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PDO-PGI APPLICATION GUIDE FOR NATIONAL AUTHORITIES IN THE EUROPEAN UNION

Disclaimer:

This document is a draft working document designed to assist national authorities dealing with PDO and PGI applications. It carries no legal or interpretative value and does not substitute, amend or otherwise modify the rules laid down by legislation.

FOREWORD

This document is aimed at Member State National Authorities dealing with PDO-PGI applications. The guide covers the main elements that need to be checked by National Authorities in preparing a PDO/PGI application for submission to the Commission services.

This document is for guidance only and has no legal force. The applicable rules are laid down in Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs, and the implementing rules contained in Regulation (EC) No 1898/2006. References to these regulations ("510" for the former; "1898" for the latter) are given as appropriate.

Observations, suggestions, contributions are welcome to mail box agri-h2@ec.europa.eu.

The sections below refer primarily to the material that must be sent to the Commission pursuant to Article 5 (7)/510, and in particular to the Single Document (Annex I / 1898); where needed reference is also made to the Specification.

The application dossier to be sent by the National Authorities to the Commission comprises the information listed in Article 5(7)/510:

- Text of the Single Document. This will be published in the Official Journal of the European Union. In the case of Amendment requests, a summary of the amendment is also needed and will be published in the Official Journal. See **PART III** below.
- Accompanying information (information on the Applicant Group; the Member State declaration; the reference to the publication of the Specification, and any transitional provisions). See **PART I** below.

PART II describes those elements that must be checked by Member State National Authorities, but which are not communicated to the Commission.

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PART I: Accompanying information

I.1 APPLICANT GROUP [ART 5(7)(A)/510 AND ART 10/1898]

Groups of more than one person

The national authorities must be satisfied that the Applicant Group is acting in good faith and some or all of the members are producers and/or processors of the product.

There is no requirement of the form of association or legal constitution of the Group [Art. 5(1) 2nd subparagraph / 510]. However, it must have a name (which can be the name of a natural or legal person) and a single address in the Member State. Telephone, fax and e-mail are desirable.

Producers and/or processors of the product and other relevant stakeholders and organisations can be in the group. It is not necessary that all the producers of a product are in the group.

After a name is registered, the group has no particular legal status for the continued validity of the registered PDO or PGI. However, Member States can update contact details etc. directly via the DOOR database (AWAI portal).

The Applicant Group does not feature in the Single Document. This is to enable updating of the Group's name and contact details without formal procedure of amendment to the Single Document.

→ Include details of the Applicant Group on a separate sheet [Art 5(7)(a)/510 and Art 10(1) 2nd subparagraph / 1898]: name, address (with telephone, fax, e-mail if available), legal status (according to national law), size (how many members of the group), and composition (role or occupation of the members: farmers; producers; distributors; finishers; packers; etc.).

Do not send the Commission large amounts of data, articles of association, annual reports, etc.

Single applicants

If the application is from a single natural or legal person, the National Authorities need to be satisfied that the conditions of Article 2/1898 are met (only producer in the area; and characteristics of area or product/foodstuff differ). [\[Art. 2 / 1898\]](#)

→ Add a short summary of the justification to the application listing the name and other data of the applicant, and clarify if it is a legal or natural person.

I.2 MEMBER STATE DECLARATION [ART 5(7)(C)/510]

A declaration covering the terms of point (c) of Article 5(7)/510 should be supplied. The department or office supplying this document depends on administrative practice in each Member State.

The purpose of this document is to ensure that the National Authorities are satisfied that the application meets legal requirements. It must be borne in mind that the primary responsibility for analysis of dossiers is exercised by the National Authority; the Commission is only required to check dossiers for manifest errors.

I.3 REFERENCE TO PUBLICATION OF THE SPECIFICATION

[Art 5(7)(d)/510 and 5(5) 5th subparagraph/510]

Provide an electronic link to the Specification. This appears at the end of the Single Document, although it does not legally form part of the Single Document. This link enables potential opposers and other interested parties to have access to the full specification.

The National Authorities are responsible for ensuring that the Single Document is a faithful summary of the Specification.

Check the link works before sending to the Commission.

I.4 NATIONAL PROTECTION, ADJUSTMENT AND TRANSITIONAL PERIODS [ARTICLE 5(6) & ARTICLE 13(3)(2ND) / 510]

National Authorities may receive a request for national protection, and an adjustment or transitional period.

Transitional national protection may be granted by the National Authorities to protect the name after national consultation in that Member State. National protection prevents use of the name by producers who do not follow the specification. It can only enter into force from the date the application is transmitted to the Commission. It ceases on the date the Commission's decision on registration or rejection enters into force. It also ceases if the application is withdrawn.

National protection has no effect on intra-Union or international trade, meaning that use of the name cannot be prevented on product from outside the Member State by reason of the national protection.

The **adjustment period** (Art 5.6, 510) only applies to national production (in the national territory). It runs from the date of application and ceases when the Commission's decision on registration enters into force. It is normally combined with national protection.

Transitional period (Art 3.3, 510): producers of non-conforming product may seek a transitional period, which applies after registration by the Commission or Council. This period may apply to producers in the Member State of application having previously benefited or not of an adjustment period, in which case, **the request for a transitional period must be included with the application**. The beneficiary producers must meet the requirements laid down (notably that they filed a national opposition and fulfil the period of use) and be notified by name in the accompanying information.

If a Member State requests a transitional period **and** grants an adjustment period to the same producer, the details of the adjustment period must also be included in the

accompanying information. This is to ensure that the total of the adjustment period and the transitional period do not exceed the maximum allowed (5 years).

Note: during the course of the registration process, a transitional period may be granted to producers in other Member States or Third Country pursuant to the Union-level opposition process.

PART II: Specification and items *not notified* to the Commission

II.1 SPECIFICATION

The Specification must be drawn up in conformity with Article 4(2) / 510. Checking compliance with the rules of registration is the responsibility of the National Authorities. Particular attention should be paid to any explicit references to national or Union legislation (point (j)) to ensure that this is fully in line with the provisions of the Specification.

Responsibility for ensuring coherence between the Single Document and the Specification lies with the National Authorities. The Commission shall focus its scrutiny on the Single Document. If, in the course of examination, the Single Document is adjusted, this must be reflected in the Specification and if the change is substantive (i.e. it modifies rather than clarifies the undertakings of the producers or the conditions of production and marketing), the Member State needs to consider whether a new national opposition procedure will be needed, for reasons of legal certainty.

The Specification is the principal document on which the protected name rests: the protection contained in Article 13 refers to product produced in conformity with the Specification. The Single Document, which is published in the Official Journal in all EU languages, must therefore be a faithful summary of the main points of the Specification, and National Authorities need to ensure this coherence.

II.2 ITEMS NOT COMMUNICATED TO THE COMMISSION

Art 4(2)(d) Evidence of origination in the area, (also referred to as 'proof of origin'). The Specification must show the checks and controls that ensure that the final product is originating from the defined geographical area and, when applicable, is made from the correct ingredients. See also Art. 6 / 1898 which concerns the necessary tracking of raw materials, feed, and other items due to come from the defined geographical area and of the product through processing or packing facilities.

Art 4(2)(e) Method of production. The Specification must show the full production process. Some specific elements of the method of production may also appear in the Single document (e.g. in the sections on "description", "main steps to take place in the area" and "link") if they contribute to determine the specificity of the product or if they have an impact on the link.

Art 4(2)(g) Name and address of control authorities/bodies and their tasks. The list of tasks must appear in the Specification: the elements to be checked should be those that are critical to the identity and quality of the product.

Data on the name, origin and address of the authority/body will appear on the Commission's website in the public database (DOOR) if and when the name is registered. DOOR provides access to National Authorities via the AWAI portal with a password to enable them to update administrative data directly.

Art 4(2)(i) National and Union requirements. As mentioned above, it needs to be ensured that any legislation quoted is fully reflected in the text of the Specification.

PART III Single Document

GENERAL

Use the formatted templates for the Single Document, available on the DG AGRI website (in all EU languages) : http://ec.europa.eu/agriculture/quality/leg/template_en.htm

Please do not alter the formatting codes for the headings. As far as possible use "Normal", "Text 1" and "List Dash" formats for text. Word-format tables can be inserted, and so can logos in .jpg or .tif or vector graphics format. Logos will be printed in black and white only.

The Single Document stands alone. Do not include annexes; bibliographies; references to the Specification and other publications, etc.

The Single Document carries the legal effects of registration of names beyond the borders of the originating Member State to other Member States in the EU. It describes the product corresponding to the protected name. The language should be concise and precise, and should avoid 'puffery' and unsubstantiated claims. The best Single Documents are written in the style of an agronomic expert.

HEADER INFORMATION

Insert name: print the name in capitals in the exact form it is to be registered. If more than one version is to be registered, separate each version by ' / '. See also 'Section 1: Name' below.

EC number: Leave blank. This will be allocated by the Commission.

Select 'X': for PDO or PGI according to the application.

SECTION 1 (NAME)

Enter the name in its original language in normal upper and lower case. This version must be identical to the capitals version in the header and must show all accents (that may not appear in the capital version, according to usage). If more than one version is used, separate by ' / '.

If the name is entered in a non-Roman script, include a transcription in Latin characters (also referred to as "Roman characters"), between brackets [[Article 3\(2\) / 1898](#)]. Note: a transcription is the form of letters that sounds approximately the same as the original. Neither translations nor transliterations may be included. If there are different transcriptions available (e.g. the French transcription of a Greek name may be different from the German or English transcription), then the National Authorities (or producer group) may choose the one to be entered in the register.

National Authorities must be satisfied of the actual use of the name in commerce or in common language [[Article 3\(1\) / 1898](#)].

As a general guide, different names that refer to the same forms of the product (for example in the case of cross-border applications) should be registered in one application. However, different names that refer to different forms or types of the product should be the subject of separate registration applications. Nevertheless, in the past the Commission has registered "omnibus" proposals, but clarity argues for separate registrations in future. The burden of proof is not lighter for an omnibus application than for separate ones.

A name or names proposed for registration must have been used for a reasonable period prior to the application. There is no minimum for this period, but National Authorities should not accept vexatious applications and fanciful names.

Prior uses

National Authorities must check for prior uses of the name or of significant parts of the name. This check can be done in the light of any objection to registration raised during the national objection procedure. Particular attention should be paid to:

- registered and applied names for PDOs and PGIs, even if not in the same category of product;
- registered or applied names for trade marks;
- plant variety and animal breed names;
- prior uses of the name, including possible generic uses.

In case conflicts with prior uses are shown, these must be examined in the light of the relevant rules laid down in the regulations.

Traditional geographical names

Establish whether the name comprises or includes the name of a region or specific place (Article 2 (1) a and b/510). If so, identify whether this geographical name is effectively part of the geographical area. There is no preference given to non-traditional or traditional names: everything depends on the real and historical situation.

If the name of the region or specific place covers a significantly different zone from the geographical area of the product/foodstuff, it could be considered a 'traditional geographical' name. [[Article 2\(2\) / 510](#)]

The essential points are:

- that the specific product is known by the name;
- that this specific product has been produced throughout the geographical area identified, and is intrinsically linked to that area.

What should be avoided is that an authentic PDO or PGI name from a limited zone is artificially applied to a much larger zone in order to exploit the reputation of the authentic product. This might mislead consumers and undermine the rights of legitimate producers.

Non-geographical names

Non-geographical names can be registered as PDOs or PGIs on the same terms as geographical names: they must identify specific product intrinsically linked with a limited geographical area.

If the application deals with a traditional non-geographical name [[Article 2\(2\) / 510](#)], justification must be provided in the application for the use of a traditional non-geographical name.

Names of countries

If the name is the same as that of a Member State or Third Country [[Article 2\(1\)\(a\) and \(b\) / 510](#)], identify the usual name for the country and explain any derived words or non-geographical terms in the name proposed for registration. Provide an explanation for the "exceptional" use of a country name. For example, if the country name applies to a specific and well defined zone and a specific product.

Multiple names and linguistic versions [[Article 3\(1\) / 1898](#)]

The name or names entered in the Register of PDOs and PGIs must have been used in the area of production to describe the product. The languages should be those that are used in the area or were historically used in the area. The language versions can be official languages of the EU, lesser-used languages, or dialects and other variants. What determines eligibility for registration is usage in the area concerned.

The name entered in the register should refer to the same specific product. It is acceptable for the name to refer to distinct related products, provided it is the same name. Different names that refer to different distinct products should be submitted as separate applications for registration.

SECTION 2 (MEMBER STATE OR THIRD COUNTRY)

In case of joint applications, give all Member States or Third Countries. The Member State/Third Country declaration must be provided by all countries involved.

SECTION 3.1 TYPE OF PRODUCT/FOODSTUFF

Classification [[Annex II / 1898](#)]

Only use the classification in Annex II / 1898.

If the product is not quoted in the lists, select the closest category. If the product does not fall in any of the above categories, it cannot be registered.

SECTION 3.2 DESCRIPTION OF PRODUCT/FOODSTUFF TO WHICH THE NAME APPLIES

Description of product/foodstuff [Article 4(2)(b) and (e) / 510 ; Article 5(2) (for PGI) and 5(3) (for PDO) / 1898; Article 11(3) / 1898; Annex I 3.2, 3.3, 3.4 / 1898].

The description, together with the link (section 5 below) is the most important part of the Single Document. The description must enable the product to be clearly and accurately identified. The description must be consistent with the information given under Section 5.2 (specificity of the product), but should not be repetitive.

The description should be scientific, in the style, and using the language of a food technologist, or agronomist. Information should cover, as relevant according to the class of product, the physical, chemical, microbiological, organoleptic (taste, flavour, colour, odour...), and other relevant characteristics. For processed products, the description should also cover raw materials used. The description must clearly set out the exact product(s) and exact form(s) that are covered by the Specification: e.g. raw, processed, canned, fresh or frozen, etc.

SECTION 3.3: PROCESSED PRODUCT: RAW MATERIALS

For PDO applications, all determinant raw materials should themselves be farmed in the area of production, subject to the exceptions laid down.

For PGI applications, restrictions on the supply of raw materials need to have a rational justification. Restrictions to a larger geographical area, such as the Member State or centres of production in that Member State should be excluded. Qualitative criteria are acceptable, provided they do not introduce inappropriate limitations and are in harmony with the constant and honest practice of local producers.

SECTION 3.4: FEED (LIVESTOCK PRODUCTS)

For PDO applications, check that the quality and origin of feed is given, and that it is sourced 'as far as practicable' from the area. The extent of 'practicable' will depend on the natural conditions as well as on the nature of the link: if the link is based on the pasture on which animals graze, then this must correspond to what the animals are permitted to eat. A link based on the quality of pasture, that is *not* a required feed for all the animals, is not acceptable.

An indication of the origin of feed is also useful in case of PGIs and is required if it forms part of the elements of the link.

SECTION 3.5: PRODUCTION STEPS WITHIN THE GEOGRAPHICAL AREA [ARTICLE 2(1)(A) 3RD TIRET / 510; ARTICLE 2(1)(B) 3RD TIRET / 510]

Check which production steps (that is, production up to the creation of the agricultural product or foodstuff for which the name applies) that take place within the defined geographical area.

Production method

National Authorities also need to check the production method as set out in the Specification. Where it is relevant to the specificity of the product or to its reputation or link with the zone of production, elements of the production method should also be included in the Single Document under the description of the product (or under the link if appropriate).

Check in particular for restrictions on stages of production. PDO or PGI production should be open to any qualifying producer. Thus restrictions that impose the use of the business premises of a single company, or that require membership of an organisation that has power to refuse membership to an applicant, should be avoided.

For a PDO application, all production activities should take place in the zone, subject to the exceptions laid down.

Provide information about the breed and type of animals, variety or varietal type used

SECTION 3.6 RESTRICTIONS ON PACKAGING [ARTICLE 4(2)(E) / 510; ARTICLE 8 / 1898; ANNEX I, 3.6 / 1898]

‘Packaging’ is any activity that takes place after the product/foodstuff to which the name applies has been created in final form; it does not apply to ‘slaughter’ for meat, nor to ‘harvest’ and ‘washing’ for crops.

- The 'final form' is intended as a guide in the sense of the presentation of the PDO or PGI product. If, *according to the Specification*, a product can only be presented *as a PDO/PGI* if it is bunched or tied in a certain manner, then the 'final form' of the product would include that bunching or tying.

- However if bunching or tying is one option – the product may also be sold *as PDO/PGI* in a loose form – then the Commission considers that requirements for bunching and tying fall under the rules on packaging.

Restrictions on slicing, bottling, grating etc. or packaging can only be included at the request of the Applicant Group. Requirements can discriminate against small producers who do not have ready access to the packaging facilities and who wish to sell in bulk form. They may also be contrary to the rules of the Single Market by prohibiting these activities in other Member States.

Clarify whether there really is a restriction. Product has to be packed into something appropriate in order for it to be transported and sold. A requirement on producers to pack in certain bags of certain weights, etc. is not necessarily a restriction in the sense of

Article 8 / 1898: this only covers the case where there is an *express prohibition on repacking* outside the defined area.

Check the justifications for such restrictions on free movement of goods and services given in the application. Check technical/scientific elements which might justify restrictions. Key point for eligibility: such restrictions can only be accepted if justified by concerns of safeguarding the characteristics of the product, better controlling and/or traceability. Quote the elements guaranteeing quality; if you quote several characteristics, state which one guarantees what.

SECTION 3.7 RESTRICTIONS ON LABELLING

Specific labelling rules [Article 4(2)(h) / 510; Annex I, 3.7 / 1898]

Labelling rules are important to the protection of registered PDOs and PGIs and are laid down in Regulation (EC) No 510/2006 and notably in Articles 8 and 13(1). National Authorities should check that labelling is subject to the rules in force and provisions in the Single Document or Specification do not purport to amend or interpret them.

Subject to this, the Producer Group may wish to specify that the registered name appears in a certain form or with a logo. A requirement to use the name in its registered form is acceptable, while a requirement to use a translation should be avoided.

National Authorities should check that restrictions are not disguised restrictions on the Single Market. Labelling in the sense that specific labels have to be used and/or product cannot be labelled in another Member State need clear and careful justification.

SECTION 4. GEOGRAPHICAL AREA [ARTICLE 4(2)(C) / 510 ; ARTICLE 4 / 1898]

The proposed area must be delimited in relation to the link so as to be coherent with the natural and human factors described in the link with the geographical area.

- In the *Single Document*, summarise the boundaries of the area;
- In the *Specification*, the geographical area must be defined in a detailed, precise way that presents no ambiguities (Art 4 / 1898).

SECTION 5. LINK

Details bearing out the link [Article 4(2)(f)(i) / 510; Article 2(1)(a) / 510; Article 7(1) / 1898; Article 7(2) / 1898]. This is the most important section in a PDO or PGI application. This section shows why a name is not merely an indication of provenance, but describes a product with an intrinsic link to the geographical place.

It is important that the three parts of Section 5 are coherent between themselves. The link has to be causal and not coincidental.

SECTION 5.1 SPECIFICITY OF THE GEOGRAPHICAL AREA

This section should only contain those elements of the area that are relevant to the link. Section 3 above, however, contains more comprehensive elements.

Check the characteristics of the defined geographical area relevant to the link [Article 7(1) & 7(2)(a) / 1898]:

- natural factors: climatic
- natural factors: soil / geological
- other natural factors: specify
- human factors: traditional skill or production practice, or savoir faire
- other human factors: specify

Where a PGI application is based on reputation, explain what that reputation consists of and how it relates to the geographical area.

The specificity of the area described must relate to the link.

Avoid general statements about 'microclimate', and 'high rainfall' etc. Statements should be precise: give average rainfall in mm (provided this is relevant to the specific product); explain which aspects of the climate give rise to the effects on the product, etc.

SECTION 5.2 SPECIFICITY OF THE PRODUCT

In this section the specificity of the product *due to its production in the area* must be stated.

However, in the case of a PGI based on reputation, the specificity of the product should be shown, and it should also be shown that the reputation attaches to this specificity of the product.

SECTION 5.3 LINK

In this section the link between the information in 5.1 and that in 5.2 must be highlighted. Explain in what way and to what extent these factors affect the specificity of the product:

Check the causal interaction given in the Single Document between (A) and (B) above [Article 7(3)(c) / 1898], and/or summarise the explanation how the characteristics of the defined geographical area affect the final product/foodstuff [Article 7(1) / 1898]

For that, do not only describe the product and its method of production, also provide concrete elements of appraisal of its characteristics and specificity, and of possible interactions between elements of production, local factors, etc.

For a PDO, the link is only acceptable if the qualities or characteristics of the product are:

- *Exclusively* (=100%) due to environment (including savoir faire of local producers);

or

- *Essentially* due to environment (including savoir faire of local producers);

Note that reputation alone is not deemed a sufficient basis for the link needed for a PDO.

A too-common failing of dossiers is to describe a unique geographical place, and to describe a particular quality of product without establishing a causal relation between the place and the product.

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