

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

2005/0275(CNS) - 14/12/2006 - Implementing legislative act

ACT: Commission Regulation 1898/2006/EC laying down detailed rules of implementation of Council Regulation 510/2006/EC on the protection of geographical indication and designations of origin for agricultural products and foodstuffs.

CONTENT: this Regulation lays down detailed rules for implementing Regulation 510/2005/EEC on setting up the general rules for the protection of geographical indications and designations of origin. In summary, the Regulation lays down the following provisions:

Specific rules for a group: A single natural or legal person will be treated as a group on condition that i) the person concerned is the only producer in the defined geographical areas who is willing to submit an application; and ii) the defined geographical area possesses characteristics which differ appreciably from those of neighbouring areas – or the characteristics of the product are different from those produced in neighbouring areas.

Specific rules for a name: Only names that refer to the specific agricultural product or foodstuff may be registered and only in a language, which has been historically used to describe the product. Names should be registered in their original script.

Definition of geographical area: The geographically defined area must be both detailed and precise and offer no room for ambiguities.

Proof of origin: Operators will need to identify: the supplier, quantity and origin of all batches of raw material; the recipient, quantity and destination of products supplied; and a correlation between each batch of inputs and each batch of outputs.

Link: Concerning the “designation of origin” the products specifications must include: details of the geographical area (natural and human factors), which may be relevant to the link as well as details of the quality and/or characteristics of the agricultural product, which makes it exclusive to that geographical area.

Packaging: Should an applicant wish to package only within the defined geographical area they must justify their reasoning for doing so.

Applying for registration: Applicants must use documentation as set out in Regulation 510/2006/EC.

Single document: This Regulation, in Annex, sets out a single document, which is to be used when applying for a designation of origin or a geographical indication and for each request for renewal.

Trans-border applications: Provisions and procedures are set out in cases where several groups lodge a joint application for a name designating a trans-border geographical area or for a traditional name connected to a trans-border geographical area.

Objections: Objections may be drawn up according to a form (Annex III) attached to this Regulation.

Indications and symbols: Community symbols will be reproduced in accordance with Annex V of this Commission Regulation. The indications “PROTECTED DESIGNATION OF ORIGIN” and “PROTECTED GEOGRAPHICAL INDICATION” within the symbols may be replaced by equivalent terms in another official language of the Community. Community symbols must be accompanied by the registered names.

Register: The Commission will be responsible for maintaining a “Register of protected designations of origin and protected geographical indications”

Amendments to specifications: Changes to product specifications can only be undertaken in accordance with Annex VI to this Regulation.

Cancellation: A request for cancellation will be drawn up in accordance with Annex VII of this Regulation.

Transitional rules: In cases where the single document is replaced by a summary of the specifications, the summary must conform to Annex VIII of this Regulation.

REPEAL:

- Commission Regulation 2037/93/EEC *laying down the detailed rules of application of Council Regulation 2081/92/EC on the protection of geographical indications and designations of origin for agricultural products and food stuffs*; and
- Commission Regulation 383/2004/EC laying down detailed rules for applying Council Regulation 2081/92/EEC *as regards the summary of the main points of the product specifications*.

ENTRY INTO FORCE: 30 December 2006.

Provisions concerning registration; the single document; trans-border applications; and application for approval will only apply to applications, registrations; amendments and requests for cancellations received after 30 March 2006.

APPLY FROM: 31 March 2006.