Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs

COMMISSION IMPLEMENTING REGULATION (EU) No 668/2014

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs[(1)], and in particular the second subparagraph of Article 7(2), Article 11(3), the second subparagraph of Article 12(7), the second subparagraph of Article 19(2), Article 22(2), the second subparagraph of Article 23(4), Article 44(3), the second subparagraph of Article 49(7), the second subparagraph of Article 51(6), the second subparagraph of Article 53(3) and the second subparagraph of Article 54(2) thereof,

Whereas:

(1) Regulation (EU) No 1151/2012 has repealed and replaced Council Regulations (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed[(2)] and (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs[(3)]. Regulation (EU) No 1151/2012 empowers the Commission to adopt delegated and implementing acts. In order to ensure the smooth functioning of the quality schemes for agricultural products and foodstuffs in the new legal framework, certain rules should be adopted by means of such acts. The new rules should replace the implementing rules of Commission Regulations (EC) No 1898/2006 of 14 December 2006 laying down detailed rules of implementation of Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs[(4)] and (EC) No 1216/2007 of 18 October 2007 laying down detailed rules for the implementation of Council Regulation (EC) No 509/2006 on agricultural products and foodstuffs as traditional specialities guaranteed[(5)]. Those Regulations are repealed by Commission Delegated Regulation (EU) No 664/2014 of 18 December 2013 supplementing Regulation (EU) No 1151/2012 of the European Parliament and of the Council with regard to the establishment of the Union symbols for protected designations of origin, protected geographical indications and traditional specialities guaranteed and with regard to

Changes to legislation: *There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 668/2014. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

certain rules on sourcing, certain procedural rules and certain additional transitional rules[(6)].

(2) Specific rules concerning the use of linguistic characters for a protected designation of origin, a protected geographical indication and a traditional speciality guaranteed and the translations of the claim accompanying a traditional speciality guaranteed should be laid down in order to ensure that operators and consumers in all Member States are able to read and understand such names and claims.

(3) The geographical area of protected designations of origin and protected geographical indications should be defined in the product specification in a detailed, precise way that presents no ambiguities in order to allow producers, competent authorities and control bodies to operate on certain and reliable bases.

(4) An obligation to include detailed rules on the origin and quality of feed in the product specifications of products of animal origin the names of which are registered as protected designations of origin should be established in order to guarantee uniform quality of the product and to harmonise the way of drafting those rules.

(5) The product specification for protected designations of origin and protected geographical indications should include the measures taken to ensure that the product originates in the defined geographical area, as referred to in point (d) of Article 7(1) of Regulation (EU) No 1151/2012. Those measures should be clear and detailed in order to allow to trace the product, raw materials, feed and other items coming from the defined geographical area.

(6) As regards applications for registration of a name or approval of an amendment covering distinct products it is necessary to define in which cases products bearing the same registered name are considered distinct products. In order to avoid that products not complying with the requirements for designations of origin and geographical indications referred to in Article 5(1) and (2) of Regulation (EU) No 1151/2012 are marketed using a registered name, compliance with the requirements for registration should be demonstrated for each distinct product covered by an application.

(7) Packaging of an agricultural product or a foodstuff or operations concerning its presentation, such as slicing or grating, restricted to a defined geographical area, constitute a restriction on free movement of goods and freedom to provide services. In the light of the case-law of the Court of Justice of the European Union, such restrictions can only be imposed if they are necessary, proportionate and capable of upholding the reputation of the geographical indication or the designation of origin. As referred to in point (e) of Article 7(1) of Regulation (EU) No 1151/2012, product specific justifications for such restrictions shall be provided.

(8) For the smooth functioning of the system, procedures for applications, oppositions, amendments and cancellations should be specified.

(9) To ensure uniform and efficient procedures, forms concerning applications, oppositions, amendments, cancellations as well as forms concerning the publication of single documents for names that were registered prior to 31 March 2006 should be provided.

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(10) For the sake of legal certainty, the criteria for the identification of the date of submission of an application for registration and of submission of an amendment application should be clearly specified.

(11) A limit to the length of single documents should be set out in order to have a more streamlined process and for standardisation needs.

(12) Specific rules on the description of the product and the production method should be adopted for standardisation needs. In order to allow easy and quick examination of applications for registration of a name or approval of an amendment, the description of the product and of the production method should contain only relevant and comparable elements. Repetitions, implicit requirements and redundant parts should be avoided.

(13) For the sake of legal certainty, deadlines concerning the opposition procedure should be fixed and criteria for the identification of the starting dates of those deadlines should be established.

(14) For the sake of transparency, the information concerning applications for amendment and requests for cancellation to be published in accordance with Article 50(2) of Regulation (EU) No 1151/2012 should be exhaustive.

(15) For streamlining and simplification purposes, the electronic form should be the only means of communication admitted for the transmission of applications, information and documents.

(16) Rules on the use of symbols and indications on the products marketed under protected designations of origin, protected geographical indications or traditional specialities guaranteed should be set out, including on the appropriate linguistic versions to be used.

(17) The rules on the use of registered names in association with the symbols, indications or corresponding abbreviations, as referred to in Article 12(3) and (6) and Article 23(3) of Regulation (EU) No 1151/2012, should be clarified.

(18) In order to ensure uniform protection of indications, abbreviations and symbols and to raise public awareness about the quality schemes of the Union, rules on the use of indications, abbreviations and symbols in media or advertising supports in connection with products produced in conformity with the respective quality scheme should be established.

(19) Rules on the content and the form of the Register of protected designations of origin, protected geographical indications and traditional specialities guaranteed should be adopted to ensure transparency and legal certainty.

(20) The measures provided for in this Regulation are in accordance with the opinion of the Agricultural Product Quality Policy Committee,

HAS ADOPTED THIS REGULATION:

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Article 1

Specific rules for a name

1 The name of a protected designation of origin, a protected geographical indication or a traditional speciality guaranteed shall be registered in its original script. Where the original script is not in Latin characters, a transcription in Latin characters shall be registered together with the name in its original script.

2 Where the name of a traditional speciality guaranteed is accompanied by the claim referred to in Article 18(3) of Regulation (EU) No 1151/2012 and that claim is to be translated in the other official languages, such translations shall be included in the product specification.

Article 2

Definition of the geographical area

As regards protected designations of origin and protected geographical indications, the geographical area shall be defined in a precise way that presents no ambiguities, referring as far as possible to physical or administrative boundaries.

Article 3

Specific rules on feed

The product specification of a product of animal origin the name of which is registered as a protected designation of origin shall contain detailed rules on the origin and the quality of feed.

Article 4

Proof of origin

1 The product specification for a protected designation of origin or a protected geographical indication shall identify the procedures which operators must have in place as regards the proof of origin concerning the product, raw materials, feed and other items that, according to the product specification, are required to come from the defined geographical area.

2 Operators shall be able to identify:

a the supplier, quantity and origin of all batches of raw material and/or products received;

b the recipient, quantity and destination of products supplied;

c the correlation between each batch of inputs referred to in point (a) and each batch of outputs referred to in point (b).

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Article 5

Description of several distinct products

Where the application for registration of a name or approval of an amendment describes several distinct products which are entitled to use that name, compliance with the requirements for registration shall be shown separately for each such product.

For the purposes of this Article, 'distinct products' mean products that, although using the same registered name, are differentiated when placed on the market or considered as different products by consumers.

Article 6

Procedural requirements for applications for registration

1 The single document of a protected designation of origin or a protected geographical indication referred to in point (c) of Article 8(1) of Regulation (EU) No 1151/2012 shall include the information requested in Annex I to this Regulation. It shall be drawn up in accordance with the form provided for in that Annex. It shall be concise and not exceed 2 500 words, except in duly justified cases.

The reference to the publication of the product specification included in the single document shall lead to the version of the product specification as proposed.

2 The product specification of a traditional speciality guaranteed referred to in Article 19 of Regulation (EU) No 1151/2012 shall include the information requested in Annex II to this Regulation. It shall be drawn up in accordance with the form provided for in that Annex.

3 The date of submission of an application shall be the date on which the application is delivered to the Commission by electronic means. A delivery receipt shall be sent by the Commission.

Article 7

Specific rules for the description of the product and the production method

1 The single document for an application for registration of a protected designation of origin or a protected geographical indication referred to in point (c) of Article 8(1) of Regulation (EU) No 1151/2012 shall identify the product by using definitions and standards commonly used for that product.

The description shall focus on the specificity of the product bearing the name to be registered, using measurement units and common or technical terms of comparison, without including technical characteristics inherent to all products of that type and related mandatory legal requirements applicable to all products of that type.

2 The description of the product for a traditional speciality guaranteed referred to in point (b) of Article 19(1) of Regulation (EU) No 1151/2012 shall only mention the characteristics necessary to identify the product and its specific characteristics. It shall not repeat general obligations and, in particular, technical characteristics inherent to all products of that type and related mandatory legal requirements.