



Procedure file

Basic information		
CNS - Consultation procedure Regulation	2005/0275(CNS)	Procedure completed
Agricultural products and foodstuffs: designations of origin, geographical indications (repeal. Regulation (EEC) No 2081/92)		
Repealed by 2010/0353(COD)		
Subject 3.10.03 Marketing and trade of agricultural products and livestock		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	AGRI Agriculture and Rural Development		23/11/2005
		Verts/ALE GRAEFE ZU BARINGDORF Friedrich-Wilhelm	
	Committee for opinion	Rapporteur for opinion	Appointed
	IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	
	INTA International Trade	The committee decided not to give an opinion.	
	ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Agriculture and Fisheries	2720	20/03/2006
	Agriculture and Fisheries	2703	23/01/2006
European Commission	Commission DG Agriculture and Rural Development	Commissioner	

Key events			
22/12/2005	Legislative proposal published	COM(2005)0698	Summary
23/01/2006	Debate in Council	2703	Summary
01/02/2006	Committee referral announced in Parliament		
21/02/2006	Vote in committee		Summary
23/02/2006	Committee report tabled for plenary, 1st reading/single reading	A6-0034/2006	
15/03/2006	Debate in Parliament		
16/03/2006	Results of vote in Parliament		
16/03/2006	Decision by Parliament	T6-0095/2006	Summary
20/03/2006	Act adopted by Council after consultation of Parliament		

20/03/2006	End of procedure in Parliament		
31/03/2006	Final act published in Official Journal		

Technical information

Procedure reference	2005/0275(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
	Repealed by 2010/0353(COD)
Legal basis	EC Treaty (after Amsterdam) EC 037
Stage reached in procedure	Procedure completed
Committee dossier	AGRI/6/32515

Documentation gateway

Legislative proposal	COM(2005)0698	23/12/2005	EC	Summary
Amendments tabled in committee	PE368.036	06/02/2006	EP	
Committee report tabled for plenary, 1st reading/single reading	A6-0034/2006	23/02/2006	EP	
Text adopted by Parliament, 1st reading/single reading	T6-0095/2006	16/03/2006	EP	Summary
Commission response to text adopted in plenary	SP(2006)1725	19/04/2006	EC	
Implementing legislative act	32006R1898 OJ L 369 23.12.2006, p. 0001-0019	14/12/2006	EU	Summary

Additional information

European Commission	EUR-Lex
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Final act

[Regulation 2006/510](#)
[OJ L 093 31.03.2006, p. 0012-0025](#) Summary

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

PURPOSE: the establishment of provisions on the protection of geographical indications and designations of origin for agricultural products and foodstuffs.

PROPOSED ACT: Council Regulation.

CONTENT: the presentation of this proposal is based on the 1992 (2081/92) Regulation on the protection of geographical indications and designations of origin for agricultural products and foodstuffs. A new Regulation is being proposed in response to two developments. Firstly, the need to simplify procedures relating to name registration. Secondly, Regulation 2081/92 is incompatible with WTO and GATT requirements. Following a complaint from both the United States and Australia to the WTO Dispute Settlement Body found that the EU's protection of trademark and geographical indications for agricultural products and foodstuffs breached various articles in both the TRIPS Agreement and the 1947 GATT Agreement. In presenting this proposal therefore, the Commission is not only seeking to simplify procedures it is also bringing the Regulation into line with the TRIPS Agreement.

Accordingly, the first amendment defines more clearly the kind of information, needed when applying to register a foodstuff. Information is to be contained in a single document and includes, inter alia, name, description of the product for verification, labelling and proof of a link between the product and its geographical origin. Such a standardised form will result in greater transparency as well as equal treatment for all applicants.

The second amendment to the 1992 Regulation lies in the distribution of responsibility between the Member States and the Commission. In addition, those who have names corresponding to geographical areas in third-countries will be able to access the Community scheme. In accordance with the TRIPS Agreement, however, the Community scheme will only be open to those third countries whose geographical indications are protected in their country of origin.

Existing provisions on equivalence and reciprocity, have been revoked. Nevertheless, certain operators established in third countries as well as certain governments may voluntarily transmit applications and/or objections to the Community. The proposed Regulation seeks to refine the definition of 'geographical indication' in order to merge the two definitions set out in the TRIPS Agreement and Regulation 2081/92.

Lastly, the proposed measures have no impact on the general budget of the European Communities.

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

The Council took note of the two proposals on agricultural products and foodstuffs as traditional specialities guaranteed (TSG) and on the protection of geographical indications (GI) and designations of origin (DO) for agricultural products and foodstuffs.

The Council invited the Special Committee on Agriculture to continue its examination of those proposals with a view to reaching agreement at a forthcoming Council meeting, taking into account the deadline of 3 April set in the context of the World Trade Organisation (WTO) for implementation of the Panel.

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

The committee adopted the report by Friedrich-Wilhelm GRAEFE zu BARINGDORF (Greens/EFA, DE) amending the proposed regulation on products of geographical indication (PGIs) and products of designated origin (PDOs), under the consultation procedure:

- with regard to the extension of the regulation's scope to cover products from third countries, the committee said that, to ensure that there is no confusion in consumers' minds between the Community symbol and the origin of a product, the places of origin and processing of each registered PGI and PDO should be "clearly and visibly" indicated on the label;
- the Community symbols for PDOs, PGIs and traditional specialities guaranteed (TSGs) should be distinguished by means of colour codes specific to each symbol;
- to qualify as a PDO, a product should be not only produced, processed and prepared in the defined geographical area, as stated in the proposal, but also, where appropriate, packaged in that area. MEPs argued that packaging constituted a stage in the processing of a product which had its own requirements and called for genuine know-how;
- the committee proposed a clearer definition of 'geographical indication': "an indication or the name of a region, of a specific place or of a country serving to describe and/or identify an agricultural product or foodstuff";
- the Commission's register of PGI and PDO products should be published on the Internet so as to make it easily accessible to consumers and producers;
- specific deadlines should be laid down for various stages of the registration procedure, to avoid unnecessary delays;
- the use of the registered PGI or PDO expression for processed products should be subject to authorisation from the group that obtained recognition;
- the Member States should designate an official body responsible for monitoring compliance with EU rules on geographical indication. A list of these bodies should be published in the EU Official Journal.

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

The European Parliament adopted a resolution drafted by Friedrich-Wilhelm GRAEFE zu BARINGDORF (Greens/EFA, DE) and made some amendments to the Commission's proposal:

- The place of origin and the place of processing of each agricultural product or foodstuff marketed under a name registered in accordance with the Regulation shall be clearly and visibly indicated on the label.
- The Community symbols shall be distinguished by means of colour codes specific to each symbol.
- To qualify as a PDO, a product should be not only produced, processed and prepared in the defined geographical area, as stated in the proposal, but also, where appropriate, packaged in that area.
- Parliament adopted a clearer definition of 'geographical indication': "an indication or the name of a region, of a specific place or of a country

...serving to describe and/or identify an agricultural product or foodstuff".

- After an appropriate transitional period, and at any rate no later than ten years after the entry into force of the Regulation, all production, preparation or processing activities must take place within the defined geographical area. If raw materials come from a geographical area larger than or different from the processing area, this may be approved by means of the specified procedure, provided that: the production area of the raw materials is defined; special conditions for the production of the raw materials exist, and there are inspection arrangements to ensure that the conditions referred to in the regulation are adhered to.
- The registration must be published on the Internet as well as the OJ.
- Rightholders may lodge complaints with their national monitoring body and ask that it intervene to protect their registered name.
- A list of the monitoring bodies will be published in the OJ and be regularly updated.
- For a period of five years from the date of announcement of cancellation of registration in the OJ, the protected name may not be used for registration as a trademark pursuant to Council Regulation 40/94/EC.
- If a processed product contains an agricultural product or foodstuff that has been registered under the Regulation, the use of the relevant expression on the label of the processed product must be subject to the specific authorisation of the group that obtained recognition.
- Where agricultural products or foodstuffs benefit from a protected designation of origin or a protected geographical indication, other geographical terms which are included in the protected geographical area may not be used on similar products not covered by that protected designation of origin or protected geographical indication.

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

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.

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

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 foodstuffs; 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.