

CERTIFICATION MARK REGULATIONS

The present certification mark Regulations govern the use of the certification mark depicted in the Annex I for goods in the classes set out in Annex II.

The provisions of these Regulations are in accordance with Regulation (EU) no 1151/2012, Commission Delegated Regulation (EU) No 664/2014 and Commission implementing Regulation (EU) No 668/2014¹, Regulation (EU) No 1308/2013², Regulation (EC) No 110/2008³, and Commission Implementing Regulation (EU) No 716/2013⁴.

The Certification trade mark is the property of the European Union, and it shall not be used by any manufacturer or merchant except in accordance with these regulations.

I. WHO IS AUTHORISED TO USE THE MARK

The mark shall be used by any producer from a Member State of the European Union or a third-country producer that may use a name registered as a protected designation of origin. The latter is the case if the product complies with the specific requirements for the registered name.

II. CERTIFIABLE GOODS - THE CHARACTERISTICS CERTIFIED BY THE MARKS

Each name registered as a protected designation of origin is related to a defined geographical area and to a specific category of goods within the list of goods set out in Annex II. The goods it may be used for are identified in the "Database of Origin and Registration" (DOOR) operated by the EU, available on the website of the European Commission - Policy for Agriculture and Rural Development - Policy Areas - Quality Policy, at:

<http://ec.europa.eu/agriculture/quality/door/list.html?filter.status=REGISTERED&filter.type=PDO>

In accordance with Article 5 and Article 7(1) of Regulation (EU) No 1151/2012⁵ of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (hereinafter "Regulation No 1151/2012"), read in conjunction with Article 2 of

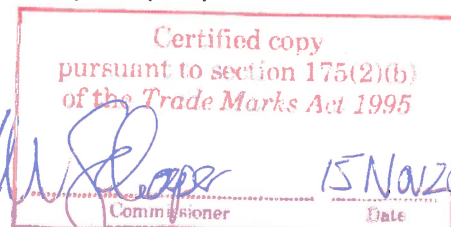
¹ Commission implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council (OJ L 179, 19.6.2014, p. 36)

² Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671)

³ Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89 (OJ L 39, 13.2.2008, p. 16)

⁴ Commission Implementing Regulation (EU) No 716/2013 of 25 July 2013 laying down rules for the application of Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks

⁵ OJ L 343, 14.12.2012, p. 1



Commission Delegated Regulation (EU) No 664/2014⁶ of 18 December 2013 supplementing Regulation (EU) No 1151/2012, the name and symbol ‘Designation of origin’ shall identify the products having the certain characteristics (A) and complying with certain specifications (B).

A. Characteristics of products identified by the name and symbol

1. ‘Designation of origin’⁷:

- (a) originating in a specific place, region or, in exceptional cases, a country;
- (b) whose quality or characteristics are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors; and
- (c) the production steps of which all take place in the defined geographical area.

Certain names shall be treated as designations of origin even though the raw materials for the products concerned come from a geographical area larger than, or different from, the defined geographical area, provided that:

- (a) the production area of the raw materials is defined;
- (b) special conditions for the production of the raw materials exist;
- (c) there are control arrangements to ensure that the conditions referred to in point (b) are adhered to; and
- (d) the designations of origin in question were recognised as designations of origin in the country of origin before 1 May 2004.

Only live animals, meat and milk may be considered as raw materials for the purposes of this paragraph.

B. Specifications of products identified by the names and symbols ‘Designation of origin’

Specifications of protected designation of origin⁸ shall include at least:

- (a) the name to be protected as a designation of origin as it is used, whether in trade or in common language, and only in the languages which are or were historically used to describe the specific product in the defined geographical area;
- (b) a description of the product, including the raw materials, if appropriate, as well as the principal physical, chemical, microbiological or organoleptic characteristics of the product;
- (c) the definition of the geographical area delimited with regard to the link referred to in point (f)(i) or (ii) of this paragraph, and, where appropriate, details indicating compliance with the requirements of Article 5(3) of Regulation (EU) No 1151/2012;

⁶ OJ L 179, 19.6.2014, p. 17

⁷ As provided in Article 5 of Regulation (EU) No 1151/2012

⁸ As provided in Article 7(1) of Regulation (EU) No 1151/2012

- (d) evidence that the product originates in the defined geographical area referred to in Article 5(1) or (2) of Regulation (EU) No 1151/2012;
- (e) a description of the method of obtaining the product and, where appropriate, the authentic and unvarying local methods as well as information concerning packaging, if the applicant group so determines and gives sufficient product-specific justification as to why the packaging must take place in the defined geographical area to safeguard quality, to ensure the origin or to ensure control, taking into account Union law, in particular that on the free movement of goods and the free provision of services;
- (f) details establishing the following:
 - (i) the link between the quality or characteristics of the product and the geographical environment referred to in Article 5(1) Regulation (EU) No 1151/2012; or
 - (ii) where appropriate, the link between a given quality, the reputation or other characteristic of the product and the geographical origin referred to in Article 5(2) Regulation (EU) No 1151/2012;
- (g) the name and address of the authorities or, if available, the name and address of bodies verifying compliance with the provisions of the product specification pursuant to Article 37 of Regulation (EU) No 1151/2012 and their specific tasks;
- (h) any specific labelling rule for the product in question.

III. HOW THE CERTIFYING BODY IS TO TEST THOSE CHARACTERISTICS AND SUPERVISE THE USE OF THE MARK

Only producers who work with the products with the name to be registered may apply for registration of names as 'Designation of origin' (A). Applications are addressed to the authorities of European Union Member States, where they relate to a geographical area in a Member State. If the Member State considers that the requirements of Regulation No 1151/2012 are met, it may take a favourable decision and lodge an application dossier with the Commission (B). Also, both Member States authorities, and the European Commission shall supervise the adequate use of the mark (C). The European Commission may adopt implementing acts to cancel the registration of a protected 'Designation of origin'.

A. Applications for registration of names as 'Designation of origin'

Applications for registration of names as 'Designation of origin' **may only be submitted by groups** who work with the products with the name to be registered.

In the case of a 'protected designations of origin' name that designates a trans-border geographical area, several groups from different Member States or third countries may lodge a joint application for registration.

'Groups' are defined by Regulation No 1151/2012 as "any association, irrespective of its legal form, mainly composed of producers or processors working with the same product".

A single natural or legal person may be treated as a group where it is shown that both of the following conditions are fulfilled:

- (a) the person concerned is the only producer willing to submit an application;
- (b) 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.

Applications for 'protected designations of origin' shall be filed in accordance with the requirements of Article 6 of Commission implementing Regulation (EU) No 668/2014.

In addition, the European Union will inform all producers complying with the product specification that they are not to use the Certification Mark in any printed advertisement or printed publicity matter directed primarily to the mark in the United Kingdom and the Isle of Man without indicating that it is a Certification Mark.

B. Competent authorities

1. Member States' authorities

Applications for 'protected designations of origin' that relate to a geographical area in a Member State, shall be addressed to the authorities of that Member State.

The Member State shall scrutinise the application by appropriate means in order to check that it is justified and meets the conditions of the respective scheme.

As part of the scrutiny it carries out, the Member State initiates a national opposition procedure that ensures adequate publication of the application and that provides for a reasonable period within which any natural or legal person having a legitimate interest and established or resident on its territory may lodge an opposition to the application.

The Member State examines the admissibility of oppositions it receives. An opposition shall be admissible where it:

- shows that the conditions provided in Article 5 and Article 7(1) of Regulation (EU) No 1151/2012 is not complied with;
- shows that the registration of the name proposed would be contrary to Article 6(2), (3) or (4);
- shows that the registration of the name proposed would jeopardise the existence of an entirely or partly identical name or of a trade mark or the existence of products which have been legally on the market for at least five years preceding the date of the publication provided for in point (a) of Article 50(2); or

(d) gives details from which it can be concluded that the name for which registration is requested is a generic term.

The grounds for opposition shall be assessed in relation to the territory of the Union.

2. European Commission

a) application for registration of names

If, after assessment of any opposition received, the Member State considers that the requirements of this Regulation are met, it may take a favourable decision and lodge an application dossier with the Commission.

The Member State ensures that its favourable decision is made public and that any natural or legal person having a legitimate interest has an opportunity to appeal.

The Member State ensures that the version of the product specification on which its favourable decision is based, is published, and shall provide electronic access to the product specification.

Where the application for a 'protected designations of origin' relates to a geographical area in a third country the application shall be lodged with the Commission, either directly or via the authorities of the third country concerned. The documents sent to the Commission shall be in one of the official languages of the Union.

b) scrutiny by the Commission and publication for opposition

In accordance with Article 50 of Regulation No 1151/2012, the Commission shall scrutinise by appropriate means any application that it receives pursuant to Article 49 Regulation (EU) No 1151/2012, in order to check that it is justified and that it meets the conditions of the respective scheme. Where, based on the scrutiny carried out the Commission considers that the conditions regarding the applications for 'protected designations of origin' laid down in this Regulation No 1151/2012 are fulfilled, it shall publish the single document and the reference to the publication of the product specification in the Official Journal of the European Union.

c) opposition procedure

Within three months from the date of publication in the Official Journal of the European Union, the authorities of a Member State or of a third country, or a natural or legal person having a legitimate interest and established in a third country may lodge a notice of opposition with the Commission.

d) decision on registration

Where, on the basis of the information available to the Commission from the scrutiny carried out, the Commission considers that the conditions for registration are not fulfilled, it shall adopt implementing acts rejecting the application.

If the Commission receives no notice of opposition or no admissible reasoned statement of opposition, it shall adopt implementing acts registering the name.

If the Commission receives an admissible reasoned statement of opposition, following appropriate consultations carried out between the authority or person that lodged the opposition and the authority or body that lodged the application, and taking into account the results thereof, it shall, either:

- if an agreement has been reached, register the name by means of implementing acts, or
- if an agreement has not been reached, adopt implementing acts deciding on the registration. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 57(2).

The acts of registration and decisions on rejection shall be published in the Official Journal of the European Union.

C. Supervision of the use of the mark

Member States shall designate the competent authority or authorities responsible for official controls carried out to verify compliance with the legal requirements related to the quality schemes established by Regulation No 1151/2012. Member States shall carry out checks, based on a risk analysis, to ensure compliance with the requirements of this Regulation and, in the event of breaches, Member States shall take all necessary measures. The list of the names and addresses of those authorities is published on the website of the European Commission - policy for Agriculture and Rural Development - Policy Areas - Quality Policy, the PDO-PGI-TSG, in the section that provides information on 'who is in charge of controls', at:

http://ec.europa.eu/agriculture/quality/schemes/compliance-authorities_en.pdf

The EU monitors use of the Certification trade mark. If a product does not comply with the requirements or if a producer commits any breach of these Regulations of use, the authorisation to use the Certification trade mark shall be withdrawn.

IV. THE FEES TO BE PAID IN CONNECTION WITH THE OPERATION OF THE MARK

The European Union does not charge any fees for use of the symbols.

V. THE PROCEDURES FOR RESOLVING DISPUTES

European Commission decisions rejecting the applications may be appealed before the Court of Justice of the European Union in accordance with the Treaties of the European Union.

Annex I

Union symbol for 'Protected designation of origin':



Annex II

Nice Classification, classes 2, 3, 18, 20, 22, 29, 30, 31, 32, 33 and 34:

Class 2: Natural gums and resins; Colorants; Raw natural resins; Carmine.

Class 3: Essential oils; Soaps; Perfumery, essential oils, cosmetics, hair lotions.

Class 18: Leather; Fur; Fur pelts.

Class 20: Cork; Wicker.

Class 22: Raw cotton; Raw Wool; Raw Linen (flax); Feathers; Eiderdown feathers.

Class 29: Meat, fish, poultry and game; Meat extracts; Preserved, frozen, dried and cooked fruits and vegetables; Jellies, jams, compotes; Eggs; Milk and milk products; Edible oils and fats.

Class 30: Coffee, tea, cocoa and artificial coffee; Rice; Tapioca and sago; Flour and preparations made from cereals; Bread, pastry and confectionery; Ices; Sugar, honey, treacle; Yeast, baking-powder; Salt; Mustard; Vinegar, sauces (condiments); Spices; Ice.

Class 31: Grains and agricultural, horticultural and forestry products not included in other classes; Live animals; Fresh fruits and vegetables; Seeds; Natural plants and flowers; Foodstuffs for animals; Malt; Hay; Flowers and ornamental plants.

Class 32: Beers; Mineral and aerated waters and other non-alcoholic beverages; Fruit beverages and fruit juices; Syrups and other preparations for making beverages, Beverages made from plant extracts.

Class 33: Alcoholic beverages (except beers).

Class 34: Tobacco.