

# Procedure file

Basic information	
CNS - Consultation procedure Regulation	2005/0270(CNS) Procedure completed
Agricultural products and foodstuffs: traditional specialities guaranteed (repeal. Regulation (EEC) No 2082/92)	
Repealed by <a href="#">2010/0353(COD)</a>	
Subject 3.10.03 Marketing and trade of agricultural products and livestock 4.60.02 Consumer information, advertising, labelling	

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

Key events			
23/12/2005	Legislative proposal published	<a href="#">COM(2005)0694</a>	Summary
23/01/2006	Debate in Council	<a href="#">2703</a>	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	<a href="#">A6-0033/2006</a>	

15/03/2006	Debate in Parliament		
16/03/2006	Results of vote in Parliament		
16/03/2006	Decision by Parliament	<a href="#">T6-0094/2006</a>	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	2005/0270(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
	Repealed by <a href="#">2010/0353(COD)</a>
Legal basis	EC Treaty (after Amsterdam) EC 037
Stage reached in procedure	Procedure completed
Committee dossier	AGRI/6/32517

### Documentation gateway

Legislative proposal	<a href="#">COM(2005)0694</a>	23/12/2005	EC	Summary
Committee draft report	<a href="#">PE367.689</a>	10/01/2006	EP	
Amendments tabled in committee	<a href="#">PE368.039</a>	06/02/2006	EP	
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A6-0033/2006</a>	23/02/2006	EP	
Text adopted by Parliament, 1st reading/single reading	<a href="#">T6-0094/2006</a>	16/03/2006	EP	Summary
Commission response to text adopted in plenary	<a href="#">SP(2006)1725</a>	19/04/2006	EC	

### Additional information

European Commission	<a href="#">EUR-Lex</a>
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### Final act

<a href="#">Regulation 2006/509</a> <a href="#">OJ L 093 31.03.2006, p. 0001-0011</a> Summary
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## Agricultural products and foodstuffs: traditional specialities guaranteed (repeal. Regulation (EEC) No 2082/92)

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 of 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.

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

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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: traditional specialities guaranteed (repeal. Regulation (EEC) No 2082/92)

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The committee adopted the report by Friedrich-Wilhelm GRAEFE zu BARINGDORF (Greens/EFA, DE) broadly approving the proposed regulation on traditional speciality guaranteed (TSG) agricultural products, subject to a few amendments 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 the product, the place of origin and the place of processing of each registered TSG product should be "clearly and visibly" indicated on the label;
- the proposed definition of "traditional" should be amended so as to mean "a product which has proven specific characteristics which distinguish it from other similar products in the same category and which has been used on the market since before the Second World War", which is regarded worldwide as a landmark period;
- the Commission's register of TGS products should be published on the Internet so as to make it easily accessible to consumers and producers;
- the names to be used in registering TSG products must not, under any circumstances, include names which have already been registered as products of designated origin (PDOs) or products of geographical indication (PGIs), which are the subject of a separate regulation (see factfile CNS/2005/0275);
- the committee laid down specific deadlines for various stages of the registration procedure, to avoid unnecessary delays;
- the use of the registered TSG expression for processed products should be subject to authorisation from the group that obtained recognition.

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

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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 on traditional speciality guaranteed (TSG) agricultural products. (Please see the summary dated 21/02/2006.)

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

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**PURPOSE:** to lay down the rules for the recognition of a 'traditional speciality guaranteed' (TSG) food product of foodstuff.

**LEGISLATIVE ACT:** Council Regulation 509/2006/EC on agricultural products and foodstuffs as traditional specialities guaranteed.

**CONTENT:** in adopting this Regulation the EU has repealed Regulation 2082/92/EC, which previously governed provisions relating to the recognition and protection of traditional agricultural products and foodstuffs with special characteristics.

Legislation in this field has been prepared in recognition of the fact that the promotion of traditional products with specific characteristics could be of considerable benefit to the rural economy, particularly in less-favoured or remote areas. 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 the 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 regarding the specific characteristics of these foodstuffs. In addition, the Regulation offers clearer definitions. For example, the term 'certificate of specific character' has been abandoned in favour of 'traditional speciality guaranteed' (TSG). Further, the current Regulation defines the terms 'specific character' and 'traditional'. Clarification of these terms should make it easier for producers and consumers to understand the conditions of being granted a TSG label. Products have been classified as either 'agricultural products intended for human consumption' (such as beer, soups, confectionaries etc) or foodstuffs. Both are listed in Annex to the Regulation.

A number of procedures have been set out regarding the inspection of products seeking a TSG label. The Regulation requires that groups of producers should, voluntarily, define specific characteristics in a product application. The option of registering a TSG has been made available to third-country producers. EU TSG registration will be subject to control arrangements based on Regulation 883/2004/EC governing 'official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules'. Operators must also comply with provisions relating to product specification before marketing agricultural products and foodstuffs.

In order to qualify for protection, producers must, as a first step, register their application at a Community level. Entry in a register will provide information to both traders and consumers. The information will then be passed on to the national authorities concerned, who in turn will scrutinise each application. There will be a possibility to object should a third party deem the application to be of neither a 'traditional' nor of a 'specific characteristic' nature. Subsequently the Commission, for the purpose of uniformity, will scrutinise the application further.

The right to object will be granted to citizens of third countries with a legitimate interest, under the same criteria. The criteria will be evaluated in relation to the territory of the Community. Further, in order to avoid creating unfair conditions of competition, any producer, including third-country producers, should be able to use either a registered name together with a particular indication and, where appropriate, the Community symbol associated with the indication 'traditional specialities guaranteed' or a registered name.

**ENTRY INTO FORCE:** 19 April 2006.