

Agricultural products and foodstuffs: traditional specialities guaranteed (repeal. Regulation (EEC) No 2082/92)

2005/0270(CNS) - 23/12/2005 - Legislative proposal

PURPOSE: to simplify the procedures for registering an agricultural product or foodstuff with specific characteristics and to bring the provisions in line with WTO requirements.

PROPOSED ACT: Council Regulation.

CONTENT: Council Regulation 2082/92/EC on “certificates of specific character for agricultural products and foodstuffs” allows for the recognition and protection of traditional agricultural products and foodstuffs with specific characteristics. The “specific character” refers to their production method but not to their geographical origin. Since the creation of the scheme in July 1993, fifteen agricultural products and foodstuffs have been registered – many with a high economic value. Further, the Commission has received 18 further applications for registration from various Member States. The application of Regulation 2982/92 has allowed producers to benefit from the market value of their special products, set up a fair trade system and has protected consumers from abusive practices.

However, it has now become necessary to guarantee producers outside of the EU the same registration benefits as those enjoyed by producers within the EU. In addition producers from WTO member countries, with a legitimate interest, should be given the possibility to object to a certain registration. Further, under the clause relating to national treatment, producers outside of the EU should be in a position to use product specifications registered as traditional specialities guaranteed in the same way as producers from the EU Member States. As such, this proposal seeks to introduce provisions which guarantee the applicability of existing intellectual property rights such as trade marks and geographical indications.

On a second level, the proposal seeks to simplify and clarify the procedures involved in registering an agricultural product or foodstuff with special characteristics by illustrating the responsibilities of the various authorities involved in product registration. The Commission proposes that rather than relying on the current “two-stage” procedure, product specification in *stricto sensu*, should by-pass the national level and be sent straight to the Community level. The national authorities would retain responsibility for evaluating the traditional and specific characteristics of the products concerned. For the sake of transparency, the Commission will publish any details of an application in the *Official Journal of the European Union* in order to allow those interested, if necessary, to object to an application for registration.

In other measures, the Commission has tried to make a number of simplifications and clarification based on past experience – particularly in the case of definitions. For example, the term “traditional” was not defined in Regulation 2982/92, which the current proposal tries to do. Inconsistencies have been ironed out such as the length of time it takes for objections to be made in cases where a specification has been amended. Further, and where appropriate, system improvements have been made identical to those proposed for the system to protect geographical indications and designation of origin. This refers, in particular to control arrangements, registration and objection procedures, the obligatory reference to “traditional speciality guaranteed”, to the Community logo on product labelling and to a possible recourse to the Management Committee for matters relating to applications for registration.

The proposed measures do not impact upon the general budget of the European Communities.

