OTHER ACTS

EUROPEAN COMMISSION

Publication of an application for registration of a name pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs

(2022/C 252/08)

This publication confers the right to oppose the application pursuant to Article 51 of Regulation (EU) No 1151/2012 of the European Parliament and of the Council [1] within three months from the date of this publication.

SINGLE DOCUMENT

'OKTOBERFESTBIER'

EU No: PGI-DE-1034 – 23.8.2012

PDO ( ) PGI (X)

1. **Name(s) [of PDO or PGI]**

'Oktoberfestbier'

2. **Member State or Third Country**

Germany

3. **Description of the agricultural product or foodstuff**

3.1. *Type of product*

Class 2.1 Beer

3.2. *Description of the product to which the name in (1) applies*

Bottom-fermented beer with

Original gravity in %:	13,6-14,0
Alcohol content in % vol.:	5,3-6,6
Colour (EBC):	6,0-28,0 units,
Bitter substances (EBU):	16,0-28,0 units,

Light, golden, amber colours or dark, ranging from full-bodied, very mellow, smooth or malty aroma through to slightly hopped with a very mild bitterness or a powerful, slightly sweet taste.

These values are subject to the tolerances laid down by law and recognised by the relevant food monitoring authorities in Bavaria.

The production process takes place in accordance with the Munich Purity Law of 1487 as included in Section 9(1) of the Provisional Beer Act (VorlBierG).

[1] OJ L 343, 14.12.2012, p. 1.

The water must come from tertiary layers of the gravel plain in the City of Munich area. The deep wells from which the water is currently drawn reach depths of 140-250 m, depending on the site. Munich municipal water does not fulfil these requirements.…

3.3. *Feed (for products of animal origin only) and raw materials (for processed products only)*

The ingredients must be barley malt, hops, yeast and water. The water must come from tertiary layers of the gravel plain in the City of Munich area.

3.4. *Specific steps in production that must take place in the identified geographical area*

The entire process for producing 'Oktoberfestbier' has to take place in the area of the City of Munich. It begins with malting and mashing and ends after a 4- to 11-week storage period, during which the 'green' beer is naturally enriched with carbonic acid and matures until reaching its full flavour.

3.5. *Specific rules concerning slicing, grating, packaging, etc. of the product the registered name refers to*

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3.6. *Specific rules concerning labelling of the product the registered name refers to*

The beer is labelled as 'Oktoberfestbier'. Pursuant to Article 12(3) of Regulation (EU) No 1151/2012 in conjunction with Article 13(3) of Implementing Regulation (EU) No 668/2014, the labels feature the Union symbol associated with a PGI as well as the registered name.

4. Concise definition of the geographical area

Territory of the City of Munich.

5. Link with the geographical area

Specificity of the geographical area

The reputation and specificity of 'Oktoberfestbier' brewed within the boundaries of the City of Munich are the result of both a traditional production method maintained over the centuries and the exceptional renown of Munich's Oktoberfest.

In 1487, the 'Munich Purity Law' was passed. As well as determining the ingredients of beer, the law also specified that the beer had to undergo a 'beer inspection' (now known as quality control checks). This rule still applies today, as Section 9(1) of the Provisional Beer Act (VorlBierG).

A further specificity is the use of water from deep wells in the City of Munich area, which comes from the tertiary layers (down to a depth of around 250 m). As can be seen in Part 2 of the book *Geschichte der Spatenbrauerei* [A history of the Spaten Brewery] by Fritz Sedlmayr, in the mid 19th century, wells were dug to a depth of 200 m.

Wolfgang Behringer's book *Lowenbräu* also reports deep wells being dug in the period around 1900.

The sale of beer at the Oktoberfest, at the time the purest beverage there was, can be traced back to the first Oktoberfest in 1810 with the mention of 'Traiteuren' (specialist caterers), who were authorised to serve beer and wine. (Cf. *175 Jahre Oktoberfest* [175 years of the Oktoberfest], commemorative publication of the City of Munich, Munich 1985 or 'tz' of 16 July 2010).

The Oktoberfest originated in 1810 from a horse race held on a meadow outside the city to celebrate the marriage of Prince Ludwig I of Bavaria and Princess Therese of Saxe-Hildburghausen. Today, the Oktoberfest, referred to fondly by Munich locals as 'Wies'n' [meadows], takes place every year between mid September and early October on the very same 42-hectare meadow, the 'Theresienwiese', located in the middle of the city, which still shows signs of the race track from the time. Alongside the Oktoberfest, the Central Agricultural Festival, which was held for the first time in 1811, takes place every 4 years. The 200th Oktoberfest took place in 2010, and a special 'historical section' was organised, involving horse races and animal shows. Since then, this section has been transformed somewhat and renamed 'Oide Wiesn' [Old Oktoberfest].

The Oktoberfest begins when the incumbent Mayor of the City of Munich taps the first keg of 'Oktoberfestbier', a tradition which began in 1950 with the then Mayor, Thomas Wimmer. Before the first keg of beer is tapped, the restaurateurs parade to their tents on the Oktoberfest site in carriages decorated with flowers, accompanied by mayors and councillors, horse-drawn floats carrying service staff and the resplendent carts of the Munich breweries. The entry of the restaurateurs and breweries, together with the tapping of the first keg, are widely broadcast around the world on television and the internet, as is the world's largest costume and riflemen's parade, which takes place the following day and is considered by many as the high point of the Oktoberfest's opening festivities.

The worldwide reputation of the 'Oktoberfestbier' nowadays is based partly on the fact that brewing innovations were introduced at an early stage in Munich, with a decisive impact on the quality of the beer. Such innovations include, in particular, the first cooling machine developed by Carl von Linde in 1873. First used in a brewery in Munich, the success of the machine meant that it was taken up by other Munich breweries and later across the world, in the form of refrigerators. The machine was important because for the first time it allowed any desired amount of consistently high-quality beer to be continuously produced and stored, irrespective of climate and external temperature. This made it possible to produce large quantities of beer in advance for large events and to store and serve beer on site, with no loss of quality.

One of the key factors behind the exceptional reputation of 'Oktoberfestbier' is that it was brewed specially for the Oktoberfest. This top-quality product is now not only available at the Oktoberfest, but is also sold throughout the world, marked with an 'Oktoberfestbier' label.

Although the City of Munich has not promoted the Oktoberfest since 1985, in an official worldwide survey, 91 % of respondents said they were aware of the Oktoberfest. In this regard, an article in the *Frankfurter Allgemeine Sonntagszeitung* of 20 October 1997 said: 'The festival is so international! Although it is called the Munich Oktoberfest, many of the visitors have clearly come from abroad, speaking English, Italian, French, Japanese and other less recognisable languages, and true Bavarian dialect is hardly ever heard.'

Specificity of the product

In this regard, the City of Munich's official publication celebrating the 200th anniversary of the Oktoberfest states that 'a distinctive "Oktoberfestbier" has gradually developed only since 1872'. The book *175 Jahre Oktoberfest 1810 bis 1895* [175 years of the Oktoberfest 1810-1895] by Richard Bauer and Fritz Fenzl states that in 1872, a particularly strong beer with a high original gravity was served. In his book *München, Bier, Oktoberfest* [Munich, Beer and the Oktoberfest] Hans Glöckle writes that at that time the people of Munich had to pay the princely sum of 12 kreutzers for 'Oktoberfestbier'; however, instead of complaining about the price, they drank the beer 'with reverence and contented appreciation of its special quality'. He continues: 'From 1872 onwards "Märzen" ("March beer"), with its original gravity of 13 % and its alcohol content of 4,1 %, became the Oktoberfest beer *par excellence*, and retained this special status until after the Second World War.' From 1950, a lighter variant began to appear, which was more to the liking of those who attended the Oktoberfest at the time, although amber-coloured beer is currently experiencing a renaissance.

'Oktoberfestbier' is beer brewed by breweries located within the geographical area especially for the Oktoberfest, where it is served in considerable quantities; this aspect is a particular expectation of consumers. 'Oktoberfestbier' is distinct from other festival beers on account of the water used, its higher minimum original gravity of 13,6 %, its lower maximum original gravity of 14,0 %, its higher alcohol content of 5,3-6,6 % and its higher base value for bitterness of 16 EBC units together with a lower maximum value for bitterness of 28 EBC units. As a result of the maximum value of 28 bitterness units, the beers are not very bitter, and are usually characterised by a full-bodied, very mellow taste, as has been the preference in southern Bavaria for decades.

The production methods based on the Purity Law of 1487 and the resulting exceptional experience and expertise of the breweries located in the geographical area mean that consumers associate 'Oktoberfestbier' with the expectation of exceptional quality.

The special status and reputation of 'Oktoberfestbier' are acknowledged within Germany and internationally. Numerous articles from European newspapers refer to the Oktoberfest in more or less close association with beer. In 74 UK newspaper articles published between 1995 and 2012, the beer and the Oktoberfest are widely said to be 'best known', 'known worldwide', 'famous', etc'. Some articles even describe the beer. As long ago as 1955, Dr Kuballe wrote the following in an article about the Oktoberfest in the *Industrie-Kurier-Düsseldorf*: 'Primarily a Munich-based annual celebration back in the last century, the festival has become the largest in Europe.' He added: 'In travel

brochures in Europe and the USA, it is increasingly becoming a hit event that has at least to be "taken in".' In 1996, Paul Delany wrote in the UK newspaper *The Sun*: 'Visitors at the biggest beer festival in the world downed almost nine MILLION pints last year. And this year the organisers of Germany's 163rd Oktoberfest in Munich are expecting more than seven million visitors to drink even more.' In 2003, Derek Scally of *The Irish Times* wrote: '... the original Oktoberfestbeer. Difficult to find outside of Munich, but worth the search.' In 2006, the *Frankfurter Allgemeine Sonntagszeitung* called the Oktoberfest 'the biggest beer festival in the solar system.' In 2011, the same newspaper stated in an article that 'no tribute to Munich is complete without the Oktoberfest.' This makes it clear how important the Oktoberfest and therefore 'Oktoberfestbier' are to Munich.

The special status of 'Oktoberfestbier' is reflected in German and international literary works from many different genres. Examples include the *Manuale della birra* [Beer manual] and extracts from the following books: *L'Oktoberfest de Munich: portée sociale et politique* [The socio-political impact of the Munich Oktoberfest] by Thomas Landwehrlen, 2005: '*… première place la Wiesn-Bier (ou Oktoberfestbier), cette bière spécialement brassée pour l'occasion …*' [... first place, Wiesn-Bier or Oktoberfestbier, a beer specially brewed for the occasion]; and *The Oxford Companion to Beer* by Oliver Garret and Tom Colicchio, 2011: 'Today's Spaten oktoberfestbier is still based largely on that 1872 recipe. In the 19th [century] ... much of the base malt in a märzenbier and oktoberfestbier ...' The following text can be found in Ben McFarland's 2009 book *World's Best Beers – One thousand craft brews from cask to glass*: 'Technically, genuine Oktoberfest beer can be brewed only within the city limits of Munich, by brewers participating in the ...'.

The pre-eminence of 'Oktoberfestbier' is recognised not only by the breweries, but also in the press and in literature. For example, in 2005 the newspaper *Welt am Sonntag* referred to 'Oktoberfestbier' in the context of the colours of the German national flag, the Federal Government and the associated colours of the main political parties in Germany, saying: 'When the Oktoberfest starts on Saturday, we will be thinking more about beer than the elections.' And later: 'Then, it will not be black, or red, that rules, but gold, liquid gold – Bavaria's best beer.' In 2009, an article in the newspaper described 'Oktoberfestbier' from the point of view of international consumers with the words: 'A beer that the world has its eyes on.' Then, in a 2011 article on 'Oktoberfestbier' it wrote, clearly and concisely: 'One thing is clear: all the "Wiesnbiere" made by the breweries for this year's Oktoberfest are super.' These ratings by the press concur with the report by writer Thomas Wolfe on his visit to the Oktoberfest in 1928, in which he highlights the pre-eminence of 'Oktoberfestbier': 'The narrator, as anonymous as the awe and euphoria that immediately seize him on the Wiesn, has to enquire in order to understand the spectacle: "Beer?", I asked, "Why beer? Why do people come here to drink beer? Why have the famous breweries set up all these halls, when the whole of Munich is famous for its beer and the city has hundreds of beer taverns?" His companion Heinrich answered that he was right, but: "This is 'Oktoberfestbier"'.' The famous specialist beer journalist Michael Jackson also described the incomparable nature of 'Oktoberfestbier' as follows: '"Oktoberfestbier" has a head of alpine dimensions and savoury hints of cream and malt ...'.

Causal link between the geographical area and a specific quality, the reputation or other characteristics of the product

The long tradition of producing 'Oktoberfestbier' for the festival in Munich, its sale at the world-famous and well-known Oktoberfest, which has existed for more than 200 years, and its special character as a full-bodied, smooth beer, which is considered to be a unifying factor, have resulted in 'Oktoberfestbier' becoming a well-known and popular speciality beer in Germany and internationally, whose reputation, almost as an ambassador of Munich, is inextricably linked to the city and its way of life. The festival where the famous 'Oktoberfestbier' originated and is served is known throughout the world.

One of the first references to the fact that only beer brewed by breweries based in the geographical area were allowed to be served at the Oktoberfest appears in a ruling by the city's municipal authorities on the Oktoberfest, which applied until 1850. In the series of papers *Miscellanea Bavarica Monacensia*, Issue 100, entitled *Das Münchner Oktoberfest* [The Munich Oktoberfest], briefly states how four restaurateurs from Munich's surrounding area were prevented from serving their beer, which came from the municipality of Tölz (about 45 km from Munich), at the Oktoberfest. Only the 18 Munich restaurateurs, whose beer came from the local Munich breweries, were allowed to serve their products at the Oktoberfest. The four restaurateurs from the surrounding area were given permission to sell their beer outside of the Oktoberfest, some distance away, in the Sendlinger Höhe area.

The people of Munich associate 'Oktoberfestbier' with the history and traditions of the Oktoberfest, which they learn about when they are at primary school. The period in which the Oktoberfest takes place is thus often in Munich described as a 'season' in its own right, similar to the 'Starkbierzeit' ('strong beer season' in March).

Each year, visitors from all over the world flock to the Oktoberfest to enjoy this particular beer within the traditional atmosphere. According to the City of Munich, more than 6 million people had on average visited the Oktoberfest in each of the 10 years preceding 2010, drinking an average of 6,24 million litres of beer there.

The fact that the word 'Oktoberfestbier' is associated not only with beer of a particular quality but also with the City of Munich is demonstrated by two recent consumer surveys.

Participants in a survey carried out in Germany in 1980 were asked the following question: 'Imagine you are given a bottle of beer in a pub or by friends and the label on the bottle reads "Oktoberfest Beer". Where would you think it had been brewed?' 70 % of Germans and 84 % of Bavarians asked immediately said Munich.

An empirical market survey carried out in Austria in 2008 found that 68,5 % of occasional beer drinkers were familiar with the name 'Oktoberfestbier' and 53,5 % of this group associated the term with the City of Munich.

The importance of 'Oktoberfestbier' for the Oktoberfest, the City of Munich and beyond is demonstrated inter alia by the fact that the price of a 'Maß' (a 1-litre glass) of 'Oktoberfestbier' remains a subject of political debate in Munich and Bavaria, unlike the price for normal beer.

An article in the *Frankfurter Allgemeine Sonntagszeitung* of 21 September 2003 by Thiemo Heeg addressed this fact, stating that 'the most important question before the Munich Oktoberfest is always the same: how much will a litre of beer cost this year?'. In the past, this was not always a matter for discussion. In 1844, for example, 'heavily armed' army reserve forces were placed on standby as there had been protests against the price of beer that year and repeated protests were feared (the City of Munich's official *Wiesn* magazine *200 Jahre Oktoberfest*, Münchner Merkur and 'tz').

Reference to publication of the specification

https://register.dpma.de/DPMAregister/geo/detail.pdfdownload/29500