

Geneva WATCH

An overview of the bilateral, plurilateral and multilateral trade negotiations

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Greece Requests Enhanced Protection for Feta Cheese under CETA

At the May 7th EU's Foreign Affairs/Trade Council meeting, the Greek delegation expressed deep concerns with respect to the "apparent limited result and the lack of proper protection" of Feta cheese, the country's prime geographical indication (GI) product.

In a document circulated in advance of the meeting, Greece said Feta cheese produced in Canada is totally different from its flagship product due to the difference in the method of production, starting with the type of milk used to produce the cheese – Canada uses cow's milk, whereas Greece uses sheep's and goat's milk.

In addition, Feta cheese is directly responsible for the Greek stock market rising since 80% of Greece's domestic sheep and goat milk is used to produce the product, the country added.

Greece said it repeatedly informed the European Commission during various stages of the CETA negotiations of the need for proper protection against generic products manufactured in some of the EU's trade partners. However, despite the numerous warnings, Feta cheese has been granted the least protection.

In CETA's GI section, Canada accepted to protect 125 of the EU's 145 priority GIs, prohibiting the names of those products even when the true origin is indicated on the packaging, whether translated or with expression such as "kind", "type", "style" or "imitation".

In addition, for five EU cheese products considered generic in Canada – Feta, Gorgonzola, Asiago, Fontina and Munster – Canada agreed to only use these indicators on products already existing on the Canadian market (preceding the date of October 18, 2013). The new entrants, meanwhile, will only be able to market their products if these five names are accompanied by indications such as "style", "type" "kind", or "imitation". However, these products will have to clearly display the country of origin, but not the Greek flag, alphabet or other symbols that evoke Greece in the case of Feta cheese.

"This is a compromise solution, but one that achieves that Canada recognises that these names are protected GIs. It protects the market position of our producers by clearly distinguishing them from the original product," the European Commission said of the compromise which it described as "very positive."

"This solution for these five cheeses will allow Canadian consumers to clearly distinguish between real Feta and other types of Feta. Given the difficulty negotiating this, the outcome is remarkable and will make a real economic difference for European producers of these products," the Commission added in a paper summarizing the outcome of the CETA negotiations.

"It is remarkable that Canada – not traditionally a friend of GIs – has accepted that all types of food products will be protected at a comparable level to that offered by EU law and that additional GIs can be added in the future," the Commission added at the time, claiming that the outcome sets "a useful precedent for future negotiations with other countries."

However, at the May 7th Foreign Affairs/Trade Council meeting, Greece disagreed with the above statements, claiming that the Commission failed to carry out its obligation regarding the protection of Feta cheese as clearly stated in the negotiating directives pertaining to Intellectual Property Rights (IPR) and which forces the Commission to make sure that important EU GIs, such as Feta receive "ex officio protection in CETA, including the phasing out of current misuse of the EU GIs in Canada for instance linked with generic denominations or trademarks."

The Commission was expected to present the results of the negotiations before concluding them, but instead it closed the negotiations without consulting Greece on Feta cheese, the Greek delegation added.

"[A]t this stage of the legal scrubbing, Greece pursues an acceptable protection of our GI Feta cheese," the Greek delegation requested in their paper adding that it expects a

“proper differentiation” between the two Feta cheeses in the Canadian market. It also asks for the implementation of a phasing out period of current Feta cheese in Canada, allowing only Canadian cheese made from goat’s and sheep’s milk to be marketed under the name “Feta-style/type cheese.” This protection, Greece said, should apply to existing as well as future producers and importers.

One EU source said the Commission told Greece it is too risky to reopen the CETA agreement, especially the GI section. Greece, however, warned that it would be “extremely difficult, if not impossible” for them to endorse a CETA deal that does not take into consideration their request to protect Feta cheese. Their belief is the deal as it

stands “will set a very negative precedent” for other strategic free trade negotiations such as TTIP (Transatlantic Trade and Investment Partnership with the U.S.) and discussions with Japan or any others the EU is currently involved in, or intends to negotiate in the future.

The CETA agreement is a “mixed” agreement which means that it is contracted between Canada and the European Commission, but also the individual European Union member states, according to EU officials. This in turn means that the parliaments of all 28 EU member states will have to approve the deal for it to become law. However, if one of the EU member states refuses to approve it, the whole CETA agreement could fail.

Geneva Watch is published by Dairy Farmers of Canada, Chicken Farmers of Canada, Egg Farmers of Canada, Turkey Farmers of Canada and Canadian Hatching Egg Producers to report on the various events occurring in Geneva, particularly on the WTO negotiations on agriculture.

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