approved by the Plenary and sent to the Directorate General of Policies for Food Sovereignty within a maximum period of thirty days from their approval. l) Collaborate with the competent authorities in protected geographical indications, particularly in maintaining official public censuses, and with official control bodies. m) Ensure sustainable development of the production and

processing area. n) In case of adverse environmental situations, propose to the person holding the Directorate General of Policies for Food Sovereignty the emergency measures to be applied. o) Assess the harvest and report on the quality and incidents of each campaign. p) Exercise the powers attributed by public administrations through delegation or management entrustment. q) Collaborate with public or private entities, companies, trade associations, and/or foundations involved in the defence, control, research, marketing, and/or promotion of paprikas protected by the Protected Designation of Origin. r) Report any suspected non-compliance with agri-food quality regulations, including those specific to the Protected Designation of Origin, to the competent authority.

3. The functions specified in section 2 are considered obligations under applicable regulations.
4. The Regulatory Council must adopt necessary mechanisms to guarantee the origin and quality of Pimentón de Mallorca and the processes of production, processing, storage, packaging, labelling, and marketing.

### **Article 3. Composition of the Regulatory Council**

1. The bodies of the Regulatory Council of the Protected Designation of Origin Pebre Bord de Mallorca are:

a) The Plenary b) The President c) The Vice President d) The Secretary e) Permanent Commissions

2. The procedure for electing the holders of these bodies is established by Decree 139/2002 of 22 November, which regulates the electoral process for the renewal of members of the regulatory councils of agri-food quality designations.
3. For its functions, the Regulatory Council will have the necessary personnel or services, under the direction of the Secretary of the Regulatory Council.
4. To carry out its activities, the Regulatory Council may employ personnel under a labour law regime, provided there is an approved budget allocation for this purpose.
5. The members and staff of the Regulatory Council must maintain absolute confidentiality regarding the information and data they collect and know in the course of their activities.

### **Article 4. The Plenary of the Regulatory Council**

1. The Plenary of the Regulatory Council is composed of:

a) A President, appointed by the Regional Ministry of Agriculture, Fisheries, and Food, at the proposal of the Plenary. b) A Vice President, appointed by the Regional Ministry of Agriculture, Fisheries, and Food, at the proposal of the Plenary. c) Three members representing the production sector, elected by those registered in the census of producers and plantations and among them. d) Three members representing the processing-packaging sector, elected by those registered in the census of processors-packers and among them. e) Two technical members with knowledge of agricultural production or food technology, with a voice but without a vote, appointed by the Regional Ministry of Agriculture, Fisheries, and Food.

2. The elected members of the Plenary of the Regulatory Council are elected by free, direct, equal, and secret suffrage among all active members registered in the different censuses managed by the Regulatory Council, according to Decree 139/2002.

3. The same person, whether an individual or a legal entity, cannot have dual representation in the Plenary of the Regulatory Council, either directly or through affiliated companies or partners of the same company.
4. For each member position in the Regulatory Council, a substitute must be elected in the same manner as the holder.
5. The member positions must be renewed every four years. Members may be re-elected.
6. In case of the resignation of a member for any reason, the substitute will take over, although the new member's term will only last until the first renewal of the Plenary of the Regulatory Council.
7. The maximum period for the members to take office is one month from the date of appointment.
8. Any member sanctioned during their term, whether personally or if the firm they belong to is sanctioned for a serious infringement of the matters regulated by these Regulations or the Specifications, will lose their position in the Plenary of the Regulatory Council.
9. Failure to attend three consecutive or five alternate sessions without justification, deregistration from the census, or no longer being linked to the sector they represent will also result in the loss of their position.
10. The Plenary of the Regulatory Council must meet when convened by the President, either on their initiative or at the request of at least half of the members, at least once a quarter.
11. The sessions of the Plenary of the Regulatory Council are governed by the following:
  - a) They must be convened by personal communication to the members by any legally valid means that leaves evidence of receipt, with at least four days' notice.
  - b) The convening must be accompanied by the agenda of the session, and no other matters can be addressed unless all members of the Plenary are present and the urgency of the matter is declared with the favourable vote of the majority.
  - c) To include a specific matter in the agenda, it is sufficient for a member to request it at least eight days in advance.
  - d) In case of need and when required by the urgency of the matter, as determined by the President or half of the elected members, the Plenary can be convened as established in section a) with at least two days' notice.
  - e) The session's constitution is valid if the President and Secretary or their substitutes, and more than half of the Plenary members are present.
  - f) When a member cannot attend the session, they must inform their substitute and the President or Secretary of the Regulatory Council.
  - g) Only elected members have the right to vote. Decisions must be adopted by a simple majority of the members present with the right to vote.
  - h) The President can exercise the right to vote if they are an elected member. In any case, the President has the casting vote to break a tie.
  - i) Proposals to amend the Specifications or these Regulations require the approval of two-thirds of the members with the right to vote.
  - j) Participants in the sessions must keep the deliberations confidential and not disclose the information to third parties.
12. The functions of the Plenary of the Regulatory Council are:
  - a) Manage the Protected Designation of Origin Pimentón de Mallorca / Pebre Bord de Mallorca.
  - b) Approve the Quality Manual of the Protected Designation of Origin Pimentón de Mallorca / Pebre Bord de Mallorca and submit it to the person holding the Directorate General of Policies for Food Sovereignty.
  - c) Approve the current budget of income and expenses.
  - d) Approve the annual report of activities carried out.
  - e) Approve the economic management report and the liquidation of the

previous year's budget. f) Submit the proposals for President and Vice President to the Regional Ministry of Agriculture, Fisheries, and Food. g) Approve, if applicable, the Regulations of organization and operation of the Regulatory Council. h) Exercise all functions not assigned to another body of the Regulatory Council.

#### **Article 5. The President of the Regulatory Council**

1. The President of the Regulatory Council legally represents the Regulatory Council and presides over the collegiate body.

2. The President's functions are:

a) Represent the Regulatory Council. This representation can be expressly delegated to a member of the Regulatory Council when necessary. b) Comply with and enforce legal and complementary provisions. c) Manage the Regulatory Council's income and funds and order the corresponding payments, in accordance with the Plenary's agreements. d) Convene and preside over the Plenary sessions of the Regulatory Council, set the agenda, submit matters within their competence for decision, and execute the adopted agreements. e) Hire, suspend, or renew the Regulatory Council's staff with prior Plenary authorization. f) Organize and direct the Regulatory Council's services. g) Inform the person holding the Directorate General of Policies for Food Sovereignty of incidents occurring in production and the market. h) Send the agreements adopted by the Plenary to the person holding the Directorate General of Policies for Food Sovereignty for general compliance, under the provisions of these Regulations, and also those that, due to their importance, the competent administration should be aware of. i) Exercise any other function that the Plenary of the Regulatory Council agrees upon or that public administrations entrust within their respective competencies.

3. The President serves a four-year term and can be re-elected for another four-year term.

4. The President ceases:

a) At the end of their term. b) At their request, once the Plenary accepts the resignation. c) At the Plenary's proposal, through a reasoned decision addressed to the Regional Ministry of Agriculture, Fisheries, and Food.

5. In the event of the President's resignation or death, the Plenary of the Regulatory Council must propose a candidate for the presidency to the Regional Ministry of Agriculture, Fisheries, and Food within one month. The new President's term extends only until the first renewal of the Plenary.

#### **Article 6. The Vice President of the Regulatory Council**

1. The Vice President's functions are:

a) Attend the Plenary sessions of the Regulatory Council, with voice but without vote. The Vice President has the right to vote when acting as President. b) Assist in the development of the President's functions. c) Exercise the functions expressly delegated by the President. d) Replace the President in cases of vacancy, absence, or illness.

2. The Vice President serves a four-year term and can be re-elected for another four-year term.

3. The Vice President ceases:

a) At the end of their term. b) At their request, once the Plenary accepts the resignation. c) At the Plenary's proposal, through a reasoned decision addressed to the Regional Ministry of Agriculture, Fisheries, and Food.

4. In the event of the Vice President's resignation or death, the Plenary of the Regulatory Council must propose a candidate for the vice-presidency to the Regional Ministry of Agriculture, Fisheries, and Food within one month. The new Vice President's term extends only until the first renewal of the Plenary.

#### **Article 7. The Secretary**

1. The Regulatory Council must have a Secretary appointed by the Plenary at the President's proposal, to whom the Secretary reports directly.
2. The Secretary is responsible for the direction, management, and general technical and administrative coordination of the Regulatory Council's bodies, services, and dependencies, and performs the following functions:

a) Direct and manage the Regulatory Council's staff. b) Draft the preliminary budget and the annual report of activities. c) Act as the Plenary's Secretary, with voice but without vote. d) Ensure compliance with current regulations, and warn of any deviation that may occur. e) Convene Plenary sessions at the President's order. f) Issue certificates at the request of competent authorities or motivated requests from interested parties. g) Comply with the President's orders, according to the Regulations, the Quality Manual, and current regulations. h) Exercise any other function assigned by current regulations or the Quality Manual.

#### **Article 8. The Permanent Commission**

1. To address procedural issues and in cases deemed necessary, the Plenary of the Regulatory Council can establish one or more Permanent Commissions, which will include the President and two full members, one from each sector, appointed by the Plenary.
2. In the session where the Permanent Commission's establishment is agreed upon, the members must be appointed, and their specific tasks and functions must be agreed upon. All decisions made by the Permanent Commission must be communicated to the Plenary at the first meeting held.

### **TITLE II. CENSUS**

#### **Article 9. The Census**

1. The Regulatory Council must manage the following censuses:

a) Producers and plantations census. b) Processors-packers census.

2. Registration applications for the censuses, on standardized forms and formats, must be addressed to the Regulatory Council, accompanied by the documentation required by the Quality Manual.
3. The Regulatory Council, to register operators in the censuses, must perform the necessary actions to verify the data indicated in the registration applications.
4. The Regulatory Council will not include operators in the corresponding census if they do not comply with the Regulations or the Regulatory Council's agreements.

5. If the applicant disagrees with the Regulatory Council's decision, they can file an appeal with the Regional Ministry of Agriculture, Fisheries, and Food.
6. For registrations to remain valid, it is essential to comply at all times with the requirements established by these Regulations, the Specifications, and the Quality Manual, and to communicate any changes to the initial registration data.
7. Registration in the censuses does not exempt the obligation to register in any other required by current legislation.

#### **Article 10. Producers and Plantations Census**

1. Only agricultural holdings in Mallorca dedicated to the production of the “tap de corti” pepper variety intended for the production of Pimentón de Mallorca / Pebre Bord de Mallorca can register in the Producers and Plantations Census.
2. The registration application must include the data established by the Quality Manual.
3. The Regulatory Council will provide individuals or legal entities registered in the Producers and Plantations Census with a producer's document or booklet indicating the registered pepper-growing area.

#### **Article 11. Processors-Packers Census**

1. The Processors-Packers Census can include holders of facilities located in Mallorca that have the appropriate means for processing and packaging paprika eligible for the Protected Designation of Origin Pimentón de Mallorca / Pebre Bord de Mallorca and meet all the requirements established by the Specifications, the Regulations, and the Quality Manual.
2. Natural drying operations carried out on the farm do not imply or allow the holder's registration in the Processors-Packers Census.
3. The registration application must be accompanied by the documentation and data established by the Quality Manual.

#### **Article 12. Census Validity**

1. For census registrations to remain valid, it is essential to comply at all times with the requirements established by these Regulations, the Specifications, the Quality Manual, and the Regulatory Council's agreements.
2. Operators must inform the Regulatory Council of any changes affecting the data provided in the registration.
3. The Regulatory Council may revoke registrations if the holders do not comply with the established provisions.
4. The Regulatory Council must periodically verify the accuracy of the registrations and take appropriate measures to ensure compliance with applicable provisions.
5. Census registrations must be renewed every four years in the manner determined by the Regulatory Council.
6. Census registration and deregistration is voluntary.



### **TITLE III. RIGHTS AND OBLIGATIONS**

#### **Article 13. Rights of Registered Operators**

1. Only individuals or legal entities with plantations registered in the Producers and Plantations Census can produce “tap de cortí” peppers intended for the production of Pimentón de Mallorca.
2. Only individuals or legal entities registered in the Processors-Packers Census can receive peppers, process, store, and package paprika intended for the Protected Designation of Origin Pimentón de Mallorca / Pebre Bord de Mallorca.
3. Only paprika produced and processed in accordance with the provisions of the Specifications, the Quality Manual, and these Regulations, and meeting the analytical and organoleptic characteristics specified in the Specifications, can be marketed under the Protected Designation of Origin Pimentón de Mallorca / Pebre Bord de Mallorca.
4. To exercise any right established by these Regulations or to benefit from the Regulatory Council's services, registered operators must be up to date with their economic obligations to the Regulatory Council.
5. The Regulatory Council must communicate to the Directorate General of Policies for Food Sovereignty and registered operators in the different censuses, any agreements affecting their rights and obligations.

#### **Article 14. Obligations of Registered Operators**

1. Registered operators must comply at all times with the provisions of these Regulations, the Specifications, the Quality Manual, the Regulatory Council's agreements, and the regulations issued by the competent authorities of the Government of the Balearic Islands, the Spanish State, and the European Union.
2. Registered operators must pay the fees approved by the Plenary of the Regulatory Council.
3. Operators registered in the Protected Designation of Origin Pimentón de Mallorca / Pebre Bord de Mallorca must have a self-monitoring system to demonstrate that the peppers intended for the production of Pimentón de Mallorca and the paprika marketed under the Protected Designation of Origin Pimentón de Mallorca / Pebre Bord de Mallorca meet all the Specifications and Quality Manual requirements.
4. The transport of peppers from the farms to the processing facilities must be accompanied by a document of accompaniment with the characteristics established by the Regulatory Council.
5. All operators registered in the Protected Designation of Origin Pimentón de Mallorca / Pebre Bord de Mallorca must have a management, accounting, and traceability system authorized by the Regulatory Council.
6. Registered operators must keep a record of all transactions and operations affecting the production, processing, packaging, and marketing of paprika.
7. The Regulatory Council must have access to registered operators' records and facilities to verify compliance with the Specifications, the Quality Manual, and these Regulations.

8. Registered operators must facilitate the Regulatory Council's control and inspection activities and provide all the necessary information and documentation.
9. Operators must not obstruct the Regulatory Council's control activities and must cooperate fully with the inspectors and controllers.

Registered operators must maintain confidentiality regarding the information and data they provide to the Regulatory Council during control and inspection activities.

#### **Article 15. Infringements and Sanctions**

1. The offenses committed by those registered in the Regulatory Council will be sanctioned according to the laws 28/2015, of July 30, for the defence of food quality, Law 1/1999, of March 17, of the Statute of agro-food producers and industrialists of the Balearic Islands, Law 3/2019, of January 31, agrarian of the Balearic Islands, and Royal Decree 1945/1983, of June 22, which regulates infringements and penalties in matters of consumer defence and agri-food production.
2. The Regulatory Council will propose sanctions to the competent authority according to the seriousness of the offense and following the procedures established by the applicable regulations.

#### **Article 16. Appeals**

1. Against the acts and resolutions of the Regulatory Council, the interested parties may file an appeal before the competent body within one month from the notification or publication of the act or resolution.
2. The filing of appeals will be in accordance with the provisions of the legislation regulating the common administrative procedure of public administrations.

### **TITLE IV. ECONOMIC REGIME**

#### **Article 17. Funding**

1. The necessary funds for the operation of the Regulatory Council will be provided by:
  - a) The contributions of those registered in the corresponding censuses.
  - b) Subsidies and aids that may be granted by public or private entities.
  - c) Income from the services provided by the Regulatory Council.
  - d) Other resources that may be legally obtained.
2. The contributions of those registered in the corresponding censuses will be determined annually by the Plenary of the Regulatory Council, based on the estimated budget and the activity plans for the year.

#### **Article 18. Budget and Accounting**

1. The Regulatory Council will prepare an annual budget of income and expenses that will be approved by the Plenary before the start of each financial year.
2. The accounts of the Regulatory Council will be subject to internal control by the Plenary and external audit as determined by the regulations in force.
3. The financial year of the Regulatory Council will coincide with the calendar year.

## **Article 19. Fees**

1. The Regulatory Council will establish fees to be paid by those registered in the corresponding censuses to cover the costs of the services provided and the functioning of the Regulatory Council.
2. The amount of these fees will be determined annually by the Plenary, based on the budget and the expected expenses for the year.

## **TITLE V. FINAL PROVISIONS**

### **Article 20. Amendment of the Regulations**

1. The amendment of these Regulations may be proposed by the Plenary or the President of the Regulatory Council.
2. The amendments must be approved by a two-thirds majority of the Plenary and will be submitted to the Regional Ministry of Agriculture, Fisheries, and Food for approval.

### **Article 21. Interpretation**

1. The interpretation of these Regulations will be the responsibility of the Plenary of the Regulatory Council.
2. In the event of doubt or dispute over the interpretation or application of these Regulations, the Plenary will decide, without prejudice to the appeals that may be filed before the competent body.

### **Article 22. Entry into Force**

These Regulations will enter into force on the day following their publication in the Official Bulletin of the Balearic Islands.

Palma, 25 January 2021

The President

Francina Armengol i Socias

The Minister of Agriculture, Fisheries, and Food

Maria Asunción Jacoba Pía de la Concha García-Mauriño

## **ANNEX I**

### **Specifications of the Protected Designation of Origin Pebre Bord de Mallorca – Pimentón de Mallorca**

#### **A. Name of the Protected Designation of Origin**

The names to be protected are two, one in Spanish, Pimentón de Mallorca, and one in Catalan, Pebre Bord de Mallorca, both are used interchangeably, consistently, and frequently in the market to identify the paprika originating from the island of Mallorca.

#### **B. Product Description**

Pebre Bord de Mallorca / Pimentón de Mallorca, hereinafter referred to as Pimentón de Mallorca, is the product resulting from the grinding of peppers of the *Capsicum annum* L. species, native variety “tap de cortí”, previously dried.

The “tap de cortí” variety pepper has a fresh weight of 17 to 20 g and measures 4 to 6 centimetres in length. It is pyramidal in shape, with a triangular base.

Organoleptically, Pimentón de Mallorca is characterized by:

- Flavour: Sweet, with an oily mouthfeel and no bitterness or spiciness.
- Colour: Homogeneous reddish-orange.
- Aroma: Medium intensity, refreshing, with a clear perception of red pepper. No burnt or roasted aromas.
- Texture: Fine and oily.

Pimentón de Mallorca has the following physicochemical characteristics:

- Maximum granulometry: 0.500 mm. AOAC 920.164 Method
- Extractable colour: minimum 100 ASTA degrees. AOAC 30.002 Method
- Colour coordinate L\*:  $\geq 40$ . Topuz et al. 2009 Method
- Colour coordinate b\*:  $\geq 38$ . Topuz et al. 2009 Method
- Maximum moisture: 4.2%. AOAC 934.06 Method
- Fat: between 7% and 12% UNE-ISO 1108:2010 Method
- Capsaicinoids:  $\leq 4$  ppm. AOAC 995.03 Method

### C. Geographical Area

The production, processing, and packaging area is limited to the island of Mallorca.

Mallorca is located in the Autonomous Community of the Balearic Islands (Spain). With a total area of 3626 km<sup>2</sup>, it is the largest of the Balearic archipelago, located in the central-western Mediterranean, between parallels N38°40'27" and N40°05'17" and meridians E1°17'23" and E3°50'23".

### D. Elements Proving the Product's Origin

The fundamental elements validating the origin are controls and certification. These will take into account:

D.1. To ensure compliance with the provisions of the Specifications and other applicable regulations, the following registers are managed:

- Producers and plantations.
- Processors - packers.

D.2. Pimentón de Mallorca comes exclusively from farms located on the island of Mallorca registered in the census of producers and plantations.

D.3. The protected peppers are handled and packaged only in facilities registered in the "Census of processors-packers." Processors-packers handling peppers produced in Mallorca and destined for the Protected Designation of Origin from the plantations registered in the "Census of producers and plantations" and meeting the requirements of the Specifications. These establishments have a

verifiable control and traceability plan to prevent contamination with other peppers of different varieties or origins. This requirement is expressly verified in audits and controls.

D.4. To ensure traceability, the movements of peppers from the plantations to the packaging of the final product are recorded, identifying the quantity and origin of each batch. Thus, the correlation between each packaged product lot and each pepper batch from the plantations is established.

D.5. Plantations and processing and packaging establishments are subject to audits and controls by the competent authority or an accredited certification body to verify that the products covered by the Protected Designation of Origin comply with the Specifications' requirements.

D.6. Controls are based on inspections of plantations, processors, and packers, reviewing documentation, especially the traceability system, and conducting physicochemical and sensory analyses.

D.7. Only paprika obtained from peppers produced, processed, and packaged in accordance with these Specifications is packaged and marketed under the Protected Designation of Origin. Paprika from Mallorca that does not meet the Specifications is not marketed under this designation.

D.8. Pimentón de Mallorca is marketed packaged at the origin and with an alphanumeric coding of sequential numbering.