



EUROPEAN COMMISSION

Brussels,  
COM(2010) XXX final

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on agricultural product quality schemes**

## EXPLANATORY MEMORANDUM

### **1. CONTEXT OF THE PROPOSAL**

The Quality Package consists of a set of proposals designed to put in place a coherent agricultural product quality policy aimed at assisting farmers to better communicate the qualities, characteristics and attributes of agricultural product, and at ensuring appropriate consumer information. The Quality Package includes:

- a proposal for a Regulation of the European Parliament and of the Council on agricultural product quality schemes [COM(2010) XXXX];
- a proposal to modify Regulation (EC) No 1234/2007 (the single Common Market Organisation) concerning marketing standards for agricultural products [COM(2010) XXXX];
- guidelines setting out best practice for the development and operation of certification schemes relating to agricultural products and foodstuffs [C(2010) XXXX], and
- guidelines on the labelling of foodstuffs using Protected Designation of Origin (PDO) and Protected Geographical Indications (PGI) as ingredients [C(2010) XXXX].

#### **1.1. Grounds for and objectives of the proposal**

Farmers and producers of agricultural products face competitive pressure resulting from policy reform, globalisation, the concentration of bargaining power in the retail sector, and the state of the economy. At the same time, consumers increasingly look for authentic products produced using specific and traditional methods. In meeting this demand, the diversity and quality of European Union agricultural production should be an important strength and source of competitive advantage for Union farmers.

However, in order for consumers and buyers to be properly informed about the characteristics and farming attributes of agricultural product, they need to receive accurate and trustworthy labelling information. Providing producers with the right tools to communicate product characteristics and farming attributes to buyers and consumers, and to protect them against unfair trading practices, is at the heart of European Union agricultural product quality policy.

Most tools already exist at European Union level. Analysis and discussion with stakeholders has shown that they may be improved, simplified and made more coherent. The Quality Package aims to improve the Union legislation in the field of quality, as well as in the operation of national and private certification schemes, in order to make them simpler, more transparent and easier to understand, adaptable to innovation, and less burdensome for producers and administrations.

## 1.2. General context

Since the 1990s, Union agricultural product quality policy has been closely identified with three Union schemes, namely for protected designations of origin and protected geographical indications, for organic farming, and for traditional specialities guaranteed. In addition, Union marketing standards have provided a legislative framework for fair competition and smooth functioning of the market since the inception of the common agricultural policy. These Union standards and schemes have been joined in the last decade by an upsurge in the number of certification schemes in the private sector – seeking to guarantee to consumers value-adding characteristics and attributes, as well as respect for baseline standards through quality assurance certification.

In 2006, in the context of a recast of the scheme for protected designations of origin and protected geographical indications, the Commission committed to undertake a future policy review of the operation of the Regulation and its future development<sup>1</sup>.

In 2007 a major conference was held bringing together all types of quality schemes: ‘Food quality certification—adding value to farm produce’. The Conference led to the 2008 Green Paper on agricultural product quality<sup>2</sup>, which elicited over 560 detailed stakeholder responses and provided the input for the Communication on agricultural product quality policy<sup>3</sup> in 2009. This set out the following strategic orientations:

- improve communication between farmers, buyers and consumers about agricultural product qualities;
- increase the coherence of European Union agricultural product quality policy instruments; and
- reduce complexity to make it easier for farmers, producers and consumers to use and understand the various schemes and labelling terms.

## 1.3. Existing provisions on this area

European Union legislation provides for protection of designations of origin and geographical indications system in respect of agricultural products and foodstuffs. A harmonised regulatory system in the European Union was created in 1992 to register valuable names of agricultural products and foodstuffs produced according to a specification in a given geographical area by producers with recognised know-how<sup>4</sup>.

---

<sup>1</sup> Addendum to draft minutes; 2720th meeting of the Council of the European Union (Agriculture and Fisheries), 20.3.2006 (7702/06 ADD1).

<sup>2</sup> COM(2008) 641, 15.10.2008

<sup>3</sup> COM(2009) 234, 28.05.2009

<sup>4</sup> Regulation (EC) No 510/2006 of the Council on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (OJ L 93, 31.3.2006, p. 12). which repealed and replaced Regulation (EEC) No 2081/92. Schemes for geographical indications are also established in the wine sector, and for spirit drinks and for aromatized wines.

Also in 1992, the scheme for traditional specialities guaranteed set up a register of names of food specialties having a traditional character, stemming either from their traditional composition or traditional production methods used<sup>5</sup>.

As regards marketing standards, there is an extensive body of legislation that has developed mostly on a sectoral basis, in the form of regulations and directives adopted both at the level of Council and the Commission.

In addition, optional quality terms, regulated within the marketing standards, ensure that terms describing value adding characteristics, or farming or processing attributes are not misused in the marketplace and can be relied on by consumers in identifying different qualities of product.

#### **1.4. Consistency with other policies**

Agricultural product quality policy forms part of the common agricultural policy. The recent Communication<sup>6</sup> from the Commission on policy in the period post-2013 has identified several key challenges including maintaining the diversity of agricultural activities in rural areas and enhancing competitiveness, to which agricultural product quality policy will contribute. The policy also is in line with the priorities for the European Union set out in the 2020 Communication<sup>7</sup>, in particular the aims of promoting a more competitive economy, as quality policy is one of the flagships of EU agriculture's competitiveness.

This proposal is linked to and consistent with policies on consumer protection and information, single market and competition, as well as external trade policy.

## **2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS**

### **2.1. Consultations**

Stakeholders have been widely consulted. The main avenues for consultation were the Advisory Group on the quality of agricultural production, and the Green Paper consultation<sup>8</sup>, which concluded with a high-level conference in March 2009, organised by the Czech Presidency. The Council of Ministers adopted conclusions<sup>9</sup> on the Communication in its meeting in June 2009. The European Parliament adopted the resolution, 'Agricultural product quality policy: what strategy to follow?'<sup>10</sup> in March 2010. Opinions were adopted by the European Economic and

---

<sup>5</sup> Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed (OJ L 93 31.3.2006 p.1-11)

<sup>6</sup> COM(2010)672 final, 18.11.2010

<sup>7</sup> COM(2010) 2020, 3.3.2010

<sup>8</sup> From 15 October to 31 December 2008

<sup>9</sup> <http://register.consilium.europa.eu/pdf/en/09/st10/st10722.en09.pdf>

<sup>10</sup> <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2010-0088&language=EN&ring=A7-2010-0029>

Social Committee in January 2010<sup>11</sup> and the Committee of the Regions in February 2010<sup>12</sup>.

## 2.2. Main outcome of the consultations

Overall, stakeholders welcomed the orientations set out in the 2009 Communication. The main views expressed were the following:

- For designations of origin and geographical indications, simplification of the scheme by merging the two instruments (the ‘protected designation of origin’ and the ‘protected geographical indication’) was opposed. Merger of the existing systems (for wine, spirits, aromatised wines and agricultural products and foodstuffs) was viewed positively by most stakeholders, except for those in the wine and spirits sectors. The Commission was encouraged to further simplify, clarify and streamline the systems, and to enhance international recognition of designations of origin and geographical indications.
- For traditional specialities guaranteed, almost unanimous support was expressed by stakeholders for continuation of the TSG scheme, underlining its potential and importance for producers of traditional product that does not qualify under the geographical indications scheme. Some stakeholders called for the scheme to be simplified, in particular by discontinuing the possibility to register names without reserving it, and streamlined. Stakeholders representing producers of product covered by designations of origin and geographical indications suggested the scheme could provide an outlet for such product particularly where they are used in recipes.
- For marketing standards, in general stakeholders welcomed the simplification of marketing standards, place of farming labelling, and further development of optional quality terms.
- the need to address the needs of small-scale producers for whom the Union designations of origin and geographical indication and traditional specialities guaranteed schemes are too burdensome was raised.

## 2.3. Impact assessment

Following the 2009 Communication and the main responses to it, two impact assessments were prepared with a view to exploring the options identified in the Communication. These covered designations of origin and geographical indications, and traditional specialities guaranteed.

Concerning **geographical indications**, the analysis showed strong justification for a Union-level geographical indications scheme and discarded alternatives to a European Union scheme for reasons of low efficiency and effectiveness (including co-regulation and self-regulation by the sector, no action at European Union level,

---

<sup>11</sup> [http://eescopinions.eesc.europa.eu/EESCopinionDocument.aspx?identifier=ces\nat\nat448\ces105-2010\\_ac.doc&language=EN](http://eescopinions.eesc.europa.eu/EESCopinionDocument.aspx?identifier=ces\nat\nat448\ces105-2010_ac.doc&language=EN)

<sup>12</sup> [http://coropinions.cor.europa.eu/CORopinionDocument.aspx?identifier=cdr\deve-iv\dossiers\deve-iv-048\cdr315-2009\\_fin\\_ac.doc&language=EN](http://coropinions.cor.europa.eu/CORopinionDocument.aspx?identifier=cdr\deve-iv\dossiers\deve-iv-048\cdr315-2009_fin_ac.doc&language=EN)

protection through the international Lisbon Agreement<sup>13</sup>, replacement by a notification system for national geographical indications, and protection through the existing Community collective trade mark). The impact assessment identified considerable ground for reducing complexity and facilitating enforcement by merging the agricultural product and foodstuffs scheme with those in the alcoholic beverages sectors, while assuring the specificities of each system. However, the impact assessment acknowledged the opposition of certain stakeholders to this option.

Analysis of price data showed that producer returns for protected designations of origin (PDOs) and protected geographical indications (PGIs) are higher than for non-designated product and that the PDO label commands a higher price than the PGI label. The overall value of agricultural products and foodstuffs sold under PDOs and PGIs is 14.2 €billion (1997) at wholesale prices, and estimated at 21 €billion at consumer prices. Concerning trade in the internal market, 18.4% of PDO and PGI products are marketed outside their Member State of production.

The impact assessment found that merging the instruments for protected designation of origin (PDO) and protected geographical indication (PGI) would diminish the added-value benefits of the PDO identification. Concerning environmental impacts, studies show that some PDO and PGI products come from low intensity farming systems associated with high environmental value. These PDOs and PGIs provide an economic underpinning to the environmental public goods. Under the options retained for analysis producers can include environmental conditions in appropriate cases.

Concerning **traditional specialities guaranteed**, three options were analysed: introducing the term 'traditional' as optional quality term and abolishing the current scheme; no EU action; and simplifying the current scheme (allowing only registration with reservation of the name). The impact assessment showed that eliminating the TSG scheme would lead for protected names to loss of the economic and social benefits of EU-wide protection and was found to be unacceptable to stakeholders and to the EU legislator. In addition, the option to protect names throughout the single market was identified as a function that can only be undertaken effectively at Union level. The current low uptake of the traditional speciality guaranteed (TSG) scheme meant that data was limited. Case studies and surveys show positive economic and social impacts, including the preservation of traditional forms of production, access to derogations from hygiene rules for traditional methods, and value adding economic benefits of TSG registration.

Concerning the non-protected names however, little economic or social impact was shown for the abolition option as this function could be taken up by national or regional schemes and is already successfully achieved by several national schemes; the case for Union action in this regard was therefore difficult to justify on grounds of subsidiarity.

---

<sup>13</sup> Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (1958)

In social terms, the designations of PDO, PGI and TSG were found to contribute to the continuation of traditional forms of production to the benefit of both producers and consumers.

However, both the impact assessments for geographical indications and for traditional specialities guaranteed highlighted the widespread failure of these schemes to attract participation of very **small-scale producers**, notwithstanding that small-scale producers are often associated with artisanal product, traditional methods and local marketing, the European Union schemes are seen as burdensome in terms of application, necessitate costly controls, and require adherence to a specification. Therefore, further study and analysis will be carried out in order to assess the problems faced by small-scale producers in participating in Union quality schemes. On the basis of the results of this analysis, the Commission may propose appropriate follow-up.

Concerning **marketing standards**, in addition to the impact assessment work already done in the context of the 2009 Communication, further impact assessment work will be associated as appropriate to the proposals on the specific standards in the context of delegated powers for which a legal framework has been provided within the alignment of Regulation 1234/2007 to the Treaty of Lisbon.

The texts of the impact assessments can be found on the following website:

[http://ec.europa.eu/agriculture/quality/policy/backdocuments-links/index\\_en.htm](http://ec.europa.eu/agriculture/quality/policy/backdocuments-links/index_en.htm)

### **3. LEGAL ELEMENTS OF THE PROPOSAL**

#### **3.1. Summary of the proposed action**

The single Regulation for agricultural product quality schemes presents three complementary schemes (designations of origin and geographical indications; traditional specialities guaranteed; optional quality terms) in a single regulatory structure, overseen by a single quality policy committee. A separate Regulation covers the Marketing Standards.

##### *3.1.1. Designations of origin and geographical indications, excluding wines, aromatised wines and spirits.*

The proposal maintains and reinforces the scheme for agricultural products and foodstuffs, but does not bring together the geographical indications schemes for wines, for spirits, or for aromatized wines. In the light of relatively recent reforms of the wine and spirits legislation, at this stage, the schemes should remain distinct. This issue can be reconsidered at a later date. In the meantime, the rules for the scheme for agricultural products and foodstuffs will be converged, where appropriate, to those for wines.

The main elements designed to strengthen and simplify the scheme are the following:

- recognition of the roles and responsibilities of groups<sup>14</sup> applying for registration of names with regard to monitoring, promotion and communication;
- the reinforcement and clarification of the level of protection of registered names and the common Union symbols;
- the procedure to register names is shortened;
- the respective roles of Member States and groups applying for registration have been clarified with regard to the enforcement of protection of the registered names throughout the European Union, and
- the definitions of designations of origin and geographical indications are more closely aligned to international usage.

The proposal streamlines the current process of registration of designations of origin and geographical indications by shortening time delays. In addition, certain legal issues are clarified and terminology aligned with the recently adopted legislation on geographical indications for wine. Minimum common rules on official controls to ensure product follows the specification and to ensure correct labelling in the marketplace are also laid down. The scope of the Regulation is maintained (agricultural products for human consumption and certain other products), while dark chocolate is added.

### 3.1.2. *Traditional specialities guaranteed*

The proposal maintains the scheme for reservation of names of traditional specialities guaranteed across the European Union, but discontinues the option of registering names without reservation. The function of giving publicity, but not protection, to traditional products is best accomplished at national (or regional) level, and European Union action cannot be justified. The renewed European Union scheme for traditional specialities guaranteed is simplified (registration process streamlined by shortening delays, procedures aligned on PDO-PGI ones) and targeted in several respects: the criterion of tradition is extended to 50 years (from 25 years) to reinforce the credibility of the scheme; the scheme is restricted to prepared meals and processed product; and definitions and procedural requirements are substantially simplified to improve understanding of the scheme.

### 3.1.3. *Optional quality terms*

Concerning the optional quality terms, which have in common with the quality schemes that they are optional and assist farmers to identify value-adding characteristics and attributes of product in the marketplace, it is proposed to bring these into the present regulation. The optional quality terms are not amended in content, but adapted to the legislative framework of the Treaty on the Functioning of the European Union.

---

<sup>14</sup> any association, irrespective of its legal form or composition, of producers or processors working with the same product

Further study and analysis will be carried out in order to assess the problems faced by producers of mountain products in labelling their products on the market. On the basis of the results of this analysis, the Commission may propose appropriate follow-up.

#### 3.1.4. *Marketing standards*

Following the Communication from the Commission on agricultural product quality policy and subsequent debates, it is clear that marketing standards can contribute to improving the economic conditions for the production and marketing as well as the quality of such products. A minimum requirement of "sound, fair and marketable" already exists in market management measures. Extending these minimum requirements to those products not covered by specific standards can be useful for reassuring the consumers about the basic quality of the products they buy.

The proposal also takes into account the necessity of the alignment to the Treaty on the Functioning of the European Union, and thus the powers to adopt and develop standards in future will be delegated to the Commission.

Under this new framework, a legal basis for compulsory labelling of place of farming will be introduced for all sectors. This allows the Commission, following appropriate impact assessments and on a case by case basis, to adopt delegated acts concerning possible mandatory labelling on place of farming at the appropriate geographical level in order to satisfy the consumers' demands for transparency and information. One of the first sectors to be examined will be the dairy sector. At the same time the Commission envisages that for the future the mandatory indication of origin, for those sectors in which it already exists, will be maintained.

#### 3.2. **Legal basis (if necessary, justify choice of legal basis)**

Treaty on the Functioning of the European Union, Article 43(2), and for Title II also Article 118(1).

#### 3.3. **Subsidiarity and proportionality principles**

Concerning **subsidiarity**, the schemes for *designations of origin and geographical indications*, *traditional specialities guaranteed* and *optional quality terms*, provide for the protection or reservation of value-adding names and terms throughout the territory of the European Union. This has the effect that non-qualifying producers are constrained from using the terms. If protected by Member States individually, the terms and names would enjoy different levels of protection in each Member State, which could mislead consumers, impede intra-Union trade, and make way for unequal competition in marketing products identified by quality names and terms. The determination of such rights across the European Union can only be done effectively and efficiently at Union level. 18% of the value of products sold under the PDO and PGI scheme are traded outside their Member State of origin and rely on the intellectual property protection afforded by EU-wide scheme. For the protected names under the TSG scheme, sales in the internal market are significant for the producers concerned. Optional quality terms also apply to significant intra-Union trade flows and divergent definitions and meanings would impede the operation of the market.

The schemes for *designations of origin and geographical indications*, and *traditional specialities guaranteed* rely on Union symbols designed to convey information about the nature of each quality scheme. In order to ensure recognition of the symbols by consumers across the European Union, and thereby facilitate understanding of the scheme and trade in quality products across borders, the symbols need to be established at Union level.

The processing and analysis of applications for *designations of origin and geographical indications* and *traditional specialities guaranteed* is a task that need not be performed at European Union level, except in so far as certain elements are concerned. These include assessing eligibility for the protection of names across the European Union, upholding the rights of prior users of the names (especially those outside the Member State of application), and checking applications for manifest errors. The primary detailed analysis of an application however, can be more efficiently and effectively undertaken at national level.

The operation of labelling schemes designed to identify product having certain qualities, but which do not effect the protection or reservation of names across the European Union, can be most effectively done by national authorities. For this reason the proposed revision of the *traditional specialities guaranteed* scheme discontinues the option to register names that are not protected.

The task of controls of all schemes is, in line with Regulation (EC) No 882/2004 on official feed and food controls, to be undertaken in the first place under the responsibility of national competent authorities. Supervision of Member State control activities needs to be undertaken at Union level in order to maintain credibility in the food law schemes across the European Union, in line with the principles laid down in that regulation.

Concerning **proportionality**, the schemes for *designations of origin and geographical indications* and for *traditional specialities guaranteed* entail adherence to a strict product specification and effective controls on production that can be burdensome for producers. However, this is necessary and proportionate to underpin the creditability of the scheme and provide the consumer with an effective guarantee of compliance. Without that guarantee, the consumer cannot be expected to pay a fair price for the quality products offered. By contrast the schemes for *optional quality terms* rely primarily on producers' own declarations of conformity, backed up by normal agricultural controls by Member States, based on risk assessment. As the conditions of participation in these schemes are lighter than in the case of the designations of origin and geographical indications and traditional specialities guaranteed, the less-burdensome system of participation and controls is proportionate.

The quality schemes are an essential part of the strategy of development of the common agricultural policy to enable and encourage European Union farmers to develop their expertise in marketing high quality product that has value adding characteristics and production attributes. As such it is vital that all farmers have access to the schemes. Therefore, while farmers must make a considered choice to take on the burdens and commitment to market quality product under the schemes, equally the policy benefits for the agricultural sector and for consumers can only be achieved if every farmer who wishes, has access to the schemes. For this reason, it is

proportionate to the objective that the schemes must be applied by each Member State throughout their territories.

### **3.4. Choice of instruments**

The proposal for a Regulation of the European Parliament and of the Council on agricultural product quality schemes replaces existing Council Regulations (EC) No 509/2006 and (EC) No 510/2006, and incorporates existing provisions relating to optional quality terms currently in Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products<sup>15</sup> and in Directive 2001/110/EC related to honey<sup>16</sup>.

The regulation is accompanied by a parallel legislative proposal for marketing standards comprising a European Parliament and Council Regulation modifying Council Regulation (EC) No 1234/2007 aligned to the rules of the TFEU.

## **4. BUDGETARY IMPLICATION**

None of the European Union schemes have budgetary implications.

However, it has been shown necessary for the Commission to take a more active role to protect the names of the quality schemes and the Union symbols, particularly in third countries. To achieve this, additional budgetary resources are necessary. They are shown in the financial statement.

## **5. OPTIONAL ELEMENTS: SIMPLIFICATION**

The proposed regulation simplifies administration of the schemes by bringing different quality schemes for agricultural products as well as the optional quality terms, into one legislative instrument. It ensures coherence between the instruments and makes the schemes more easily understandable for stakeholders. The proposal clarifies and simplifies provisions for Member States, which are primarily responsible for the implementation and control of the schemes.

The main elements of simplification are:

- combination where possible of rules for application processes and controls, with benefits in terms of coherence of rules across schemes, ending current divergences in procedures;
- procedures are shortened and streamlined where possible;
- clarifications are introduced in particular in relation to intellectual property rights;

---

<sup>15</sup> OJ L 299, 16.11.2007, p. 45.

<sup>16</sup> OJ L 10, 12.1.2002, p. 47.

- simpler concepts more easily understood by consumers are introduced, notably in the traditional specialities guaranteed scheme;
- a single committee (the quality policy committee) is established for all schemes. This replaces two committees currently operating for the schemes for designations of origin and geographical indications, and for traditional specialities guaranteed.

For marketing standards, the proposed modification of Regulation (EC) No 1234/2007 will represent a simplification in terms of procedures and it will increase the transparency as far as marketing standards provisions are concerned.

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on agricultural product quality schemes**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) and Article 118(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>17</sup>,

Having regard to the opinion of the Committee of the Regions<sup>18</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The quality and diversity of European Union agricultural production is an important strength and competitive advantage for European Union producers and part of the Union's living cultural and gastronomic heritage. This is due to the skills and determination of European Union farmers and producers who have kept alive traditions while taking into account developments of new production methods and material.
- (2) Citizens and consumers in the European Union increasingly demand product of quality as well as traditional products. They are also concerned to maintaining the diversity of the agricultural production in the European Union. This generates a demand for agricultural products or foodstuffs with an identifiable specificity, in particular for geographical origin.
- (3) Producers can only continue to produce diverse and quality products if they are fairly rewarded for their effort. This requires that they are able to communicate to buyers and consumers the characteristics of their product under conditions of fair competition. It also necessitates that their products are correctly identified on the marketplace.
- (4) Assisting producers, by means of the operation of quality schemes, to be rewarded for their efforts to produce a diversity of quality products, can benefit the rural economy. This is particularly the case in less favoured areas, where the farming sector accounts

---

<sup>17</sup> OJ C , , p. .

<sup>18</sup> OJ C , , p. .

for a significant part of the economy. In this way quality schemes contribute to and complement rural development policy as well as market and income support policies of the common agricultural policy (CAP).

- (5) EU 2020 policy priorities as set out in the Communication from the Commission, EU 2020 a strategy for smart, sustainable and inclusive growth<sup>19</sup>, include the aims of achieving a competitive economy based on knowledge and innovation and fostering a high-employment economy delivering social and territorial cohesion. Agricultural product quality policy should therefore provide producers with the right tools to better identify and promote their products having specific characteristics while protecting them against unfair practices.
- (6) The set of different complementary measures envisaged should respect the principles of subsidiarity and proportionality.
- (7) Agricultural product quality policy measures are laid down in the following Regulations :
  - Council Regulation (EEC) No 1601/91 of 10 June 1991 laying down general rules on the definition, description and presentation of aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails<sup>20</sup>;
  - Council Directive 2001/110/EC of 20 December 2001, related to honey<sup>21</sup> and in particular Article 2 thereof;
  - Council Regulation (EC) No 247/2006 of 30 January 2006 laying down specific measures for agriculture in the outermost regions of the Union<sup>22</sup> and in particular Article 14 of Title IV 'Graphic symbol' thereof;
  - Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed<sup>23</sup>;
  - Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs<sup>24</sup>;
  - Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)<sup>25</sup> and in particular Part II, Title II, chapter I, section I 'Marketing rules' and Section Ia, Subsection I 'Designations of origin and geographical indications' thereof;

---

<sup>19</sup> Communication from the Commission 'EUROPE 2020 A strategy for smart, sustainable and inclusive growth', COM(2010) 2020

<sup>20</sup> OJ L149, 14.06.1991, p. 1

<sup>21</sup> OJ L 10, 12.1.2002, p. 47

<sup>22</sup> OJ L 42, 14.2.2006, p. 1.

<sup>23</sup> OJ L 93, 31.3.2006, p. 1.

<sup>24</sup> OJ L 93, 31.3.2006, p. 12.

<sup>25</sup> OJ L 299, 16.11.2007, p. 45.

- Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91<sup>26</sup>;
  - Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89<sup>27</sup>.
- (8) The labelling of agricultural products and foodstuffs should be subject to the general rules laid down in Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs<sup>28</sup>.
- (9) The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on agricultural product quality policy<sup>29</sup> identified achieving a greater overall coherence and consistency of agricultural product quality policy as a priority.
- (10) The geographical indications scheme for agricultural products and foodstuffs, traditional specialities guaranteed scheme, and voluntary labelling rules have certain common objectives and provisions.
- (11) The European Union has for some time been pursuing the aim of simplifying the regulatory environment of the CAP. This approach should also be applied to agricultural product quality policy Regulations.
- (12) Some Regulations that form part of the agricultural product quality policy have been reviewed recently and are not yet fully implemented. Against this background, this Regulation should not include those measures. However, it may be envisaged to incorporate them at a later stage once the legislation has been fully implemented.
- (13) In the light of the aforementioned considerations, the following provisions should be amalgamated into a single legal framework:
- New or updated provisions of Regulations (EC) No 510/2006 and (EC) No 509/2006;
  - Provisions of Regulations (EC) No 510/2006 and (EC) No 509/2006 that are maintained;
  - Provisions concerning voluntary labelling rules of Regulation (EC) No 1234/2007 and Directive 2001/110/EC
- (14) In the interests of clarity and transparency, Regulations (EC) No 509/2006 and (EC) No 510/2006 should therefore be repealed and replaced by this Regulation.

---

<sup>26</sup> OJ L 189, 20.7.2007, p. 1.

<sup>27</sup> OJ L 39, 13.2.2008, p. 16.

<sup>28</sup> OJ L 109, 6.5.2000, p. 29.

<sup>29</sup> COM(234)2009final

- (15) The scope of this Regulation should be limited to agricultural products intended for human consumption listed in Annex I to the Treaty and to a list of products outside the scope of the said Annex that are closely linked to agricultural production or to the rural economy.
- (16) The rules provided for in this Regulation should apply without affecting existing Union legislation on wines, aromatised wines spirit drinks, product of organic farming, or outermost regions.
- (17) The scope for designations of origin and geographical indications should be limited to products for which an intrinsic link exists between product or foodstuff characteristics and geographical origin. The inclusion in the former scheme of only certain types of chocolate as confectionery products is an anomaly that should be corrected.
- (18) The specific objectives of protecting designations of origin and geographical indications are for farmers and producers to secure fair return for the qualities of product and provide clear information on products with specific characteristics linked to geographical origin, enabling consumers to make more informed purchasing choices.
- (19) Ensuring uniform respect throughout the Union of the intellectual property rights related to names protected in the Union is also an objective that can be achieved more effectively at Union level.
- (20) A Union framework for protection of designations of origin and geographical indications, with their inclusion into a register, permits their development since, by providing a more uniform approach, such a framework ensures fair competition between the producers of products bearing such indications and enhances the credibility of the products in the consumer's eyes. Provision should be made for the development of designations of origin and geographical indications at Union level.
- (21) Based on the experience gained following the implementation of Council Regulation (EEC) No 2081/1992 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs<sup>30</sup> and Regulation (EC) No 510/2006, there is a need to address certain issues, to clarify and simplify some rules and streamline the procedures of this scheme.
- (22) In the light of existing practice, two different instruments identifying the link between the product and its geographical origin should be defined and maintained, namely the protected designation of origin and the protected geographical indication. However, without changing their concept as such, some modifications to the definitions should be adopted to better take into account the definition of geographical indications laid down in the Agreement on Trade-Related Aspects of Intellectual Property Rights and to clarify and simplify their understanding by operators.
- (23) An agricultural product or foodstuff bearing such a geographical description should meet certain conditions set out in a specification.

---

<sup>30</sup> OJ L 208, 24.7.1992, p. 1. Regulation repealed and replaced by Regulation (EC) No 510/2006

- (24) To qualify for protection in the territories of the Member States, designations of origin and geographical indications should only be registered at Union level. Member States should be able to grant transitional protection at national level without affecting intra-Union or international trade, with effect from the date of application for registration at the Union level. The protection afforded by this Regulation, subject to registration, should be equally open to designations of origin and geographical indications of third countries that meet the corresponding criteria and that are protected in their country of origin.
- (25) The registration procedure at Union level should enable any natural or legal person having a legitimate interest in a Member State, other than the Member State of the application, or in a third country, to exercise their rights by notifying their opposition.
- (26) Entry in the register of protected designations of origin and protected geographical indications should also provide information to those involved in trade and to consumers.
- (27) The Union is negotiating with its trade partners international agreements including protection of designations of origin and geographical indications. In order to facilitate public information about names so protected, and in particular to ensure protection and control of the use of the said names, they may be entered in the register of protected designations of origin and protected geographical indications. Unless specifically identified as designations of origin in the said agreements, the names should be entered in the register as protected geographical indications.
- (28) In view of their specific nature, special provisions as to labelling should be adopted for protected designations of origin and protected geographical indications, requiring producers to use the appropriate Union symbols or indications on packaging. The use of such symbols or indications should be made obligatory in the case of Union names, on the one hand, to make this category of products and the guarantees attached to them better known to consumers and, on the other, to permit easier identification of these products on the market so as to facilitate checks. Taking into account the requirements of the World Trade Organization, the use of such symbols or indications should be made voluntary for geographical indications and designations of origin originating in a third country.
- (29) Protection should be granted to names included in the register, aiming to ensure fair use and prevent practices liable to mislead consumers. In addition, the means to ensure the protection of geographical indications and designations of origin should be clarified notably as to the role of the producer groups and the competent authorities of Member States.
- (30) Specific derogations permitting the use of a registered name alongside other names for a limited period should be foreseen, although simplified and clarified. In specific cases, to overcome temporary difficulties with the long term objective to have all producers complying with the specifications, specific derogations may be granted up to a period of 10 years.
- (31) The scope of the protection granted under this Regulation should be clarified, in particular with regard to limitations on registration of new trade marks under Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to

approximate the laws of the Member States relating to trade marks<sup>31</sup> that conflict with the registration of protected designations of origin and protected geographical indications as is already the case for the registration of new trade marks at Union level. Such a clarification should also be introduced with regard to holders of prior rights in intellectual property, notably concerning trade marks and homonymous names registered as protected designations of origin or as protected geographical indications.

- (32) Protection of designations of origin and geographical indications should be extended to misuses, imitations and evocations of the registered names on goods as well as on services in order to ensure a high level of protection and align the protection with that applicable for the wine sector.
- (33) The names already registered under Regulation (EC) No 510/2006 on the date of entry into force of this Regulation should continue to be protected under this Regulation and automatically included in the register.
- (34) The specific objective of the scheme for traditional specialities guaranteed is to assist the producers of traditional products in communicating the value adding attributes of their product to consumers. However, with only few names registered, the current scheme for traditional specialities guaranteed has failed to meet its potential. Current provisions should therefore be improved, clarified and focussed in order to make the scheme more understandable, operational and attractive to potential applicants.
- (35) The former scheme provided the option to register a name for identification purposes without reservation of the name in the Union. As this option was not well understood by stakeholders and since the function of identifying traditional product can be better achieved at Member State or regional level in application of the principle of subsidiarity, the option should be discontinued. In the light of experience, the scheme should only concern reservation of names across the Union.
- (36) To ensure that names of genuine traditional products are registered under the scheme, other criteria and conditions for registration of a name should be reviewed, in particular concerning the definition of 'traditional' that should be changed to cover products that have been produced for a highly significant period of time. To improve protection of the culinary heritage of the Union, the scope of the traditional specialities guaranteed scheme should henceforth be more clearly focussed on prepared meals and processed products.
- (37) To ensure compliance with, and the consistency of, the traditional specialities guaranteed, producers organised into groups should themselves define the product in a specification. The option of registering a name as traditional speciality guaranteed should be open to third-country producers.
- (38) To qualify for reservation, traditional specialities guaranteed should be registered at Union level. Entry in a register should also provide information to those involved in the trade and to consumers.
- (39) In order to avoid creating unfair conditions of competition, any producer, including third-country producers, should be able to use a registered name and, where

---

<sup>31</sup> OJ L 299, 8.11.2008, p. 25.

appropriate, the Union symbol associated with the indication ‘Traditional speciality guaranteed’, provided that the product complies with the requirements of the relevant specification and the producer is covered by a system of controls.

- (40) In order to protect registered names from misuse or practices that might mislead consumers their use should be reserved.
- (41) For the names already registered under Regulation (EC) No 509/2006 that, on the date of entry into force of this Regulation, would not be covered by the scope of this Regulation, the terms of use laid down in that Regulation should continue to apply for a transitional period.
- (42) Provision should also be made for transitional measures applicable to registration applications received by the Commission before the entry into force of this Regulation.
- (43) The marketing standards should be clearly divided between obligatory rules maintained in the common market organisation legislation and the optional quality terms, which should be included in the architecture of the quality schemes. The optional quality terms should continue to support the aims of the marketing standards and thus be limited in scope to product listed in Annex I to the Treaty.
- (44) In the light of the objectives of the present Regulation and in the interest of clarity, existing optional quality terms should be governed by this Regulation.
- (45) With a view to the coherent development of optional quality terms describing specific product characteristics and attributes, provision should be made to confer the Commission the power to reserve an additional term, amend the product coverage or the conditions of use of, or cancel an optional quality term by means of delegated acts.
- (46) The added value of the geographical indications and traditional specialities guaranteed is based on the consumer trust, which is only credible if accompanied by effective verification and controls. These quality schemes should be subject to a monitoring system of official controls, in line with the principles set out in Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules<sup>32</sup>, including a system of checks at all stages of production, processing and distribution. To help Member States to better apply provisions of Regulation (EC) 882/2004 for the controls of geographical indications and traditional specialities guaranteed, references to the most relevant articles are mentioned in the current Regulation.
- (47) To guarantee to the consumer the specific characteristics of geographical indications and traditional specialities guaranteed, operators should be subject to a system of verification of compliance with the product specification.
- (48) The competent authorities should meet a number of operational criteria so as to ensure their impartiality and effectiveness. Provisions on delegating some competences of performing specific control tasks to control bodies should be envisaged.

---

<sup>32</sup> OJ L 191, 28.5.2004, p. 1.

- (49) European standards (EN standards) developed by the European Committee for Standardisation (CEN) as well as international standards developed by the International Organisation for Standardisation (ISO) should be used for the operation and accreditation of the control bodies. Accreditation of those bodies should be performed in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products<sup>33</sup>
- (50) Information on control activities for geographical indications and traditional specialities guaranteed should be included in the multiannual national control plans and annual report prepared by the Member States following the provisions of Regulation (EC) No 882/2004.
- (51) Member States should be authorised to charge a fee to cover the costs incurred.
- (52) Existing rules concerning the continued use of names that are generic should be clarified to the effect that generic terms that are similar to or form part of a name or term that is protected or reserved should retain such generic status.
- (53) The dates for establishing the seniority of a trade mark and of a designation of origin or a geographical indication should be that of the date of application of the trade mark for registration in the Union or in the Member States and the date of application for protection of a designation of origin or a geographical indication to the Commission.
- (54) The provisions for refusal or coexistence of a designation of origin or a geographical indication on the ground of conflict with a prior trade mark should be continued.
- (55) The criteria by which subsequent trade marks should be refused or if registered invalidated for reason of conflict with a prior designation of origin or geographical indication should correspond to the scope of protection of designation of origin or a geographical indication laid down.
- (56) The provisions of systems establishing intellectual property rights, and in particular those established by the quality scheme for designations of origin and geographical indications and those established under trade mark law, should take precedence over the reservation of names and establishment of indications and symbols pursuant to the quality schemes for traditional specialities guaranteed, and for optional quality terms.
- (57) The role of groups should be clarified and recognised. Groups play an essential role in the application process for the registration of names of designations of origin and geographical indications and traditional specialities guaranteed, including amendments of specifications and cancellation requests. The group can also develop activities related to the surveillance of the enforcement of the protection of the registered names, the compliance of the production with the product specification, the information and promotion of the registered name as well as in general any activity aiming to improve the value of the registered names and effectiveness of the quality schemes. Nevertheless, these activities should not facilitate nor lead to anti-competitive conduct incompatible with Articles 101 and 102 of the Treaty.

---

<sup>33</sup> OJ L 218, 13.08.2008, p. 30.

- (58) To ensure that registered names of designations of origin and geographical indications and traditional specialities guaranteed meet the conditions laid down by this Regulation, applications should be examined by the national authorities of the Member State concerned, subject to compliance with minimum common provisions, including a national opposition procedure. The Commission should subsequently scrutinise applications to ensure that there are no manifest errors and Union law and the interests of stakeholders outside the Member State of application are taken into account.
- (59) Registration of names of designations of origin and geographical indications and traditional specialities guaranteed that satisfy the conditions laid down by this Regulation should be open to names relating to product originating in third countries.
- (60) The symbols, indications and abbreviations identifying participation in a quality scheme and the rights therein pertaining to the Union, should be protected in the Union as well as in third countries with the aim of ensuring that the said symbols, indications and abbreviations are used on genuine product and that consumers are not misled as to the qualities of product. Furthermore, in order that the protection should be effective, the Commission should have recourse to reasonable budgetary resources on a centralised basis within the framework of Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)<sup>34</sup> and in accordance with Article 5 of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy<sup>35</sup>.
- (61) The registration procedure for a protected designation of origin, a protected geographical indication and a traditional speciality guaranteed, including scrutiny and opposition period, should be shorten and improved, in particular as to decision making. The decision making on registration should be under responsibility of the Commission, and under certain conditions with the assistance of Member States. Procedures should be laid down to permit amendment of product specifications after registration, and cancellation of the registered names, in particular if compliance with the corresponding product specification is no longer ensured or if a name is no longer used in the market place.
- (62) The Commission should have the power to adopt delegated acts in accordance with Article 290 of the Treaty in order to supplement or amend certain non-essential elements of this Regulation. The elements for which that power may be exercised should be defined, as well as the conditions to which that delegation is to be subject.
- (63) In order to guarantee a uniform application of this Regulation in all Member States, the Commission should be empowered to adopt implementing acts in accordance with Article 291 of the Treaty. Save where explicitly provided otherwise, the Commission should adopt those implementing acts in accordance with the provisions of Regulation (EU) No XX/XXXX of the European Parliament and the Council of... on ...<sup>36</sup>,

HAVE ADOPTED THIS REGULATION:

---

<sup>34</sup> OJ L 277, 21.10.2005, p. 1.

<sup>35</sup> OJ L 209, 11.8.2005, p. 1.

<sup>36</sup>

# **Title I**

## **INTRODUCTORY PROVISIONS**

### *Article 1*

#### **Subject matter**

1. This Regulation is designed to assist producers of agricultural products to communicate the product characteristics and farming attributes of those products to buyers and consumers ensuring:
  - fair competition for farmers and producers of agricultural products having value adding characteristics and attributes,
  - reliable information pertaining to such products is available to consumers,
  - observance of intellectual property rights, and
  - the integrity of the internal market.

The measures herein are intended to foster agricultural and processing activities and farming systems associated with high quality products thus contributing to the achievement of rural development policy.

2. This Regulation establishes ‘quality schemes’ which provide the basis for the identification and, where appropriate, protection of, names and terms that indicate or describe in particular agricultural products having:
  - (a) value-adding characteristics, or
  - (b) value-adding attributes due to the farming or processing methods used in their production, or due to the place of their production or marketing.

### *Article 2*

#### **Scope**

1. This Regulation covers agricultural products intended for human consumption listed in Annex I to the Treaty and other products listed in Annex I to this Regulation to the extent therein indicated.

However, the quality scheme set out in Title III of this Regulation shall not apply to unprocessed agricultural products.

In order to ensure that the products covered by this Regulation are closely linked to agricultural products or to the rural economy, the Commission may, by means of delegated acts, amend Annex I thereto.

2. This Regulation shall not apply to grapevine products with the exception of wine-vinegars, or to spirit drinks or to aromatised wines.
3. This Regulation shall apply without prejudice to other specific Union provisions relating to placing of product on the market, in particular on the single common organisation of the markets, or on food labelling.
4. Directive 98/34/EC of the European Parliament and of the Council<sup>37</sup> shall not apply to the quality schemes established by this Regulation.

### *Article 3*

#### **Definitions**

For the purposes of this Regulation:

- (1) 'quality schemes' means the schemes established under Titles II, III and IV;
- (2) 'group' means any association, irrespective of its legal form, mainly composed of producers or processors working with the same product;
- (3) 'traditional' means proven usage on the domestic market for a time period allowing transmission between generations; this time period should be the one generally ascribed to two generations, at least 50 years;
- (4) 'labelling' has the same meaning as in point (a) of Article 1(3) of Directive 2000/13/EC;
- (5) 'specificity' in relation to a product refers to the characteristic and production attributes which distinguishes a product clearly from other similar products of the same category;
- (6) "generic terms" means the terms which include those names of product which, although relating to the place, region or country where the product was originally produced or marketed, have become the common name of a product in the Union.

---

<sup>37</sup> OJ L 204, 21.7.1998, p. 37

## **Title II**

### **PROTECTED DESIGNATIONS OF ORIGIN AND PROTECTED GEOGRAPHICAL INDICATIONS**

#### *Article 4*

##### **Objective**

A scheme for protected designations of origin and protected geographical indications is established in order to assist producers of products linked to a geographical area by:

- (a) securing fair returns for the qualities of their products;
- (b) ensuring uniform protection of the names as an intellectual property right in the territory of the European Union;
- (c) providing clear information on the value adding attributes of the product to consumers.

#### *Article 5*

##### **Definitions of designation of origin and geographical indication**

1. For the purpose of this Title, the following definitions shall apply:

- (a) ‘designation of origin’ is a name which identifies a product:
  - (i) originating in a specific place, region or, in exceptional cases, a country,
  - (ii) where the quality or characteristics of the product are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors, and
  - (iii) the production steps of which all take place in the same defined geographical area;
- (b) ‘geographical indication’ is a name which identifies a product:
  - (i) originating in a specific place, region or country,
  - (ii) where a given quality, reputation or other characteristic of the product is essentially attributable to its geographical origin, and
  - (iii) at least one of the production steps of which take place in the defined geographical area.

2. Notwithstanding point (a) of paragraph 1, certain names shall be treated as designations of origin where the raw materials for the products concerned come from a geographical area larger than, or different from, the defined geographical area, provided that:
  - (a) the production area of the raw materials is defined;
  - (b) special conditions for the production of the raw materials exist; and
  - (c) there are control arrangements to ensure that the conditions referred to in point (b) are adhered to.

The designations of origin in question must have been recognised as designations of origin in the country of origin before 1 May 2004.

3. In order to take into account the specificities related to certain sectors or areas, the Commission may, by means of delegated acts, adopt restrictions and derogations regarding the steps of production which shall take place in the defined geographical area or regarding the sourcing of raw materials.

#### *Article 6*

#### **Generic nature, conflicts with names of plant varieties and animal breeds, with homonyms and trade marks**

1. Names that have become generic may not be registered as protected designations of origin or protected geographical indications.
2. A name may not be registered as a designation of origin or geographical indication where it conflicts with a name of a plant variety or an animal breed and is likely to mislead the consumer as to the true origin of the product.
3. A name proposed for registration that is wholly or partially homonymous with a name already entered in the register established under Article 11 may be registered provided there is sufficient distinction in practice between conditions of usage and presentation of the homonym registered subsequently and the name already entered in the register, so as to not mislead the consumer.
4. A name proposed for registration as a designation of origin or geographical indication shall not be registered where, in the light of a trade mark's reputation and renown and the length of time it has been used, registration of the name proposed as the designation of origin or geographical indication would be liable to mislead the consumer as to the true identity of the product.

#### *Article 7*

#### **Product specification**

1. To be eligible for a protected designation of origin or a protected geographical indication, a product shall comply with a specification which shall include at least:

- (a) the name to be protected as designation of origin or geographical indication;
  - (b) a description of the product, including the raw materials, if appropriate, and the principal physical, chemical, microbiological and organoleptic characteristics of the product ;
  - (c) the definition of the geographical area and, where appropriate, details indicating compliance with the requirements of Article 5(2);
  - (d) evidence that the product originates in the defined geographical area referred to in point (a) or (b) of Article 5(1);
  - (e) a description of the method of obtaining the product and the authentic and unvarying local methods and, where applicable, information concerning packaging, if the applicant group so determines and gives reasons why the packaging must take place in the defined geographical area to safeguard quality or ensure the origin or ensure control;
  - (f) details bearing out the following:
    - (i) the link between the quality or characteristics of the product and the geographical environment referred to in point (a) of Article 5(1) or, as the case may be;
    - (ii) the link between a given quality, the reputation or other characteristic of the agricultural product or foodstuff and the geographical origin referred to in point (b) of Article 5(1);
  - (g) the name and address of the authorities or bodies verifying compliance with the provisions of the product specification pursuant to Article 34 and their specific tasks;
  - (h) any specific labelling rule for the product in question;
3. In order to ensure that product specifications provide relevant and succinct information, the Commission may, by means of delegated acts, lay down further rules as to the content of a product specification.

## *Article 8*

### **Content of application for registration**

1. An application for registration of a designation of origin or geographical indication as referred to in Article 46(2) or Article 46(5) shall include at least:
  - (a) the name and address of the applicant group;
  - (b) the product specification provided for in Article 7;
  - (c) a single document setting out the following:

- (i) the main points of the product specification: the name, a description of the product, including, where appropriate, specific rules concerning packaging and labelling, and a concise definition of the geographical area;
- (ii) a description of the link between the product and the geographical environment or geographical origin referred to in points (a) or (b) of Article 5(1), as the case may be, including, where appropriate, the specific elements of the product description or production method justifying the link.

An application as referred to in Article 46(5) shall in addition include proof that the name of the product is protected in its country of origin.

2. An application dossier referred to in Article 46(4) shall comprise:

- (a) the name and address of the applicant group;
- (b) the single document referred to in point (c) of paragraph 1;
- (c) a declaration by the Member State that it considers that the application lodged by the applicant group and qualifying for the favourable decision meets the conditions of this Regulation and the provisions adopted pursuant to it;
- (d) the publication reference of the product specification.

The Member State shall ensure that the version of the product specification on which its favourable decision, pursuant to Article 46(4), is based, is published, and shall provide electronic access to the product specification.

#### *Article 9*

#### **Transitional national protection**

A Member State may, on a transitional basis only, grant protection to a name under this Regulation at national level, with effect from the date on which an application is lodged with the Commission.

Such national protection shall cease on the date on which either a decision on registration under this Regulation is taken or the application is withdrawn.

The consequences of such national protection, where a name is not registered under this Regulation shall be the sole responsibility of the Member State concerned.

The measures taken by Member States under the first paragraph shall produce effects at national level only, and shall have no effect on intra-Union or international trade.

## *Article 10*

### **Grounds for opposition**

1. A statement of opposition as referred to in the first sub-paragraph of Article 48(1) shall be admissible only if it is received by the Commission within the time limit and if it:
  - (a) shows non-compliance with the conditions referred to in Article 5;
  - (b) shows that the registration of the name proposed would be contrary to paragraphs 2 or 3 of Article 6;
  - (c) shows that the registration of the name proposed would jeopardize the existence of an entirely or partly identical name or of a trade mark or the existence of products which have been legally on the market for at least five years preceding the date of the publication provided for in point (a) of Article 47(2); or
  - (d) gives details from which it can be concluded that the name for which registration is requested is generic.
2. The grounds for opposition shall be assessed in relation to the territory of the European Union.

## *Article 11*

### **Register of protected designations of origin and protected geographical indications**

1. The Commission shall, by means of implementing acts without the assistance of the Committee referred to in Article 54, establish and maintain updated a register of protected designations of origin and protected geographical indications recognised under this scheme, which shall be publicly accessible.
2. Designations of origin and geographical indications pertaining to products of third countries that are protected in the Union under an international agreement to which the Union is a contracting party may be entered in the register. Unless specifically identified in the said agreement as protected designations of origin under this Regulation, such names shall be entered in the register as protected geographical indications.
3. The Commission may, by means of implementing acts, without the assistance of the Committee referred to in Article 54, lay down the form and content of the register.

## *Article 12*

### **Names, symbol and indications**

1. Protected designations of origin and protected geographical indications may be used by any operator marketing a product conforming to the corresponding specification.

2. Union symbols designed to publicise protected designations of origin and protected geographical indications shall be established.
3. In the case of products originating in the Union, marketed under a protected designation of origin or a protected geographical indication registered in accordance with the procedures laid down in this Regulation, the indications 'protected designation of origin' or 'protected geographical indication' or the Union symbols associated with them shall appear on the labelling. In addition, the corresponding abbreviations "PDO" or "PGI" may appear on the labelling.
4. In the case of products originating in third countries marketed under a name entered in the register, the indications referred to in paragraph 3 or the Union symbols associated with them may appear on the labelling.
5. In order to ensure the appropriate information is communicated to the consumer, the Commission shall, by means of delegated acts, define the technical characteristics of the Union symbols as well as rules on the labelling of products marketed under a protected designation of origin or a protected geographical indication, including as to the appropriate linguistic versions to be used.

### *Article 13*

#### **Protection**

1. Registered names shall be protected against:
  - (a) any direct or indirect commercial use of a registered name in respect of products not covered by the registration insofar as those products are comparable to the products registered under that name or insofar as using the name exploits the reputation of the protected name;
  - (b) any misuse, imitation or evocation, even if the true origin of the product or service is indicated or if the protected name is translated or accompanied by an expression such as 'style', 'type', 'method', 'as produced in', 'imitation' or similar;
  - (c) any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product, on the inner or outer packaging, advertising material or documents relating to the product concerned, and the packing of the product in a container liable to convey a false impression as to its origin;
  - (d) any other practice liable to mislead the consumer as to the true origin of the product.

Where a protected designation of origin or a protected geographical indication contains within it the name of a product which is considered generic, the use of that generic name shall not be considered to be contrary to points (a) or (b) of the first subparagraph.

2. Protected designations of origin and protected geographical indications may not become generic.

3. Member States shall take the appropriate administrative and judicial steps to prevent or stop the unlawful use of protected designations of origin and protected geographical indications as referred to in paragraph 1, in particular at the request of a producer group as provided for in point (a) of Article 42.

#### *Article 14*

#### **Relations between trade marks, designations of origin and geographical indications**

1. Where a designation of origin or a geographical indication is registered under this Regulation, the registration of a trade mark the use of which would contravene Article 13 and which relates to a same type of product shall be refused if the application for registration of the trade mark is submitted after the date of submission of the registration application to the Commission.

Trade marks registered in breach of the first subparagraph shall be invalidated.

2. Without prejudice to Article 6(4), a trade mark the use of which contravenes Article 13 which has been applied for, registered, or established by use, if that possibility is provided for by the legislation concerned, in good faith within the territory of the European Union, before the date on which the application for protection of the designation of origin or geographical indication is submitted to the Commission, may continue to be used and renewed for that product notwithstanding the registration of a designation of origin or geographical indication, provided that no grounds for its invalidity or revocation exist under Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark<sup>38</sup> or under Directive 2008/95/EC. In such cases, the use of the protected designation of origin or protected geographical indication shall be permitted as well as use of the relevant trade marks.
3. The provisions of paragraph 1 shall apply notwithstanding the provisions of Directive 2008/95/EC.

#### *Article 15*

#### **Temporary derogations for use of protected designations of origin and protected geographical indications**

1. Without prejudice to Article 14, products originating in a Member State or a third country other than the one of the applicant the designation of which comprises or contains a name that contravenes Article 13(1) may continue to use the protected name for a transitional period of up to five years, solely where an admissible statement of opposition under Article 48 shows that:
  - (a) the registration of the name would jeopardise the existence of an entirely or partly identical name, or;

---

<sup>38</sup> OJ L 78, 24.3.2009, p. 1.

- (b) such products have been legally marketed with that name in the territory concerned for at least five years preceding the date of the publication provided for in the first indent of Article 47(2).
2. Without prejudice to Article 14, the Commission may, by means of implementing acts, decide to extend the transitional period mentioned in paragraph 1 to 15 years in duly justified cases where it is shown that the purpose of using the designation not respecting the specification has not, at any time, been to profit from the reputation of the registered name and it is shown that the consumer has not been nor could have been misled as to the true origin of the product.
  3. When using a designation referred to in paragraphs 1 and 2, the indication of country of origin shall be clearly and visibly indicated on the label.
  4. In specific cases, to overcome temporary difficulties with the long term objective to have all producers complying with the specification, the Member State may also grant a transitional period up to 10 years, with effect from the date on which the application is lodged with the Commission, on the condition that the producers concerned have legally marketed the products in question, using the names concerned continuously for at least the past five years prior to the lodging of the application to the Commission.

The first subparagraph shall apply *mutatis mutandis* to a protected geographical indication or protected designation of origin referring to a geographical area situated in a third country.

Such transitional periods shall be indicated in the application dossier referred to in Article 8(2).

#### *Article 16*

#### **Transitional provisions**

1. Names entered in the register provided for in Article 7(6) of Regulation (EC) No 510/2006 shall be automatically entered in the register referred to in Article 11 of this Regulation. The corresponding specifications shall be deemed to be the specifications referred to in Article 7. Any specific transitional provisions associated with such registrations shall continue to apply.
2. In order to protect the rights and the legitimate interests of producers or stakeholders concerned, the Commission may, by means of delegated acts, lay down additional transitional rules.
3. This Regulation shall apply without prejudice to any right of coexistence of designations of origin and geographical indications on the one hand, and trade marks on the other hand, that applied under Regulation (EC) No 510/2006.

## **Title III**

### **TRADITIONAL SPECIALITIES GUARANTEED**

#### *Article 17*

##### **Objective**

A scheme for traditional specialities guaranteed is established in order to assist producers of traditional product in marketing and communicating the value adding attributes of the product to consumers.

#### *Article 18*

##### **Criteria**

1. A name shall be eligible for registration as a traditional speciality guaranteed where it describes a specific processed product that:
  - (a) results from a mode of production and composition corresponding to traditional practice for that product, and
  - (b) is produced from raw materials or ingredients that are those traditionally used.
2. To be registered, a name shall:
  - (a) have been traditionally used to refer to the specific product; or
  - (b) identify the traditional form of the product.
3. A name may not be registered if it refers only to claims of a general nature used for a set of products, or to those provided for by particular Union legislation.
4. In order to ensure a smooth functioning of the scheme, the Commission may, by means of delegated acts, further define the eligibility criteria required.

#### *Article 19*

##### **Product specification**

1. To be eligible for a traditional speciality guaranteed, a product shall comply with a specification which shall comprise:
  - (a) the name proposed for registration, in the appropriate linguistic versions;

- (b) a description of the product including its main physical, chemical, microbiological or organoleptic characteristics, showing the product's specificity;
  - (c) a description of the production method that the producers must follow, including the nature and characteristics of the raw materials or ingredients used, and the method of preparation of the product; and
  - (d) the key elements of the product's traditional character.
2. In order to ensure that product specifications provide relevant and succinct information, the Commission may, by means of delegated acts, lay down rules for the preparation of a product specification.

#### *Article 20*

#### **Content of application for registration**

1. An application for registration of a name as a traditional speciality guaranteed referred to in Article 46(2) or Article 46(5) shall comprise:
- (a) the name and address of the applicant group;
  - (b) the product specification as provided for in Article 19.
2. An application dossier referred to in Article 46(4) shall comprise:
- (a) the elements referred to in paragraph 1 of this Article, and
  - (b) a declaration by the Member State that it considers that the application lodged by the group and qualifying for the favourable decision meets the conditions of this Regulation and the provisions adopted pursuant to it.

#### *Article 21*

#### **Grounds for opposition**

1. A statement of opposition as referred to in the first sub-paragraph of Article 48(1) shall be admissible only if it is received by the Commission within the time limit and if it:
- (a) gives duly substantiated reasons why the proposed registration is incompatible with the terms of this Regulation, or
  - (b) gives details of prior use of a name that could be jeopardised by the proposed registration.
2. The criteria referred to in point (b) of paragraph 1 shall be assessed in relation to the territory of the European Union.

## *Article 22*

### **Register of traditional specialities guaranteed**

1. The Commission shall, by means of implementing acts without the assistance of the Committee referred to in Article 54, establish and maintain updated a register of traditional specialities guaranteed recognised under this scheme, which shall be publicly accessible.
2. The Commission may, by means of implementing acts without the assistance of the Committee referred to in Article 54, lay down the form and content of the register.

## *Article 23*

### **Names, symbol and indication**

1. A name registered as a traditional speciality guaranteed may be used by any operator marketing a product conforming to the corresponding specification.
2. A Union symbol designed to publicise the traditional specialities guaranteed scheme shall be established.
3. In the case of the products originating in the Union marketed under a traditional speciality guaranteed registered in accordance with this Regulation the symbol referred to in paragraph 2 shall, without prejudice to paragraph 4, appear on the labelling.

The symbol shall be optional on the labelling of traditional specialities guaranteed which are produced outside the Union.

The symbol referred to in paragraph 2 may be supplemented or replaced by the indication 'traditional speciality guaranteed'.

4. In order to ensure that the appropriate information is communicated to the consumer, the Commission shall, by means of delegated acts, define the technical characteristics of the Union symbol as well as rules on the labelling of the products bearing the name of a traditional speciality guaranteed, including as to the appropriate linguistic versions to be used.

## *Article 24*

### **Restriction on use of registered names**

1. Registered names shall be protected against any misuse, imitation or evocation, or against any other practice liable to mislead the consumer.
2. Member States shall ensure that sales descriptions used at national level do not give rise to confusion with names registered.

3. The Commission may, by means of implementing acts, lay down rules for the protection of traditional specialities guaranteed.

#### *Article 25*

#### **Transitional provisions**

1. Names registered in accordance with Article 13(2) of Regulation (EC) No 509/2006 describing products within the scope of this Title, shall be automatically entered in the register referred to in Article 22 of this Regulation. The corresponding specifications shall be deemed to be the specifications referred to in Article 19. Any specific transitional provisions associated with such registrations shall continue to apply. Such names describing products falling outside the scope of this Title may continue to be used under the conditions provided for in Regulation (EC) No 509/2006, until 31 December 2017.
2. Names registered in accordance with the requirements laid down in the first subparagraph of Article 1(1), and in Article 13(1) of Regulation (EC) No 509/2006, including those registered pursuant to applications referred to in the second subparagraph of Article 55(1) of this Regulation, may continue to be used under the conditions provided for in Regulation (EC) No 509/2006, until 31 December 2017.
3. In order to protect the rights and the legitimate interests of producers or stakeholders concerned, the Commission may, by means of delegated acts, lay down additional transitional rules.

## **Title IV**

### **OPTIONAL QUALITY TERMS**

#### *Article 26*

##### **Objective**

A scheme for optional quality terms is established in order to facilitate producers of agricultural product having value adding characteristics or attributes to communicate such characteristics or attributes within the internal market, and in particular to support and complement specific marketing standards.

#### *Article 27*

##### **Existing optional quality terms**

1. The optional quality terms covered by this scheme at the date of entry into force of this Regulation are listed in Annex II to this Regulation together with the acts laying down the terms in question and the conditions of use of those terms.
2. The optional quality terms referred to in paragraph 1 shall stay in force until amended or cancelled pursuant to Article 28.

#### *Article 28*

##### **Reservation, amendment and cancellation**

In order to take account of the expectations of consumers, developments in scientific and technical knowledge, the situation in the market, and developments in marketing standards and in international standards, the Commission may, by means of delegated acts:

- (a) reserve an additional optional quality term, laying down its conditions of use,
- (b) amend the conditions of use of an optional quality term, or
- (c) cancel an optional quality term.

#### *Article 29*

##### **Additional optional quality terms**

1. Additional optional quality terms shall meet the following criteria:
  - (a) the term relates to a characteristic of a product, or a farming or processing attribute,

- (b) use of the term adds value to the product compared with product of a similar type, and
- (c) product has been placed on the market having the characteristic or attribute referred to in point (a) identified to consumers in several Member States.

The Commission shall take account of any relevant international standard.

- 2. Optional terms that describe technical product qualities for the purposes of implementing compulsory marketing standards and are not intended to inform consumers about those product qualities shall not be reserved under this scheme.
- 3. In order to take into account the specificities of certain sectors as well as consumer expectations, the Commission may, by means of delegated acts, lay down detailed rules relating to the criteria referred to in paragraph 1.

### *Article 30*

#### **Restrictions on use**

- 1. An optional quality term may only be used to describe products that conform to the corresponding conditions of use.
- 2. Member States shall take appropriate measures to ensure that product labelling does not give rise to confusion with optional quality terms.
- 3. The Commission may, by means of implementing acts, lay down rules for the use of optional quality terms.

### *Article 31*

#### **Monitoring**

Member States shall undertake checks, based on a risk analysis, to ensure compliance with the requirements of this Title and, in case of breaches, shall apply appropriate administrative penalties.

# **Title V**

## **COMMON PROVISIONS**

### **Chapter I**

#### **Official controls for protected designations of origin, protected geographical indications and traditional specialities guaranteed**

##### *Article 32*

##### **Scope**

The provisions of this Chapter apply in respect of the quality schemes set out in Title II and Title III.

##### *Article 33*

##### **Designation of competent authority**

1. In accordance with Regulation (EC) No 882/2004, Member States shall designate the competent authority or authorities responsible for official controls carried out to verify compliance with the legal requirements related to the quality schemes established by this Regulation.

Procedures and requirements of Regulation (EC) No 882/2004 shall *mutatis mutandis* apply to the official controls carried out to verify compliance with the legal requirement related to the quality schemes for all products covered by Annex I to this Regulation.

2. The competent authorities referred to in paragraph 1 shall offer adequate guarantees of objectivity and impartiality, and shall have at their disposal the qualified staff and resources necessary to carry out their functions.
3. Official controls shall cover:
  - (a) verification of conformity of a product with the corresponding product specification, and
  - (b) surveillance of the use of registered names to describe product placed on the market, in conformity with Article 13 for names registered under Title II and in conformity with Article 24 for names registered under Title III .

## *Article 34*

### **Verification of compliance with product specification**

1. In respect of protected designations of origin, protected geographical indications and traditional specialities guaranteed designating product originating within the Union, verification of compliance with the product specification, before placing the product on the market, shall be ensured by:
  - (a) one or more competent authorities referred to in Article 33 of this Regulation and/or
  - (b) one or more control bodies within the meaning of point (5) of Article 2 of Regulation (EC) No 882/2004 operating as a product certification body.

The costs of such verification of compliance with the specifications may be borne by the operators subject to those controls.

2. In respect of the designations of origin, geographical indications and traditional specialities guaranteed designating product originating in a third country, verification of compliance with the specifications, before placing the product on the market, shall be ensured by:
  - (a) one or more public authorities designated by the third country, and/or
  - (b) one or more product certification bodies.

3. Member States shall make public the name and address of the authorities and bodies referred to in paragraph 1, and update it periodically.

The Commission shall make public the name and address of the authorities and bodies referred to in paragraph 2 and update it periodically.

4. The Commission may, by means of implementing acts without the assistance of the Committee referred to in Article 54, define means by which the name and address of product certification bodies referred to in paragraphs 1 and 2 shall be made public.

## *Article 35*

### **Surveillance of the use of the name in the market place**

Member States shall inform the Commission on the names and addresses of the competent authorities referred to in Article 33. The Commission shall make public the name and address of those authorities.

## *Article 36*

### **Delegation to control bodies**

1. Competent authorities may delegate specific tasks related to official controls of the quality schemes to one or more control bodies in conformity with Article 5 of Regulation (EC) No 882/2004.
2. Such control bodies shall be accredited in accordance with European Standard EN 45011 or ISO/IEC Guide 65 (General requirements for bodies operating product certification systems).
3. Accreditation referred to in paragraph 2 may only be performed by:
  - (a) a national accreditation body in the Union in accordance with the provisions of Regulation (EC) No 765/2008, or
  - (b) an accreditation body outside the Union that is a signatory of a multilateral recognition arrangement under the auspices of the International Accreditation Forum.

## *Article 37*

### **Planning and reporting of control activities**

1. Member States shall ensure that the control of obligations under this Chapter are specifically included in a separate section within the multi-annual national control plans in accordance with Articles 41, 42 and 43 of Regulation (EC) No 882/2004.
2. The annual reports concerning the control of obligations established by this Regulation shall include a separate section comprising the information laid down in Article 44 of Regulation (EC) No 882/2004.

## **Chapter II**

### **Savings for certain prior uses**

## *Article 38*

### **Generic terms**

1. Without prejudice to Article 13, this Regulation shall not affect the use of terms that are generic in the Union, even if the generic term is part of a name that is protected under a quality scheme.
3. To establish whether or not a term has become generic, account shall be taken of all factors, in particular:
  - (a) the existing situation in the Member States and in areas of consumption;

- (b) the relevant national or Union legal acts.
4. In order to fully protect the rights of interested parties, the Commission may, by means of delegated acts, lay down additional rules for determining the generic status of names or terms referred to in paragraph 1.

#### *Article 39*

#### **Plant varieties and animal breeds**

1. Where a name or term, protected or reserved under a quality scheme described in Title II, Title III, or Title IV contains or comprises the name of a plant variety or of an animal breed, this Regulation shall not prevent the placing on the market of product the labelling of which includes the said name of a plant variety or animal breed, provided that:
- (a) the product in question comprises or is derived from the variety or breed indicated;
  - (b) consumers are not misled,
  - (c) the usage of the name of the variety or breed name constitutes fair competition,
  - (d) the usage does not exploit the reputation of the protected term, and
  - (e) in the case of the quality scheme described in Title II, production and marketing of product of the variety or breed under the said name had evaded its area of origin prior to the date of application for registration of the geographical indication.
2. In order to further clarify the extent of rights and freedoms of food business operators to use the name of a plant variety or of an animal breed referred to in paragraph 1, the Commission may, by means of delegated acts, lay down rules for determining the use of such names.

#### *Article 40*

#### **Relation to intellectual property**

The quality schemes described in Titles III and IV shall apply without prejudice to Union rules or those of Member States governing intellectual property and in particular those concerning designations of origin and geographical indications, and trade marks.

## Chapter III

### Quality scheme indications and symbols and role of producers

#### *Article 41*

##### **Protection of indications and symbols**

1. Indications, abbreviations and symbols referring to the quality schemes may only be used in the labelling of product produced in conformity with the rules of the quality scheme to which they apply. This applies in particular to the following indications, abbreviations and symbols:
  - (a) ‘protected designation of origin’, ‘protected geographical indication’, ‘geographical indication’, ‘PDO’, ‘PGI’, and the associated symbols, as provided for in Title II;
  - (b) ‘traditional speciality guaranteed’, ‘TSG’, and the associated symbol, as provided for in Title III.
2. In accordance with Article 5 of Regulation (EC) No 1290/2005, the European Agricultural Fund for Rural Development (EAFRD) may finance on a centralised basis on the initiative of the Commission or on its behalf, administrative support concerning the development, preparatory work, monitoring, administrative and legal support, legal defence, registration fees, renewal fees, mark watching fees, litigation fees and any other related measure required to protect the use of the indications, abbreviations and symbols referring to the quality schemes from misuse, imitation, evocation or any other practice liable to mislead the consumer, within the Union and in third countries.
3. The Commission shall adopt, by means of implementing acts, rules for the uniform protection of the indications, abbreviations and symbols referred to in paragraph 1.

#### *Article 42*

##### **Role of groups**

Without prejudice to specific provisions on producer organisations and inter-branch organisations as laid down in Regulation (EC) No 1234/2007, a group is entitled to:

- (a) contribute to ensuring that the quality of their products is guaranteed on the market by monitoring the use of the name in trade and, if necessary, informing competent authorities as referred to in Article 33, within the framework of Article 13(3);
- (b) develop information and promotion activities aiming at communicating the value adding attributes of the product to consumers;
- (c) develop activities related to ensuring compliance of a product with its specification;

- (d) take action to improve the performance of the scheme, including developing economic expertise, carrying out economic analyses, disseminating economic information on the scheme and providing advice to producers.

#### *Article 43*

##### **Right to use the schemes**

1. Member States shall ensure that any operator complying with the rules of Title II and III is entitled to be covered by a control system, as referred to in Article 34.
2. Operators preparing and storing a traditional speciality, protected designation of origin or protected geographical indication or who places such traditional speciality guaranteed, protected designation of origin and protected geographical indication on the market shall also be subject to the system of controls as referred to in Chapter I of this Title.
3. Member States shall ensure that operators willing to adhere to the rules of a quality scheme set out in Titles III and IV are able to do so and do not face obstacles to participation that are discriminatory or otherwise not objectively founded.

#### *Article 44*

##### **Fees**

Without prejudice to Regulation (EC) No 882/2004 and in particular the provisions of Chapter VI of Title II thereof, Member States may charge a fee to cover their costs of managing the quality schemes, including those incurred in processing applications, statements of opposition, applications for amendments and requests for cancellations provided for in this Regulation.

### **Chapter IV**

#### **Application and registration processes for designations of origin, geographical indications, and traditional specialities guaranteed**

#### *Article 45*

##### **Scope of application processes**

The provisions of this Chapter apply in respect of the quality schemes set out in Title II and Title III.

### **Application for registration of names**

1. Applications for registration of names under the quality schemes referred to in Article 45 may only be submitted by groups.

Under exceptional conditions, a natural or legal person may be treated as a group.

In order to avoid any disproportionate requirements, the Commission may, by means of delegated acts, define the exceptional conditions referred to in the second subparagraph.

2. Where the application under the scheme set out in Title II relates to a geographical area in a Member State, or an application under the scheme set out in Title III is prepared by a group established in a Member State, the application shall be addressed to the authorities of that Member State.

The Member State shall scrutinize the application by appropriate means to check that it is justified and meets the conditions of the respective scheme.

3. As part of the scrutiny referred to in the second subparagraph, the Member State shall initiate a national opposition procedure ensuring adequate publication of the application and providing for a reasonable period within which any natural or legal person having a legitimate interest and established or resident on its territory may lodge an opposition to the application.

4. If, after assessment of any opposition received, the Member State considers that the requirements of this Regulation are met, it may take a favourable decision and lodge an application dossier with the Commission.

The Member State shall ensure that its favourable decision is made public and that any natural or legal person having a legitimate interest has means of appeal.

5. Where the application under the scheme set out in Title II relates to a geographical area in a third country, or an application under the scheme set out in Title III is prepared by a group established in a third country, the application shall be lodged with the Commission, either directly or via the authorities of the third country concerned.

6. The documents referred to in this Article sent to the Commission shall be in one of the official languages of the Union.

7. In order to facilitate the application process and better clarify the form and content of applications, including applications concerning more than one national territory, the Commission may, by means of delegated acts, lay down the necessary rules.

## Article 47

### Scrutiny by the Commission and publication for opposition

1. The Commission shall scrutinise by appropriate means an application received pursuant to Article 46, to check that it is justified and meets the conditions of the respective scheme. This scrutiny should not exceed a period of six months.

The Commission shall, by means of implementing acts without the assistance of the Committee referred to in Article 54, make public the list of names for which registration applications have been submitted to it, as well as their date of submission to the Commission.

2. Where, based on the scrutiny carried out pursuant to the first subparagraph of paragraph 1, the Commission considers that the conditions laid down in this Regulation are met, it shall, by means of implementing acts without the assistance of the Committee referred to in Article 54, publish in the *Official Journal of the European Union*:
  - (a) for applications under the scheme set out in Title II, the single document and the reference to the publication of the product specification;
  - (b) for applications under the scheme set out in Title III, the specification.

## Article 48

### Opposition procedure

1. Within two months from the date of publication in the *Official Journal of the European Union*, a statement of opposition may be lodged to the Commission by the authorities of a Member State or of a third country, or a natural or legal person having a legitimate interest and established in a third country.

Any natural or legal person having a legitimate interest, established or resident in a Member State other than that from which the application was submitted, may lodge a statement of opposition to the Member State in which it is established within a time limit permitting an opposition in accordance with paragraph 1.

2. The Commission shall check the admissibility of statements of oppositions.
3. Where statement of opposition is admissible, the Commission shall invite the authority or person that lodged the opposition and the authority or body that lodged the application to engage in appropriate consultations for a reasonable period that shall not exceed three months.
4. Where following the appropriate consultations referred to in paragraph 3, the details published in accordance with Article 47(2) have been substantially amended, the Commission shall repeat the scrutiny referred to in Article 47(1).
5. The statement of opposition and the related documents sent to the Commission in accordance with paragraphs 1 to 4 shall be in one of the official languages of the Union.

6. In order to establish clear procedures and deadlines for opposition, the Commission shall, by means of delegated acts, lay down rules for the opposition process.

#### *Article 49*

##### **Decision on registration**

1. Where, on the basis of the information available to the Commission, following the scrutiny carried out pursuant to the first subparagraph of Article 47(1), the Commission considers that the conditions for registration are not met, it shall by means of implementing acts without the assistance of the Committee referred to in Article 54, decide to reject the application.
2. If the Commission receives no admissible opposition under Article 48, it shall, by means of implementing acts without the assistance of the Committee referred to in Article 54, register the name.
3. If the Commission receives an admissible opposition, it shall, following the appropriate consultations referred to in Article 48(3), and taking into account the results of those consultations, either:
  - (a) in case an agreement has been reached, register the name by means of implementing acts without the assistance of the Committee referred to in Article 54, and, if need be, amend the information published pursuant to Article 47(2) provided such amendments are not substantial or,
  - (b) in case an agreement has not been reached, take a decision by means of implementing acts.
4. Acts of registration and decisions on rejection shall be published in the *Official Journal of the European Union*.

#### *Article 50*

##### **Amendment to a product specification**

1. A group having a legitimate interest may apply for approval of an amendment to a product specification.  
  
Applications shall describe and give reasons for the amendments requested.
2. Where the amendment involves one or more amendments to the specification that are not minor, the amendment application shall follow the procedure laid down in Articles 46, 47, 48 and 49.

However, if the proposed amendments are minor, the Commission shall, by means of implementing acts without the assistance of the Committee referred to in Article 54, approve or reject the application. In case of approval, it shall publish in the *Official Journal of the European Union* the elements referred to in Article 46(2).

An amendment may not be considered minor if it concerns a change to the registered name or if it increases restrictions on the operation of the single market.

3. In order to facilitate the administrative process of an amendment application, the Commission shall, by means of delegated acts, lay down the definition and scope of minor amendments, as well as the form and content of an amendment application.

#### *Article 51*

#### **Cancellation**

1. The Commission may, on its own initiative or on request of any natural or legal person having a legitimate interest, by means of implementing acts, cancel the registration of a protected designation of origin or of a protected geographical indication or of a traditional speciality guaranteed in the following cases:
  - (a) compliance with the conditions of the specification is not ensured,
  - (b) no product is placed on the market under the traditional speciality guaranteed, the protected designation of origin or the protected geographical indication for at least five years.

The Commission may, at the request of the producers of product marketed under the registered name, cancel the corresponding registration.

2. In order to define clear procedures and to ensure that all parties have the opportunity to defend their rights and legitimate interests, the Commission shall, by means of delegated acts, lay down rules regarding the cancellation process.

# **Title VI**

## **PROCEDURAL AND FINAL PROVISIONS**

### **Chapter I**

#### **Procedural rules**

##### *Article 52*

#### **Commission powers**

Where powers are conferred upon the Commission, it shall act in accordance with the procedure referred to in Article 53 in the case of delegated acts, and in accordance with the procedure referred to in Article 54 in the case of implementing acts, save where explicitly provided otherwise in this Regulation.

##### *Article 53*

#### **Delegated acts**

1. The powers to adopt the delegated acts referred to in this Regulation shall be conferred on the Commission for an indeterminate period of time.

As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

2. The delegation of powers referred to in paragraph 1 may be revoked at any time by the European Parliament or by the Council.

The institution which has commenced an internal procedure for deciding whether to revoke the delegation of powers shall inform the other legislator and the Commission, at least one month before the final decision is taken, indicating the delegated powers which could be subject to revocation and possible reasons for a revocation.

The decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the *Official Journal of the European Union*.

3. The European Parliament and the Council may object to a delegated act within a period of two months from the date of notification. At the initiative of the European Parliament or the Council this period shall be extended by two months.

If, on expiry of that period, neither the European Parliament nor the Council has objected to the delegated act, it shall be published in the *Official Journal of the European Union* and shall enter into force at the date stated therein.

The delegated act may be published in the Official Journal of the European Union and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.

If the European Parliament or the Council raises objections in respect of the delegated act, it shall not enter into force. The institution which has raised objections to the delegated act shall state the reasons therefore.

#### *Article 54*

### **Implementing acts**

[Where implementing acts are adopted pursuant to this Regulation, the Commission shall be assisted by the Agricultural Product Quality Policy Committee and the procedure provided for in Article [5] of Regulation (EU) No [xxxx/yyyy] (*to be completed following the adoption of the regulation on control mechanisms, as referred to in Article 291(2) of the TFEU, currently the subject of discussion by the European Parliament and the Council*) shall apply.]

## **Chapter II**

### **Repeal and final rules**

#### *Article 55*

### **Repeal**

1. Regulations (EC) No 509/2006 and (EC) No 510/2006 are hereby repealed.

However, Article 1(1) and Article 13 of Regulation (EC) No 509/2006 shall continue to apply in respect of applications concerning products falling outside the scope of Title III, received by the Commission prior to the date of entry into force of this Regulation.

2. References to the repealed Regulations shall be construed as references to this Regulation and be read in accordance with the correlation table in Annex III to this Regulation.

*Article 56*

**Entry into force**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, [...]

*For the European Parliament*  
*The President*  
[...]

*For the Council*  
*The President*  
[...]

## ANNEX I

### Products referred to in Article 2(1)

#### **I. DESIGNATIONS OF ORIGIN AND GEOGRAPHICAL INDICATIONS**

- beer,
- chocolate and derived products,
- bread, pastry, cakes, confectionery, biscuits and other baker's wares,
- beverages made from plant extracts,
- pasta,
- salt,
- natural gums and resins,
- mustard paste,
- hay,
- essential oils,
- cork,
- cochineal,
- flowers and ornamental plants,
- cotton,
- wool,
- wicker,
- scutched flax.

#### **II. TRADITIONAL SPECIALITIES GUARANTEED**

- prepared meals,
- beer,
- chocolate and derived products,
- bread, pastry, cakes, confectionery, biscuits and other baker's wares,

- beverages made from plant extracts,
- pasta.

## ANNEX II

### Optional quality terms

<b>Product category (reference to Combined Nomenclature classification)</b>	<b>Optional quality term</b>	<b>Act defining the term and conditions of use</b>		
poultry meat (CN 0207, CN 0210)	fed with	Regulation (EC) No 543/2008 Article 11		
	extensive indoor / barn-reared			
	free range			
	traditional free range			
	free range – total freedom			
	age at slaughter			
	length of fattening period			
eggs (CN 0407)	fresh	Regulation (EC) No 589/2008, Article 12		
	extra <i>or</i> extra fresh	Regulation (EC) No 589/2008, Article 14		
	indication on how laying hens are fed	Regulation (EC) No 589/2008, Article 15		
honey (CN 0409)	floral or vegetable origin	Directive 2001/110/EC, Article 2		
	regional origin			
	territorial origin			
	topographical origin			
	specific quality criteria			
olive oil (CN 1509)	first cold pressing	Regulation (EC) No 1019/2002, Article 5		
	cold extraction			
	acidity			
	pungent			
	fruity: ripe or green			
	bitter			
	intense			
	medium			
	light			
	well balanced			
	mild oil			
	milk and milk products (CN 04)		traditional butter	Regulation (EC) No 1234/2007, Article 115 & Annex XV
			spreadable fats	
(CN 0405 and ex 2106, CN ex 1517, CN ex 1517 and ex 2106)	reduced fat			

**ANNEX III**

**Correlation Table referred to in Article 55(3)**

**1. REGULATION (EC) NO 509/2006**

<b>Regulation (EC) No 509/2006</b>	<b>This Regulation</b>
Article 1(1)	Article 2(1)
Article 1(2)	Article 2(3)
Article 1(3)	Article 2(4)
Article 2(1) point (a)	Article 3(6)
Article 2(1) point (b)	Article 3(4)
Article 2(1) point (c)	-
Article 2(1) point (d)	Article 3(3)
Article 2(2), first to third subparagraph	-
Article 2(2) fourth subparagraph	Article 46(1)
Article 3	Article 22(1) first subparagraph
Article 4(1) first subparagraph	Article 18(1)
Article 4(2)	Article 18(2)
Article 4(3) first subparagraph	-
Article 4(3) second subparagraph	Article 18(3)
Article 5(1)	Article 40(1)
Article 5(2)	Article 39(1) and Article 40(2)
Article 6(1)	Article 19(1)
Article 6(1) point (a)	Article 19(2) point (a)
Article 6(1) point (b)	Article 19(2) point (b)
Article 6(1) point (c)	Article 19(2) point (c)
Article 6(1) point (d)	-
Article 6(1) point (e)	Article 19(2) point (d)

Article 6 (1), point f)	-
Article 7(1) and (2)	Article 46(1)
Article 7(3), point a) and b)	Article 20(1) , point a)and b)
Article 7 (3), point c)	-
Article 7 (3), point d)	-
Article 7(4)	Article 46(2)
Article 7(5)	Article 46(3)
Article 7(6), points (a) to c)	Article 46(4)
Article 7(6) point (d)	Article 20(2)
Article 7(7)	Article 46(5)
Article 7(8)	Article 46(6)
Article 8(1)	Article 47(1)
Article 8 (2), first subparagraph	Article 47(2), second indent
Article 8(2) second subparagraph	Article 49(1)
Article 9(1) and (2)	Article 48(1)
Article 9(3)	Article 21(1) and (2)
Article 9(4)	Article 49(2)
Article 9(5)	Article 49(3) and (4)
Article 9(6)	Article 48(5)
Article 10	Article 51
Article 11	Article 50
Article 12	Article 23
Article 13(1)	-
Article 13(2)	Article 23(1)
Article 13(3)	-
Article 14(1)	Article 33(1)

Article 14(2)	Article 43(1)
Article 14(3)	Article 34(3), second subparagraph
Article 15(1), first indent	Article 33(3) point (a) and Article 34 (1)
Article 15(1) second indent	Article 36(1)
Article 15(2)	Article 34(2)
Article 15(3)	Article 36(2)
Article 15(4)	Article 33(2)
Article 16	-
Article 17(1) and (2)	Article 24(1)
Article 17(3)	Article 24(2)
Article 18	Article 54
Article 19(1) point (a)	Article 19(3)
Article 19(1) point (b)	Article 46(8)
Article 19(1) point (c)	Article 46(8)
Article 19(1) point (d)	Article 22(2)
Article 19(1) point (e)	Article 21(3)
Article 19 (1) point f)	Article 51 (2)
Article 19(1) point (g)	Article 23(5)
Article 19(1) point (h)	Article 50(3)
Article 19(1) point (i)	-
Article 19(2)	Article 25(1)
Article 19(3) point (a)	-
Article 19(3) point (b)	Article 25(2)
Article 20	Article 44
Article 21	Article 55
Article 22	Article 56

Annex I	Annex I
---------	---------

## 2. REGULATION (EC) NO 510/2006

<b>Regulation (EC) No 510/2006</b>	<b>This Regulation</b>
Article 1(1)	Article 2(1) and Article 2(2)
Article 1(2)	Article 2(3)
Article 1(3)	Article 2(4)
Article 2	Article 5
Article 3(1) first subparagraph	Article 6 (1)
Article 3(1) second and third subparagraph	Article 38(1), (2) and (3)
Article 3 (2), (3) and (4)	Article 6 (2), (3) and (4)
Article 4	Article 7
Article 5(1)	Article 3(3) and Article 46(1)
Article 5(2)	Article 46(1)
Article 5(3)	Article 8(1)
Article 5(4)	Article 46(2)
Article 5(5)	Article 46(3)
Article 5(6)	Article 9 and Article 15(3)
Article 5(7)	Article 8(2)
Article 5(8)	-
Article 5(9)	Article 8(1), second subparagraph
Article 5(10)	Article 46(6)
Article 6(1) first subparagraph	Article 47(1)
Article 6 (2) first subparagraph	Article 47(2), first indent
Article 6(2) second subparagraph	Article 49(1)
Article 7(1)	Article 48(1), first subparagraph
Article 7 (2)	Article 48(1), second subparagraph
Article 7(3)	Article 10
Article 7(4)	Article 49(2) and Article 49 (4)
Article 7(5)	Article 49(3) and (4) and Article 48(4)
Article 7(6)	Article 11

Article 7(7)	Article 48(5)
Article 8	Article 12
Article 9	Article 50
Article 10(1)	Article 33(1)
Article 10(2)	Article 43(1)
Article 10(3)	Article 34(3) second subparagraph
Article 11(1) first indent	Article 33(3) point (a) and Article 34(1)
Article 11(1) second indent	Article 36(1)
Article 11(2)	Article 34(2)
Article 11(3)	Article 36(2)
Article 11(4)	Article 33(2)
Article 12	Article 51
Article 13(1)	Article 13(1)
Article 13(2)	Article 13(2)
Article 13(3)	Article 15 (1)
Article 13(4)	Article 15(2)
Article 14	Article 14
Article 15	Article 54
Article 16 point a)	Article 5(3)
Article 16 point b)	Article 7(3)
Article 16 point c)	Article 46(7)
Article 16 point d)	Article 46(8)
Article 16 point e)	-
Article 16 point f)	Article 48(6)
Article 16 point g)	Article 12(5)
Article 16 point h)	Article 50(3)
Article 16 point i)	Article 11(4)
Article 16 point j)	-
Article 16 point k)	Article 51(2)
Article 17	Article 16

Article 18	Article 44
Article 19	Article 55
Article 20	Article 56
Annex I and Annex II	Annex I



<b>FINANCIAL STATEMENT</b>		CM/JGS/tm/10/717666 Rev1 6.0.2010.1			
		DATE: 24/11/2010			
1.	BUDGET HEADING: 05 04 05 02	APPROPRIATIONS: CA 22.5 mioeuro CP 9 mioeuro			
2.	TITLE: Proposal for a Regulation of the European Parliament and of the Council on agricultural product quality schemes.				
3.	LEGAL BASIS: Art 43 (2) of the Treaty on the functioning of the European Union				
4.	AIMS: To put in place a coherent agricultural product quality policy aimed at assisting farmers to better communicate the qualities, characteristics and attributes of agricultural products to consumers.				
5.	FINANCIAL IMPLICATIONS	12 MONTH PERIOD (EUR million)	CURRENT FINANCIAL YEAR 2010 (EUR million)	FOLLOWING FINANCIAL YEAR 2011 (EUR million)	
5.0	EXPENDITURE - CHARGED TO THE EC BUDGET (REFUNDS/INTERVENTIONS) - NATIONAL AUTHORITIES - OTHER	CA 0.150 CP 0.150	-	-	
5.1	REVENUE - OWN RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES) - NATIONAL		-	-	
		2012	2013	2014	2015
5.0.1	ESTIMATED EXPENDITURE	CA 0.110 CP 0.110	CA 0.150 CP 0.150	CA 0.150 CP 0.150	CA 0.150 CP 0.150
5.1.1	ESTIMATED REVENUE				
5.2	METHOD OF CALCULATION:				
6.0	CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET?				YES <del>NO</del>
6.1	CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET?				YES <del>NO</del>
6.2	WILL A SUPPLEMENTARY BUDGET BE NECESSARY?				<del>YES</del> -NO
6.3	WILL APPROPRIATIONS NEED TO BE ENTERED IN FUTURE BUDGETS?				YES <del>NO</del>
OBSERVATIONS: The initial estimate of appropriations necessary for measures in Article 46(3) in particular for the registration and defence of logos, indications and abbreviations in 3 <sup>rd</sup> countries amounts to EUR 110 000 in 2012 and EUR 150 000 annually as from 2013. The funding foreseen in 2014 and 2015 is subject to the availability of appropriations in these years					



EUROPEAN COMMISSION

Brussels,  
COM(2010) XXX final

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**amending Council Regulation (EC) No 1234/2007  
as regards marketing standards**

## EXPLANATORY MEMORANDUM

### **1. CONTEXT OF THE PROPOSAL**

The Quality Package consists of a set of proposals designed to put in place a coherent agricultural product quality policy aimed at assisting farmers to better communicate the qualities, characteristics and attributes of agricultural product, and at ensuring appropriate consumer information. The Quality Package includes:

- a proposal for a Regulation of the European Parliament and of the Council on agricultural product quality schemes [COM(2010) XXXX];
- a proposal to modify Regulation (EC) No 1234/2007 (the single Common Market Organisation) concerning marketing standards for agricultural products [COM(2010) XXXX];
- guidelines setting out best practice for the development and operation of certification schemes relating to agricultural products and foodstuffs [C(2010) XXXX], and
- guidelines on the labelling of foodstuffs using Protected Designation of Origin (PDO) and Protected Geographical Indications (PGI) as ingredients [C(2010) XXXX].

#### **1.1. Grounds for and objectives of the proposal**

Farmers and producers of agricultural products face competitive pressure resulting from policy reform, globalisation, the concentration of bargaining power in the retail sector, and the state of the economy. At the same time, consumers increasingly look for authentic products produced using specific and traditional methods. In meeting this demand, the diversity and quality of European Union agricultural production should be an important strength and source of competitive advantage for Union farmers.

However, in order for consumers and buyers to be properly informed about the characteristics and farming attributes of agricultural product, they need to receive accurate and trustworthy labelling information. Providing producers with the right tools to communicate product characteristics and farming attributes to buyers and consumers, and to protect them against unfair trading practices, is at the heart of European Union agricultural product quality policy.

Most tools already exist at European Union level. Analysis and discussion with stakeholders has shown that they may be improved, simplified and made more coherent. The Quality Package aims to improve the Union legislation in the field of quality, as well as in the operation of national and private certification schemes, in order to make them simpler, more transparent and easier to understand, adaptable to innovation, and less burdensome for producers and administrations.

## 1.2. General context

Since the 1990s, Union agricultural product quality policy has been closely identified with three Union schemes, namely for protected designations of origin and protected geographical indications, for organic farming, and for traditional specialities guaranteed. In addition, Union marketing standards have provided a legislative framework for fair competition and smooth functioning of the market since the inception of the common agricultural policy. These Union standards and schemes have been joined in the last decade by an upsurge in the number of certification schemes in the private sector – seeking to guarantee to consumers value-adding characteristics and attributes, as well as respect for baseline standards through quality assurance certification.

In 2006, in the context of a recast of the scheme for protected designations of origin and protected geographical indications, the Commission committed to undertake a future policy review of the operation of the Regulation and its future development<sup>1</sup>.

In 2007 a major conference was held bringing together all types of quality schemes: ‘Food quality certification—adding value to farm produce’. The Conference led to the 2008 Green Paper on agricultural product quality<sup>2</sup>, which elicited over 560 detailed stakeholder responses and provided the input for the Communication on agricultural product quality policy<sup>3</sup> in 2009. This set out the following strategic orientations:

- improve communication between farmers, buyers and consumers about agricultural product qualities;
- increase the coherence of European Union agricultural product quality policy instruments; and
- reduce complexity to make it easier for farmers, producers and consumers to use and understand the various schemes and labelling terms.

## 1.3. Existing provisions on this area

European Union legislation provides for protection of designations of origin and geographical indications system in respect of agricultural products and foodstuffs. A harmonised regulatory system in the European Union was created in 1992 to register valuable names of agricultural products and foodstuffs produced according to a specification in a given geographical area by producers with recognised know-how<sup>4</sup>.

---

<sup>1</sup> Addendum to draft minutes; 2720th meeting of the Council of the European Union (Agriculture and Fisheries), 20.3.2006 (7702/06 ADD1).

<sup>2</sup> COM(2008) 641, 15.10.2008

<sup>3</sup> COM(2009) 234, 28.05.2009

<sup>4</sup> Regulation (EC) No 510/2006 of the Council on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (OJ L 93, 31.3.2006, p. 12). which repealed and replaced Regulation (EEC) No 2081/92. Schemes for geographical indications are also established in the wine sector, and for spirit drinks and for aromatized wines.

Also in 1992, the scheme for traditional specialities guaranteed set up a register of names of food specialties having a traditional character, stemming either from their traditional composition or traditional production methods used<sup>5</sup>.

As regards marketing standards, there is an extensive body of legislation that has developed mostly on a sectoral basis, in the form of regulations and directives adopted both at the level of Council and the Commission.

In addition, optional quality terms, regulated within the marketing standards, ensure that terms describing value adding characteristics, or farming or processing attributes are not misused in the marketplace and can be relied on by consumers in identifying different qualities of product.

#### **1.4. Consistency with other policies**

Agricultural product quality policy forms part of the common agricultural policy. The recent Communication<sup>6</sup> from the Commission on policy in the period post-2013 has identified several key challenges including maintaining the diversity of agricultural activities in rural areas and enhancing competitiveness, to which agricultural product quality policy will contribute. The policy also is in line with the priorities for the European Union set out in the 2020 Communication<sup>7</sup>, in particular the aims of promoting a more competitive economy, as quality policy is one of the flagships of EU agriculture's competitiveness.

This proposal is linked to and consistent with policies on consumer protection and information, single market and competition, as well as external trade policy.

## **2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS**

### **2.1. Consultations**

Stakeholders have been widely consulted. The main avenues for consultation were the Advisory Group on the quality of agricultural production, and the Green Paper consultation<sup>8</sup>, which concluded with a high-level conference in March 2009, organised by the Czech Presidency. The Council of Ministers adopted conclusions<sup>9</sup> on the Communication in its meeting in June 2009. The European Parliament adopted the resolution, 'Agricultural product quality policy: what strategy to follow?'<sup>10</sup> in March 2010. Opinions were adopted by the European Economic and

---

<sup>5</sup> Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed (OJ L 93 31.3.2006 p.1-11)

<sup>6</sup> COM(2010)672 final, 18.11.2010

<sup>7</sup> COM(2010) 2020, 3.3.2010

<sup>8</sup> From 15 October to 31 December 2008

<sup>9</sup> <http://register.consilium.europa.eu/pdf/en/09/st10/st10722.en09.pdf>

<sup>10</sup> <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2010-0088&language=EN&ring=A7-2010-0029>

Social Committee in January 2010<sup>11</sup> and the Committee of the Regions in February 2010<sup>12</sup>.

## 2.2. Main outcome of the consultations

Overall, stakeholders welcomed the orientations set out in the 2009 Communication. The main views expressed were the following:

- For designations of origin and geographical indications, simplification of the scheme by merging the two instruments (the ‘protected designation of origin’ and the ‘protected geographical indication’) was opposed. Merger of the existing systems (for wine, spirits, aromatised wines and agricultural products and foodstuffs) was viewed positively by most stakeholders, except for those in the wine and spirits sectors. The Commission was encouraged to further simplify, clarify and streamline the systems, and to enhance international recognition of designations of origin and geographical indications.
- For traditional specialities guaranteed, almost unanimous support was expressed by stakeholders for continuation of the TSG scheme, underlining its potential and importance for producers of traditional product that does not qualify under the geographical indications scheme. Some stakeholders called for the scheme to be simplified, in particular by discontinuing the possibility to register names without reserving it, and streamlined. Stakeholders representing producers of product covered by designations of origin and geographical indications suggested the scheme could provide an outlet for such product particularly where they are used in recipes.
- For marketing standards, in general stakeholders welcomed the simplification of marketing standards, place of farming labelling, and further development of optional quality terms.
- the need to address the needs of small-scale producers for whom the Union designations of origin and geographical indication and traditional specialities guaranteed schemes are too burdensome was raised.

## 2.3. Impact assessment

Following the 2009 Communication and the main responses to it, two impact assessments were prepared with a view to exploring the options identified in the Communication. These covered designations of origin and geographical indications, and traditional specialities guaranteed.

Concerning **geographical indications**, the analysis showed strong justification for a Union-level geographical indications scheme and discarded alternatives to a European Union scheme for reasons of low efficiency and effectiveness (including co-regulation and self-regulation by the sector, no action at European Union level,

---

<sup>11</sup> [http://eescopinions.eesc.europa.eu/EESCopinionDocument.aspx?identifier=ces\nat\nat448\ces105-2010\\_ac.doc&language=EN](http://eescopinions.eesc.europa.eu/EESCopinionDocument.aspx?identifier=ces\nat\nat448\ces105-2010_ac.doc&language=EN)

<sup>12</sup> [http://coropinions.cor.europa.eu/CORopinionDocument.aspx?identifier=cdr\deve-iv\dossiers\deve-iv-048\cdr315-2009\\_fin\\_ac.doc&language=EN](http://coropinions.cor.europa.eu/CORopinionDocument.aspx?identifier=cdr\deve-iv\dossiers\deve-iv-048\cdr315-2009_fin_ac.doc&language=EN)

protection through the international Lisbon Agreement<sup>13</sup>, replacement by a notification system for national geographical indications, and protection through the existing Community collective trade mark). The impact assessment identified considerable ground for reducing complexity and facilitating enforcement by merging the agricultural product and foodstuffs scheme with those in the alcoholic beverages sectors, while assuring the specificities of each system. However, the impact assessment acknowledged the opposition of certain stakeholders to this option.

Analysis of price data showed that producer returns for protected designations of origin (PDOs) and protected geographical indications (PGIs) are higher than for non-designated product and that the PDO label commands a higher price than the PGI label. The overall value of agricultural products and foodstuffs sold under PDOs and PGIs is 14.2 € billion (1997) at wholesale prices, and estimated at 21 € billion at consumer prices. Concerning trade in the internal market, 18.4% of PDO and PGI products are marketed outside their Member State of production.

The impact assessment found that merging the instruments for protected designation of origin (PDO) and protected geographical indication (PGI) would diminish the added-value benefits of the PDO identification. Concerning environmental impacts, studies show that some PDO and PGI products come from low intensity farming systems associated with high environmental value. These PDOs and PGIs provide an economic underpinning to the environmental public goods. Under the options retained for analysis producers can include environmental conditions in appropriate cases.

Concerning **traditional specialities guaranteed**, three options were analysed: introducing the term 'traditional' as optional quality term and abolishing the current scheme; no EU action; and simplifying the current scheme (allowing only registration with reservation of the name). The impact assessment showed that eliminating the TSG scheme would lead for protected names to loss of the economic and social benefits of EU-wide protection and was found to be unacceptable to stakeholders and to the EU legislator. In addition, the option to protect names throughout the single market was identified as a function that can only be undertaken effectively at Union level. The current low uptake of the traditional speciality guaranteed (TSG) scheme meant that data was limited. Case studies and surveys show positive economic and social impacts, including the preservation of traditional forms of production, access to derogations from hygiene rules for traditional methods, and value adding economic benefits of TSG registration.

Concerning the non-protected names however, little economic or social impact was shown for the abolition option as this function could be taken up by national or regional schemes and is already successfully achieved by several national schemes; the case for Union action in this regard was therefore difficult to justify on grounds of subsidiarity.

---

<sup>13</sup> Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (1958)

In social terms, the designations of PDO, PGI and TSG were found to contribute to the continuation of traditional forms of production to the benefit of both producers and consumers.

However, both the impact assessments for geographical indications and for traditional specialities guaranteed highlighted the widespread failure of these schemes to attract participation of very **small-scale producers**, notwithstanding that small-scale producers are often associated with artisanal product, traditional methods and local marketing, the European Union schemes are seen as burdensome in terms of application, necessitate costly controls, and require adherence to a specification. Therefore, further study and analysis will be carried out in order to assess the problems faced by small-scale producers in participating in Union quality schemes. On the basis of the results of this analysis, the Commission may propose appropriate follow-up.

Concerning **marketing standards**, in addition to the impact assessment work already done in the context of the 2009 Communication, further impact assessment work will be associated as appropriate to the proposals on the specific standards in the context of delegated powers for which a legal framework has been provided within the alignment of Regulation 1234/2007 to the Treaty of Lisbon.

The texts of the impact assessments can be found on the following website:

[http://ec.europa.eu/agriculture/quality/policy/backdocuments-links/index\\_en.htm](http://ec.europa.eu/agriculture/quality/policy/backdocuments-links/index_en.htm)

### **3. LEGAL ELEMENTS OF THE PROPOSAL**

#### **3.1. Summary of the proposed action**

The single Regulation for agricultural product quality schemes presents three complementary schemes (designations of origin and geographical indications; traditional specialities guaranteed; optional quality terms) in a single regulatory structure, overseen by a single quality policy committee. A separate Regulation covers the Marketing Standards.

##### *3.1.1. Designations of origin and geographical indications, excluding wines, aromatised wines and spirits.*

The proposal maintains and reinforces the scheme for agricultural products and foodstuffs, but does not bring together the geographical indications schemes for wines, for spirits, or for aromatized wines. In the light of relatively recent reforms of the wine and spirits legislation, at this stage, the schemes should remain distinct. This issue can be reconsidered at a later date. In the meantime, the rules for the scheme for agricultural products and foodstuffs will be converged, where appropriate, to those for wines.

The main elements designed to strengthen and simplify the scheme are the following:

- recognition of the roles and responsibilities of groups<sup>14</sup> applying for registration of names with regard to monitoring, promotion and communication;
- the reinforcement and clarification of the level of protection of registered names and the common Union symbols;
- the procedure to register names is shortened;
- the respective roles of Member States and groups applying for registration have been clarified with regard to the enforcement of protection of the registered names throughout the European Union, and
- the definitions of designations of origin and geographical indications are more closely aligned to international usage.

The proposal streamlines the current process of registration of designations of origin and geographical indications by shortening time delays. In addition, certain legal issues are clarified and terminology aligned with the recently adopted legislation on geographical indications for wine. Minimum common rules on official controls to ensure product follows the specification and to ensure correct labelling in the marketplace are also laid down. The scope of the Regulation is maintained (agricultural products for human consumption and certain other products), while dark chocolate is added.

### 3.1.2. *Traditional specialities guaranteed*

The proposal maintains the scheme for reservation of names of traditional specialities guaranteed across the European Union, but discontinues the option of registering names without reservation. The function of giving publicity, but not protection, to traditional products is best accomplished at national (or regional) level, and European Union action cannot be justified. The renewed European Union scheme for traditional specialities guaranteed is simplified (registration process streamlined by shortening delays, procedures aligned on PDO-PGI ones) and targeted in several respects: the criterion of tradition is extended to 50 years (from 25 years) to reinforce the credibility of the scheme; the scheme is restricted to prepared meals and processed product; and definitions and procedural requirements are substantially simplified to improve understanding of the scheme.

### 3.1.3. *Optional quality terms*

Concerning the optional quality terms, which have in common with the quality schemes that they are optional and assist farmers to identify value-adding characteristics and attributes of product in the marketplace, it is proposed to bring these into the present regulation. The optional quality terms are not amended in content, but adapted to the legislative framework of the Treaty on the Functioning of the European Union.

---

<sup>14</sup> any association, irrespective of its legal form or composition, of producers or processors working with the same product

#### 3.1.4. *Marketing standards*

Following the Communication from the Commission on agricultural product quality policy and subsequent debates, it is clear that marketing standards can contribute to improving the economic conditions for the production and marketing as well as the quality of such products. A minimum requirement of "sound, fair and marketable" already exists in market management measures. Extending these minimum requirements to those products not covered by specific standards can be useful for reassuring the consumers about the basic quality of the products they buy.

The proposal also takes into account the necessity of the alignment to the Treaty on the Functioning of the European Union, and thus the powers to adopt and develop standards in future will be delegated to the Commission.

Under this new framework, a legal basis for compulsory labelling of place of farming will be introduced for all sectors. This allows the Commission, following appropriate impact assessments and on a case by case basis, to adopt delegated acts concerning possible mandatory labelling on place of farming at the appropriate geographical level in order to satisfy the consumers' demands for transparency and information. One of the first sectors to be examined will be the dairy sector. At the same time the Commission envisages that for the future the mandatory indication of origin, for those sectors in which it already exists, will be maintained.

#### 3.2. **Legal basis (if necessary, justify choice of legal basis)**

Treaty on the Functioning of the European Union, Article 43(2).

#### 3.3. **Subsidiarity and proportionality principles**

Concerning **subsidiarity**, the schemes for *designations of origin and geographical indications*, *traditional specialities guaranteed* and *optional quality terms*, provide for the protection or reservation of value-adding names and terms throughout the territory of the European Union. This has the effect that non-qualifying producers are constrained from using the terms. If protected by Member States individually, the terms and names would enjoy different levels of protection in each Member State, which could mislead consumers, impede intra-Union trade, and make way for unequal competition in marketing products identified by quality names and terms. The determination of such rights across the European Union can only be done effectively and efficiently at Union level. 18% of the value of products sold under the PDO and PGI scheme are traded outside their Member State of origin and rely on the intellectual property protection afforded by EU-wide scheme. For the protected names under the TSG scheme, sales in the internal market are significant for the producers concerned. Optional quality terms also apply to significant intra-Union trade flows and divergent definitions and meanings would impede the operation of the market.

The schemes for *designations of origin and geographical indications*, and *traditional specialities guaranteed* rely on Union symbols designed to convey information about the nature of each quality scheme. In order to ensure recognition of the symbols by consumers across the European Union, and thereby facilitate understanding of the scheme and trade in quality products across borders, the symbols need to be established at Union level.

The processing and analysis of applications for *designations of origin and geographical indications* and *traditional specialities guaranteed* is a task that need not be performed at European Union level, except in so far as certain elements are concerned. These include assessing eligibility for the protection of names across the European Union, upholding the rights of prior users of the names (especially those outside the Member State of application), and checking applications for manifest errors. The primary detailed analysis of an application however, can be more efficiently and effectively undertaken at national level.

The operation of labelling schemes designed to identify product having certain qualities, but which do not effect the protection or reservation of names across the European Union, can be most effectively done by national authorities. For this reason the proposed revision of the *traditional specialities guaranteed* scheme discontinues the option to register names that are not protected.

The task of controls of all schemes is, in line with Regulation (EC) No 882/2004 on official feed and food controls, to be undertaken in the first place under the responsibility of national competent authorities. Supervision of Member State control activities needs to be undertaken at Union level in order to maintain credibility in the food law schemes across the European Union, in line with the principles laid down in that regulation.

Concerning **proportionality**, the schemes for *designations of origin and geographical indications* and for *traditional specialities guaranteed* entail adherence to a strict product specification and effective controls on production that can be burdensome for producers. However, this is necessary and proportionate to underpin the creditability of the scheme and provide the consumer with an effective guarantee of compliance. Without that guarantee, the consumer cannot be expected to pay a fair price for the quality products offered. By contrast the schemes for *optional quality terms* rely primarily on producers' own declarations of conformity, backed up by normal agricultural controls by Member States, based on risk assessment. As the conditions of participation in these schemes are lighter than in the case of the designations of origin and geographical indications and traditional specialities guaranteed, the less-burdensome system of participation and controls is proportionate.

The quality schemes are an essential part of the strategy of development of the common agricultural policy to enable and encourage European Union farmers to develop their expertise in marketing high quality product that has value adding characteristics and production attributes. As such it is vital that all farmers have access to the schemes. Therefore, while farmers must make a considered choice to take on the burdens and commitment to market quality product under the schemes, equally the policy benefits for the agricultural sector and for consumers can only be achieved if every farmer who wishes, has access to the schemes. For this reason, it is proportionate to the objective that the schemes must be applied by each Member State throughout their territories.

### **3.4. Choice of instruments**

The proposal for a Regulation of the European Parliament and of the Council on marketing standards consists of a modification of Council Regulation (EC) No 1234/2007 aligned to the rules of the TFEU.

The regulation is accompanied by a parallel legislative proposal for agricultural product quality schemes replacing existing Council Regulations (EC) No 509/2006 and (EC) No 510/2006, and incorporating existing provisions relating to optional quality terms currently in Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products<sup>15</sup> and in Directive 2001/110/EC related to honey<sup>16</sup>.

## **4. BUDGETARY IMPLICATION**

This proposal does not bear budgetary implications.

## **5. OPTIONAL ELEMENTS: SIMPLIFICATION**

The proposed regulation simplifies administration of the schemes by bringing different quality schemes for agricultural products as well as the optional quality terms, into one legislative instrument. It ensures coherence between the instruments and makes the schemes more easily understandable for stakeholders. The proposal clarifies and simplifies provisions for Member States, which are primarily responsible for the implementation and control of the schemes.

The main elements of simplification are:

- combination where possible of rules for application processes and controls, with benefits in terms of coherence of rules across schemes, ending current divergences in procedures;
- procedures are shortened and streamlined where possible;
- clarifications are introduced in particular in relation to intellectual property rights;
- simpler concepts more easily understood by consumers are introduced, notably in the traditional specialities guaranteed scheme;
- a single committee (the quality policy committee) is established for all schemes. This replaces two committees currently operating for the schemes for designations of origin and geographical indications, and for traditional specialities guaranteed.

---

<sup>15</sup> OJ L 299, 16.11.2007, p. 45.

<sup>16</sup> OJ L 10, 12.1.2002, p. 47.

For marketing standards, the proposed modification of Regulation (EC) No 1234/2007 will represent a simplification in terms of procedures and it will increase the transparency as far as marketing standards provisions are concerned.

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**amending Council Regulation (EC) No 1234/2007  
as regards marketing standards**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Economic and Social Committee<sup>17</sup>,

Having regard to the opinion of the Committee of the Regions<sup>18</sup>

After transmission of the proposal to the national Parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The "Communication on agricultural product quality policy "presented by the Commission on 28 May 2009 lays down strategic orientations to improve the agricultural product quality policy of the Union<sup>19</sup>. This Communication and the subsequent discussions of its main elements by the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, as well as numerous contributions arising from public consultation should be taken into account. In particular it is deemed appropriate to maintain marketing standards by sectors or products, in order to take account of the expectations of the consumers and to contribute to the improvement of the economic conditions for the production and marketing of agricultural products as well as to their quality.
- (2) Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (single CMO Regulation)<sup>20</sup> has maintained the sectoral approach provided by the previous Common Market Organisations on the marketing standards. Marketing standards have evolved on a piecemeal basis, instrument by instrument or product by product. A more coherent approach would help to make them more understandable for the consumers and help producers to easily communicate the characteristics and attributes of their products. It is therefore appropriate to introduce therein provisions of a horizontal nature.

---

<sup>17</sup> OJ C ..., p. ...

<sup>18</sup> OJ C..., p.

<sup>19</sup> COM (2009) 234, 28.5.2009

<sup>20</sup> OJ L 299, 16.11.2007, p.45.

- (3) Regulation (EC) No 1234/2007 confers powers to the Commission in order to implement some of the provisions on marketing standards.
- (4) As a consequence of the entry into force of the Lisbon Treaty, the Commission powers conferred for the implementation of the provisions on marketing standards provided for in Regulation (EC) No 1234/2007 need therefore to be aligned to Articles 290 and 291 of the Treaty on the Functioning of the European Union (TFEU).
- (5) The Commission should have the power to adopt delegated acts in accordance with Article 290 TFEU in order to supplement or amend certain non-essential elements of Section I of Chapter I of Title II of Part II of Regulation (EC) No 1234/2007. The elements for which that power may be exercised should be defined, as well as the conditions to which that delegation is to be subject.
- (6) In order to guarantee a uniform application of marketing standards in all Member States, the Commission should be empowered to adopt implementing acts in accordance with Article 291 TFEU. Save where explicitly provided otherwise, the Commission should adopt those implementing acts in accordance with the provisions of Regulation (EU) No [xxxx/yyyy] of the European Parliament and the Council on... *[to be completed following the adoption of the regulation on control mechanisms, as referred to in Article 291(2) of the TFEU, currently the subject of discussion by the European Parliament and the Council]*.
- (7) The application of standards for the marketing of agricultural products can contribute to improving the economic conditions for the production and marketing as well as the quality of such products. The application of such standards is therefore in the interest of producers, traders and consumers.
- (8) In order to guarantee that all products are of sound, fair and marketable quality, and without prejudice to provisions adopted in the food sector and, in particular, general food law contained in Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety<sup>21</sup> and principles and requirements thereof, a basic general marketing standard as envisaged in the aforementioned Communication of the Commission should be appropriate for products not covered by marketing standards by sectors or products. When such products conform to an applicable international standard, as appropriate, those products should be considered as conforming with the general marketing standard.
- (9) For some sectors and/or products, definitions, designations and/or sales descriptions are an important element for the determination of conditions of competition. Therefore, it is appropriate to lay down definitions, designations and sales descriptions for those sectors and/or products, which should only be used in the Union for the marketing of products which comply with the corresponding requirements.
- (10) Under Regulation (EC) No 1234/2007 the Commission has, so far, been entrusted with the adoption of the provisions on marketing standards for certain sectors. Given their detailed technical character and the need to constantly improve their effectiveness and

---

<sup>21</sup> OJ L 31, 1.2.2002, p. 1.

to adapt them to evolving trade practices, it is appropriate to extend this approach to all marketing standards, while specifying the criteria to be taken into account in setting out the relevant rules.

- (11) Marketing standards should apply to enable the market to be supplied with products of standardised and satisfactory quality. They should relate, in particular, to definitions, grading into classes, presentation and labelling, packaging, production method, conservation, transport, information on producers, content of certain substances, related administrative documents, storage, certification, marketing and time limits.
- (12) In particular, taking into account the interest of consumers to receive adequate and transparent product information, it should be possible to determine appropriate indications of place of farming, on a case by case approach at the appropriate geographical level, while taking into account the specificities of some sectors, in particular concerning processed agricultural products.
- (13) It is appropriate to determine certain oenological practices and restrictions for the production of wine.
- (14) The Commission, when defining marketing standards by sectors or products, should take into account the expectations of the consumers, the specificity of each sector and recommendations of International Bodies. In order to meet the international standards, for further oenological practices the Commission should as a general rule base itself on the oenological practices recommended by the International Organisation of Vine and Wine (OIV).
- (15) Specific measures, in particular methods of analysis, may need to be adopted to avoid abuses as regards the quality and authenticity of the products presented to the consumers. To guarantee compliance with the marketing standards, there is a need for controls and the application of penalties in case of non-compliance with such obligations. Member States will have to assume the responsibility of such controls.
- (16) Marketing standards should, in principle, apply to all products marketed in the Union. It is appropriate to provide special rules in respect of products imported from third countries according to which special provisions in force in certain third countries may justify derogations from the marketing standards if their equivalence to Union legislation is guaranteed. Provisions concerning wine should be applied in the light of the agreements concluded under Article 218 TFEU.
- (17) It is appropriate to set up rules for the classification of wine grape varieties, according to which Member States producing more than 50 000 hectolitres per year should continue to be responsible for classifying the wine grape varieties from which wine may be made on their territories. Certain wine grape varieties should be excluded.
- (18) As regards spreadable fats, it is appropriate to introduce the possibility for Member States to maintain or adopt certain national rules on quality levels.
- (19) For the wine sector, Member States should be allowed to limit or to exclude the use of certain oenological practices and keep more stringent restrictions for wines produced in their territory, as well as experimental use of unauthorized oenological practices under conditions to be defined.

(20) Regulation (EC) No 1234/2007 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

#### Article 1

Regulation (EC) No 1234/2007 is amended as follows:

(1)\* A new Article 4a is inserted:

##### *"Article 4a*

##### *[Adoption of delegated and implementing acts]*

Where powers are conferred upon the Commission, it shall act in accordance with the procedure referred to in Article 196a in the case of delegated acts, and in accordance with the procedure referred to in Article 196b in the case of implementing acts, save where explicitly provided otherwise in this Regulation."

(2) In Part II, Title II, Chapter I, Section I the following new articles are inserted before Article 113:

##### *"Article 112a*

##### *Scope*

Without prejudice to any other provisions applicable to products listed in Annex I and to agricultural ethyl alcohol as referred to in Part I of Annex II, as well as the provisions adopted in the veterinary and food sectors to ensure that products comply with hygiene and health standards and to protect animal and human health, this Section lays down the rules concerning the general marketing standard and marketing standards by sector and/or product for products listed in Annex I and agricultural ethyl alcohol as referred to in Part I of Annex II."

##### *Article 112b*

##### ***Conformity with the general marketing standard***

1. For the purposes of this Regulation a product complies with the "general marketing standard" if it is of sound, fair and marketable quality.
2. Where no marketing standards as referred to in Articles 112e, 112f and 112h and in Council Directives 2000/36/EC\*, 2001/112/EC\*\*, 2001/113/EC\*\*\*, 2001/114/EC\*\*\*\*, 2001/110/EC\*\*\*\*\*, 2001/111/EC\*\*\*\*\*, were established, products listed in Annex I to this Regulation which are ready for retail sale as human food as referred to in Article 3(7) of Regulation (EC) No 178/2002 of the European Parliament and of the Council\*\*\*\*\* may only be marketed if they conform to the general marketing standard.

3. A product shall be considered as conforming to the general marketing standard where the product intended to be marketed is in conformity with an applicable standard, as appropriate, adopted by any of the international organisations listed in Annex XIIb.

#### *Article 112c*

##### *Delegated powers concerning general marketing standard*

In order to address changes in the market situation, taking into account the specificity of each sector, the Commission may, by means of delegated acts, adopt, modify and derogate from requirements related to the general marketing standard referred to in Article 112b(1), and rules concerning the conformity referred to in paragraph 3 of that Article .

#### *Article 112d*

##### *Marketing standards by sectors or products*

The products for which marketing standards by sectors or products have been laid down may be marketed in the Union only in accordance with such standard.

#### *Article 112e*

##### *Establishment and content of marketing standards by sectors or products*

1. In order to take account of the expectations of consumers and to contribute to the improvement of the economic conditions for the production and marketing of agricultural products as well as to their quality, the Commission may, by means of delegated acts, adopt marketing standards by sector or product referred to in Article 112a, at all stages of the marketing, as well as derogations and exemptions from the application of such standards in order to adapt to the constantly changing market conditions, to the evolving consumer demands, as well as in order to take account of developments in relevant international standards and avoid creating obstacles to product innovation.
2. The marketing standards referred to in paragraph 1 may relate where appropriate to the requirements for:
  - (a) the definition, designation and/or sales descriptions other than those set out in this Regulation and lists of carcasses and parts thereof to which Annex XIIa applies;
  - (b) classification criteria such as grading into classes, weight, sizing, age and category;
  - (c) the plant variety or animal race or the commercial type;

- (d) the presentation, sales descriptions, labelling linked to obligatory marketing standards, packaging, rules to be applied in relation to packing centres, marking, wrapping, year of harvesting and use of specific terms;
  - (e) criteria such as appearance, consistency, conformation, product characteristics;
  - (f) specific substances used in production, or components or constituents, including their quantitative content, purity and identification;
  - (g) the type of farming and production method including oenological practices and related administrative rules, and operating circuit;
  - (h) coupage of must and wine including definitions thereof, blending and restrictions thereof;
  - (i) the conservation method and temperature;
  - (j) the place of farming and/or origin;
  - (k) the frequency of collection, delivery, preservation and handling;
  - (l) the identification or registration of the producer and/or the industrial facilities in which the product has been prepared or processed;
  - (m) the percentage of water content;
  - (n) restrictions as regards the use of certain substances and/or practices;
  - (o) specific use;
  - (p) commercial documents, accompanying documents and registers to be kept;
  - (q) storage, transport;
  - (r) the certification procedure;
  - (s) the conditions governing the disposal, the holding, circulation and use of products not in conformity to the marketing standards by sectors or products as referred to in paragraph 1 and/or to the definitions, designations and sales descriptions referred to in Article 112f, as well as the disposal of by-products;
  - (t) time limits;
  - (u) notifications by the Member States, notifications from different establishments to the competent authorities of the Member States and rules for obtaining statistical information on the markets in different products.
3. The marketing standards by sectors or by products referred to in paragraph 1 shall be established without prejudice to the provisions on Optional Quality

Terms of Regulation of the European Parliament and of the Council\*\*\*\*\*  
[Regulation on agricultural product quality schemes ], and taking into account:

- (a) the specificities of the products concerned;
- (b) the need to ensure the conditions for a smooth placing of those products on the market;
- (c) the interest of consumers to receive adequate and transparent product information, including the place of farming to be determined on a case by case approach at the appropriate geographical level;
- (d) where appropriate the methods used for determining their physical, chemical and organoleptic characteristics;
- (e) the standard recommendations adopted by international bodies.

*Article 112f*

*Definition, designation and/or sale description for certain sectors and/or products*

1. The definitions, designations and/or sale descriptions provided for in Annex XIIa shall apply to the following sectors or products:
  - (a) olive oil and table olives ,
  - (b) wine,
  - (c) beef and veal ,
  - (d) milk and milk products intended for human consumption ,
  - (e) poultrymeat,
  - (f) spreadable fats intended for human consumption
2. A definition, designation or sale description provided for in Annex XIIa may be used in the Union only for the marketing of a product which complies with the corresponding requirements laid down in Annex XIIa.
3. In order to adapt to evolving consumer demands, and in order to take technical progress into account and avoid creating obstacles to product innovation, the Commission may, by means of delegated acts, adopt any necessary modification, derogation or exemption to the definitions and sales descriptions provided for in Annex XIIa.

## *Article 112g*

### *Tolerance*

In order to take into account the specificity of each sector, the Commission may, by means of delegated acts, adopt a tolerance for each standard beyond which the entire batch of products will be considered as not respecting the standard.

## *Article 112h*

### *Oenological practices*

1. Where the International Organisation of Vine and Wine (OIV) has recommended and published methods of analysis for determining the composition of products and rules whereby it may be established whether products have undergone processes contrary to the authorised oenological practices, these should be the methods and rules applicable.

Where there are no methods and rules recommended and published by the OIV, corresponding methods and rules shall be adopted by the Commission as referred to in point(g) of Article 112e(2).

Pending the adoption of such rules, the methods and rules to be used shall be those allowed by the Member State concerned.

2. Only oenological practices authorised in accordance with Annex XIIc and provided for in point (g) of Article 112e(2) and in Article 112k(2) and (3) shall be used in the production and conservation in the Union of products of the wine sector.

The first subparagraph shall not apply to:

- (a) grape juice and concentrated grape juice;
- (b) grape must and concentrated grape must intended for the preparation of grape juice.

Authorised oenological practices shall only be used for the purposes of ensuring proper vinification, proper preservation or proper refinement of the product.

Products of the wine sector shall be produced in the Union in accordance with the relevant restrictions laid down in Annex XIIc.

Products of the wine sector listed in Part II of Annex XIIa, which have undergone unauthorised Union oenological practices or, where applicable, unauthorised national oenological practices or which contravene the restrictions laid down in Annex XIIc, shall not be marketed in the Union.

3. When authorising oenological practices for wine as referred to in point(g) of Article 112e(2), the Commission shall:

- (a) base itself on the oenological practices and methods of analyses recommended and published by the OIV as well as on the results of experimental use of as yet unauthorised oenological practices;
- (b) take into account the protection of human health;
- (c) take into account the possible risk of consumers being misled due to their established expectations and perceptions, having regard to the availability and feasibility of informational means to exclude such risks;
- (d) allow the preservation of the natural and essential characteristics of the wine and not cause a substantial change in the composition of the product concerned;
- (e) ensure an acceptable minimum level of environmental care;
- (f) respect the general rules concerning oenological practices and restrictions laid down in Annex XIIc.

#### *Article 112i*

##### *Wine grape varieties*

1. Products listed in Part II of Annex XIIa and produced in the Union shall be made from wine grape varieties classifiable according to paragraph 2 of this Article.
2. Subject to paragraph 3, Member States shall classify which wine grape varieties may be planted, replanted or grafted on their territories for the purpose of wine production.

Only wine grape varieties meeting the following conditions may be classified by Member States:

- (a) the variety concerned belongs to the *Vitis vinifera* or comes from a cross between the species *Vitis vinifera* and other species of the genus *Vitis*;
- (b) the variety is not one of the following: Noah, Othello, Isabelle, Jacquez, Clinton and Herbemont.

Where a wine grape variety is deleted from the classification referred to in the first subparagraph, grubbing-up of this variety shall take place within 15 years of its deletion.

3. Member States whose wine production does not exceed 50 000 hectolitres per wine year, calculated on the basis of the average production during the latest five wine years, shall be exempted from the classification obligation referred to in the first subparagraph of paragraph 2.

However, also in the Member States referred to in the first subparagraph, only wine grape varieties complying with the second subparagraph of paragraph 2 may be planted, replanted or grafted for the purpose of wine production.

4. By way of derogation from the first and third subparagraphs of paragraph 2 and the second subparagraph of paragraph 3, the planting, replanting or grafting of the following wine grape varieties shall be allowed by the Member States for scientific research and experimental purposes:
  - (a) wine grape varieties which are not classified as far as Member States referred to in paragraph 3 are concerned;
  - (b) wine grape varieties which do not comply with points (a) and (b) of the second subparagraph of paragraph 2 as far as Member States referred to in paragraph 3 are concerned.
5. Areas planted with wine grape varieties for the purpose of wine production planted in breach of paragraphs 2, 3 and 4 shall be grubbed up.

However, there shall be no obligation to grub up such areas where the relevant production is intended exclusively for consumption by the wine-producers' households.

6. Member States shall take the necessary measures to check compliance by producers with paragraphs 2 to 5.

#### *Article 112j*

##### *Specific use of wine*

Except for bottled wine in respect of which there is evidence that bottling was performed before 1 September 1971, wine produced from wine grape varieties listed in the classifications drawn up in accordance with the first subparagraph of Article 112i(2) but not conforming to one of the categories laid down in Part II of Annex XIIIa, shall be used only for consumption by individual wine-producers' households, for the production of wine vinegar or for distillation.

#### *Article 112k*

##### *National rules for certain products and/or sectors*

1. Notwithstanding Article 112e(1), Member States may adopt or maintain national rules laying down different quality levels for spreadable fats. Such rules shall allow those quality levels to be assessed on the basis of criteria relating in particular to the raw materials used, the organoleptic characteristics of the products and their physical and microbiological stability.

Member States making use of this option provided for in the first subparagraph shall ensure that other Member States' products which comply with the criteria laid down by those national rules may, under non-discriminatory conditions,

use terms which, by virtue of those rules, state that those criteria are complied with.

2. Member States may limit or exclude the use of certain oenological practices and provide for more stringent restrictions for wines authorised under Union law produced in their territory with a view to reinforcing the preservation of the essential characteristics of wines with a protected designation of origin or a protected geographical indication and of sparkling wines and liqueur wines.

Member States shall communicate those limitations, exclusions and restrictions to the Commission, which shall bring them to the attention of the other Member States.

3. Member States may allow the experimental use of unauthorised oenological practices under conditions specified by the Commission by means of delegated acts adopted pursuant to paragraph 4.
4. In order to ensure the correct and transparent application, the Commission may, by means of delegated acts, specify the conditions for the application of paragraphs 1, 2 and 3 as well as the conditions for the holding, circulation and use of the products obtained from the experimental practices as referred to in paragraph 3.

#### *Article 112l*

##### *Marketing standards related to import and export*

In order to take account of the specificities in trade between the Union and certain third countries and of the special character of some agricultural products, the Commission may, by means of delegated acts, define the conditions under which imported products are considered as providing an equivalent level of compliance with the Union requirements concerning marketing standards and which allow for measures derogating from Article 112d and determine the rules relating to the application of the marketing standards to products exported from the Union.

#### *Article 112m*

##### *Special provisions for the imports of wine*

1. Save as otherwise provided for in agreements concluded pursuant to Article 218 TFEU the provisions concerning designation of origin and geographical indications and labelling of wine set out in the Subsection I of Section Ia of this Chapter and in the definitions and sales descriptions referred to in Article 112f of this Regulation shall apply to products falling under CN codes 2009 61, 2009 69 and 2204 which are imported into the Union.
2. Save as otherwise provided for in agreements concluded pursuant to Article 218 of the TFEU, products referred to in paragraph 1 of this Article shall be produced in accordance with oenological practices recommended and

published by the OIV or authorised by the Union pursuant to this Regulation and measures adopted pursuant to this Regulation.

3. The import of the products referred to in paragraph 1 shall be subject to the presentation of:
  - (a) a certificate evincing compliance with the provisions referred to in paragraphs 1 and 2, to be drawn up by a competent body, included on a list to be made public by the Commission, in the product's country of origin;
  - (b) an analysis report drawn up by a body or department designated by the product's country of origin, in so far as the product is intended for direct human consumption.

#### *Article 112n*

##### *National checks*

Member States shall carry out checks, based on a risk analysis, in order to verify whether products conform to the rules laid down in this Section and shall apply administrative penalties as appropriate.

#### *Article 112o*

##### *Implementing powers*

The Commission may, by means of implementing acts, adopt all necessary measures related to this Section and in particular:

- (a) lay down rules for the implementation of the general marketing standard;
- (b) lay down rules for the implementation of the definitions and sales descriptions provided for in Annex XIIa;
- (c) draw up the list of the products referred to in the second paragraph of point 5 of Part III of Annex XIIa and in point (a) of the sixth paragraph of Part VI of Annex XIIa, on the basis of indicative lists of products which Member States regard as corresponding in their territory to the products referred to in the second paragraph of the point 5 of Part III of Annex XIIa and in point (a) of the sixth paragraph of Part VI of Annex XIIa and which Member States shall send to the Commission;
- (d) lay down rules for the implementation of the marketing standards by sectors or products including the detailed rules for the taking of samples and the methods of analysis for determining the composition of products;
- (e) lay down rules whereby it may be established whether products have undergone processes contrary to the authorised oenological practices;

- (f) lay down rules for performing the checks of compliance with the marketing standards by sectors or products;
- (g) lay down rules for fixing of the tolerance level;
- (h) adopt provisions related to the authorities responsible for performing the checks for compliance as well as to the content, the frequency and the marketing stage to which those checks shall apply;
- (i) adopt the necessary measures for the implementation of the derogation provided for in Article 112l.

\* OJ L 197, 3.8.2000, p. 19

\*\* OJ L 10, 12.1.2002, p. 58

\*\*\* OJ L 10, 12.1.2002, p. 67

\*\*\*\* OJ L 15, 17.1.2002, p. 19

\*\*\*\*\* OJ L 10, 12.1.2002, p. 47

\*\*\*\*\* OJ L 10, 12.1.2002, p. 53

\*\*\*\*\* OJ L 31, 1.2.2002, p. 1.

\*\*\*\*\*"

- (3) Article 113 is deleted.
- (4) Article 113a is amended as follows:
- (a) Paragraph 2 is replaced by the following:
- "2. The marketing standards referred to in paragraph 1 and any marketing standard applicable to the fruit and vegetables and the processed fruit and vegetables sectors shall apply at all marketing stages including import and export unless otherwise provided for by the Commission."
- (b) In paragraph 4, the first sentence is replaced by the following:
- "Without prejudice to any specific provisions which may be adopted by the Commission in accordance with Article 194, in particular on the consistent application in the Member States of the conformity checks, Member States shall, in respect of the fruit and vegetables and the processed fruit and vegetables sectors, check selectively, based on a risk analysis, whether the products concerned conform to the respective marketing standards. These checks shall be focused on the stage prior to dispatch from the production areas when the products are being packed or loaded. For products from third countries, checks shall be done prior to release for free circulation."
- (5) Articles 113d, 118, 120, 120a to 120g, points (a)(b)(c)(d)(e)(f)(g)(h)(i)(j), of the first paragraph, as well as the second, third and fourth paragraph of Article 121 and Article 158a are deleted.
- (6) In Chapter I of Part VII, the following Articles 196a and 196b are added:

*"Article 196a*

*Delegated acts*

1. The powers to adopt the delegated acts referred to in this Regulation shall be conferred on the Commission for an indeterminate period of time. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
2. The delegation of power referred to in paragraph 1 may be revoked at any time by the European Parliament or by the Council.

The institution which has commenced an internal procedure for deciding whether to revoke the delegation of power shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated powers which could be subject to revocation and possible reasons for a revocation.

The decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect immediately or at a later date

specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the Official Journal of the European Union.

3. The European Parliament and the Council may object to the delegated act within a period of two months from the date of notification. At the initiative of the European Parliament or the Council this period shall be extended by one month.

If, on the expiry of that period, neither the European Parliament nor the Council has objected to the delegated act it shall be published in the Official Journal of the European Union and shall enter into force at the date stated therein.

The delegated act may be published in the Official Journal of the European Union and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections. If the European Parliament or the Council objects to a delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.

#### *Article 196b*

##### *Implementing acts-Committee*

[Where implementing acts are adopted pursuant to this Regulation, the Commission shall be assisted by the Committee referred to in Article 195 of this Regulation and the procedure provided for in Article [5] of Regulation (EU) No [xxxx/yyyy](*to be completed following the adoption of the regulation on control mechanisms, as referred to in Article 291(2) of the TFEU, currently the subject of discussion by the European Parliament and the Council*) shall apply.]"

- (7) Annexes XIa, XIb, XII, XIII, XIV, XV, XVa, XVb, XVI are deleted subject to the Article 2(1) of this Regulation.
- (8) New Annexes XIIa XIIb and XIIc are inserted, the text of which is set out in Annex I to this Regulation.

#### *Article 2*

1. Articles 113a, 113b, 114, 115, 116, 117 (1) to (4) of Regulation (EC) No 1234/2007 as well as Annexes XIa (II) second paragraph, XIa (IV to IX); XII (IV)(2), XIII (VI) second paragraph, XIV(A), XIV (B)(I) (2) and (3), XIV (B)(III) and XIV (C), XV (II), (III), (IV) and (VI), to that Regulation, for the purpose of applying those Articles, shall continue to apply until the date to be determined pursuant to paragraph 2.
2. In order to ensure legal certainty as regards the application of marketing rules, the Commission shall, by means of delegated acts, determine the date on which the provisions of Regulation (EC) No 1234/2007 referred to in the paragraph 1 of this

Article or parts thereof cease to apply to the sector concerned. That date shall be the date of application of the corresponding marketing rules to be established pursuant to the delegated acts provided for in the amendments introduced by point (2) of Article 1 of this Regulation.

### *Article 3*

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

However, Article 112b of Regulation (EC) No 1234/2007 as inserted by point (2) of Article 1 of this Regulation shall apply from [.../one year after the entry into force].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

## **ANNEX I**

‘Annex XIIa

### **Definitions, designations and sales description of products referred to Article 112f**

For the purposes of this Annex, the sale description is the name under which a foodstuff is sold, within the meaning of Article 5(1) of Directive 2000/13/EC of the European Parliament and of the Council \*

#### **PART I. MEAT OF BOVINE ANIMALS AGED 12 MONTHS OR LESS**

##### **I. Definition**

For the purposes of this Part of the Annex, “meat” means all carcasses, meat on the bone or boned, and offal, whether or not cut, intended for human consumption, obtained from bovine animals aged 12 months or less, presented fresh, frozen or deep-frozen, whether or not wrapped or packed.

On slaughter, all bovine animals aged 12 months or less shall be classified by the operators, under the supervision of the competent authority, in one of the following two categories:

(A) Category V: bovine animals aged 8 months or less

Category identification letter: V;

(B) Category Z: bovine animals aged more than 8 months but not more than 12 months

Category identification letter: Z.

##### **II. Sales descriptions**

1. The meat of bovine animals aged 12 months or less shall only be marketed in the Member States under the following sales description(s) laid down for each Member State:

(A) For the meat of bovine animals aged 8 months or less (category identification letter V):

Country of marketing	Sales descriptions to be used
Belgium	veau, viande de veau/kalfsvlees/Kalbfleisch
Bulgaria	месо от малки телета
Czech Republic	Telecí

Denmark	Lyst kalvekød
Germany	Kalbfleisch
Estonia	Vasikaliha
Greece	μοσχάρι γάλακτος
Spain	Ternera blanca, carne de ternera blanca
France	veau, viande de veau
Ireland	Veal
Italy	vitello, carne di vitello
Cyprus	μοσχάρι γάλακτος
Latvia	Teļa gaļa
Lithuania	Veršiena
Luxembourg	veau, viande de veau/Kalbfleisch
Hungary	Borjúhús
Malta	Vitella
Netherlands	Kalfsvlees
Austria	Kalbfleisch
Poland	Cielęcina
Portugal	Vitela
Romania	carne de vițel
Slovenia	Teletina
Slovakia	Teľacie mäso
Finland	vaalea vasikanliha/ljust kalvkött
Sweden	ljust kalvkött
United Kingdom	Veal

(B) For the meat of bovine animals in category aged more than 8 months but not more than 12 months (category identification letter Z):

Country of marketing	Sales descriptions to be used
Belgium	jeune bovin, viande de jeune bovin / jongrundvlees/ Jungrindfleisch
Bulgaria	Телешко месо
Czech Republic	hovězí maso z mladého skotu
Denmark	Kalvekød
Germany	Jungrindfleisch
Estonia	noorloomaliha
Greece	νεαρό μοσχάρι
Spain	Ternera, carne de ternera
France	jeune bovin, viande de jeune bovin
Ireland	rosé veal
Italy	vitellone, carne di vitellone
Cyprus	νεαρό μοσχάρι
Latvia	jaunlopa gaļa
Lithuania	Jautiena
Luxembourg	jeune bovin, viande de jeune bovin/Jungrindfleisch
Hungary	Növendék marha húsa
Malta	Vitellun
Netherlands	rosé kalfsvlees
Austria	Jungrindfleisch
Poland	młoda wołowina
Portugal	Vitelão
Romania	carne de tineret bovin
Slovenia	meso težjih telet

Slovakia	mäso z mladého dobytká
Finland	vasikanliha/kalvkött
Sweden	Kalvkött
United Kingdom	Beef

2. The sales descriptions referred to in point 1 may be supplemented by an indication of the name or designation of the pieces of meat or offal concerned.
3. The sales descriptions listed for category V in point A of the table set-out in point 1 and any new name derived from those sales descriptions shall only be used if the requirements of this Annex are met.

In particular, the terms “veau”, “telecí”, “Kalb”, “μοσχάρι”, “ternera”, “kalv”, “veal”, “vitello”, “vitella”, “kalf”, “vitela” and “teletina” shall not be used in a sales description or be indicated on the labelling of the meat of bovine animals aged more than 12 months.

4. The conditions referred to in 1 shall not apply to the meat of bovine animals for which a protected designation of origin or geographical indication has been registered in accordance with Regulation (EC) No 510/2006 \*\*, before 29 June 2007.

## PART II. GRAPEVINE PRODUCTS

### (1) Wine

Wine shall be the product obtained exclusively from the total or partial alcoholic fermentation of fresh grapes, whether or not crushed, or of grape must.

Wine shall:

- (a) have, whether or not following application of the processes specified in Section B of Part I of Annex XIIc, an actual alcoholic strength of not less than 8,5% volume provided that the wine derives exclusively from grapes harvested in wine-growing zones A and B referred to in the Appendix to this Annex, and of not less than 9 % volume in other wine-growing zones;
- (b) have, by way of derogation from the otherwise applicable minimum actual alcoholic strength, where it has a protected designation of origin or a protected geographical indication, whether or not following application of the processes specified in Section B of Part I of Annex XIIc, an actual alcoholic strength of not less than 4,5 % volume;
- (c) have a total alcoholic strength of not more than 15 % volume. However, by way of derogation:
  - the upper limit for the total alcoholic strength may reach up to 20 % volume for wines which have been produced without any enrichment from certain wine-growing areas of the Union, to be determined by the Commission by means of delegated acts pursuant to Article 112e(1),
  - the upper limit for the total alcoholic strength may exceed 15 % volume for wines with a protected designation of origin which have been produced without enrichment;
- (d) have, subject to derogations which may be adopted by the Commission by means of delegated acts pursuant to Article 112e(1), a total acidity content, expressed as tartaric acid, of not less than 3,5 grams per litre or 46,6 milliequivalents per litre.

“Retsina” shall be wine produced exclusively in the geographical territory of Greece using grape must treated with resin from the Aleppo pine. The use of Aleppo pine resin is permitted solely for the purpose of obtaining “Retsina” wine under the conditions laid down in Greece’s applicable provision.

By way of derogation from point (b) “Tokaji eszencia” and “Tokajská esencia” are considered wine.

However, notwithstanding Article 112f(2), Member States may allow the use of the term “wine” if:

- it is accompanied by the name of a fruit in the form of a composite name to market products obtained by the fermentation of fruit other than grapes; or

- it is part of a composite name.

Any confusion with products corresponding to the wine categories in this Annex shall be avoided.

**(2) New wine still in fermentation**

New wine still in fermentation shall be the product in which the alcoholic fermentation is not yet complete and which is not yet separated from its lees.

**(3) Liqueur wine**

Liqueur wine shall be the product:

- (a) which has an actual alcoholic strength of not less than 15 % volume and not more than 22 % volume;
- (b) which has a total alcoholic strength of not less than 17,5 % volume, except for certain liqueur wines with a designation of origin or with a geographical indication appearing on a list to be drawn up by the Commission by means of delegated acts pursuant to Article 112e(1);
- (c) which is obtained from:
  - grape must in fermentation,
  - wine,
  - a combination of the above products, or
  - grape must or a mixture thereof with wine for certain liqueur wines with a protected designation of origin or a protected geographical indication, to be determined by the Commission by means of delegated acts pursuant to Article 112e(1);
- (d) which has an initial natural alcoholic strength of not less than 12 % volume except for certain liqueur wines with a protected designation of origin or a protected geographical indication appearing on a list to be drawn up by the Commission by means of delegated acts pursuant to Article 112e(1);
- (e) to which the following has been added:
  - (i) individually or in combination:
    - neutral alcohol of vine origin, including alcohol produced from the distillation of dried grapes, having an actual alcoholic strength of not less than 96 % volume,
    - wine or dried grape distillate, having an actual alcoholic strength of not less than 52 % volume and not more than 86 % volume;
  - (ii) together with one or more of the following products where appropriate:

- concentrated grape must,
  - a combination of one of the products referred to in point (e)(i) with a grape must referred to in the first and fourth indent of point (c);
- (f) to which, by way of derogation from point (e), has been added, in so far as certain liqueur wines with a protected designation of origin or a protected geographical indication are concerned which appear on a list to be drawn up by the Commission by means of delegated acts pursuant to Article 112e(1):
- (i) either of products listed in point (e)(i) individually or in combination; or
  - (ii) one or more of the following products:
    - wine alcohol or dried grape alcohol with an actual alcoholic strength of not less than 95 % volume and not more than 96 % volume,
    - spirits distilled from wine or from grape marc, with an actual alcoholic strength of not less than 52 % volume and not more than 86 % volume,
    - spirits distilled from dried grapes, with an actual alcoholic strength of not less than 52 % volume and of less than 94,5 % volume; and
  - (iii) one or more of the following products, where appropriate:
    - partially fermented grape must obtained from raisined grapes,
    - concentrated grape must obtained by the action of direct heat, complying, with the exception of this operation, with the definition of concentrated grape must,
    - concentrated grape must,
    - a combination of one of the products listed in point (f)(ii) with a grape must referred to in the first and fourth indents of point (c).

**(4) Sparkling wine**

Sparkling wine shall be the product:

- (a) which is obtained by first or second alcoholic fermentation:
  - from fresh grapes,
  - from grape must, or,
  - from wine;
- (b) which, when the container is opened, releases carbon dioxide derived exclusively from fermentation;

- (c) which has an excess pressure, due to carbon dioxide in solution, of not less than 3 bar when kept at a temperature of 20 °C in closed containers; and
- (d) for which the total alcoholic strength of the cuvées intended for their preparation shall not be less than 8,5 % volume.

**(5) Quality sparkling wine**

Quality sparkling wine shall be the product:

- (a) which is obtained by first or second alcoholic fermentation:
  - from fresh grapes,
  - from grape must, or
  - from wine;
- (b) which, when the container is opened, releases carbon dioxide derived exclusively from fermentation;
- (c) which has an excess pressure, due to carbon dioxide in solution, of not less than 3,5 bar when kept at a temperature of 20 °C in closed containers; and
- (d) for which the total alcoholic strength of the cuvées intended for their preparation shall not be less than 9 % volume.

**(6) Quality aromatic sparkling wine**

Quality aromatic sparkling wines shall be the quality sparkling wine:

- (a) which is obtained only by making use, when constituting the cuvée, of grape must or grape must in fermentation which is derived from specific wine grape varieties on a list to be drawn up by the Commission by means of delegated acts pursuant to Article 112e(1).

Quality aromatic sparkling wines traditionally produced using wines when constituting the cuvée, shall be determined by the Commission by means of delegated acts pursuant to in Article 112e(1);

- (b) which has an excess pressure, due to carbon dioxide in solution, of not less than 3 bar when kept at a temperature of 20°C in closed containers;
- (c) of which the actual alcoholic strength may not be less than 6 % volume; and
- (d) of which the total alcoholic strength may not be less than 10 % volume.

**(7) Aerated sparkling wine**

Aerated sparkling wine shall be the product which:

- (a) is obtained from wine without a protected designation of origin or a protected geographical indication;

- (b) releases, when the container is opened, carbon dioxide derived wholly or partially from an addition of that gas; and
- (c) has an excess pressure, due to carbon dioxide in solution, of not less than 3 bar when kept at a temperature of 20 °C in closed containers.

**(8) Semi-sparkling wine**

Semi-sparkling wine shall be the product which:

- (a) is obtained from wine provided that such wine has a total alcoholic strength of not less than 9 % volume;
- (b) has an actual alcoholic strength of not less than 7 % volume;
- (c) has an excess pressure, due to endogenous carbon dioxide in solution of not less than 1 bar and not more than 2,5 bar when kept at a temperature of 20 °C in closed containers; and
- (d) is placed in containers of 60 litres or less.

**(9) Aerated semi-sparkling wine**

Aerated semi-sparkling wine shall be the product which:

- (a) is obtained from wine;
- (b) has an actual alcoholic strength of not less than 7 % volume and a total alcoholic strength of not less than 9 % volume;
- (c) has an excess pressure of not less than 1 bar and not more than 2,5 bar when kept at a temperature of 20 °C in closed containers due to carbon dioxide in solution which has been wholly or partially added; and
- (d) is placed in containers of 60 litres or less.

**(10) Grape must**

Grape must shall be the liquid product obtained naturally or by physical processes from fresh grapes. An actual alcoholic strength of the grape must of not more than 1 % volume is permissible.

**(11) Partially fermented grape must**

Grape must in fermentation shall be the product obtained from the fermentation of grape must which has an actual alcoholic strength of more than 1 % volume but less than three fifths of its total alcoholic strength by volume.

**(12) Partially fermented grape must extracted from raisined grapes**

Grape must in fermentation extracted from raisined grapes shall be the product obtained from the partial fermentation of grape must obtained from raisined grapes, the total sugar content of which before fermentation is at least 272 grams per litre

and the natural and actual alcoholic strength of which shall not be less than 8 % volume. However, certain wines, to be determined by the Commission by means of delegated acts pursuant to Article 112e(1), that meet these requirements shall not be considered as grape must in fermentation extracted from raisined grapes.

**(13) Concentrated grape must**

Concentrated grape must shall be uncaramelised grape must which is obtained by partial dehydration of grape must carried out by any authorised method other than by direct heat in such a way that the figure indicated by a refractometer used in accordance with a method to be prescribed in accordance with the third subparagraph of Article 112h(1) and point (d) of Article 112o at a temperature of 20 °C is not less than 50,9 %.

An actual alcoholic strength of the concentrated grape must of not more than 1 % volume is permissible.

**(14) Rectified concentrated grape must**

Rectified concentrated grape must shall be the liquid uncaramelised product which:

- (a) is obtained by partial dehydration of grape must carried out by any authorised method other than direct heat in such a way that the figure indicated by a refractometer used in accordance with a method to be prescribed in accordance with the third subparagraph of Article 112h(1) and point (d) of Article 112o at a temperature of 20 °C is not less than 61,7 %;
- (b) has undergone authorised treatment for de-acidification and elimination of constituents other than sugar;
- (c) has the following characteristics:
  - a pH of not more than 5 at 25 Brix,
  - an optical density at 425 nm for a thickness of 1 cm of not more than 0,100 in grape must concentrated at 25 Brix,
  - a sucrose content undetectable by a method of analysis to be defined,
  - a Folin-Ciocalteu index of not more than 6,00 at 25 °Brix,
  - a titratable acidity of not more than 15 milliequivalents per kilogram of total sugars,
  - a sulphur dioxide content of not more than 25 milligrams per kilogram of total sugars,
  - a total cation content of not more than 8 milliequivalents per kilogram of total sugars,
  - a conductivity at 25 °Brix and 20 °C of not more than 120 micro-Siemens/cm,

- a hydroxymethylfurfural content of not more than 25 milligrams per kilogram of total sugars,
- presence of mesoinositol.

An actual alcoholic strength of the rectified concentrated grape must of not more than 1 % volume is permissible.

**(15) Wine from raisined grapes**

Wine from raisined grapes shall be the product which:

- (a) is produced without enrichment, from grapes left in the sun or shade for partial dehydration;
- (b) has a total alcoholic strength of at least 16 % volume and an actual alcoholic strength of at least 9 % volume; and
- (c) has a natural alcoholic strength of at least 16 % volume (or 272 grams sugar/litre).

**(16) Wine of overripe grapes**

Wine of overripe grapes shall be the product which:

- (a) is produced without enrichment;
- (b) has a natural alcoholic strength of more than 15 % volume; and
- (c) has a total alcoholic strength of not less than 15 % volume and an actual alcoholic strength of not less than 12 % volume.

Member States may prescribe a period of ageing for this product.

**(17) Wine vinegar**

Wine vinegar shall be vinegar which:

- (a) is obtained exclusively by acetous fermentation of wine; and
- (b) has a total acidity of not less than 60 grams per litre expressed as acetic acid.

**PART III. MILK AND MILK PRODUCTS**

1. The term 'milk' means exclusively the normal mammary secretion obtained from one or more milkings without either addition thereto or extraction therefrom.

However, the term 'milk' may be used:

- (a) for milk treated without altering its composition or for milk the fat content of which is standardised under Part IV of this Annex;

- (b) in association with a word or words to designate the type, grade, origin and/or intended use of such milk or to describe the physical treatment or the modification in composition to which it has been subjected, provided that the modification is restricted to an addition and/or withdrawal of natural milk constituents.
2. For the purposes of this Part, 'milk products' means products derived exclusively from milk, on the understanding that substances necessary for their manufacture may be added provided that those substances are not used for the purpose of replacing, in whole or in part, any milk constituent.

The following shall be reserved exclusively for milk products.

- (a) the following names used at all stages of marketing:
    - (i) whey,
    - (ii) cream,
    - (iii) butter,
    - (iv) buttermilk,
    - (v) butteroil,
    - (vi) caseins,
    - (vii) anhydrous milkfat (AMF),
    - (viii) cheese,
    - (ix) yogurt,
    - (x) kephir,
    - (xi) koumiss,
    - (xii) viili/fil,
    - (xiii) smetana,
    - (xiv) fil;
  - (b) names within the meaning of Article 5 of Directive 2000/13/EC actually used for milk products.
3. The term 'milk' and the designations used for milk products may also be used in association with a word or words to designate composite products of which no part takes or is intended to take the place of any milk constituent and of which milk or a milk product is an essential part either in terms of quantity or for characterisation of the product.

4. The origin of milk and milk products to be defined by the Commission shall be stated if it is not bovine.
5. The designations referred to in points 1, 2 and 3 of this Part may not be used for any product other than those referred to in that point.

However, this provision shall not apply to the designation of products the exact nature of which is clear from traditional usage and/or when the designations are clearly used to describe a characteristic quality of the product.

6. In respect of a product other than those described in points 1,2 and 3 of this Part, no label, commercial document, publicity material or any form of advertising as defined in Article 2 of Council Directive 2006/114/EC\*\*\* or any form of presentation, may be used which claims, implies or suggests that the product is a dairy product.

However, in respect of a product which contains milk or milk products, the designation 'milk' or the designations referred to in the second subparagraph of point 2 of this Part may be used only to describe the basic raw materials and to list the ingredients in accordance with Directive 2000/13/EC.

#### **PART IV. MILK FOR HUMAN CONSUMPTION FALLING WITHIN CN CODE 0401**

##### **I. Definitions**

For the purposes of this Part:

- (a) 'milk' means the produce of the milking of one or more cows;
- (b) 'drinking milk' means the products referred to in point III intended for delivery without further processing to the consumer;
- (c) 'fat content' means the ratio by mass of parts of milk fat per hundred parts of milk in the milk concerned;
- (d) 'protein content' means the ratio by mass of parts of protein per hundred parts of milk in the milk concerned (obtained by multiplying by 6,38 the total nitrogen content of the milk expressed as a percentage by mass).

##### **II. Delivery or sale to the final consumer**

- (1) Only milk complying with the requirements laid down for drinking milk may be delivered or sold without processing to the final consumer, either directly or through the intermediary of restaurants, hospitals, canteens or other similar mass caterers.
- (2) The sales descriptions to be used for those products shall be those given in point III of this Part. Those descriptions shall be used only for the products referred to in that point, without prejudice to their use in composite descriptions.

- (3) Member States shall adopt measures to inform consumers of the nature and composition of the products concerned where the absence of such information is likely to cause confusion.

### III. Drinking milk

1. The following products shall be considered as drinking milk:
  - (a) raw milk: milk which has not been heated above 40°C or subjected to treatment having equivalent effect;
  - (b) whole milk: heat-treated milk which, with respect to fat content, meets one of the following requirements:
    - (i) standardised whole milk: milk with a fat content of at least 3,50 % (m/m). However, Member States may provide for an additional category of whole milk with a fat content of 4,00 % (m/m) or above;
    - (ii) non-standardised whole milk: milk with a fat content that has not been altered since the milking stage either by the addition or removal of milk fats or by mixture with milk the natural fat content of which has been altered. However, the fat content may not be less than 3,50 % (m/m);
  - (c) semi-skimmed milk: heat-treated milk whose fat content has been reduced to at least 1,50 % (m/m) and at most 1,80 % (m/m);
  - (d) skimmed-milk: heat-treated milk whose fat content has been reduced to not more than 0,50 % (m/m).

Heat-treated milk not complying with the fat content requirements laid down in points (b), (c) and (d) of the first subparagraph shall be considered drinking milk provided that the fat content is clearly indicated with one decimal and easily readable on the packaging in form of "... % fat". Such milk shall not be described as whole milk, semi-skimmed milk or skimmed milk.

2. Without prejudice to point 1(b)(ii), only the following modifications shall be allowed:
  - (a) in order to meet the fat contents laid down for drinking milk, modification of the natural fat content by the removal or addition of cream or the addition of whole milk, semi-skimmed milk or skimmed milk;
  - (b) enrichment of milk with milk proteins, mineral salts or vitamins;
  - (c) reduction of the lactose content by conversion to glucose and galactose.

Modifications in the composition of milk referred to in points (b) and (c) shall be allowed only if they are indelibly indicated on the packing of the product so that it can be easily seen and read. However, such indication shall not remove the obligation as regards nutrition labelling laid down by Council Directive

90/496/EEC \*\*\*\*. Where proteins are added, the protein content of the enriched milk must be 3,8 % (m/m) or more.

However, Member States may limit or prohibit modifications to the composition of milk referred to in points (b) and (c).

3. Drinking milk shall:

- (a) have a freezing point close to the average freezing point for raw milk recorded in the area of origin of the drinking milk collected;
- (b) have a mass of not less than 1028 grams per litre for milk containing 3,5 % (m/m) of fat at a temperature of 20°C or the equivalent weight per litre for milk having a different fat content;
- (c) contain a minimum of 2,9 % (m/m) of protein for milk containing 3,5 % (m/m) of fat or an equivalent concentration in the case of milk having a different fat content.

## **PART V. PRODUCTS OF THE POULTRYMEAT SECTORS**

This Part of this Annex shall apply in relation to the marketing within the Union by way of business or trade, of certain types and presentations of poultrymeat, and poultrymeat or poultry offal preparations and products, of the following species

- Gallus domesticus,
- ducks,
- geese,
- turkeys,
- guinea fowls.

These provisions shall also apply to poultrymeat in brine falling within CN code 0210 99 39.

### **I. Definitions**

- (1) 'poultrymeat' means poultrymeat suitable for human consumption, which has not undergone any treatment other than cold treatment;
- (2) "fresh poultrymeat" means poultrymeat which has not been stiffened at any time by the cooling process prior to being kept at a temperature not below – 2 °C and not higher than + 4 °C. However, Member States may lay down slightly different temperature requirements for the minimum length of time necessary for the cutting and handling of fresh poultrymeat performed in retail shops or in premises adjacent to sales points, where the cutting and handling are performed solely for the purpose of supplying the consumer directly on the spot;

- (3) “frozen poultrymeat” means poultrymeat which must be frozen as soon as possible within the constraints of normal slaughtering procedures and is to be kept at a temperature no higher than – 12 °C at any time
- (4) 'quick-frozen poultrymeat' means poultrymeat which is to be kept at a temperature no higher than -18°C at any time within the tolerances as provided for in Council Directive 89/108/EEC \*\*\*\*\*.
- (5) “poultrymeat preparation” means poultrymeat including poultrymeat that has been reduced to fragments, which has had foodstuffs, seasonings or additives added to it or which has undergone processes insufficient to modify the internal muscle fibre structure of the meat;
- (6) “fresh poultrymeat preparation” means a poultrymeat preparation for which fresh poultrymeat has been used.

However, Member States may lay down slightly different temperature requirements to be applied for the minimum length of time necessary and only to the extent necessary to facilitate the cutting and handling performed in the factory during the production of fresh poultrymeat preparations;

- (7) “poultrymeat product” means a meat product as defined in point 7.1 of Annex I to Regulation (EC) No 853/2004 \*\*\*\*\* for which poultrymeat has been used.

## **PART VI. SPREADABLE FATS**

The products referred to in Article 112f may not be supplied or transferred without processing to the ultimate consumer either directly or through restaurants, hospitals, canteens or similar establishments, unless they meet the requirements set out in the Annex.

The sales descriptions of these products shall be those specified in this Part.

The sales descriptions below shall be reserved to the products defined therein with the following CN codes and having a fat content of at least 10% but less than 90% by weight:

- (a) milk fats falling within CN codes 0405 and ex2106;
- (b) fats falling within CN code ex1517;
- (c) fats composed of plant and/or animal products falling within CN codes ex 1517 and ex 2106.

The fat content excluding salt shall be at least two-thirds of the dry matter.

However, these sales descriptions shall only apply to products which remain solid at a temperature of 20°C, and which are suitable for use as spreads.

These definitions shall not apply to:

- (a) the designation of products the exact nature of which is clear from traditional usage and/or when the designations are clearly used to describe a characteristic quality of the product;
- (b) concentrated products (butter, margarine, blends) with a fat content of 90 % or more.

Fat group	Sales description	Product categories
Definitions		Additional description of the category with an indication of the % fat content by weight
<p>A. Milk fats</p> <p>Products in the form of a solid, malleable emulsion, principally of the water-in-oil type, derived exclusively from milk and/or certain milk products, for which the fat is the essential constituent of value. However, other substances necessary for their manufacture may be added, provided those substances are not used for the purpose of replacing, either in whole or in part, any milk constituents.</p>	<ol style="list-style-type: none"> <li>1. Butter</li> <li>2. Three-quarter fat butter (*)</li> <li>3. Half fat butter (**)</li> <li>4. Dairy spread X %</li> </ol>	<p>The product with a milk-fat content of not less than 80 % but less than 90 %, a maximum water content of 16 % and a maximum dry non-fat milk-material content of 2 %.</p> <p>The product with a milk-fat content of not less than 60 % but not more than 62 %.</p> <p>The product with a milk-fat content of not less than 39 % but not more than 41 %.</p> <p>The product with the following milk-fat contents:</p> <ul style="list-style-type: none"> <li>- less than 39 %,</li> <li>- more than 41 % but less than 60 %,</li> <li>- more than 62 % but less than 80 %.</li> </ul>
<p>B. Fats</p> <p>Products in the form of a solid, malleable emulsion, principally of the water-in-oil type, derived from solid and/or liquid vegetable and/or animal fats suitable for human consumption, with a milk-fat content of not more than 3 % of the fat content.</p>	<ol style="list-style-type: none"> <li>1. Margarine</li> <li>2. Three-quarter-fat margarine (***)</li> <li>3. Half-fat margarine (****)</li> <li>4. Fat spreads X %</li> </ol>	<p>The product obtained from vegetable and/or animal fats with a fat content of not less than 80 % but less than 90 %.</p> <p>The product obtained from vegetable and/or animal fats with a fat content of not less than 60 % but not more than 62 %.</p> <p>The product obtained from vegetable and/or animal fats with a fat content of not less than 39 % but not more than 41 %.</p> <p>The product obtained from vegetable and/or animal fats with the following fat contents:</p> <ul style="list-style-type: none"> <li>- less than 39 %,</li> <li>- more than 41 % but less than 60 %,</li> <li>- more than 62 % but less than 80 %.</li> </ul>

Fat group	Sales description	Product categories
Definitions		Additional description of the category with an indication of the % fat content by weight
<p>C. Fats composed of plant and/or animal products</p> <p>Products in the form of a solid, malleable emulsion principally of the water-in-oil type, derived from solid and/or liquid vegetable and/or animal fats suitable for human consumption, with a milk-fat content of between 10 % and 80 % of the fat content.</p>	<p>1. Blend</p> <p>2. Three-quarter-fat blend (*****)</p> <p>3. Half-fat blend (*****)</p> <p>4. Blended spread X %</p>	<p>The product obtained from a mixture of vegetable and/or animal fats with a fat content of not less than 80 % but less than 90 %.</p> <p>The product obtained from a mixture of vegetable and/or animal fats with a fat content of not less than 60 % but not more than 62 %.</p> <p>The product obtained from a mixture of vegetable and/or animal fats with a fat content of not less than 39 % but not more than 41 %.</p> <p>The product obtained from a mixture of vegetable and/or animal fats with the following fat contents:</p> <ul style="list-style-type: none"> <li>- less than 39 %,</li> <li>- more than 41 % but less than 60 %,</li> <li>- more than 62 % but less than 80 %.</li> </ul>

(\*) corresponding to 'smør 60' in Danish.

(\*\*) corresponding to 'smør 40' in Danish.

(\*\*\*) corresponding to 'margarine 60' in Danish.

(\*\*\*\*) corresponding to 'margarine 40' in Danish.

(\*\*\*\*\*) corresponding to 'blandingsprodukt 60' in Danish.

(\*\*\*\*\*) corresponding to 'blandingsprodukt 40' in Danish.

*Note:* The milk-fat component of the products listed in this Part may be modified only by physical processes.

## **PART VII. DESCRIPTIONS AND DEFINITIONS OF OLIVE OIL AND OLIVE POMACE OILS**

The use of the descriptions and definitions of olive oils and olive pomace oils set out in this Part shall be compulsory as regards the marketing of the products concerned within the Union and, insofar as compatible with international compulsory rules, in trade with third countries.

Only oils referred to in points 1(a) and (b), 3 and 6 of this Part may be marketed at the retail stage.

### **(1) Virgin olive oils**

Oils obtained from the fruit of the olive tree solely by mechanical or other physical means under conditions that do not lead to alterations in the oil, which have not undergone any treatment other than washing, decantation, centrifugation or filtration, to the exclusion of oils obtained using solvents or using adjuvants having a chemical or biochemical action, or by re-esterification process and any mixture with oils of other kinds.

Virgin olive oils are exclusively classified and described as follows:

#### **(a) Extra virgin olive oil**

Virgin olive oil having a maximum free acidity, in terms of oleic acid, of 0,8 g per 100 g, the other characteristics of which comply with those laid down for this category.

#### **(b) Virgin olive oil**

Virgin olive oil having a maximum free acidity, in terms of oleic acid, of 2 g per 100 g, the other characteristics of which comply with those laid down for this category.

#### **(c) Lampante olive oil**

Virgin olive oil having a free acidity, in terms of oleic acid, of more than 2 g per 100 g, and/or the other characteristics of which comply with those laid down for this category.

### **(2) Refined olive oil**

Olive oil obtained by refining virgin olive oil, having a free acidity content expressed as oleic acid, of not more than 0,3 g per 100 g, and the other characteristics of which comply with those laid down for this category.

### **(3) Olive oil — composed of refined olive oils and virgin olive oils**

Olive oil obtained by blending refined olive oil and virgin olive oil other than lampante olive oil, having a free acidity content expressed as oleic acid, of not more than 1 g per 100 g, and the other characteristics of which comply with those laid down for this category.

**(4) Crude olive-pomace oil**

Oil obtained from olive pomace by treatment with solvents or by physical means or oil corresponding to lampante olive oil, except for certain specified characteristics, excluding oil obtained by means of re-esterification and mixtures with other types of oils, and the other characteristics of which comply with those laid down for this category.

**(5) Refined olive-pomace oil**

Oil obtained by refining crude olive-pomace oil, having free acidity content expressed as oleic acid, of not more than 0,3 g per 100 g, and the other characteristics of which comply with those laid down for this category.

**(6) Olive-pomace oil**

Oil obtained by blending refined olive-pomace oil and virgin olive oil other than lampante olive oil, having a free acidity content expressed as oleic acid, of not more than 1 g per 100 g, and the other characteristics of which comply with those laid down for this category.

**Appendix to Part II of Annex XIIa**

*Wine growing zones*

The wine-growing zones shall be the following:

(1) Wine-growing zone A comprises:

- (a) in Germany: the areas planted with vines other than those included in point 2(a);
- (b) in Luxembourg: the Luxembourg wine-growing region;
- (c) in Belgium, Denmark, Ireland, the Netherlands, Poland, Sweden and the United Kingdom: the wine-growing areas of these countries;
- (d) in the Czech Republic: the wine growing region of Čechy.

(2) Wine-growing zone B comprises:

- (a) in Germany, the areas planted with vines in the specified region Baden;
- (b) in France, the areas planted with vines in the departments not mentioned in this Annex and in the following departments:
  - in Alsace: Bas-Rhin, Haut-Rhin,
  - in Lorraine: Meurthe-et-Moselle, Meuse, Moselle, Vosges,
  - in Champagne: Aisne, Aube, Marne, Haute-Marne, Seine-et-Marne,
  - in the Jura: Ain, Doubs, Jura, Haute-Saône,

- in Savoie: Savoie, Haute-Savoie, Isère (commune de Chapareillan),
  - in the Val de Loire: Cher, Deux-Sèvres, Indre, Indre-et-Loire, Loir-et-Cher, Loire-Atlantique, Loiret, Maine-et-Loire, Sarthe, Vendée, Vienne, and the areas planted with vines in the arrondissement of Cosne-sur-Loire in the department of Nièvre;
- (c) in Austria, the Austrian wine-growing area;
- (d) in the Czech Republic, the wine-growing region of Morava and the areas planted with vines not included in point 1(d);
- (e) in Slovakia, the areas planted with vines in the following regions: Malokarpatská vinohradnícka oblasť, Južnoslovenská vinohradnícka oblasť, Nitrianska vinohradnícka oblasť, Stredoslovenská vinohradnícka oblasť, Východoslovenská vinohradnícka oblasť and the wine growing areas not included in point 3(f);
- (f) in Slovenia, the areas planted with vines in the following regions:
- in the Podravje region: Štajerska Slovenija, Prekmurje,
  - in the Posavje region: Bizeljsko Sremič, Dolenjska and Bela krajina, and the areas planted with vines in the regions not included in point 4(d);
- (g) in Romania, in the area of Podișul Transilvaniei.
- (3) Wine-growing zone C I comprises:
- (a) in France, areas planted with vines:
- in the following departments: Allier, Alpes-de-Haute-Provence, Hautes-Alpes, Alpes-Maritimes, Ariège, Aveyron, Cantal, Charente, Charente-Maritime, Corrèze, Côte-d'Or, Dordogne, Haute-Garonne, Gers, Gironde, Isère (with the exception of the commune of Chapareillan), Landes, Loire, Haute-Loire, Lot, Lot-et-Garonne, Lozère, Nièvre (except for the arrondissement of Cosne-sur-Loire), Puy-de-Dôme, Pyrénées-Atlantiques, Hautes-Pyrénées, Rhône, Saône-et-Loire, Tarn, Tarn-et-Garonne, Haute-Vienne, Yonne,
  - in the arrondissements of Valence and Die in the department of Drôme (except for the cantons of Dieulefit, Loriol, Marsanne and Montélimar),
  - in the arrondissement of Tournon, in the cantons of Antraigues, Burzet, Coucouron, Montpezat-sous-Bauzon, Privas, Saint-Etienne de Lugdarès, Saint-Pierre-ville, Valgorge and la Voulte-sur-Rhône of the department of Ardèche;
- (b) in Italy, areas planted with vines in the Valle d'Aosta region and in the provinces of Sondrio, Bolzano, Trento and Belluno;

- (c) in Spain, areas planted with vines in the provinces of A Coruña, Asturias, Cantabria, Guipúzcoa and Vizcaya;
  - (d) in Portugal, areas planted with vines in that part of the region of Norte which corresponds to the designated wine area of ‘Vinho Verde’ as well as the “Concelhos de Bombarral, Lourinhã, Mafra e Torres Vedras” (with the exception of ‘Freguesias da Carvoeira e Dois Portos’), belonging to the ‘Região vitícola da Extremadura’;
  - (e) in Hungary, all areas planted with vines,
  - (f) in Slovakia, areas planted with vines in the Tokajská vinohradnícka oblasť,
  - (g) in Romania, areas planted with vines not included in points 2(g) or 4(f).
- (4) Wine-growing zone C II comprises:
- (a) in France, areas planted with vines:
    - in the following departments: Aude, Bouches-du-Rhône, Gard, Hérault, Pyrénées-Orientales (except for the cantons of Olette and Arles-sur-Tech), Vaucluse,
    - in the part of the department of Var bounded in the south by the northern limit of the communes of Evenos, Le Beausset, Solliès-Toucas, Cuers, Puget-Ville, Collobrières, La Garde-Freinet, Plan-dela-Tour and Sainte-Maxime,
    - in the arrondissement of Nyons and the canton of Loriol-sur-Drôme in the department of Drôme,
    - in those parts of the department of Ardèche not listed in point 3(a);
  - (b) in Italy, areas planted with vines in the following regions: Abruzzo, Campania, Emilia-Romagna, Friuli-Venezia Giulia, Lazio, Liguria, Lombardy (except for the province of Sondrio), Marche, Molise, Piedmont, Tuscany, Umbria, Veneto (except for the province of Belluno), including the islands belonging to those regions, such as Elba and the other islands of the Tuscan archipelago, the Ponziante islands, Capri and Ischia;
  - (c) in Spain, areas planted with vines in the following provinces:
    - Lugo, Orense, Pontevedra,
    - Ávila (except for the communes which correspond to the designated wine ‘comarca’ of Cebreros), Burgos, León, Palencia, Salamanca, Segovia, Soria, Valladolid, Zamora,
    - La Rioja,
    - Álava,

- Navarra,
  - Huesca,
  - Barcelona, Girona, Lleida,
  - in that part of the province of Zaragoza which lies to the north of the river Ebro,
  - in those communes of the province of Tarragona included in the Penedés designation of origin,
  - in that part of the province of Tarragona which corresponds to the designated wine ‘comarca’ of Conca de Barberá;
- (d) in Slovenia, areas planted with vines in the following regions: Brda or Goriška Brda, Vipavska dolina or Vipava, Kras and Slovenska Istra;
- (e) in Bulgaria, areas planted with vines in the following regions: Dunavska Ravnina (Дунавска равнина), Chernomorski Rayon (Черноморски район), Rozova Dolina (Розова долина);
- (f) in Romania, areas planted with vines in the following regions:

Dealurile Buzăului, Dealu Mare, Severinului and Plaiurile Drâncei, Colinele Dobrogei, Terasele Dunării, the South wine region, including sands and other favourable regions.

(5) Wine-growing zone C III (a) comprises:

- (a) in Greece, areas planted with vines in the following nomoi: Florina, Imathia, Kilkis, Grevena, Larisa, Ioannina, Levkas, Akhaia, Messinia, Arkadia, Korinthia, Iraklio, Khania, Rethimni, Samos, Lasithi and the island of Thira (Santorini);
- (b) in Cyprus, areas planted with vines located at altitudes exceeding 600 metres;
- (c) in Bulgaria, areas planted with vines not included in point 4(e).

(6) Wine-growing zone C III (b) comprises:

- (a) in France, areas planted with vines:
- in the departments of Corsica,
  - in that part of the department of Var situated between the sea and a line bounded by the communes (which are themselves included) of Evenos, Le Beausset, Solliès-Toucas, Cuers, Puget-Ville, Collobrières, La Garde-Freinet, Plan-de-la-Tour and Sainte-Maxime,
  - in the cantons of Olette and Arles-sur-Tech in the department of Pyrénées-Orientales;

- (b) in Italy, areas planted with vines in the following regions: Calabria, Basilicata, Apulia, Sardinia and Sicily, including the islands belonging to those regions, such as Pantelleria and the Lipari, Egadi and Pelagian islands;
- (c) in Greece, areas planted with vines not listed in point 5(a);
- (d) in Spain: areas planted with vines not included in points 3(c) or 4(c);
- (e) in Portugal, areas planted with vines in the regions not included in point 3(d);
- (f) in Cyprus, areas planted with vines located at altitudes not exceeding 600 metres;
- (g) in Malta, areas planted with vines.

The demarcation of the territories covered by the administrative units referred to in this Annex is that resulting from the national provisions in force on 15 December 1981 and, for Spain, from the national provisions in force on 1 March 1986 and, for Portugal, from the national provisions in force on 1 March 1998.’

**Annex XIIb**  
**International Organisations referred to in Article 112b(3)**

- Codex Alimentarius
- United Nations Economic Commission for Europe

## Annex XIIc

### Part I

#### **ENRICHMENT, ACIDIFICATION AND DE-ACIDIFICATION IN CERTAIN WINE-GROWING ZONES**

##### **A. Enrichment limits**

1. Where climatic conditions have made it necessary in certain winegrowing zones of the Union referred to in the Appendix to Annex XIIa(II), the Member States concerned may allow to supplement the natural alcoholic strength by volume of fresh grapes, grape must, grape must in fermentation, new wine still in fermentation and wine obtained from wine grape varieties classifiable according to Article 112i.
2. The increase in natural alcoholic strength by volume shall be achieved by means of the oenological practices referred to in Section B and shall not exceed the following limits:
  - (a) 3 % volume in wine-growing zone A referred to in the Appendix to Annex XIIa(II);
  - (b) 2 % volume in wine-growing zone B referred to in the Appendix to Annex XIIa(II);
  - (c) 1,5 % volume in wine-growing zones C referred to in the Appendix to Annex XIIa(II).
3. In years when climatic conditions have been exceptionally unfavourable, Member States may request that the limit(s) laid down in point 2 be raised by 0,5 %. In response to such a request, the Commission under the powers as referred to in point (d) of Article 112o shall adopt the implementing act as soon as possible. The Commission shall endeavour to take a decision within four weeks after the request has been lodged.

##### **B. Enrichment processes**

1. The increase in natural alcoholic strength by volume provided for in Section A shall only be effected:
  - (a) in respect of fresh grapes, grape must in fermentation or new wine still in fermentation, by adding sucrose, concentrated grape must or rectified concentrated grape must;
  - (b) in respect of grape must, by adding sucrose, concentrated grape must or rectified concentrated grape must, or by partial concentration, including reverse osmosis;
  - (c) in respect of wine, by partial concentration through cooling.

2. The processes referred to in point 1 shall be mutually exclusive where wine or grape must is enriched with concentrated grape must or rectified concentrated grape must and an aid is paid under Article 103y.
3. The addition of sucrose provided for in points 1(a) and (b) may only be performed by dry sugaring and only in the following areas:
  - (a) wine-growing zone A referred to in the Appendix to Annex XIIa(II);
  - (b) wine-growing zone B referred to in the Appendix to Annex XIIa(II);
  - (c) wine-growing zone C referred to in the Appendix to Annex XIIa(II),

with the exception of vineyards in Italy, Greece, Spain, Portugal, Cyprus and vineyards in the French departments under jurisdiction of the courts of appeal of:

- Aix-en-Provence,
- Nîmes,
- Montpellier,
- Toulouse,
- Agen,
- Pau,
- Bordeaux,
- Bastia.

However, enrichment by dry sugaring may be authorised by the national authorities as an exception in the abovementioned French departments. France shall notify the Commission and the other Member States forthwith of any such authorisations.

4. The addition of concentrated grape must or rectified concentrated grape must shall not have the effect of increasing the initial volume of fresh crushed grapes, grape must, grape must in fermentation or new wine still in fermentation by more than 11 % in wine-growing zone A, 8 % in wine-growing zone B and 6,5 % in wine-growing zone C referred to in the Appendix to Annex XIIa(II).
5. The concentration of grape must or of wine subjected to the processes referred to in point 1:
  - (a) shall not have the effect of reducing the initial volume of these products by more than 20 %;
  - (b) shall, notwithstanding point (2)(c) of Section A, not increase the natural alcoholic strength of these products by more than 2 % volume.

6. The processes referred to in points 1 and 5 shall not raise the total alcoholic strength of the fresh grapes, grape must, grape must in fermentation, new wine still in fermentation, or wine:
  - (a) in wine-growing zone A referred to in the Appendix to Annex XIIa(II) to more than 11,5 % volume;
  - (b) in wine-growing zone B referred to in the Appendix to Annex XIIa(II) to more than 12 % volume;
  - (c) in wine-growing zone C I referred to in the Appendix to Annex XIIa(II) to more than 12,5 % volume;
  - (d) in wine-growing zone C II referred to in the Appendix to Annex XIIa(II) to more than 13 % volume; and
  - (e) in wine-growing zone C III referred to in the Appendix to Annex XIIa(II) to more than 13,5 % volume.
7. By way of derogation from point 6, Member States may:
  - (a) in relation to red wine, raise the upper limit of total alcoholic strength of the products referred to in point 6 to 12 % volume in wine-growing zone A and 12,5 % volume in winegrowing zone B referred to in the Appendix to Annex XIIa(II);
  - (b) raise the total alcoholic strength by volume of the products referred to in point 6 for the production of wines with a designation of origin to a level to be determined by Member States.

### **C. Acidification and de-acidification**

1. Fresh grapes, grape must, grape must in fermentation, new wine still in fermentation and wine may be subject to:
  - (a) de-acidification in wine-growing zones A, B and C I referred to in the Appendix to Annex XIIa(II);
  - (b) acidification and de-acidification in wine-growing zones C I, C II and C III (a) referred to in the Appendix to Annex XIIa(II), without prejudice to point 7 of this Section; or
  - (c) acidification in wine-growing zone C III (b) referred to in the Appendix to Annex XIIa(II).
2. Acidification of the products, other than wine, referred to in point 1 may be carried out only up to a limit of 1,50 g/l expressed as tartaric acid, or 20 milliequivalents per litre.
3. Acidification of wines may be carried out only up to a limit of 2,50 g/l expressed as tartaric acid, or 33,3 milliequivalents per litre.

4. De-acidification of wines may be carried out only up to a limit of 1 g/l expressed as tartaric acid, or 13,3 milliequivalents per litre.
5. Grape must intended for concentration may be partially de-acidified.
6. Notwithstanding point 1, in years when climatic conditions have been exceptional, Member States may authorise acidification of the products referred to in point 1 in wine-growing zones A and B, referred to in the Appendix to Annex XIIa(II), under the conditions referred to in points 2 and 3 of this Section.
7. Acidification and enrichment, except by way of derogation to be adopted by the Commission by means of delegated acts pursuant to Article 112e(1), and acidification and de-acidification of one and the same product shall be mutually exclusive processes.

#### **D. Processes**

1. None of the processes referred to in Sections B and C, with the exception of the acidification and de-acidification of wines, shall be authorised unless carried out, under conditions to be determined by the Commission by means of delegated acts pursuant to Article 112e (1), at the time when the fresh grapes, grape must, grape must in fermentation or new wine still in fermentation are being turned into wine or into any other beverage intended for direct human consumption referred to in Article 1(1)(l) other than sparkling wine or aerated sparkling wine in the wine-growing zone where the fresh grapes used were harvested.
2. The concentration of wines shall take place in the wine-growing zone where the fresh grapes used were harvested.
3. Acidification and de-acidification of wines shall take place only in the wine making undertaking and in the wine-growing zone where the grapes used to produce the wine in question were harvested.
4. Each of the processes referred to in points 1, 2 and 3 shall be notified to the competent authorities. The same shall apply in respect of the quantities of concentrated grape must rectified concentrated grape must or sucrose held in the exercise of their profession by natural or legal persons or groups of persons, in particular producers, bottlers, processors and merchants to be determined by the Commission by means of delegated acts pursuant to Article 112e (1), at the same time and in the same place as fresh grapes, grape must, grape must in fermentation or wine in bulk. The notification of these quantities may, however, be replaced by entry in a goods inwards and stock utilisation register.
5. Each of the processes referred to in Sections B and C shall be recorded on the accompanying document, as provided for in Article 185c, under cover of which the products having undergone the processes are put into circulation.
6. Those processes, subject to derogations justified by exceptional climatic conditions, shall not be carried out:

- (a) in wine-growing zone C referred to in the Appendix to Annex XIIa(II) after 1 January;
  - (b) in wine-growing zones A and B referred to in the Appendix to Annex XIIa(II) after 16 March, and they shall be carried out only for products of the grape harvest immediately preceding those dates.
7. Notwithstanding point 6, concentration by cooling and acidification and de-acidification of wines may be practised throughout the year.

## **Part II**

### **RESTRICTIONS**

#### **A. General**

1. All authorised oenological practices shall exclude the addition of water, except where required on account of a specific technical necessity.
2. All authorised oenological practices shall exclude the addition of alcohol, except for practices related to obtaining fresh grape must with fermentation arrested by the addition of alcohol, liqueur wine, sparkling wine, wine fortified for distillation and semi-sparkling wine.
3. Wine fortified for distillation shall only be used for distillation.

#### **B. Fresh grapes, grape must and grape juice**

1. Fresh grape must in which fermentation is arrested by the addition of alcohol shall be used only during the stage of preparation of products which do not fall under CN codes 2204 10, 2204 21 and 2204 29. This is without prejudice to any stricter provisions which Member States may apply to the preparation in their territory of products which do not fall under CN codes 2204 10, 2204 21 and 2204 29.
2. Grape juice and concentrated grape juice shall not be made into wine or added to wine. They shall not undergo alcoholic fermentation in the territory of the Union.
3. The provisions of points 1 and 2 shall not apply to products intended for the production, in the United Kingdom, Ireland and Poland, of products falling within CN code 2206 00 for which Member States may allow the use of a composite name, including the sales designation 'wine'.
4. Grape must in fermentation extracted from raisined grapes shall be put on the market only for the manufacture of liqueur wines only in the wine-growing regions where this usage was traditional on 1 January 1985, and for the manufacture of wine of overripe grapes.
5. Unless otherwise decided in accordance with Article 43(2) TFEU pursuant to the international obligations of the Union, fresh grapes, grape must, grape must in fermentation, concentrated grape must, rectified concentrated grape must,

grape must with fermentation arrested by the addition of alcohol, grape juice, concentrated grape juice and wine, or mixtures of those products, originating in third countries, may not be turned into products referred to in this Annex or added to such products in the territory of the Union.

### **C. Blending of wines**

Unless otherwise decided in accordance with Article 43(2) TFEU pursuant to the international obligations of the Union, coupage of a wine originating in a third country with a Union wine and coupage between wines originating in third countries shall be prohibited in the Union.

### **D. By-products**

1. The over-pressing of grapes shall be prohibited. Member States shall decide, taking account of local and technical conditions, the minimum quantity of alcohol that shall be contained in the marc and the lees after the pressing of grapes.

The quantity of alcohol contained in those by-products shall be decided by Member States at a level at least equal to 5 % in relation to the volume of alcohol contained in the wine produced.

2. Except for alcohol, spirits and piquette, wine or any other beverage intended for direct human consumption shall not be produced from wine lees or grape marc. The pouring of wine onto lees or grape marc or pressed aszú pulp shall be allowed under conditions to be determined by the Commission by means of delegated acts pursuant to Article 112e(1) where this practice is traditionally used for the production of ‘Tokaji fordítás’ and ‘Tokaji máslás’ in Hungary and ‘Tokajský forditáš’ and ‘Tokajský mášláš’ in Slovakia.
3. The pressing of wine lees and the re-fermentation of grape marc for purposes other than distillation or production of piquette is prohibited. The filtering and centrifuging of wine lees shall not be considered as pressing where the products obtained are of sound, genuine and merchantable quality.
4. Piquette, where its production is authorised by the Member State concerned, shall be used only for distillation or for consumption in wine-producers’ households.
5. Without prejudice to the possibility for Member States to decide to require disposal of by-products by way of distillation, any natural or legal persons or groups of persons who hold by-products shall be required to dispose of them subject to conditions to be determined by the Commission by means of delegated acts pursuant to Article 112e (1).

\* OJ L 109, 6.5.2000, p. 29.

\*\* OJ L 93, 31.3.2006, p. 12

\*\*\* OJ L 376, 27.12.2006, p. 21

\*\*\*\* OJ L 276, 6.10.1990, p. 40

\*\*\*\*\* OJ L 40, 11.2.1989, p. 34

\*\*\*\*\* OJ L 139, 30.4.2004, p. 55

"

## COMMISSION COMMUNICATION

### EU best practice guidelines for voluntary certification schemes for agricultural products and foodstuffs

#### 1. INTRODUCTION

Recent years have seen substantial growth in voluntary certification schemes for agricultural products and foodstuffs. An inventory compiled for the Commission in 2010<sup>1</sup> lists more than 440 different schemes, most of which were established during the last decade.

Certification schemes for agricultural products and foodstuffs provide assurance (through a certification mechanism) that certain characteristics or attributes of the product or its production method or system, laid down in specifications, have been observed. They cover a wide range of different initiatives that function at different stages of the food supply chain (pre- or post-farm gate; covering all or part of the food supply chain; affecting all sectors or just one market segment, etc.). They can operate at business-to-business (B2B) level (where the supermarket or processing business is the intended final recipient of the information) or at business-to-consumer (B2C) level. They can use logos although many, especially the B2B schemes, do not.

While certification schemes by definition employ third-party attestation, there are other schemes in the market which operate on the basis of a label or logo (often registered as a trademark) without involving any certification mechanism. Adherence to these schemes is done by self-declaration or through selection by the scheme owner. In line with the definitions provided in section 2, these schemes will be referred to as 'self-declaration schemes'. The use of certification is most appropriate when the undertakings made are complex, laid down in detailed specifications and checked periodically. Self-declaration is more appropriate for relatively straightforward (single-issue) claims.

The development of certification schemes is driven mainly by factors such as societal demands for certain characteristics<sup>2</sup> of the product or its production process on the one hand (mostly for B2C schemes), and operators' desire to ensure that their suppliers meet specified requirements, on the other hand (mostly for B2B schemes). In the area of food safety, Regulation (EC) No 178/2002 laying down general principles and requirements of food law<sup>3</sup> puts the primary responsibility for ensuring that food and feed satisfy the requirements of food law and for verifying that such requirements are met, on the food and feed business operator. Large players in the food supply chain in particular often rely on certification schemes in order to satisfy themselves that a product meets the requirements and to protect their reputation and liability in the event of a food safety incident.

---

<sup>1</sup> Study conducted by Areté for DG AGRI; see [http://ec.europa.eu/agriculture/quality/index\\_en.htm](http://ec.europa.eu/agriculture/quality/index_en.htm)

<sup>2</sup> For example: animal welfare; environmental sustainability; fair trade.

<sup>3</sup> OJ L 31, 1.2.2002, p. 1.

Clearly, private certification is not needed to show compliance with legal requirements. Any private certification scheme for the agricultural and food sector must remain voluntary. Where operators employ certification of compliance with basic requirements in order to facilitate transactions with other actors along the food chain, it should be clear that this practice cannot be used to differentiate products in the market.

Certification schemes can bring benefits:

- to intermediate actors in the food supply chain, by assuring standards and thereby protecting liability and reputation for product and label claims;
- to producers, by increasing market access, market share and product margins for certified products and also, potentially, by increasing efficiency and reducing transaction costs; and
- to consumers, by providing reliable and trustworthy information on product and process attributes.

Some stakeholders have argued that certification schemes can have drawbacks:

- threats to the single market<sup>4</sup>;
- questions relating to the transparency of scheme requirements and the credibility of claims particularly for schemes that certify compliance with baseline requirements;
- potential for misleading consumers;
- costs and burdens on farmers, particularly where they have to join several schemes to meet demands from their buyers;
- risk of rejection from the market of producers not participating in key certification schemes; and
- impacts on international trade, especially with developing countries<sup>5</sup>.

The Commission has noted that the issue of consumer confusion arising from different schemes with similar objectives is being taken up by private initiatives<sup>6</sup> aiming to create 'codes of good practice' for private standard-setting organisations mainly in the social and environmental field. Moreover, certain proponents of existing schemes have already taken steps to align requirements with similar schemes and some existing certification schemes (mostly at B2B level) have emerged from a harmonisation process of various individual standards.

---

<sup>4</sup> In its Communication 'A better functioning food supply chain in Europe' (COM (2009) 591), the Commission stated its intention to review selected environmental standards and origin-labelling schemes that may impede cross-border trade.

<sup>5</sup> The issue of private standards has been discussed in the SPS Committee of the WTO.

<sup>6</sup> E.g. the ISEAL Alliance ([www.isealalliance.org](http://www.isealalliance.org)).

## 1.1. Types of scheme

There is a great diversity of schemes in terms of their scope, their objectives, their structure and their operational methods. As mentioned earlier, one important distinction between schemes is whether or not they rely on a third-party attestation procedure, thereby grouping them into self-declaration schemes on the one hand and certification schemes on the other. Certification schemes can be further distinguished based on whether they operate at business-to-business (B2B) level or whether they aim to provide information from the business chain to the consumer (B2C).

Another important classification criterion pertains to whether the scheme assesses *products and processes* (mostly B2C) or *management systems* (mostly B2B). In terms of specified requirements, schemes may attest compliance with provisions laid down by governmental authorities (baseline) or they can add criteria which go beyond the legal requirements (above baseline). Distinction between the two is not always easy to make: on the one hand, schemes often combine baseline criteria in some areas with higher requirements in others; on the other hand, certain baseline requirements particularly in the environmental and farming area require operators to use good and best practice, and make value-judgment about due care, so that the concrete actions to be taken can differ between actors and between Member States. Indeed, the technical requirements of some certification schemes are used by operators to interpret and make concrete these general obligations.

The following table illustrates this classification:

Classification of schemes			
Type of attestation:	Self-declaration	Certification (third-party attestation)	
Audience:	B2C	B2C	B2B
Objects of specified requirements:	Products and processes	Mostly products (including services) and processes	Mostly management systems
Content of requirements:	Mostly above baseline	Mostly above baseline	Baseline and above baseline

The guidelines will focus on certification schemes as outlined in the right-hand side of the table above.

## 1.2. Purpose of the guidelines

In its Communication on agricultural product quality policy<sup>7</sup>, the Commission stated that in the light of developments and initiatives in the private sector, legislative action was not

---

<sup>7</sup> COM(2009) 234.

warranted to address the potential drawbacks in certification schemes at this stage<sup>8</sup>. Instead, drawing on comments from stakeholders, the Commission undertook to develop guidelines for certification schemes for agricultural products and foodstuffs in consultation with the Advisory Group on Quality<sup>9</sup>.

These guidelines are designed to describe the existing legal framework and to help improving the transparency, credibility and effectiveness of voluntary certification schemes and ensuring that they do not conflict with regulatory requirements. They highlight best practice in the operation of such schemes, thereby offering guidance on how to:

- avoid consumer confusion and increase the transparency and clarity of the scheme requirements;
- reduce the administrative and financial burden on farmers and producers, including those in developing countries; and
- ensure compliance with EU internal market rules and principles on certification.

The guidelines are directed primarily to scheme developers and operators.

Uptake of the guidelines is voluntary. Adherence to these guidelines does not mean that the Commission has endorsed the requirements set up by these schemes nor that they have a legal status in the EU or official support from the Commission.

Finally, these guidelines should not be considered as a legal interpretation of the EU legislation as such interpretations are the exclusive competence of the Court of Justice of the European Union.

## **2. SCOPE AND DEFINITIONS**

### **2.1. Scope**

The guidelines are applicable to voluntary certification schemes covering:

- agricultural products, whether or not intended for human consumption (including feed);
- foodstuffs covered by Article 2 of Regulation (EC) No 178/2002; and
- processes and management systems related to the production and processing of agricultural products and foodstuffs.

The guidelines do not apply to official controls carried out by public authorities.

---

<sup>8</sup> This conclusion was based on a thorough impact assessment that explored different options for the way forward (see 'Certification schemes for agricultural products and foodstuffs'; [http://ec.europa.eu/agriculture/quality/policy/com2009\\_234/ia\\_annex\\_d\\_en.pdf](http://ec.europa.eu/agriculture/quality/policy/com2009_234/ia_annex_d_en.pdf)).

<sup>9</sup> Advisory Group on 'Quality of Agricultural Production', established under Commission Decision 2004/391/EC; OJ L 120, 24.04.2004, p. 50.

## 2.2. Definition of terms<sup>10</sup>

- (1) **Specified requirement:** need or expectation that is stated.
- (2) **Conformity assessment:** demonstration that **specified requirements** relating to a product, process, system, person or body are fulfilled.
- (3) **Review:** verification of the suitability, adequacy and effectiveness of selection and determination activities, and the results of these activities, with regard to fulfilment of **specified requirements**.
- (4) **Attestation:** issue of a statement, based on a decision following **review** that fulfilment of **specified requirements** has been demonstrated.
- (5) **Declaration:** first-party **attestation**. For the purpose of these guidelines, the term 'self-declaration schemes' is used for collective schemes and label claims that are not certified, and which rely on the producer's self-declaration.
- (6) **Certification:** third-party **attestation** related to products, processes, systems or persons.
- (7) **Accreditation:** third-party **attestation** related to a **body** conveying formal demonstration of its competence to carry out specific tasks. In the EU<sup>11</sup>, accreditation shall mean an **attestation** by a national accreditation body that a conformity assessment body meets the requirements set by harmonized standards and, where applicable, any additional requirements including those set out in relevant sectoral schemes, to carry out a specific conformity assessment activity.
- (8) **Inspection:** examination of a product design, product, process or installation and determination of its conformity with specific requirements or, on the basis of professional judgement, with general requirements.
- (9) **Audit:** systematic, independent, documented process for obtaining records, statements of fact or other relevant information and assessing them objectively to determine the extent to which **specified requirements** are fulfilled.

## 3. EXISTING LEGAL PROVISIONS AT EU LEVEL

### 3.1. Rules related to the operation of schemes

Certification schemes operating in the EU are subject to the following basic EU provisions:

- **Rules on the internal market.** Certification service-providers may benefit from the freedom of establishment and freedom to provide services as enshrined in Articles 49 and 56 of the Treaty on the functioning of the European Union (TFEU) and relevant provisions

---

<sup>10</sup> Based on EN ISO/IEC 17000 'Conformity assessment – Vocabulary and general principles'.

<sup>11</sup> Article 2(10) of Regulation (EC) No. 765/2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products; OJ L 218, 13.8.2008, p. 30.

of the Directive on Services<sup>12</sup>. They shall face no unjustified restrictions when establishing in another Member State. Equally, they should face no unjustified restrictions when providing the services across the borders. Certification schemes must also not result in de facto barriers to trade in goods in the internal market.

- **Rules on state involvement in schemes.** Certification schemes supported by public bodies, such as regional or national authorities, may not lead to restrictions based on the national origin of producers or otherwise impede the single market. Any support for certification schemes granted by a Member State or through State resources within the meaning of Article 107 of the TFEU, must comply with State aid rules.
- **Rules on competition.** Certification schemes may not lead to anticompetitive behaviour, including in particular on a non-exhaustive basis:
  - horizontal or vertical agreements restricting competition;
  - foreclosure of competing undertakings by one or more undertakings with significant market power (such as preventing access of competing buyers to supplies and/or access of competing suppliers to distribution channels);
  - preventing access to the certification scheme by market operators that comply with the applicable pre-requisites;
  - preventing the parties to the scheme or other third parties from developing, producing and marketing alternative products which do not comply with the specifications laid down in the scheme.
- **Consumer information and labelling requirements<sup>13</sup>.** The labelling, advertising and presentation of food must not be such as it could mislead a purchaser to a material degree, particularly:
  - as to the characteristics of the foodstuff and, in particular, as to its nature, identity, properties, composition, quantity, durability, origin or provenance, method of manufacture or production;
  - by attributing to the foodstuff effects or properties which it does not possess;
  - by suggesting that the foodstuff possesses special characteristics when in fact all similar foodstuffs possess such characteristics.

Schemes certifying only compliance with legal requirements may not lead to any suggestion that the certified products possess special characteristics which are different from those of similar products. Nor should the effect of the schemes be to discredit or tend to discredit other products on the market, nor the reliability of official controls.

Moreover, labelling, advertising and presentation of food must not be such as it could mislead consumers according to the provisions of the Directive in Unfair Commercial Practices<sup>14</sup>.

---

<sup>12</sup> Directive 2006/123/EC of 12 December 2006 on services in the internal market; OJ L 376, 27.12.2006, p. 36.

<sup>13</sup> Article 2(1) (a) of Directive 2000/13/EC on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs; OJ L 109, 6.5.2000, p. 29.

- The EU takes into account its **international obligations**, in particular the requirements set out in the WTO Agreement on Technical Barriers to Trade, when it introduces a conformity assessment procedure in a given piece of legislation.

### 3.2. Rules related to the content of schemes

In addition, **specific legislation** exists on many subjects covered by the requirements of certification schemes (e.g. regulatory requirements for food safety and hygiene<sup>15</sup>; organic farming; animal welfare; environmental protection; marketing standards for specific products).

In areas where relevant standards or legislation exist, claims must take into account and be consistent with such standards or legislation and make reference to them in the specifications (e.g. if a scheme is making organic farming claims, it must be based on Regulation (EC) No 834/2007 about organic production and labelling of organic products<sup>16</sup>; schemes making claims about nutrition and health must be in accordance with Regulation (EC) No 1924/2006<sup>17</sup>, and go through the required scientific assessment by EFSA).

In particular, with regard to **food safety and hygiene**:

- Schemes may not prejudice or aim to replace existing official standards and/or requirements, nor should they purport to substitute for official controls carried out by competent authorities for the purposes of official verification of compliance with official obligatory standards and requirements.
- Product marketed under schemes which set safety and hygiene standards beyond legal requirements may not be advertised or promoted in a way that would discredit or tend to discredit the safety of other products on the market or the reliability of official controls.

### 3.3. Rules governing conformity assessment, certification and accreditation

Rules on the organisation and operation of accreditation of bodies performing conformity assessment activities in the regulated area have been laid down in Regulation (EC) No 765/2008. While this Regulation does not contain a requirement for conformity assessment bodies to become accredited, such a requirement is part of some other EU legislation<sup>18</sup>.

In addition, the internationally recognised rules for operating product/process or system certification schemes are set out in the International Standards Organisation (ISO) Guide 65

---

<sup>14</sup> Directive 2005/29/EC concerning unfair business-to-consumer commercial practices in the internal market; OJ L 149, 11.6.2005, p.22 and guidance for its implementation: SEC(2009) 1666.

<sup>15</sup> Regulation (EC) 852/2004 of 29 April 2004 on the hygiene of foodstuffs; Regulation (EC) 853/2004 of 29 April 2004 laying down specific hygiene rules for on the hygiene of foodstuffs and Regulation (EC) 854/2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption; OJ L 139, 30.04.2004, p.1-320.

<sup>16</sup> OJ L 189, 20.7.2007, p. 1.

<sup>17</sup> OJ L 404, 30.12.2006, p. 9.

<sup>18</sup> E.g. Article 11(3) of Regulation (EC) No. 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs requires that "The product certification bodies referred to in paragraphs 1 and 2 shall comply with and, from 1 May 2010 be accredited in accordance with European standard EN 45011 or ISO/IEC Guide 65 (General requirements for bodies operating product certification systems)".

(EN 45011) or ISO 17021, respectively. While product/process or system certification schemes are voluntary initiatives, to deliver product/process or system certificates under accreditation, certification bodies have to be accredited against EN 45011/ISO 65 or ISO 17021.

However, the above is without prejudice to all applicable EU food law requirements, including the general objectives laid down in Article 5(1) of Regulation (EC) No 178/2002:

*"Food law shall pursue one or more of the general objectives of a high level of protection of human life and health and the protection of consumers' interests, including fair practices in food trade, taking account of, where appropriate, the protection of animal health and welfare, plant health and the environment".*

Within this framework, Regulation (EC) No 882/2004<sup>19</sup> of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules includes certain rules for delegation by competent authorities of official control tasks to independent third parties (including accreditation and reporting obligations).

The guarantees given by the official control activities are the baseline, on top of which specific certification schemes may operate on a voluntary basis, bearing in mind that any breach is liable to food law. Assessment of conformity with baseline requirements through certification schemes does not exempt the official control authorities from their responsibility.

#### **4. RECOMMENDATIONS REGARDING SCHEME PARTICIPATION AND DEVELOPMENT**

- (1) Schemes should be **open under transparent and non-discriminatory criteria to all participants** willing and able to comply with the specifications.
- (2) Schemes should have a **supervisory structure** which allows for the contribution of **all concerned stakeholders in the food chain** (farmers and their organisations<sup>20</sup>, agricultural and agri-food traders, food industry, wholesalers, retailers and consumers, as appropriate) in the development of the scheme and in decision-making in a representative and balanced way. Mechanisms for participation by stakeholders and the organisations involved should be documented and publicly available.
- (3) Managers of schemes operating in **different countries and regions** should facilitate the participation of all concerned stakeholders from those regions in scheme development.
- (4) Scheme requirements should be developed by **technical committees of experts** and submitted to a broader group of stakeholders for inputs.
- (5) Managers of schemes should ensure the participation of concerned stakeholders in the development of **inspection criteria and checklists**, as well as in the design and determination of thresholds for **sanctions**.

---

<sup>19</sup> OJ L 165, 30.4.2004, p. 1.

<sup>20</sup> E.g. cooperatives.

- (6) Managers of schemes should adopt a **continuous development approach** where feedback mechanisms exist to regularly review rules and requirements in a participatory manner. In particular, scheme participants should be involved in the future development of the scheme.
- (7) **Changes** to scheme requirements must be made only when **justified**, so as to avoid unnecessary adaptation costs for scheme participants. Scheme participants must be given **appropriate notice of any change** to the scheme requirements.
- (8) Schemes should include **contact information** on all documentation associated with the scheme (including on a website) and establish a process to receive and reply to comments on the scheme.

## 5. RECOMMENDATIONS REGARDING SCHEME REQUIREMENTS AND CORRESPONDING CLAIMS

### 5.1. Clarity and transparency of scheme requirements and claims made

- (1) Schemes should clearly state the social, environmental, economic and/or legal **objectives**.
- (2) **Claims** and **requirements** should be clearly linked to the objectives of the scheme.
- (3) The **scope** of the scheme in terms of products and/or processes should be clearly defined.
- (4) **Scheme specifications**<sup>21</sup>, including a public summary, **should be freely available** (e.g. on a website).
- (5) Schemes operating in different countries should provide **translations of the specifications** if a duly justified request is made by potential participants or certification bodies.
- (6) Scheme specifications should be clear, sufficiently detailed and easily understandable.
- (7) Schemes using logos or labels should provide information about where consumers can find **further details on the scheme**, such as a website address, either on the product packaging or at the point of sale.
- (8) Schemes should clearly state (e.g. on their website) that they require **certification by an independent body** and provide contact details of certification bodies which provide this service.

### 5.2. Evidence base of scheme claims and requirements:

- (1) All claims should be based on **objective and verifiable evidence** and **scientifically sound documentation**. These documents should be freely available, e.g. on a website<sup>22</sup>.

---

<sup>21</sup> Exceptions may be needed where scheme specifications are based on standards which are not freely available (e.g. ISO and EN standards).

- (2) Schemes operating in different countries and regions should adapt their requirements in line with the relevant local agro-ecological, socio-economic and legal conditions and agricultural practices, while ensuring consistent results across different contexts.
- (3) Schemes should **clearly indicate** (e.g. on a website) whether, where and to what extent their **specifications go beyond the relevant legal requirements**, including in the areas of reporting and inspections, if applicable.

## 6. RECOMMENDATIONS REGARDING CERTIFICATION AND INSPECTIONS

### 6.1. Impartiality and independence of certification

- (1) Certification of compliance with the scheme requirements should be carried out by an **independent body accredited**:
  - by the national accreditation body appointed by Member States according to Regulation (EC) No 765/2008, in accordance with relevant European or International standards and guides setting out general requirements for bodies operating product certification systems or
  - by an accreditation body signatory to the multilateral recognition arrangement (MLA) for product certification of the International Accreditation Forum (IAF).
- (2) Schemes should be open to certification by any qualified and accredited certification body, without the imposition of geographical restrictions.

### 6.2. Inspections

As a general principle, inspections should be effective, clear, transparent, based on documented procedures and relate to verifiable criteria underlying the claims made by the certification scheme. Unsatisfactory inspection results should lead to appropriate action.

- (1) **Regular inspections** of scheme participants should be carried out. There should be **clear and documented procedures** for inspections, including frequency, sampling and laboratory/analytical tests in parameters related to the scope of the certification scheme.
- (2) The **frequency of inspections** should take into account previous inspection results, inherent risks posed by the product or process or management system, as well as the existence of internal audits in collective producer organisations which can complement third-party inspections. A **minimum inspection frequency** for all scheme participants should be determined by the scheme supervisor.
- (3) There should be a systematic evaluation of the results of inspections.
- (4) **Unannounced inspections** and inspections at short notice should be used as a general rule (e.g. within 48 hours).

---

<sup>22</sup> An exception should be made for confidential and/or proprietary information, which should be clearly indicated.

- (5) Inspections and audits should be based on **publicly available guidelines, checklists and plans**. The inspection criteria should be closely linked to the requirements of the scheme and the corresponding claims.
- (6) There should be clear and documented **procedures for dealing with non-compliance** which are effectively implemented. **Knock-out criteria** should be defined which could lead to:
  - non-issue or withdrawal of the certificate,
  - withdrawal of membership, or
  - reporting to the relevant official enforcement body.

These knock-out criteria should include at least non-fulfilment of basic legal requirements in the area covered by the certification. Cases of non-compliance with adverse implications for health protection should be notified to the relevant authorities in accordance with regulatory requirements.

- (7) Inspections should focus on **analysing the verifiable criteria** which underlie claims made by certification schemes.

### 6.3. Costs

- (1) Scheme managers should **make public the membership fees** (if any) and require their certification bodies to **publish the costs associated with certification and inspection** for different types of scheme participants.
- (2) Possible **discrepancies in fees** charged to different scheme participants should be **justified and proportionate**. They should not serve to deter certain groups of potential participants, e.g. from other countries, to join the scheme concerned.
- (3) Any cost savings arising from mutual recognition and benchmarking should be passed on to the operators subject to inspections and audits.

### 6.4. Qualification of auditors/inspectors

As a general principle, auditors/inspectors should be impartial, qualified and competent.

Auditors carrying out the certification audits should have the **relevant knowledge in the specific sector** and should work for certification bodies that are accredited under the relevant European or international standards and guides for product certification schemes and for management system certification schemes. The required auditor skills should be described in the scheme specifications.

### 6.5. Provisions for small-scale producers

Schemes should include provisions enabling and promoting the **participation of small-scale producers (especially from developing countries, if relevant)** in the scheme.

**7. RECOMMENDATIONS REGARDING MUTUAL RECOGNITION AND BENCHMARKING / OVERLAP WITH OTHER SCHEMES**

- (1) Where schemes are entering a new sector and/or expanding in scope, the need for the scheme should be justified. Where possible, scheme managers should make **explicit reference** (e.g. on their website) to other relevant schemes operating in the same sector, policy area and geographical region and **identify where approaches converge and agree**. They should actively explore **possibilities for mutual recognition** for parts or all of the scheme requirements.
- (2) In areas where schemes have been identified to have partial or total overlap with the requirements of other schemes, schemes should include recognition or **acceptance partially or totally of inspections and audits** already carried out under those schemes (aiming to not re-audit the same requirements).
- (3) If mutual acceptance cannot be achieved, scheme managers should promote **combined audits** based on combined audit checklists (i.e. one combined checklist and one combined audit for two or more different schemes).
- (4) Managers of schemes that overlap in their requirements should as much as practically and legally possible also **harmonise their auditing protocols and documentation requirements**.



EUROPEAN COMMISSION

Brussels,

C(2010) XXX final

**COMMUNICATION FROM THE COMMISSION**

**Guidelines on the labelling of foodstuffs using protected designations of origin (PDOs) or protected geographical indications (PGIs) as ingredients**

## COMMUNICATION FROM THE COMMISSION

### Guidelines on the labelling of foodstuffs using protected designations of origin (PDOs) or protected geographical indications (PGIs) as ingredients

#### 1. INTRODUCTION

##### 1.1. Background

The European Union has been developing a specific policy with regard to geographical indications for agricultural products and foodstuffs since 1992<sup>1</sup>. Rules on the labelling of foodstuffs to be delivered in their existing state to the final consumer and on the advertising of such products are laid down in the Labelling Directive<sup>2</sup>.

The legislation relating to protected designations of origin (PDOs) and protected geographical indications (PGIs) stipulates, *inter alia*, that registered names are to be protected against any direct or indirect commercial use in respect of products not covered by the registration in so far as such products are comparable to those registered and in so far as that use makes it possible to profit from the reputation of the protected name<sup>3</sup>. The Labelling Directive also states that the labelling of a foodstuff and related advertising must not be of a kind that could mislead a consumer, particularly as to the nature, identity, properties and composition of the said foodstuff<sup>4</sup>.

In this context, while the incorporation of a product with a PDO or PGI in a foodstuff could of course constitute a major outlet for such quality products, care should nevertheless be taken to ensure that any reference to such incorporation in the labelling of a foodstuff is made in good faith and does not mislead consumers.

##### 1.2. Guidelines

In its Communication on agricultural product quality policy [COM(2009) 234], the Commission undertook to draw up guidelines on the labelling and advertising of processed products using geographical indications as ingredients.

Those guidelines are intended to illustrate the legislative provisions applicable in this area and to help economic operators define their room for manoeuvre. In particular, they set out the Commission's point of view concerning:

- the conditions under which names registered as a PDO or PGI can be used in the labelling, presentation and advertising of foodstuffs containing such names as ingredients;

---

<sup>1</sup> Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (OJ L 93, 31.3.2006, p. 12) and Commission Regulation (EC) No 1898/2006 of 14 December 2006 laying down detailed rules of implementation of Council Regulation (EC) No 510/2006 (OJ L 369, 23.12.2006, p. 1).

<sup>2</sup> Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs (OJ L 109, 6.5.2000, p. 29).

<sup>3</sup> Please refer to Article 13(1)(a) of Regulation (EC) No 510/2006.

<sup>4</sup> Please refer to Article 2(1)(a) of Directive 2000/13/EC.

- good practice to ensure that names registered as a PDO or PGI and employed as ingredients in food products are not used in a manner that damages the reputation of the product benefiting from such a designation or misleads consumers as to the composition of the product produced.

Uptake of the guidelines is voluntary.

The examples mentioned in the guidelines are provided purely for illustrative purposes and do not reflect situations or contentious issues brought to the Commission's attention.

The present guidelines should not be deemed to constitute a legally binding interpretation of EU legislation on PDOs and PGIs or the Labelling Directive. Indeed, such an interpretation falls solely within the remit of the European Court of Justice; furthermore, the issue of whether a specific product's labelling could mislead purchasers or consumers, or any decision regarding the potentially misleading nature of a trade name is the responsibility of domestic courts<sup>5</sup>.

These guidelines may be amended.

---

<sup>5</sup> Please refer to, in this regard, the Court's judgment in Case C-446/07 *Alberto Severi v Regione Emilia Romagna* [2009] ECR I-8041 (paragraph 60).

## 2. RECOMMENDATIONS

In the light of the above, the Commission wishes to set out below a series of recommendations relating to, on the one hand, the rules on using a name registered as a PDO or PGI and relevant European Union terms, abbreviations or symbols in the labelling of foodstuffs containing products benefiting from such a designation and, on the other hand, the specifications relating to names registered as a PDO or PGI and incorporated as ingredients in foodstuffs.

### 2.1. Recommendations on the use of registered names

- (1) According to the Commission, a name registered as a PDO or PGI may legitimately be included in the list of ingredients of a foodstuff.
- (2) The Commission also considers that a name registered as a PDO or PGI may be mentioned in or close to the trade name of a foodstuff incorporating products benefiting from a registered name, as well as in the labelling, presentation and advertising relating to that foodstuff, provided that the following conditions are met.
  - The foodstuff in question should not contain **any other ‘comparable ingredient’**, i.e. any other ingredient which may partially or totally replace the ingredient benefiting from a PDO or PGI. As a non-restrictive example of the concept of ‘comparable ingredient’, the Commission considers that a blue-veined cheese (commonly known as ‘blue cheese’) could be considered comparable to ‘Roquefort’ cheese.
  - This ingredient should also be used in **sufficient quantities** to confer an essential characteristic on the foodstuff concerned. However, given the wide range of possible scenarios, the Commission is not able to suggest a minimum percentage to be uniformly applied. As an example, the incorporation of a minimum amount of a spice benefiting from a PDO/PGI in a foodstuff could, if appropriate, be sufficient to confer an essential characteristic on that foodstuff. By contrast, the incorporation of a minimum amount of meat benefiting from a PDO/PGI in a foodstuff would not *a priori* be sufficient to confer an essential characteristic on a foodstuff.
  - Finally, the **percentage of incorporation** of an ingredient with a PDO or PGI should ideally be indicated in or in close proximity to the trade name of the relevant foodstuff or, failing that, in the list of ingredients, in direct relation to the ingredient in question.
- (3) On the assumption that the conditions referred to in point (2) are met, the Commission feels that the European Union terms, abbreviations<sup>6</sup> or symbols accompanying the registered name should be used in labelling, within or close to the trade name or in the list of ingredients of the foodstuff only if it is made clear that the said foodstuff is not itself a PDO or PGI. Otherwise, the Commission takes the view that this would result in the undue exploitation of the reputation of the PDO or PGI and result in consumers being misled. For example, the trade names ‘Pizza au Roquefort’ (Pizza with Roquefort) or ‘Pizza élaborée avec du Roquefort AOP’ (Pizza prepared with

---

<sup>6</sup> The terms in question are ‘protected designation of origin’ and ‘protected geographical indication’ and the abbreviations PDO and PGI.

Roquefort PDO) would hardly give rise to a dispute in the eyes of the Commission. By contrast, the trade name 'Pizza au Roquefort AOP' (Pizza with Roquefort PDO) would clearly be ill-advised, in as much as it could give the consumer the impression that the pizza as such was a product benefiting from a PDO.

- (4) The Commission takes the view that, if an ingredient comparable to an ingredient benefiting from a PDO/PGI has been incorporated in a foodstuff, the name registered as a PDO/PGI **should appear only in the list of ingredients**, in accordance with rules similar to those applicable to the other ingredients mentioned. In particular, it would be appropriate to use characters that are identical in terms of font, size, colour, etc.

## **2.2. Recommendations concerning specifications relating to names registered as a PDO or PGI and incorporated as an ingredient in foodstuffs**

According to the Commission, provisions governing the use of a name registered as a PDO or PGI in the labelling of other foodstuffs should not be included, in principle, in the specification for that name; compliance with existing EU legislation by economic operators should constitute an adequate guarantee. They may be included by way of exception only in order to resolve a specific, clearly identified difficulty and provided they are objective, proportionate and non-discriminatory. In any case, any provisions contained in the specifications could not be aimed at or result in modifying the legislation in force.