Quality schemes for agricultural products and foodstuffs

2010/0353(COD) - 13/09/2012 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 528 votes to 57, with 33 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on agricultural product quality schemes..

Parliament adopted its position on first reading following the ordinary legislative procedure. The agreement was the result of a compromise negotiated between Parliament and Council. The main amendments are as follows:

Subject matter and scope of the Regulation: the amended test stipulates that **foodstuffs** are also covered by the Regulation. The measures herein are intended to support agricultural and processing activities and the farming systems associated with high quality products, thereby contributing to the achievement of rural development policy objectives.

In order to take into account international commitments or new production methods or material, the Commission shall be empowered to adopt delegated acts **supplementing the list of products** set out in Annex I to this Regulation. Such products shall be closely linked to agricultural products or to rural economy.

This Regulation **shall not apply to spirit drinks**, aromatised wines and grapevine products as defined in Annex XI b of Council Regulation (EC) No 1234/2007 with the exception of wine-vinegars

Definitions: the term "**traditional**" means proven usage on the domestic market for a period that allows transmission between generations; this period shall be **at least 30 years.**

The text also defines "**production step**" which means production, processing or preparation.

Criteria applicable to protected designations of origin and protected geographical indications: in order to take into account the specific character of production of products of animal origin, the Commission shall be empowered to adopt delegated acts concerning restrictions and derogations with regard to the sourcing of feed in the case of a designation of origin.

In addition, in order to take into account the specific character of certain products or areas, the Commission shall be empowered to adopt delegated acts concerning restrictions and derogations with regard to the slaughtering of live animals or with regard to the sourcing of raw materials. These restrictions and derogations shall, based on objective criteria, take into account quality or usage and recognized know-how or natural factors.

Generic nature of designations: the text stresses the importance of the need to ensure equitable treatment of the producers concerned and that **consumers are not misled**. It stipulates that a homonymous name which misleads the consumer into believing that products come from another territory shall not be registered even if the name is accurate as far as the actual territory, region or place of origin of the products in question is concerned.

Product specification to be eligible for a protected designation of origin or a protected geographical indication: this shall include, among other things, the name to be protected as a designation of origin or

geographical indication, as it is used, whether in trade or in common language, and only in the languages which are or were historically used to describe the specific product in the defined geographical area.

Symbols and indications: the amended text specifies that **Union symbols** associated with products originating in the Union that are marketed under a protected designation of origin shall appear on the labelling. In addition, the registered name of the product should appear in the same field of vision.

In addition, the following may also appear on the labelling: depictions of the geographical area of origin and text, graphics or symbols referring to the Member State and/or region in which that geographical area of origin is located.

The Commission may adopt implementing acts defining the **technical characteristics of the Union symbols** and indications as well as the rules of their use on the products marketed under a protected designation of origin or a protected geographical indication, including as to the appropriate linguistic versions to be used.

Protection: Member States shall take appropriate administrative and judicial steps to prevent or stop the unlawful use of protected designations of origin and protected geographical indications that are produced or marketed in that Member State . To that end, they shall designate the authorities that are responsible for taking these steps in accordance with procedures determined by each individual Member State. These authorities 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.

Traditional specialties guaranteed (TSG): the specific objective of the scheme for traditional specialities guaranteed is to help the producers of traditional products to communicate to consumers the value-adding attributes of their product.

In the case of the products originating in the Union that are marketed under a traditional speciality guaranteed that is registered in accordance with this Regulation, the symbol shall appear on the labelling. In addition, the name of the product should appear in the same field of vision. The indication “traditional speciality guaranteed” or the corresponding abbreviation “TSG” may also appear on the labelling.

Optional quality terms: these must satisfy the following criteria:

- the term relates to a characteristic of one or more categories of products, or to farming or processing attribute which applies in specific areas;
- the use of the term adds value to the product as compared with products of a similar type; and
- the term has a European dimension.

Mountain products: the term ‘mountain product’ is established as an optional quality term.

This term shall only be used to describe products intended for human consumption in respect of which:

- the raw materials and also the feedstuffs for farm animals, come essentially from mountain areas;
- in the case of processed products, the processing also takes place in mountain areas.

Products of island farming, local farming and direct sales: no later than 12 months following the entry into force of this Regulation the Commission shall present reports on:

- **on the case for a new term, ‘product of island farming’**. The term may only be used to describe products intended for human consumption of which the raw materials come from islands. In addition, for the term to be applied to processed products, such processing must also take place on islands in cases where this substantially affects the particular characteristics of the final product.

That report shall, if necessary, be accompanied by appropriate legislative proposals to reserve an optional quality term ‘product of island farming’.

- **on the case for a new local farming and direct sales labelling scheme to assist producers in marketing their produce locally**. That report shall focus on the ability of the farmer to add value to his produce through the new label, and should take into account other criteria, such as the possibilities of reducing carbon emissions and waste through short production and distribution chains. That report shall, if necessary, be accompanied by appropriate legislative proposals on the creation of a local farming and direct sales labelling scheme.

Role of producer groups: in certain well-defined circumstances, producer groups representing a product shall be entitled to:

- contribute to ensuring that the quality, reputation and authenticity of their products;
- take action to ensure adequate legal protection of the protected designation of origin or protected geographical indication and of the intellectual property rights that are directly connected with them;
- take measures to enhance the value of products and, where necessary, take steps to prevent or counter any measures which are or risk being detrimental to the image of those products.

Member States may encourage the formation and functioning of groups on their territories by administrative means.

Surveillance of the use of the name in the market place: Member States shall carry out checks, based on a risk analysis, to ensure compliance with the requirements of this Regulation and, in the event of breaches, Member States shall take all necessary measures.