Quality schemes for agricultural products and foodstuffs

2010/0353(COD) - 21/11/2012 - Final act

PURPOSE: to adopt a coherent agricultural product quality policy.

LEGISLATIVE ACT: Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs.

CONTENT: the Council adopted a regulation on **quality schemes for agricultural products and foodstuffs** following a first reading agreement with the European Parliament.

The measures set out in this Regulation 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.

The main elements of the regulation include: (i) the reinforcement of the existing scheme for protected designations of origin and geographical indications (PDOs and PGIs); (ii) overhauling the traditional specialities guaranteed scheme (TSGs), and (iii) laying down a new framework for the development of optional quality terms to provide consumers with further information.

This Regulation shall not apply to spirit drinks, aromatised wines or grapevine products as defined in Annex XIb to Regulation (EC) No 1234/2007.

1. As regards the PDOs and PGIs, the main elements designed to strengthen and simplify the scheme are the following:

- The recognition of the roles and responsibilities of groups applying for registration of names with regard to monitoring, promotion and communication. Under certain circumstances, a group is entitled to:

- contribute to ensuring that the quality, reputation and authenticity of their products are guaranteed on the market;
- 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;
- develop information and promotion activities aiming at communicating the value-adding attributes of the product to consumers.

- The reinforcement and clarification of the level of protection of registered names and the common EU symbols.

- A protected designation of origin or a protected geographical indication shall comply with a **specification** which shall include at least: (a) 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.
- In the case of products originating in the Union that are marketed under a protected designation of origin or a protected geographical indication registered in accordance with the procedures laid down in this Regulation, the **Union symbols** associated with them 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.

- In order to **protect registered names**, 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. 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.
- The Commission shall adopt implementing acts establishing and maintaining a **publicly accessible updated register** of protected designations of origin and protected geographical indications recognised under this scheme.

- The shortening of procedure to register names: the registration procedure for protected designations of origin, protected geographical indications and traditional specialities guaranteed, including the scrutiny and the opposition periods, is shortened and improved, in particular as regards decision making. The Commission, in certain circumstances acting with the assistance of Member States, should be responsible for decision-making on registration. Procedures should be laid down to allow the amendment of product specifications after registration and the cancellation of registered names, in particular if the product no longer complies with the corresponding product specification or if a name is no longer used in the market place.

2. Traditional specialities guaranteed (TSG): a scheme for traditional specialities guaranteed is established to safeguard traditional methods of production and recipes by helping producers of traditional product in marketing and communicating the value-adding attributes of their traditional recipes and products to consumers.

The **time period for a product to be considered traditional** in the definition of TSGs **is set to 30 years** as some Member States had difficulties justifying 50 years of use (as originally proposed by the Commission.

The renewed EU scheme for TSGs is **simplified** (registration process streamlined by shortening delays, procedures aligned on PDO-PGI ones) and targeted in several respects to reinforce the credibility of the scheme.

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 **Union 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.

3. Optional quality terms: a scheme for optional quality terms is established in order to facilitate the communication within the internal market of the value-adding characteristics or attributes of agricultural products by the producers thereof.

A new optional quality term has been introduced in the regulation: "**mountain product**". This term shall only be used to describe products intended for human consumption in respect of which: (a) both the raw materials and the feedstuffs for farm animals come essentially from mountain areas; (b) in the case of processed products, the processing also takes place in mountain areas.

Also, no later than 4 January 2014, the Commission will have to assess whether to create one on "**product of island farming**" and "**local farming and direct sales**".

ENTRY INTO FORCE: 03/01/2013 (certain provisions shall apply from 04/01/2016).

DELEGATED ACTS: the Commission may adopt delegated acts in respect of supplementing the list of products set out in Annex I to this Regulation; establishing the restrictions and derogations with regard to the sourcing of feed in the case of a designation of origin; establishing the Union symbols. The power to adopt delegated acts shall be conferred on the Commission for a period of **five years from 3 January 2013** (this period as may be tacitly extended for periods of an identical duration, unless the European Parliament or the Council oppose). The European Parliament or the Council may object to a delegated act within a period of **two months** from the date of notification (this period may be extended by two months). If the European Parliament or the Council objects, the delegated act shall not enter into force.