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**SUBMISSION TO OBJECT TO TERMS PROPOSED BY THE
EUROPEAN UNION FOR PROTECTION AS GEOGRAPHICAL
INDICATIONS IN AUSTRALIA**

Submitter's contact information

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**EU GI name you are objecting to: Product 129: Mozzarella di Bufala
Campana**

Ground(s) of objection to the protection of the EU GI name

1. The EU GI name is used in Australia as the common name for the relevant good.

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Introductory Comments

The Australian Dairy Industry Council (ADIC) is the peak national representative body of the Australian dairy industry. It represents the interests of dairy farmers and processors across the entire dairy value chain to create a more prosperous and sustainable future for local industry and the regional communities that rely on it.

Dairy Australia is the national services body for dairy farmers and the industry. Its role is to help farmers adapt to a changing operating environment, and achieve a profitable, sustainable dairy industry. As the industry's research and development corporation (RDC), it is the 'investment arm' of the industry, investing in projects that cannot be done efficiently by individual farmers or companies.

In filing this objection on behalf of Australia's dairy industry, the ADIC and Dairy Australia are not opposing the EU's request that any FTA with Australia include provisions that would grant GI status and protection in this country to certain stretch curd cheeses (made from Buffalo milk) that are manufactured in the Campagna region of Italy and sold here under the full multi-component name– Mozzarella di Bufala Campana.

The local industry recognises that these cheeses and this product name have been protected by trademark in Australia since 2006 – and that this protection will continue to apply, at least, until 2022 and beyond.

However, in many cases, the EU's request list of cheese names for which it is seeking GI protection in Australia includes products with multi-component names, of which at least one name is a generic common food name.

We strongly oppose GI protection being granted to any of these individual generic cheese names simply because they have been incorporated into an extended EU GI name.

This is clearly the case with the Mozzarella component of the Mozzarella di Bufala Campana name.

International dairy industry developments over the past century have resulted in the core name Mozzarella becoming a common, generic name for a style of stretch curd cheese that is made from cow or buffalo's milk and produced widely across the world.

Mozzarella is one of 16 International standard names for cheese agreed to by the FAO's Codex Alimentarius. Standard cheese names, define the detailed physical characteristics and other specifications (milk source, fat and protein content, allowed additives etc.) of a cheese that can be manufactured and sold around the world using these specific names. By their nature, Codex standards recognise that product that meets this naming standard are manufactured and traded in multiple countries at the same time.

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Recent amendments to Codex cheese standards also include specific Country of Origin provisions including the statement that, with Standard Cheese names, a product's country of origin refers solely to its country of manufacture and not the country in which the name first originated.

The generic nature of Mozzarella cheese was strongly reaffirmed in an historic recent agreement between the Coalition for Common Food Names¹ and the Consortio per La Tutela Del Formaggio Mozzarells di Buffala Campana – the body that is the registered holder of the relevant Certification trade Marks for this cheese in Australia.

As part of this Agreement (see Attachment 1) the two bodies recognised the generic nature of the name Mozzarella and have asked the EU Commission to enhance the continued prosperity of farmers and processors in both the EU and its trading partners by fully supporting and protecting both the distinctive name, Mozzarella di Buffala Campana, as an EU GI and the free use of the common term Mozzarella by producers across the globe.

Accepting the generic nature of Mozzarella cheese will be very important for local Australian industry and consumers in the context of any FTA outcomes for several reasons.

First, Australia is a significant producer, exporter and importer of Mozzarella cheese.

- Dairy Australia show that there are over 30 Australian firms producing and selling around 45-50,000 tonnes of Mozzarella annually;
- Over half this product is marketed to local food service outlets like restaurants and pizza stores;
- Local firms also export a significant part of this production each year (overwhelmingly to markets in North and South East Asia);
- Australia imports significant volumes of Mozzarella cheese annually (primarily from New Zealand and the USA with Italy being a minor supplier of product to the Australian market).

Disruption to this market segment through inappropriate FTA rule settings would impose significant and unnecessary costs on these local manufacturers, their farm milk suppliers and their regional workforces.

Second, as is the case with other cheese varieties, a number of the dairy firms producing Mozzarella cheese in Australia were set up by European migrants to this country who sought to meet an unmet and expanding local demand for European style products from Australia's migrant community. These firms often based their company names and brands to reflect the European heritage of their original operators. Examples of this include:

- Small and medium size companies such as Alba Cheese, Florida Cheese, La Casa del Formaggio, La Vera Cheese, Pantalica Cheese and That's Amore cheese; and

1. Dairy Australia acts as Australia's representative on this international Body on behalf of broader Australian dairy interests.

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- Established brands such as Momma Lucia (Fresh Cheese Co.) and Perfect Italiano (Fonterra).

More recent local entries to this market segment have placed reduced emphasis on the European heritage of Mozzarella and have promoted their local regional connection in marketing their products.

All these Australian products have been created to meet the demand of local consumers (and export customers) who are fully aware of the product's Australian origin. This fact, coupled with the generic nature of Mozzarella, means it would be wrong for any FTA to impose restrictions on the continued production and sale of Mozzarella through the application of unnecessary evocation provisions in the text.

As the Consorzio per La Tutela Del Formaggio Mozzarelli di Bufala Campana has itself agreed **Mozzarella is not a GI. Instead it is the name for a widely produced generic cheese variety.** Therefore, any Australia-EU FTA **must not inhibit the continued, proper use of this generic name on Australian cheese** that is produced for sale in either the domestic (or export) market in future years.

Related to this, the future production and sales of Australian Mozzarella cheese must not be adversely affected or constrained in any way by the inappropriate application of evocation rules under an FTA – since such rules should not apply to the sale of generic cheeses. This means that local manufacturers of Mozzarella cheese must remain free to produce and market their product in both the domestic and export markets without any constraints being imposed on them with regard to their brand names, product labels or coloring (other than those that already exist under Australia's Trademark provisions).

Third, the EU market is not a priority for Australian cheese exports at this time, and is unlikely to become one in the foreseeable future. However, as the EU provides explicit import access for Mozzarella cheese under HTS Tariff (04.06.10.30), it is important that Australian firms retain both the right to use this name in manufacture and the future right to export product to the EU under this tariff heading.

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Attachment 1:



August 5, 2019

The Honorable Robert Lighthizer
United States Trade
Representative
600 17th Street NW
Washington, DC 20006

Commissioner
Directorate-General for Trade
European Commission
Cecilia Malmstrom
Rue de la Loi 170/Wetstraat 170
1049 Bruxelles/Brussel
Belgium

Minister of Foreign Affairs and
International Cooperation
Piazzale della Farnesina, 1
Enzo Moavero Milanesi
00135 Roma RM
Italy

The Honorable Sonny Perdue
Secretary
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Commissioner
Directorate-General for Agriculture
and Rural Development
European Commission
Phil Hogan
Rue de la Loi 170/Wetstraat 170
1049 Bruxelles/Brussel
Belgium

Minister of Agriculture, and
Forestry Policies
Gian Marco Centinaio
Via Venti Settembre, 20
00187 Roma RM
Italy

Dear Ambassador Lighthizer, Secretary Perdue, Commissioner Malmstrom, Commissioner Hogan, Minister Moavero Milanesi, Minister Centinaio :

We write to inform you of a ground-breaking collaboration that has occurred this week on the topic of geographical indications and common food names whereby our organizations have come together to find common ground and we urge our respective governments to take steps to support the attached Memorandum of Understanding (MOU) and to promote it as a stellar example of the type of progress that is possible on even the most contentious trade topics.

On August 5, 2019, the Consortium for Common Food Names, the U.S. dairy industry and the Consorzio Tutela Mozzarella di Bufala Campana signed a historic agreement to mutually support the protection of the protected designation of origin (PDO) "Mozzarella di Bufala Campana", as specified in the agreement and the rights of producers and consumers around the world to use the generic term "mozzarella," as described in the agreement.

Negotiated and agreed to by the Consorzio Tutela Mozzarella di Bufala Campana Pdo, the U.S. Dairy Export Council (USDEC) and the Consortium for Common Food Names (CCFN), this agreement, which is global in scope, will pave the way for a new type of dialogue on geographical indications, while respecting the rights of U.S. food producers to use common food names.

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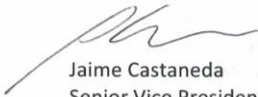
By protecting both the valid PDO "Mozzarella di Bufala Campana" and the free use of the common name "mozzarella," as a type of cheese, this agreement provides clarity for consumers and secures access for both European cheeses and non-European cheeses to be sold around the world without impediment.

Our organizations celebrate this groundbreaking achievement and cooperation in defense of a common goal: the support of our respective dairy industries and transparency for consumers. It is our hope that this agreement will serve as a guide to others for future negotiations surrounding PDOs and common food names.

To ensure the full success of this agreement, we are seeking commitments from the U.S. government, the European Commission and the Italian government to help advance the goals outlined in the attached MOU. We ask that the U.S., Europe and Italy honor this agreement and proactively engage in efforts to protect both the distinctive name "Mozzarella di Bufala Campana Pdo" and the free use of the commonly used term "mozzarella" in markets across the globe.

The continued prosperity of our dairy farmers and processors depends on free-flowing exports and the equitable treatment of dairy products. We encourage the U.S. and the European Commission to build upon this agreement to spur fairer trade between the U.S. and European markets, as well as with our mutual trading partners around the world.

Sincerely,



Jaime Castaneda
Senior Vice President, Trade Policy
U.S. Dairy Export Council



Domenico Raimondo
President
Consorzio Tutela Mozzarella di Bufala Campana

Executive Director
Consortium for Common Food Names