



Quality policy



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Agriculture et développement rural





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**Protection of designations of origin,
geographical indications and
traditional specialities guaranteed**

- **I. Protected Designations of Origin and Geographical Indications (Council Regulation (EEC) No 2081/92)**
 - **Definitions, scope**
 - **Specification, applicant**
 - **Procedure of registration**
 - **Procedure of objection**
 - **Inspection structures**
 - **Logo, protection**
 - **Role of the Member State**

- **II. Traditional Specialities Guaranteed = Certificates of Specific Character (Council Regulation (EEC) No 2082/92)**



Council Regulation (EEC) No 2081/92

- On protection of geographical indications and designations of origin for agricultural products and foodstuffs
- = PDOs and PGIs
- = Geographical indications



PDOs and PGIs



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■ *Common points*

- Same types of products
- Geographical names
- Originating in the region of which they bear the name
- Same procedures
- Same protection level

■ *Differences*

- Link to the geographical area (reputation possible for a PGI)
- Number of production steps to be realized in the region
- A non geographical name cannot be registered as a PGI.

PDOs and PGI : scope



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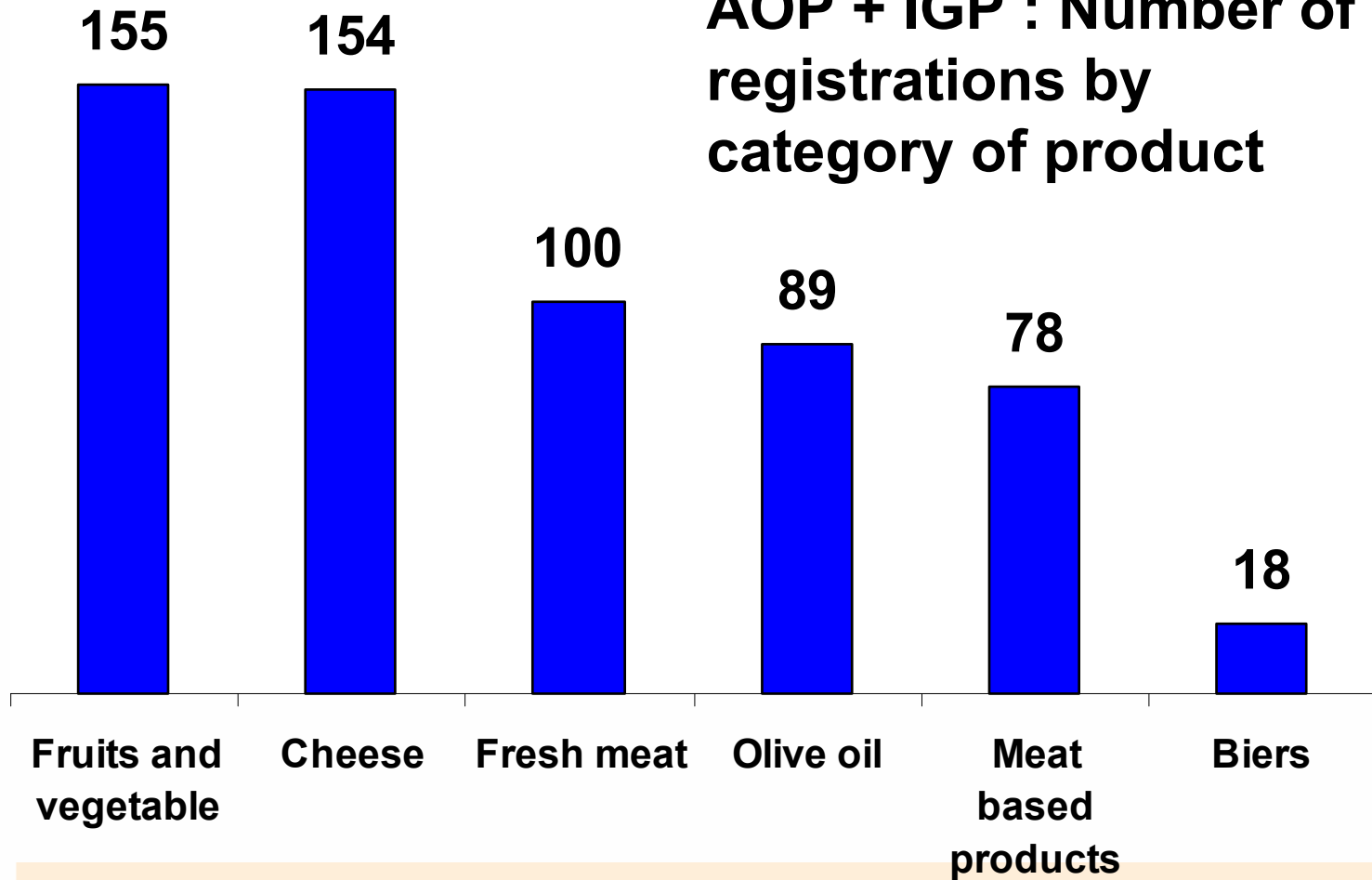


- Agricultural products intended for human consumption referred to in Annex I of the Treaty
- Foodstuffs and agricultural products listed in the annexes
- **Wines and spirits are not covered**





AOP + IGP : Number of registrations by category of product





Specification

- The agricultural product or foodstuff must comply with a **specification**.
- Producers draw up their own rules in the specifications; they establish the conditions to be observed subsequently.
- The specifications = main support of the application for registration.



Minimum content of the specification

- **name**
- **description of the product**
- definition of the **geographical area**
- evidence that the product originates in the geographical area
- **method of obtaining the product**
- **link** with the geographical area
- inspection structure
- specific labelling details (PDO or PGI)

Examples of names



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Queijo
Serra da
Estrela

Feta

*Spreewälder
Gurken*

Parmigiano-
Reggiano

Budějovické pivo

Roquefort



Specific cases

- Generic names cannot be registered,
- Generic name : name of an agricultural product/foodstuff which, although it relates to the place or the region where this product/foodstuff was originally produced or marketed, has become the common name of an agricultural product/foodstuff.
- Conflicts with plant varieties or animal breeds: Article 3
- Conflicts with trademarks: Article 14.



The applicant



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- The application is prepared by a **group of producers**,
- Producers participate on a voluntary basis,
- Once a name is registered, any producer in the geographical area may start producing if he respects the specification and is controlled.

Application =

- The whole specification,
- A summary application,
- Supportive documents (ex: results of surveys, literary works proving a reputation, maps, illustrative documents...)

The application is transmitted to the
Member State authorities



- **Member State checks whether the application is complete, justified and whether it fulfils the requirements of the Regulation,**
- **Consultation or objection procedure at national level,**
- **Transmission to the Commission with possible transitional protection at national level.**



Commission : formal examination:

- Requirements of the Regulation
- Compliance with European law



Publication



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- **If all the requirements are fulfilled, the Commission publishes the main elements of the application in the Official Journal of the European Union - C series**



- **If not, the Commission decides not to publish (=rejection)**



Regulation 2081/92 – objections

- Possible statements of objection from persons who can demonstrate a legitimate interest, from:
 - - other MS
 - - WTO countries



Regulation 2081/92 – objections

- In case of objection:
- The Commission launches an amicable procedure with the MS concerned
- If no agreement is reached => the Commission has to decide
 - Regulatory Committee



Regulation 2081/92 – registration



- Commission Regulation published
Official Journal of the European Union
- L series



Amendment of a specification

- Same procedure as registration of a name
- For minor amendments, the Commission decides without publishing the application for amendment.



Inspection structure



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- Objective : ensure that agricultural products and foodstuffs bearing a protected name meet the requirements laid down in the specifications
- In any case the inspection structure :
- A) must offer adequate guarantees of objectivity and impartiality towards producers/processors subject to the control
- B) must have permanently at their disposal the qualified staff and resources necessary to carry out inspections



The inspection structure may comprise:

- **One or more designated inspection authorities**
- **One or more private bodies approved for that purpose by the Member State**
 - approval is given by the Member State according to requirements of standard EN 45011
 - approval can be withdrawn



Logo



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Regulation 2081/92 – the protection

What is protected ?

**The registered names
(and not the products
themselves)**



Extent of protection

- Any registered name is protected against :
 - a) any direct or indirect commercial use of the name
 - b) any misuse, indication or evocation,
 - c) any other false or misleading indications as to the provenance, origin, nature or essential qualities of the product
 - d) any other practice liable to mislead the public as to the true origin of the product

Applications:

- MS shall check that the application is justified (by all possible means including for instance verifications on the spot, consultations of experts, specific committee, ...),
- MS shall forward applications satisfying the requirements of the Regulation to the Commission,
- MS may grant a transitional protection period to the name until a decision on registration is taken,
- MS may be asked by the Commission to provide further information,
- MS may request amendment of a specification.

Objections:

- MS may object to the registration of any name within six months after publication,
- MS shall provide access to the application to all persons having legitimate interest,
- MS shall consider the statements of objection received and forward to the Commission any duly substantiated statement of objection,
- MS is asked to seek agreement with other MS if an admissible objection is introduced and communicate to the Commission whether an agreement was reached.

Inspection

- MS shall ensure that the inspection structures are in place and check whether the private bodies comply with standard EN 45011,
- MS shall guarantee that producers have access to the inspections.
- MS shall apply ex-officio protection established in Art. 13.



Role of the MS



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- MS shall adopt appropriate procedures,
- MS shall designate the Competent authorities,
- MS shall participate actively to the regulatory committee.



Council Regulation (EEC) 2082/92

- On Certificates of specific character for agricultural products and foodstuffs
- = Traditional Specialities Guaranteed (TSGs)



Definitions

- Specific character
- Certificate of specific character
- Tradition
- No claims of general nature
- **No link with the geographical Origin**



Scope of Reg. 2082/92

- Agricultural products intended for human consumption referred to in Annex I of the Treaty
- Foodstuffs listed in the annex (more products covered)





Specification

- **Name** : in one or several languages
- Description of the **method of production**
- Aspects allowing appraisal of **traditional character**
- Description of the **characteristics** of the agricultural product or the foodstuff
- Minimum requirements and **inspection procedures**



Examples of products registered

Cheeses:
Mozzarella,
Hushallsost

Fresh-meat:
Traditional farm
fresh Turkey

Meat-based products: Jamón
Serrano, Falukorv

Pastry, bakers's wares:
Panellets, Kalakukko

Beers: Sahti, Faro, Lambic,
Gueuze Lambic, Kriek, Vieille-
Gueuze, Vieille-Kriek



Registration procedure

- Transmission of the application (including specifications) to the MS by the **group of producers**
- MS verifies if the requirements are fulfilled, and if so, transmits to Com,
- Com transmits the application to all MS,
- Publication of the main points of the application in the Official Journal of the EU.



Registration procedure

- Objections possible during 5 months,
- If objection : MS seek agreement (3 months), otherwise Commission decision
- If no objection : **registration by the means of a regulation** published in the Official Journal of the European Union





Effects of the registration

- **Methods of production are protected (« recipes »)**
- + 2 levels of protection of names
- **“low” protection**
- **“high” protection** : reservation of the name alone (derogation)



Logo





European Commission

[http://europa.eu.int/comm/agriculture/foodqual/
quali1_en.htm](http://europa.eu.int/comm/agriculture/foodqual/quali1_en.htm)