



# agriculture, forestry & fisheries

Department:  
Agriculture, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

Directorate: Food Safety and Quality Assurance, Private Bag X343, Pretoria 0001  
30 Hamilton Street, Pretoria

**From:** Manager - Division Animal and Processed Plant Products  
**Tel:** (012) 319 6020 • **Fax:** (012) 319 6265 • **E-mail:** TheoVR@daff.gov.za  
**Enquiries:** Theo van Rensburg • **Ref:** 20.4.11.1.5/ Dairy products & Imitation Dairy Products

15 November 2016

The Managing Director  
Dairy Standard Agency  
Building No.6, Central Park  
Highveld Techno Park  
Centurion

Att: Mr. J.C. Burger

Dear Mr. Burger,

## **Re: RESTRICTIONS ON THE USE OF CERTAIN CHEESE NAMES IN TERMS OF THE RECENTLY SIGNED EU SADC ECONOMIC PARTNERSHIP AGREEMENT**

The above-mentioned caption has reference.

It will be appreciated if the Dairy Standards Agency could please bring the following important developments to the attention of all manufacturers, importers and retailers of cheese in South Africa:

### **1. Background**

On 10 June 2016, the European Union (EU) signed an Economic Partnership Agreement (EPA) with the Southern African Development Community (SADC) Group comprising Botswana, Lesotho, Mozambique, Namibia, South Africa and Swaziland. The EPA includes, among others, a bilateral protocol between the EU and South Africa on the protection of geographical indications (GIs) and on trade in wines and spirits.

The GI protocol implies that the EU will protect South African names such as *Rooibos*, *Honeybush*, *Karoo Meat of Origin* and numerous wine names like *Stellenbosch* and *Paarl*. In return, South Africa will protect more than 250 EU GI names spread over food, wines and spirits. These foods include the GI names of various cheeses as set out in **Annexure A** hereto.

The South African ratification process of the Economic Partnership Agreement was concluded in Parliament on 30 August 2016 and the new agricultural market access agreement (which includes the protection of GI names) took effect on 1 November 2016.

## 2. Impact of the EU SADC EPA on the Dairy and Imitation Dairy regulations (R.260)

- (a) The standards for cheese and cheese with added foodstuffs, as well as the classes of and standards for cheese are addressed in regulation 13 and Table 9 respectively of R.260 dated 27 March 2015.
- (b) The following named cheeses listed in Table 9 are affected by the EU SADC EPA agreement:

Cheese name/ Class designation (GI name)	Impact on the named cheese in Table 9
Asiago	Shall be protected by the RSA from 1 November 2016.
Blue Stilton	Shall be protected by the RSA from 1 November 2016.
Feta	<p>Shall be protected by the RSA from 1 November 2016.</p> <p>Cheese bearing the name 'Feta' may be placed on the South African market under the following conditions:</p> <ul style="list-style-type: none"> <li>• Feta cheese from Greek origin shall be protected.</li> <li>• Users of trade marks bearing the name 'Feta' which has been established by prior use, or under common law, or registered in accordance with South African law, may coexist with the Feta of Greek origin.</li> <li>• For South African users other than those mentioned in the 2<sup>nd</sup> bullet above, the cheese shall be designated as 'South African Feta' or 'Feta-Style' or 'Feta-Type'.</li> <li>• Within five (5) years of date of entry into force of the agreement (i.e. 1 November 2021), all South African products bearing the name 'Feta' shall comply with the following labelling requirements: <ul style="list-style-type: none"> <li>(i) Country of origin shall be clearly indicated.</li> <li>(ii) The name of the animal species from which the milk was sourced to make the Feta shall be declared.</li> <li>(iii) Non-GI Feta products, except those identified for co-existence (as per the 2<sup>nd</sup> bullet above), shall be designated as 'South African Feta' or 'Feta-Style', or 'Feta-Type' and equivalents in other South African languages.</li> </ul> </li> </ul>
Gorgonzola	Shall be protected by the RSA from 1 November 2016.
Roquefort	Shall be protected by the RSA from 1 November 2016.
White Stilton	Shall be protected by the RSA from 1 November 2016.

- (c) The EPA furthermore requires South Africa to, in a forthcoming amendment of its labelling provisions for cheese products (i.e. regulation R.260 of 27 March 2015) and within ten (10) years of the entry into force of the agreement, take into account the product specifications of the EU cheese products using the protected GI designations listed in **Annexure A** hereto, to ensure that they can be marketed in South Africa under the appropriate designations.

### **3. Practical implications of the EPA and action required by industry**

- (a) The Department (DAFF) is in the process of drafting new regulations for the protection of GIs used on agricultural products intended for sale in the Republic of South Africa under the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990). Notification to the World Trade Organization (WTO) of the Department's intention to publish the new regulations will be given shortly with a period of 60 days allowed for comments by the WTO member states. The aim is to have these regulations finalised and published in the Government Gazette during the course of 2017.
- (b) In the interim, all the agricultural GIs listed in the EU SADC EPA will be accommodated and protected under the Merchandise Marks Act of the DTi. The prohibition on the use of certain names was published by the DTi in the Government Gazette on 21 October 2016 (Notice No.1303).
- (c) Once the Department (DAFF) has published its own GI regulations, the protection under the Merchandise Marks Act of the DTi will cease and DAFF will take over the responsibility to protect these names.
- (d) From 1 November 2016 the various cheese GIs/ names listed in **Annexure A** may not be used by any South African manufacturer, except for 'Feta' which is subject to the conditions set out in paragraph **2(b)** of the above Table.
- (e) Users of trade marks bearing the name 'Feta' which has been established by prior use, or under common law, or registered in accordance with South African law, and which may co-exist with the Feta of Greek origin, shall submit the necessary written proof to DAFF by not later than **31 March 2017**.

You are welcome to contact this office should you require any further clarification.

Your co-operation in this regard will be much appreciated.

Regards,

  
**MANAGER:**  
**DIVISION ANIMAL AND PROCESSED PRODUCTS**