

Agricultural products and foodstuffs: designations of origin, geographical indications (repeal. Regulation (EEC) No 2081/92)

2005/0275(CNS) - 20/03/2006 - Final act

PURPOSE: to lay down rules governing the protection of “designations of origin” and “geographical indications” for agricultural products intended for human consumption.

LEGISLATIVE ACT: Council Regulation 510/2006/EC on the protection of geographical indications and designations of origin for agricultural products and foodstuffs.

CONTENT: in adopting this Regulation the EU has repealed Regulation 2081/92/EC, which previously governed provisions on the protection of geographical indications and designations of origin for agricultural products and foodstuffs.

Legislation in this field has been prepared in recognition of the fact that the production, manufacture and distribution of agricultural products and foodstuffs plays an important role in the Community's economy. A further reason for the adoption of this Regulation is the need to offer a diverse agricultural production system in order to achieve a better balance between supply and demand on the EU market. The income of farmers, particularly those in remote or less-favoured areas can be improved considerably through the introduction of provisions relating to geographical indications.

In order to guarantee the smooth running of the EU's internal market economic operators must have recourse to provisions which allow them to enhance the market value of their products, whilst at the same time allowing a high level of protection for consumers of such products. One of the main purposes of this Regulation is to provide consumers with clear and succinct information on agricultural products or foodstuffs originating in an identifiable geographical origin. The labelling of such products will be subject to the rules and provisions spelt out in Directive 2000/13/EC on the “approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs”. In view of the specific nature of the products covered by this Regulation, additional measures, going beyond the scope of this Directive, have also been introduced. The extra measures relate to the use of appropriate Community symbols or indications on packaging. The use of such symbols or indications will be made obligatory in the case of Community designations. This development serves two purposes. On the one hand it will make this category of products better known to consumers. On the other hand it will make it easier to identify these products for verification purposes.

The scope of this Regulation has been limited to certain agricultural products and foodstuffs for which a link exists between product or foodstuff characteristics and geographical origin. Its scope could, however, be enlarged to encompass other agricultural products or foodstuffs. The Regulation's scope does not extend to the wine-sector (other than wine vinegars) or to spirit drinks.

A further feature of the Regulation is the setting of two definitions. They are “protected geographical indications” and “protected designation of origin”. To qualify for protection in the Member States, geographical indications and designation of origin should be registered first at a Community level. Upon registering at a Community level, applicants must provide specified information. Applications will then be scrutinised by the national authorities. This stage will include a national objection procedure. The

Commission will be involved with subsequent scrutiny procedures to ensure that applications satisfy the conditions laid down by this Regulation and to guarantee that the approach is uniform across the Member States.

The registration procedure should enable any natural or legal person having a legitimate interest in a Member State or a third country to exercise their rights by notifying their objections. Procedures have been introduced to permit amendments of specifications upon a request of legitimate interest groups, following registration based on technological progress and cancellation of the geographical indication or designation of origin for an agricultural product or foodstuff.

Both the designations of origin and the geographic indications, which are protected in the Community, will be subjected to a monitoring system of official controls based on provisions spelt out in Regulation 882/2004/EC on “official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.”

Lastly, the names already registered under Council Regulation 2081/92/EC, on the date of entry into force of this regulation, should continue to be protected under this Regulation and automatically included in the register.

ENTRY INTO FORCE: 31 March 2006.