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COUNCIL REGULATION (EC) No 510/2006

of 20 March 2006

on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

(OJ L 93, 31.3.2006, p. 12)

Amended by:

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COUNCIL REGULATION (EC) No 510/2006

of 20 March 2006

on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Whereas:

- (1) The production, manufacture and distribution of agricultural products and foodstuffs play an important role in the Community economy.
- (2) The diversification of agricultural production should be encouraged so as to achieve a better balance between supply and demand on the markets. The promotion of products having certain characteristics can be of considerable benefit to the rural economy, particularly in less-favoured or remote areas, by improving the incomes of farmers and by retaining the rural population in these areas.
- (3) A constantly increasing number of consumers attach greater importance to the quality of foodstuffs in their diet rather than to quantity. This quest for specific products generates a demand for agricultural products or foodstuffs with an identifiable geographical origin.
- (4) In view of the wide variety of products marketed and the abundance of product information provided, the consumer should, in order to be able to make the best choices, be given clear and succinct information regarding the product origin.
- The labelling of agricultural products and foodstuffs is subject to (5) the general rules laid down in Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs (2). In view of their specific nature, additional special provisions should be adopted for agricultural products and foodstuffs from a defined geographical area requiring producers to use the appropriate Community symbols or indications on packaging. The use of such symbols or indications should be made obligatory in the case of Community designations, on the one hand, to make this category of products and the guarantees attached to them better known to consumers and, on the other, to permit easier identification of these products on the market so as to facilitate checks. A reasonable length of time should be allowed for operators to adjust to this obligation.
- (6) Provision should be made for a Community approach to designations of origin and geographical indications. A framework of Community rules on a system of protection permits the development of geographical indications and designations of origin

⁽¹⁾ Not yet published in the Official Journal.

⁽²⁾ OJ L 109, 6.5.2000, p. 29. Directive as last amended by Directive 2003/89/ EC (OJ L 308, 25.11.2003, p. 15).

- since, by providing a more uniform approach, such a framework ensures fair competition between the producers of products bearing such indications and enhances the credibility of the products in the consumer's eyes.
- (7) The rules provided for should apply without interfering with existing Community legislation on wines and spirit drinks.
- (8) The scope of this Regulation should be limited to certain agricultural products and foodstuffs for which a link exists between product or foodstuff characteristics and geographical origin. However, its scope could be enlarged to encompass other agricultural products or foodstuffs.
- (9) In the light of existing practices, two different types of geographical description should be defined, namely protected geographical indications and protected designations of origin.
- (10) An agricultural product or foodstuff bearing such a description should meet certain conditions set out in a specification.
- (11) To qualify for protection in the Member States, geographical indications and designations of origin should be registered at Community level. Entry in a register should also provide information to those involved in the trade and to consumers. To ensure that Community-registered names meet the conditions laid down by this Regulation, applications should be examined by the national authorities of the Member State concerned, subject to compliance with minimum common provisions, including a national objection procedure. The Commission should subsequently be involved in a scrutiny procedure to ensure that applications satisfy the conditions laid down by this Regulation and that the approach is uniform across the Member States.
- (12) The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement 1994, contained in Annex 1C to the Agreement establishing the World Trade Organisation) contains detailed provisions on the availability, acquisition, scope, maintenance and enforcement of intellectual property rights.
- (13) The protection afforded by this Regulation, subject to registration, should be open to the geographical indications of third countries where these are protected in their country of origin.
- (14) 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.
- (15) There should be procedures to permit amendment of specifications on request of groups having a legitimate interest, after registration, in the light of technological progress and cancellation of the geographical indication or designation of origin for an agricultural product or foodstuff, in particular if that product or foodstuff ceases to conform to the specification on the basis of which the geographical indication or designation of origin was granted.
- (16) The designations of origin and geographical indications protected on Community territory should be subject to a monitoring system of official controls, based on a system of checks in line with Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (1), including a system of checks to ensure compliance with the specification of the agricultural products and foodstuffs concerned.

⁽¹⁾ OJ L 165, 30.4.2004, p. 1. Corrected version in OJ L 191, 28.5.2004, p. 1.

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- (17) Member States should be authorised to charge a fee to cover the costs incurred.
- (18) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (1).
- (19) The names already registered under Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (2) on the date of entry into force of this Regulation should continue to be protected under this Regulation and automatically included in the register. Provision should also be made for transitional measures applicable to registration applications received by the Commission before the entry into force of this Regulation.
- (20) In the interests of clarity and transparency, Regulation (EEC) No 2081/92 should be repealed and replaced by this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

1. This Regulation lays down the rules on the protection of designations of origin and geographical indications for agricultural products intended for human consumption listed in Annex I to the Treaty and for foodstuffs listed in Annex I to this Regulation and for agricultural products listed in Annex II to this Regulation.

It shall not, however, apply to wine-sector products, except wine vinegars, or to spirit drinks. This paragraph shall be without prejudice to the application of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine (3).

Annexes I and II to this Regulation may be amended in accordance with the procedure referred to in Article 15(2).

- 2. This Regulation shall apply without prejudice to other specific Community provisions.
- 3. Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society Services (4) shall not apply to the designations of origin and geographical indications covered by this Regulation.

Article 2

Designation of origin and geographical indication

- 1. For the purpose of this Regulation:
- (a) 'designation of origin' means the name of a region, a specific place or, in exceptional cases, a country, used to describe an agricultural product or a foodstuff:
 - originating in that region, specific place or country,

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

⁽²⁾ OJ L 208, 24.7.1992, p. 1. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽³⁾ OJ L 179, 14.7.1999, p. 1.

⁽⁴⁾ OJ L 204, 21.7.1998, p. 37.

- the quality or characteristics of which are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors, and
- the production, processing and preparation of which take place in the defined geographical area;
- (b) 'geographical indication' means the name of a region, a specific place or, in exceptional cases, a country, used to describe an agricultural product or a foodstuff:
 - originating in that region, specific place or country, and
 - which possesses a specific quality, reputation or other characteristics attributable to that geographical origin, and
 - the production and/or processing and/or preparation of which take place in the defined geographical area.
- 2. Traditional geographical or non-geographical names designating an agricultural product or a foodstuff which fulfil the conditions referred to in paragraph 1 shall also be considered as designations of origin or geographical indications.
- 3. Notwithstanding paragraph 1(a), certain geographical designations shall be treated as designations of origin where the raw materials for the products concerned come from a geographical area larger than, or different from, the processing area, provided that:
- (a) the production area of the raw materials is defined;
- (b) special conditions for the production of the raw materials exist; and
- (c) there are inspection arrangements to ensure that the conditions referred to in point (b) are adhered to.

The designations in question must have been recognised as designations of origin in the country of origin before 1 May 2004.

Article 3

Generic nature, conflicts with names of plant varieties, animal breeds, homonyms and trademarks

1. Names that have become generic may not be registered.

For the purposes of this Regulation, a 'name that has become generic' means the name of an agricultural product or a foodstuff which, although it relates to the place or the region where this product or foodstuff was originally produced or marketed, has become the common name of an agricultural product or a foodstuff in the Community.

To establish whether or not a name has become generic, account shall be taken of all factors, in particular:

- (a) the existing situation in the Member States and in areas of consumption;
- (b) the relevant national or Community laws.
- 2. A name may not be registered as a designation of origin or a geographical indication where it conflicts with the name of a plant variety or an animal breed and as a result is likely to mislead the consumer as to the true origin of the product.
- 3. A name wholly or partially homonymous with that of a name already registered under this Regulation shall be registered with due regard for local and traditional usage and the actual risk of confusion. In particular:
- (a) a homonymous name which misleads the consumer into believing that products come from another territory shall not be registered

- even if the name is accurate as far as the actual territory, region or place of origin of the agricultural products or foodstuffs in question is concerned;
- (b) the use of a registered homonymous name shall be subject to there being a sufficient distinction in practice between the homonym registered subsequently and the name already on the register, having regard to the need to treat the producers concerned in an equitable manner and not to mislead the consumer.
- 4. A designation of origin or geographical indication shall not be registered where, in the light of a trademark's reputation and renown and the length of time it has been used, registration is liable to mislead the consumer as to the true identity of the product.

Article 4

Product specification

- 1. To be eligible for a protected designation of origin (PDO) or a protected geographical indication (PGI), an agricultural product or foodstuff shall comply with a product specification.
- 2. The product specification shall include at least:
- (a) the name of the agricultural product or foodstuff comprising the designation of origin or the geographical indication;
- (b) a description of the agricultural product or foodstuff, including the raw materials, if appropriate, and principal physical, chemical, microbiological or organoleptic characteristics of the product or the foodstuff;
- (c) the definition of the geographical area and, where appropriate, details indicating compliance with the requirements of Article 2(3);
- (d) evidence that the agricultural product or the foodstuff originates in the defined geographical area referred to in Article 2(1)(a) or (b), as the case may be;
- (e) a description of the method of obtaining the agricultural product or foodstuff and, if appropriate, the authentic and unvarying local methods as well as information concerning packaging, if the applicant group within the meaning of Article 5(1) so determines and gives reasons why the packaging must take place in the defined geographical area to safeguard quality or ensure the origin or ensure control;
- (f) details bearing out the following:
 - (i) the link between the quality or characteristics of the agricultural product or foodstuff and the geographical environment referred to in Article 2(1)(a) or, as the case may be,
 - (ii) the link between a specific quality, the reputation or other characteristic of the agricultural product or foodstuff and the geographical origin referred to in Article 2(1)(b);
- (g) the name and address of the authorities or bodies verifying compliance with the provisions of the specification and their specific tasks;
- (h) any specific labelling rule for the agricultural product or foodstuff in question;
- (i) any requirements laid down by Community or national provisions.

Article 5

Application for registration

1. Only a group shall be entitled to apply for registration.

For the purposes of this Regulation, 'group' means any association, irrespective of its legal form or composition, of producers or processors working with the same agricultural product or foodstuff. Other interested parties may participate in the group. A natural or legal person may be treated as a group in accordance with the detailed rules referred to in Article 16(c).

In the case of a name designating a trans-border geographical area or a traditional name connected to a trans-border geographical area, several groups may lodge a joint application in accordance with the detailed rules referred to in Article 16(d).

- 2. A group may lodge a registration application only for the agricultural products or foodstuffs which it produces or obtains.
- 3. The application for registration shall include at least:
- (a) the name and address of the applicant group;
- (b) the specification provided for in Article 4;
- (c) a single document setting out the following:
 - (i) the main points of the specification: the name, a description of the product, including, where appropriate, specific rules concerning packaging and labelling, and a concise definition of the geographical area,
 - (ii) a description of the link between the product and the geographical environment or geographical origin referred to in Article 2(1)(a) or (b), as the case may be, including, where appropriate, the specific elements of the product description or production method justifying the link.
- 4. Where the registration application relates to a geographical area in a given Member State, the application shall be addressed to that Member State.

The Member State shall scrutinise the application by appropriate means to check that it is justified and meets the conditions of this Regulation.

5. As part of the scrutiny referred to in the second subparagraph of paragraph 4, the Member State shall initiate a national objection procedure ensuring adequate publication of the application and providing 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 objection to the application.

The Member State shall consider the admissibility of objections received in the light of the criteria referred to in the first subparagraph of Article 7(3).

If the Member State considers that the requirements of this Regulation are met, it shall take a favourable decision and forward to the Commission the documents referred to in paragraph 7 for a final decision. If not, the Member State shall decide to reject the application.

The Member State shall ensure that its favourable decision is made public and that any natural or legal person having a legitimate interest has means of appeal.

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

6. The Member State may, on a transitional basis only, grant protection under this Regulation at national level to the name, and,

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where appropriate, an adjustment period, with effect from the date on which the application is lodged with the Commission.

The adjustment period provided for in the first subparagraph may be granted only on condition that the undertakings concerned have legally marketed the products in question, using the names concerned continuously for at least the past five years and have made that point in the national objection procedure referred to in the first subparagraph of paragraph 5.

Such transitional national protection shall cease on the date on which a decision on registration under this Regulation is taken.

The consequences of such transitional national protection, where a name is not registered under this Regulation, shall be the sole responsibility of the Member State concerned.

The measures taken by Member States under the first subparagraph shall produce effects at national level only, and they shall have no effect on intra-Community or international trade.

- 7. In respect of any favourable decision as referred to in the third subparagraph of paragraph 5, the Member State concerned shall forward to the Commission:
- (a) the name and address of the applicant group;
- (b) the single document referred to in paragraph 3(c);
- (c) a declaration by the Member State that it considers that the application lodged by the group and qualifying for the favourable decision meets the conditions of this Regulation and the provisions adopted for its implementation;
- (d) the publication reference of the specification referred to in the fifth subparagraph of paragraph 5.
- 8. Member States shall introduce the laws, regulations or administrative provisions necessary to comply with paragraphs 4 to 7 not later than 31 March 2007.

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Bulgaria and Romania shall introduce the said laws, regulations or administrative provisions not later than one year after the date of accession.

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9. Where the registration application concerns a geographical area situated in a third country, it shall comprise the elements provided for in paragraph 3 and also proof that the name in question is protected in its country of origin.

The application shall be sent to the Commission, either directly or via the authorities of the third country concerned.

10. The documents referred to in this Article sent to the Commission shall be in one of the official languages of the institutions of the European Union or accompanied by a certified translation in one of those languages.

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11. In the case of Bulgaria and Romania, the national protection of geographical indications and designations of origin existing on the date of their accession may continue for twelve months from the date of their accession.

Where an application for registration under this Regulation is forwarded to the Commission by the end of the abovementioned period such protection shall cease on the date on which a decision on registration under this Regulation is taken.

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The consequences of such national protection, where a name is not registered under this Regulation, shall be the sole responsibility of the Member State concerned.

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Article 6

Scrutiny by the Commission

1. The Commission shall scrutinise by appropriate means the application received pursuant to Article 5 to check that it is justified and meets the conditions laid down in this Regulation. This scrutiny should not exceed a period of 12 months.

The Commission shall, each month, make public the list of names for which registration applications have been submitted to it, as well as their date of submission to the Commission.

2. Where, based on the scrutiny carried out pursuant to the first subparagraph of paragraph 1, the Commission considers that the conditions laid down in this Regulation are met, it shall publish in the *Official Journal of the European Union* the single document and the reference to the publication of the specification referred to in the fifth subparagraph of Article 5(5).

Where this is not the case, the Commission shall decide, to reject the application, following the procedure referred to in Article 15(2).

Article 7

Objection/decision on registration

- 1. Within six months from the date of publication in the *Official Journal of the European Union* provided for in the first subparagraph of Article 6(2), any Member State or third country may object to the registration proposed, by lodging a duly substantiated statement with the Commission.
- 2. Any natural or legal person having a legitimate interest, established or resident in a Member State other than that applying for the registration or in a third country, may also object to the proposed registration by lodging a duly substantiated statement.

In the case of natural or legal persons established or resident in a Member State, such statement shall be lodged with that Member State within a time-limit permitting an objection in accordance with paragraph 1.

In the case of natural or legal persons established or resident in a third country, such statement shall be lodged with the Commission, either directly or via the authorities of the third country concerned, within the time limit-set in paragraph 1.

- 3. Statements of objection shall be admissible only if they are received by the Commission within the time-limit set in paragraph 1 and if they:
- (a) show non-compliance with the conditions referred to in Article 2; or
- (b) show that the registration of the name proposed would be contrary to paragraphs 2, 3 and 4 of Article 3; or
- (c) show that the registration of the name proposed would jeopardise the existence of an entirely or partly identical name or of a trademark 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 Article 6(2); or

(d) give details from which it can be concluded that the name for which registration is requested is generic within the meaning of Article 3 (1).

The Commission shall check the admissibility of objections.

The criteria referred to in points (b), (c) and (d) of the first subparagraph shall be evaluated in relation to the territory of the Community, which in the case of intellectual property rights refers only to the territory or territories where the said rights are protected.

4. If the Commission receives no admissible objection under paragraph 3, it shall register the name.

The registration shall be published in the Official Journal of the European Union.

5. If an objection is admissible under paragraph 3, the Commission shall invite the interested parties to engage in appropriate consultations.

If the interested parties reach an agreement within six months, they shall notify the Commission of all the factors which enabled that agreement to be reached, including the applicant's and the objector's opinions. If the details published in accordance with Article 6(2) have not been amended or have been amended in only a minor way, to be defined in accordance with Article 16(h), the Commission shall proceed in accordance with paragraph 4 of this Article. The Commission shall otherwise repeat the scrutiny referred to in Article 6(1).

If no agreement is reached, the Commission shall take a decision in accordance with the procedure referred to in Article 15(2), having regard to fair and traditional usage and the actual likelihood of confusion.

The decision shall be published in the Official Journal of the European Union

- 6. The Commission shall maintain updated a register of protected designations of origin and protected geographical indications.
- 7. The documents referred to in this Article sent to the Commission shall be drafted in an official language of the institutions of the European Union or accompanied by a certified translation into one of those languages.

Article 8

Names, indications and symbols

- 1. A name registered under this Regulation may be used by any operator marketing agricultural product or foodstuffs conforming to the corresponding specification.
- 2. In the case of the agricultural products and foodstuffs originating in the Community marketed under a name registered in accordance with this Regulation, the indications 'protected designation of origin' and 'protected geographical indication' or the Community symbols associated with them shall appear on the labelling.
- 3. In the case of agricultural products and foodstuffs originating in third countries marketed under a name registered in accordance with this Regulation the indications referred to in paragraph 2 and the Community symbols associated with them may equally appear on the labelling.

Article 9

Approval of changes to specifications

1. A group satisfying the conditions of Article 5(1) and (2) and having a legitimate interest may apply for approval of an amendment to a specification, in particular to take account of developments in scientific and technical knowledge or to redefine the geographical area referred to in Article 4(2)(c).

Applications shall describe and give reasons for the amendments requested.

- 2. Where the amendment involves one or more amendments to the single document, the amendment application shall be covered by the procedure laid down in Articles 5, 6 and 7. However, if the proposed amendments are only minor, the Commission shall decide whether to approve the application without following the procedure laid down in Article 6(2) and Article 7 and in the case of approval shall proceed to publication of the elements referred to in Article 6(2).
- 3. Where the amendment does not involve any change to the single document, the following rules shall apply:
- (i) where the geographical area is in a given Member State, that Member State shall express its position on the approval of the amendment and, if it is in favour, shall publish the amended specification and inform the Commission of the amendments approved and the reasons for them;
- (ii) where the geographical area is in a third country, the Commission shall determine whether to approve the proposed amendment.
- 4. Where the amendment concerns a temporary change in the specification resulting from the imposition of obligatory sanitary or phytosanitary measures by the public authorities, the procedures set out in paragraph 3 shall apply.

Article 10

Official controls

- 1. Member States shall designate the competent authority or authorities responsible for controls in respect of the obligations established by this Regulation in conformity with Regulation (EC) No 882/2004.
- 2. Member States shall ensure that any operator complying with this Regulation is entitled to be covered by a system of official controls.
- 3. The Commission shall make public the name and address of the authorities and bodies referred to in paragraph 1 or in Article 11 and update it periodically.

Article 11

Verification of compliance with specifications

- 1. In respect of geographical indications and designations of origin relating to a geographical area within the Community, verification of compliance with the specifications, before placing the product on the market, shall be ensured by:
- one or more competent authorities referred to in Article 10 and/or
- one or more control bodies within the meaning of Article 2 of Regulation (EC) No 882/2004 operating as a product certification body.

The costs of such verification of compliance with the specifications shall be borne by the operators subject to those controls.

- 2. In respect of the geographical indications and designations of origin relating to a geographical area in a third country, verification of compliance with the specifications, before placing the product on the market, shall be ensured by:
- one or more public authorities designated by the third country and/or
- one or more product certification bodies.
- 3. The product certification bodies referred to in paragraphs 1 and 2 shall comply with and, from 1 May 2010 be accredited in accordance with European standard EN 45011 or ISO/IEC Guide 65 (General requirements for bodies operating product certification systems).
- 4. Where, the authorities referred to in paragraphs 1 and 2, have chosen to verify compliance with the specifications, they shall offer adequate guarantees of objectivity and impartiality, and have at their disposal the qualified staff and resources necessary to carry out their functions.

Article 12

Cancellation

- 1. Where the Commission, in accordance with the detailed rules referred to in Article 16(k), takes the view that compliance with the conditions of the specification for an agricultural product or foodstuff covered by a protected name is no longer ensured, it shall initiate the procedure referred to in Article 15(2) for the cancellation of the registration, which shall be published in the *Official Journal of the European Union*.
- 2. Any natural or legal person having a legitimate interest, may request cancellation of the registration, giving reasons for the request.

The procedure provided for in Articles 5, 6 and 7 shall apply *mutatis mutandis*.

Article 13

Protection

- 1. Registered names shall be protected against:
- (a) any direct or indirect commercial use of a registered name in respect of products not covered by the registration in so far as those products are comparable to the products registered under that name or in so far as using the name exploits the reputation of the protected name;
- (b) any misuse, imitation or evocation, even if the true origin of the product is indicated or if the protected name is translated or accompanied by an expression such as 'style', 'type', 'method', 'as produced in', 'imitation' or similar;
- (c) any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product, on the inner or outer packaging, advertising material or documents relating to the product concerned, and the packing of the product in a container liable to convey a false impression as to its origin;
- (d) any other practice liable to mislead the consumer as to the true origin of the product.

Where a registered name contains within it the name of an agricultural product or foodstuff which is considered generic, the use of that generic

name on the appropriate agricultural product or foodstuff shall not be considered to be contrary to points (a) or (b) in the first subparagraph.

- 2. Protected names may not become generic.
- 3. In the case of names for which registration is applied for under Article 5, provision may be made for a transitional period of up to five years under Article 7(5), solely where a statement of objection has been declared admissible on the grounds that registration of the proposed name would jeopardise the existence of an entirely or partly identical name 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 Article 6(2).

A transitional period may also be set for undertakings established in the Member State or third country in which the geographical area is located, provided that the undertakings concerned have legally marketed the products in question, using the names concerned continuously for at least five years preceding the date of the publication referred to in Article 6(2) and have noted that point in the national objection procedure referred to in the first and second subparagraphs of Article 5(5) or the Community objection procedure referred to in Article 7(2). The combined total of the transitional period referred to in this subparagraph and the adjustment period referred to in Article 5(6) may not exceed five years. Where the adjustment period referred to in Article 5(6) exceeds five years, no transitional period shall be granted.

- 4. Without prejudice to Article 14, the Commission may decide to allow, under the procedure provided for in Article 15(2), the coexistence of a registered name and an unregistered name designating a place in a Member State or in a third country where that name is identical to the registered name, provided that all the following conditions are met:
- (a) the identical unregistered name has been in legal use consistently and equitably for at least 25 years before 24 July 1993;
- (b) it is shown that the purpose of its use has not at any time been to profit from the reputation of the registered name and that the consumer has not been nor could be misled as to the true origin of the product;
- (c) the problem resulting from the identical names was raised before registration of the name.

The registered name and the identical unregistered name concerned may co-exist for a period not exceeding a maximum of 15 years, after which the unregistered name shall cease to be used.

Use of the unregistered geographical name concerned shall be authorised only where the country of origin is clearly and visibly indicated on the label.

Article 14

Relations between trademarks, designations of origin and geographical indications

1. Where a designation of origin or a geographical indication is registered under this Regulation, the application for registration of a trademark corresponding to one of the situations referred to in Article 13 and relating to the same class of product shall be refused if the application for registration of the trademark is submitted after the date of submission of the registration application to the Commission.

Trademarks registered in breach of the first subparagraph shall be invalidated.

2. With due regard to Community law, a trademark the use of which corresponds to one of the situations referred to in Article 13 which has

been applied for, registered, or established by use, if that possibility is provided for by the legislation concerned, in good faith within the territory of the Community, before either the date of protection of the designation of origin or geographical indication in the country of origin or before 1 January 1996, may continue to be used notwithstanding the registration of a designation of origin or geographical indication, provided that no grounds for its invalidity or revocation exist as specified by First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks (¹) or Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark (²).

Article 15

Committee procedure

- 1. The Commission shall be assisted by the Standing Committee on Protected Geographical Indications and Protected Designations of Origin.
- 2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its own Rules of Procedure.

Article 16

Implementing rules

In accordance with the procedure referred to in Article 15(2), detailed rules shall be adopted for the implementation of this Regulation. They shall cover in particular:

- (a) a list of the raw materials referred to in Article 2(3);
- (b) the information that must be included in the product specification referred to in Article 4(2);
- (c) the conditions under which a natural or legal person may be treated as a group;
- (d) the submission of a registration application for a name designating a trans-border geographical area as referred to in the third subparagraph of Article 5(1);
- (e) the content and method of transmission to the Commission of the documents referred to in Articles 5(7) and (9);
- (f) objections referred to in Article 7, including rules on appropriate consultations between the interested parties;
- (g) the indications and symbols referred to in Article 8;
- (h) a definition of minor amendments as referred to in the second subparagraph of Article 7(5) and in Article 9(2), bearing in mind that a minor amendment cannot relate to the essential characteristics of the product or alter the link;
- (i) the register of designations of origin and geographical indications provided for in Article 7(6);
- (j) the conditions for checking compliance with the product specifications;

⁽¹⁾ OJ L 40, 11.2.1989, p. 1.

⁽²⁾ OJ L 11, 14.1.1994, p. 1.

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(k) the conditions for cancellation of registration.

Article 17

Transitional provisions

- 1. The names that, on the date of entry into force of this Regulation, are listed in the Annex of Commission Regulation (EC) No 1107/96 (¹) and those listed in the Annex of Commission on Regulation (EC) No 2400/96 (²) shall be automatically entered in the register referred to in Article 7(6) of this Regulation. The corresponding specifications shall be deemed to be the specifications referred to in Article 4(1). Any specific transitional provisions associated with such registrations shall continue to apply.
- 2. In respect of pending applications, statements and requests received by the Commission before the date of entry into force of this Regulation:
- (a) the procedures in Article 5 shall not apply, without prejudice to Article 13(3); and
- (b) the summary of the specification drawn up in conformity with Commission Regulation (EC) No 383/2004 (³) shall replace the single document referred to in Article 5(3)(c).
- 3. The Commission may adopt, if necessary, other transitional provisions in accordance with the procedure referred to in Article 15(2).

Article 18

Fees

Member States may charge a fee to cover their costs, including those incurred in scrutinising applications for registration, statements of objection, applications for amendments and requests for cancellations under this Regulation.

Article 19

Repeal

Regulation (EEC) No 2081/92 is hereby repealed.

References made to the repealed Regulation shall be construed as being made to this Regulation and should be read in accordance with the correlation table in Annex III.

⁽¹) Commission Regulation (EC) No 1107/96 of 12 June 1996 on the registration of geographical indications and designations of origin under the procedure laid down in Article 17 of Council Regulation (EEC) No 2081/92 (OJ L 148, 21.6.1996, p. 1). Regulation as last amended by Regulation (EC) No 704/2005 (OJ L 118, 5.5.2005, p. 14).

⁽²⁾ Commission Regulation (EC) No 2400/96 of 17 December 1996 on the entry of certain names in the 'Register of protected designation of origin and protected geographical indications' provided for in Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (OJ L 327, 18.12.1996, p. 11). Regulation as last amended by Regulation (EC) No 417/2006 (OJ L 72, 11.3.2006, p. 8).

⁽³⁾ Commission Regulation (EC) No 383/2004 of 1 March 2004 laying down detailed rules for applying Council Regulation (EEC) No 2081/92 as regards the summary of the main points of the product specifications (OJ L 64, 2.3.2004, p. 16).

Article 20

Entry into force

This Regulation shall enter into force on the day of its publication in the Official Journal of the European Union.

However, Article 8(2) shall apply with effect from 1 May 2009, without prejudice to products already placed on the market before that date.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

ANNEX I

Foodstuffs referred to in Article 1(1)

- beers,
- beverages made from plant extracts,
- bread, pastry, cakes, confectionery and other baker's wares,
- natural gums and resins,
- mustard paste,
- pasta,

▼<u>M2</u>

— salt.

ANNEX II

Agricultural products referred to in Article 1(1)

- hay,
- essential oils,
- cork,
- cochineal (raw product of animal origin),
- flowers and ornamental plants,
- wool,
- wicker,
- scutched flax,

▼<u>M2</u>

— cotton.

ANNEX III

CORRELATION TABLE

| Regulation (EEC) No 2081/92 | This Regulation |
|---|---|
| Article 1 | Article 1 |
| Article 2(1) | _ |
| Article 2(2) | Article 2(1) |
| Article 2(3) | Article 2(2) |
| Article 2(4) | Article 2(3), first subparagraph |
| Article 2(5) | _ |
| Article 2(6) | Article 2(3), second subparagraph |
| Article 2(7) | _ |
| First, second and third subparagraphs of Article 3(1) | First, second and third subparagraphs of Article 3(1) |
| Article 3(1), fourth subparagraph | _ |
| Article 3(2) | Article 3(2) |
| Article 3(3) | _ |
| Article 4 | Article 4 |
| Article 5(1), (2) and (3) | Article 5(1), (2) and (3) |
| Article 5(4) | Article 5(4), first subparagraph |
| Article 5(5), first subparagraph | Article 5(4), second subparagraph |
| <u> </u> | Article 5(5) |
| Article 5(5), second subparagraph | Article 5(6), first subparagraph |
| _ | Article 5(6), second subparagraph |
| Article 5(5), third subparagraph | Article 5(6), third subparagraph |
| Article 5(5), fourth and fifth subparagraphs | Article 5(6), fourth and fifth subparagraphs |
| Article 5(5) sixth, seventh and eighth subparagraphs | _ |
| _ | Article 5(7) |
| Article 5(6) | Article 5(8) |
| _ | Article 5(9) and (10) |
| Article 6(1), first subparagraph | Article 6(1), first subparagraph |
| Article 6(1), second subparagraph | _ |
| Article 6(1), third subparagraph | Article 6(1), second subparagraph |
| Article 6(2) | Article 6(2), first subparagraph |
| Article 6(3) and (4) | Article 7(4) |
| Article 6(5), first subparagraph | Article 6(2), second subparagraph |
| Article 6(5), second subparagraph | |
| Article 6(6), first subparagraph | _ |
| Article 6(6), second subparagraph | Article 3(3) |
| Article 7(1) | Article 7(1) |
| Article 7(2) | _ |
| Article 7(3) | Article 7(2), first subparagraph |
| | Article 7(2), second and third subparagraph |
| Article 7(4) | Article 7(3) |
| Article 7(5) | Article 7(5) |
| <u> </u> | Article 7(6) and (7) |
| _ | Article 8(1) |
| Article 8 | Article 8(2) |
| | Article 8(3) |
| Article 9, first subparagraph | Article 9(1) |
| Article 9, second and third subparagraphs | Article 9(1) Article 9(2) |
| nucle 7, second and unite subparagraphs | Mucic 9(2) |

| Regulation (EEC) No 2081/92 | This Regulation |
|-----------------------------|------------------------------------|
| _ | Article 9(3) and (4) |
| _ | Article 10(1) |
| Article 10(1) | _ |
| Article 10(2) | Article 11(1) |
| _ | Article 11(2) |
| Article 10(3) | Article 11(3) and (4) |
| Article 10(4) | _ |
| Article 10(5) | Article 10(3) |
| Article 10(6) | Article 10(2) |
| Article 10(7) | Article 11(1), second subparagraph |
| Article 11(1) to (3) | _ |
| Article 11(4) | Article 12(1) |
| Article 11a(a) | Article 12(2) |
| Article 11a(b) | _ |
| Articles 12 to 12d | _ |
| Article 13(1) | Article 13(1) |
| Article 13(3) | Article 13(2) |
| Article 13(4) | Article 13(3), first subparagraph |
| _ | Article 13(3), second subparagraph |
| Article 13(5) | Article 13(4) |
| Article 14(1) and (2) | Article 14(1) and (2) |
| Article 14(3) | Article 3(4) |
| Article 15 | Article 15 |
| Article 16 | Article 16 |
| _ | Articles 17 to 19 |
| Article 18 | Article 20 |
| Annex I | Annex I |
| Annex II | Annex II |

本文書は純粋に文書化の手段としての意味をもつものであり、当機関はその内容について法的責任を負わない。

農産物及び食品に係る地理的表示及び原産地呼称の保護に関する 2006年3月20日の理事会規則(欧州共同体)第510/2006号

(OJ L 93, 31.3.2006, p. 12)

以下による修正:

公報

番号 ページ 日付

2006年11月20日の理事会規則(EC)第1791/2006号 2008年5月8日の委員会規則(EC)第417/2008号 L 363 1 2006年12月20日

号 L 125 27 2008年5月9日

仮訳(知的財産課が行った和訳に対して、内藤が一部修正を行った。)

農産物及び食品に係る地理的表示及び原産地呼称の保護に関する 2006年3月20日の

理事会規則(欧州共同体)第510/2006号

欧州連合理事会は,

欧州共同体設立条約、特にその第37条を顧慮し、

欧州委員会の提案を顧慮し.

欧州議会(1)の意見を顧慮した結果,

- (1) 農産物及び食品の生産、製造及び流通が共同体経済において重要な役割を果たしているが故に、
- (2) 市場における供給と需要の間の一層良好な均衡を達成するために、農業生産の多様化が奨励されるべきであるが故に、一定の特徴を有する産物を推進することは、農村経済に対し、特に比較的恵まれない又は遠隔の地域に対し、農民の収入を向上させ、それらの地域における農村人口を維持することによって、少なからぬ利益となり得るが故に、
- (3) 消費者が食品に関し、量より質を重視する傾向が継続的に増加しているが故に、この 特定産物の探究が、地理的原産地を確認することができる農産物又は食品に対する需 要を増大させつつあるが故に、
- (4) 市場に出される産物の種類は多様であり、それに関して提供されている情報が多様であることから、消費者には、最善の選択ができるようにするために、産物の原産地に関する明瞭かつ簡潔な情報が与えられなければならないが故に、
- (5) 農産物及び食品に関するラベル表示は、食品に関するラベル表示、説明及び広告についての加盟諸国の法律の近接化に関する 2000 年 3 月 20 日の欧州議会及び理事会指令 2000/13EC⁽²⁾に定められた、一般的規則の適用対象であるが故に、特定の地理的地域の農産物及び食品に対しては、その特異性を考慮して、生産者が包装に適切な共同体のシンボル又は表示の使用を義務付ける特別な追加規定が採択されるべきであるが故に、こうしたシンボルや表示は、共同体呼称の場合には、一つにはこうした産物の分類やそこに添付された保証書が消費者により身近になるよう、また市場でこれらの産物の識別がより容易になり検査が簡単になるよう義務化されるべきであるが故に、業者にはこうした義務に対応するための一定の時間的余裕が与えられるべきであるが故に、
- (6) 原産地呼称及び地理的表示の共同体としての対処が構想されるべきであるが故に、保護に関する共同体の規定という枠組は、従来より統一した対処方法を提供することによって、地理的表示及び原産地呼称の発展を可能にし、当該枠組は、それらの表示を

付した産物の生産者間での公正な競争を保証し、消費者の目には、産物に関する信頼性を向上させることになるが故に、

- (7) 規程の立案においては、ぶどう酒及び蒸留酒に関する既存の共同体法制を妨害せず適 用されるべきであるが故に、
- (8) 本規則の範囲は、一定の農産物及び食品であって、それらの特徴と地理的原産地との間に関連があるものに限定されているが故に、しかしながら、当該範囲は、他の農産物又は食品を包含するように拡大することが可能であると考えられるが故に、
- (9) 既存の慣行上, 地理的説明について 2 の異なる種類, すなわち地理的保護表示及び原産地保護呼称を規定することが適切であるが故に,
- (10) 前記の表示が付された農産物又は食品は、明細書に定められている一定の条件に適合 していなければならないが故に、
- (11) 加盟諸国において保護を享受するためには、地理的表示及び原産地呼称は、共同体段階において登録されなければならないが故に、登録簿への登録はまた、取引に関係する者及び消費者に情報を提供すべきであるが故に、共同体に登録された名称が本規則にある条件を確実に満たすように、登録申請は、国内異議申立を含め、最小限の共通条項に従って関係加盟国の国内当局者が調査すべきであるが故に、その後委員会は、登録申請が本規則にある条件を満たし、全加盟国において統一的対策が確実になされるよう、精査過程に係らなければならないが故に、
- (12) 知的所有権の貿易関連の側面に関する協定(1994年 TRIPS 協定,世界貿易機関設立に 関する協定の付属書 1C に規定)には知的所有権の効力,所有,範囲,維持及び施行 に関する詳細な規定が記載されているが故に,
- (13) 本規則による保護は、登録を条件として、原産地で保護されている第三国の地理的表示にも及ぶべきであるが故に、
- (14) 登録手続は、加盟国又は第三国において正当な関係を有する全ての自然人及び法人が、 異議申立をすることによってその権利を行使することができるようなものにしなけれ ばならないが故に、
- (15) 登録後,正当な関係を有する集団の要請によって,技術的進歩を考慮して明細書の補正を行うこと,又は農産物若しくは食品が,特に地理的表示若しくは原産地呼称を認める基礎となった明細書に適合しなくなっている場合に,その農産物若しくは食品に係る地理的表示若しくは原産地呼称を登録簿から取り下げることを可能にする手続がなければならないが故に,
- (16) 共同体領域において保護される原産地呼称及び地理的表示は、飼料食料法、動物衛生福祉規則⁽³⁾への準拠を確実にするための公的規制に関する 2004 年 4 月 29 日の欧州議会及び理事会規則 (EC) 第 882/2004 号に沿った検査システムに基づく公的規制監視シ

ステムに従わなければならず、その検査システムには、当該農産物及び食品の明細書 への適合確認も含まれるべきであるが故に、

- (17) 加盟諸国は、経費補填のために手数料徴収の権限が与えられるべきであるが故に、
- (18) 委員会に与えられた権力行使の手続を定めた 1999 年 6 月 28 日の理事会決議 1999/468/EC⁽⁴⁾に従い,本規則施行に必要な措置が講じられなければならないが故に,
- (19) 農産物及び食品に係る地理的表示及び原産地呼称の保護に関する 1992 年 7 月 14 日の 理事会規則 (EEC) 第 2081/92 号⁽⁵⁾に基づいて、本規則発効日に既に登録された名称は、本規則により保護が継続し、自動的に登録簿に登録されるべきであるが故に、本規則 発効以前に委員会が受領した登録出願への暫定的手段への対処もなされるべきであるが故に、
- (20) 明確性と透明性のために,規則(EEC)第 2081/92 号を廃止し,本規則への差し替え が適切であるが故に,

本規則を採択した。

(1) 公報には未公告。

- (2) OJL 109, 6.5,2000, p. 29。指令 2003/89/EC (OJL 308, 25.11,2003, p. 15) により最終改正された指令。
- (3) OJL 165, 30.4.2004, p. 1。訂正版はOJL 191, 28.5.2004, p. 1。
- (4) OJ L 184, 17.7.1999, p. 23.
- (⁵) OJ L 208, 24.7.1992, p. 1。規則 (EC) 第806/2003号 (OJ L 122, 16.5.2003, p. 1) により最終改正された規^{III}

第1条

範囲

1. 本規則は,条約の付属書 I にいう人間による消費を予定している農産物,並びに本規則の付属書 I にいう食品,及び本規則の付属書 II に掲げる農産物に関し,その原産地呼称及び地理的表示の保護に関する規則を定める。

ただし、本規則はワインビネガー以外のぶどう酒製品又は蒸留酒飲料には適用しないものとする。本条は、ぶどう酒市場の共同機構に対する 1999 年 5 月 17 日の理事会規則 (EC) 第 1493/1999 号の適用を損なうものではない (1)。

本規則の付属書Ⅰ及びⅡは、第15条(2)に定める手続に従って改正することができる。

- 2. 本規則は、共同体の他の特定の規定を損なうことなく適用しなければならない。
- 3. 技術的基準及び規制,並びに情報社会サービスの規則の分野における情報の提供手続を定めた 1998 年 6 月 22 日の欧州議会及び理事会指令 98/34/EC (2) は,本規則の適用対象である原産地呼称及び地理的表示には適用しないものとする。

- (1) OJ L 179, 14.7.1999, p. 1_o
- (2) OJ L 204, 21.7.1998, p. 37_o

第2条

原産地呼称と地理的表示

- 1. 本規則の目的
- (a) 「原産地呼称」とは地方、特定の場所、又は例外的には国の名称であって、次に該当 する農産物又は食品を表現するために使用されるもの
 - 当該の地方、特定の場所又は国を原産地としていること
 - その品質又は特徴が、固有の自然的及び人的要因を備えた特定の地理的環境に専ら又 は本質的に起因していること、及び
 - ーその生産、加工及び調製が当該の定義された地理的地域において行われていること。
- (b) 「地理的表示」とは地方、特定の場所、又は例外的には、国の名称であって、次に該当する農産物又は食品を表現するために使用されるもの
 - 当該の地方、特定の場所又は国を原産地としていること、及び
 - 当該の地理的原産地に起因する固有の品質,評判その他の特徴を有していること,及 で
 - 一その生産及び/又は加工及び/又は調製が当該の定義された地理的地域において行われていること。
- 2. 第1項にいう条件を満たす農産物又は食品を示す伝統的な地理的又は非地理的名称も、原産地呼称又は地理的表示とみなす。
- 3. 第1項(a)にかかわらず、関係する産物の原材料がその加工地域より広いか又はそれとは異なる地理的地域から供給されている場合は、次のことを条件として、一定の地理的呼称は、原産地呼称として取り扱うものとする。
- (a) 原材料の生産地域が限定されていること
- (b) 原材料に関し、特別な生産条件が存在していること、及び
- (c) 上記(b) に定める条件を遵守させるための検査制度が存在していること。

問題とする呼称は、原産国において 2004 年 5 月 1 日以前に既に原産地呼称と認められていなければならない。

第3条

一般化しているもの並びに植物及び動物の品種名、同音異議語並びに商標と抵触するもの

1. 既に一般化している名称は、登録を受けることができない。

本規則の適用上、「既に一般化している名称」とは農産物又は食品の名称であって、その農産物又は食品の生産又は販売が最初に行われた地域の名称に関するものであるが、既に共同体において農産物又は食品の普通の名称となっているものをいう。

名称が既に一般化しているか否かを判定するためには、あらゆる要因、特に次の事項を考慮するものとする。

- (a) 加盟諸国及び消費地における現状
- (b) 関連性のある, 各国又は共同体の法律
- 2. 名称が植物又は動物の品種名と抵触しており、その結果、それに係る産物の真の原産地について消費者に誤認を生じさせる虞がある場合は、その名称は原産地呼称又は地理的表示としての登録を受けることができない。
- 3. 本規則に基づいて既に登録されている名称と、完全に又は部分的に同音異議である名称は、特に次の事項を考慮して、地域的及び伝統的な慣用法、及び現実に混乱する危険性を十分配慮して、登録されなければならない。
- (a) その産物が別の地域の原産であるとの消費者の誤認につながるような同音異義の名称は、たとえ問題となる農産物若しくは食品の原産地域、地方、又は場所に関する限りその名称が正確なものであるしても登録を受けることができない。
- (b) 登録済みの同音異義名称の使用は、これから登録される名称と既に登録済みの名称との間に実際に十分な区別があるかどうかを条件としなければならず、関係する生産者を公平に扱い、消費者の誤認を招かないように配慮する。
- 4. 商標の評判,名声及び使用年数を考慮して,登録名が,産物の真の独自性に関して消費者の誤認を招くかもしれない場合には,そのような原産地呼称及び地理的表示は登録を受けることができない。

第4条

産物明細書

- 1. 原産地保護呼称 (PDO) 又は地理的保護表示 (PGI) の使用に関して適格となるためには、農産物又は食品は産物明細書に適合していなければならない。
- 2. 産物明細書には、少なくとも次の事項を含めなければならない。

- (a) 原産地呼称又は地理的表示を含む農産物又は食品の名称。
- (b) 適切な場合は原材料を含めた農産物又は食品についての説明,及び農産物又は食品の物理的,化学的,微生物学的又は感覚的に認知することができる主要特徴
- (c) 地理的地域の定義,及び適切な場合は,第2条(3)の要件を満たしていることを示す明細
- (d) 農産物又は食品が,第2条(1) (a) 又は(b) の内の何れか該当する規定の意味での地理的地域を原産地としていることの証拠
- (e) 農産物又は食品を取得する方法についての説明,及び適切な場合は,その土地での真正かつ一定不変の方法,及び第5条(1)の範囲内の申請申込団体が,品質を守り,又は原産地若しくは管理を保証するために,限定された地理的地域で包装しなければならないと決定しその理由を示した場合には、包装に関する情報
 - (f) 以下の事項を裏付ける明細
 - (i) 農産物又は食品の品質又は特徴と第 2 条 (1) (a) に規定する地理的環境との連結、又は
 - (ii) 農産物又は食品の固有の品質,評判,又はその他の特徴と第2条(1)(b)に規定する地理的原産地との連結
 - (g) 明細書規定との適合性を検査する機関又は機構の名称並びに住所,及びその職務の明細
- (h) 問題の農産物又は食品に対するラベル表示のあらゆる具体的規則
- (i) 共同体又は各国の規定によって定められているあらゆる要件

第5条

登録出願

1. 集団のみが登録出願する権利を有するものとする。

本規則の適用上,「集団」とは同一の農産物又は食品を取り扱う生産者又は加工者の団体をいい,法律的な形態又は構成を問わない。他の利害関係人も集団に参加することができる。第16条(c)に定めた詳細な規定を満たす自然人又は法人も,集団として捉えることができる。

国境を越えた地理的地域を示す名称又は国境を越えた地理的地域に関する伝統的名称の場合には、第16条(d)に定めた詳細な規定を満たす限り、複数の集団が共同出願することができる。

2. 集団は、自らが生産又は取得する農産物又は食品についてのみ、登録出願をすることができる。

- 3. 登録出願書には少なくとも次の事項を含まれなければならない。
 - (a) 出願集団の名称と住所
 - (b) 第4条で規定されている明細書
 - (c) 以下の事項を提示した単一文書
 - (i) 明細書の主要事項: 名称, 産物の説明, 適切な場合には包装及びラベル表示に関する詳細な規定及び地理的地域の簡明な定義も含める。
 - (ii) 第 2 条 (1) (a) 又は (b) の内の何れか該当する規定の意味における,産物と地理的環境又は地理的原産地との間の連結の説明,また適切な場合には,連結の根拠を示す産物表示又は生産方法の詳細な要素も含む。
- 4. 登録出願は、その対象とする地理的地域が所在する加盟国に送付しなければならない。 出願を受領した加盟国は、出願の正当性及び本規則の要件を満たすかどうか、適切な方法で検 査しなければならない。
- 5. 第4項第2段落で定めた検査の一部として、当該加盟国は国内異議申立手続を開始しなければならず、出願公告が適切かどうか確認し、正当な関係を有する、領域内に設立又は居住する自然人又は法人が、出願への異議を提出するのに十分な時間的余裕を与えなければならない。

加盟国は第7条(3)第1段落に定めた範疇を考慮し、受領した異議申立の適合性を検討しなければならない。

加盟国が本規則の要件を満たしていると判断するならば、受理の決定を行い、第 7 項に定めた 最終決定に関する文書を委員会に送付しなければならない。要件を満たしていない場合は、加 盟国は出願却下の決定をしなければならない。

加盟国は、必ず受理の決定を公告し、又正当な関係を有する自然人又は法人全てに不服申立手 段が与えられるように保証しなければならない。

加盟国は、受理決定の根拠となる版の明細書を公告し、その明細書への電子的アクセスを保証 しなければならない。

6. 加盟国は、暫定的な場合に限定されるが、名称に対する本規則による国内レベルでの 保護、及び適切な場合には、委員会への出願提出日から有効な調整期間を与えることができる。

第1段落にいう調整期間は、当該業者が問題の産物を当該名称で合法的に少なくとも5年間販売し、第5項の第1段落にある国内異議申立でその点を立証しているという条件下でのみ与えられる。

当該暫定的国内保護策は、本規則に基づいて登録の決定がなされた日をもって停止されなければならない。

本規則に基づいて名称が登録されていない場合に、当該暫定的国内保護策により生じる結果は関係加盟国の単独責任となる。

第1段落にある加盟諸国による方策は国内段階でのみ効力を有し、共同体内部及び国際取引には何の影響も及ぼしてはならない。

- 7. 第 5 項第 3 段落に定めた全ての受理決定に関して、当該加盟国は次の事項を委員会に 提出しなければならない
 - (a) 出願集団の名称と住所
 - (b) 第3項(c) に規定する単一文書
 - (c) 集団が提出し受理の決定を受けた出願が、本規則の要件とその施行規定を満すものと 考える、という加盟国による公表
 - (d) 第5項第5段落にある、明細書の公告への参照
- 8. 加盟諸国は、2007年3月31日を期限として第4項から第7項を遵守するために必要な 法律、規則又は行政規定を導入しなければならない。

ブルガリア及びルーマニアは、加盟日から1年を期限として上記の法律、規則又は行政規定を 導入しなければならない。

- 9. 登録出願が第三国に所在する地理的地域に関するものである場合,第3項に規定される要素及び問題の名称が原産国において保護されている証明も含まれていなければならない。 出願は,直接又は当該第三国当局を経由して委員会に送付されなければならない。
- 10. 本条で定めた委員会への送付文書は、欧州連合機関の公用語の 1 言語で記述するか、 又は公用語の 1 言語で書かれた認証済み翻訳を添付しなければならない。
- 11. ブルガリア及びルーマニアの場合,加盟日の時点で既に有効な地理的表示及び原産地呼称への国内保護は,加盟日から12月間継続できる。

本規則に基づき登録出願が上記期間終了までに委員会に提出された場合、本規則に基づき決定が下された日に当該保護は停止されるものとする。

本規則に基づいて名称が登録されていない場合に、当該暫定的国内保護策により生じる結果は関係加盟国の単独責任となる。

第6条

委員会による検証

1. 委員会は、第5条に従って受領した申請を、適合性があり本規則に定める要件を満たしているか否かを精査するために、適切な方法で検証しなければならない。この検証は12月を越えてはならない。

委員会は毎月、提出された登録出願の名称一覧を、委員会への提出日と共に公告しなければならない。

2. 第1項第1段落に従って行われた検証に基づき、委員会が本規則の定める要件が満たされていると判断する場合には、単一文書及び第5条(5)第5段落で言及されている明細書の公告への参照を欧州連合公報に公告しなければならない。

要件を満たしていないと判断した場合は、委員会は第15条(2)に定める手続に従って、出願を却下する決定を行わなければならない。

第7条

登録への異議申立/決定

- 1. 如何なる加盟国又は第三国も、第6条(2)第1段落にいう欧州連合公報における公告の日から6月以内に、十分な理由を付した異議申立書を委員会に提出することにより、提案された登録に対する異議申立を行うことができる。
- 2. 当該登録の出願をしていない如何なる正当な関係を有する自然人又は法人も,加盟国 又は第三国に当該人が居住し又は営業所を有する場合,正当な理由を付した異議申立書を提出 することにより提案された登録に対して異議申立を行うことができる。

加盟国に居住し又は営業所を有する自然人又は法人の場合,そうした異議申立書は第1項に従って異議申立が許可される期限内に加盟国に提出されなければならない。

第三国に居住し又は営業所を有する自然人又は法人の場合,申立書は第1項の設定期限内に, 直接又は当該第三国当局を経由して委員会に提出されなければならない。

- 3. 異議申立書は、第1項の設定期限内に委員会が受けとり、次の条件の何れかを満たす場合にのみ受理されるものとする。
 - (a) 第2条にいう条件の不遵守を証明していること
- (b) 提案された名称の登録は、第3条の第2、第3、及び第4項に反することを証明していること
- (c) 提案された名称の登録は、全体又は一部において同一である名称若しくは商標の存在、 又は第6条(2) に定める公告日以前に少なくとも5年間合法的に販売されている産物の存在 を危険に曝すことを証明していること

(d) 登録出願がされている名称が、第3条(1) の意義の範囲内で一般名称であると結論付けられる詳細理由を指摘していること。

委員会は異議申立の受理可能性を審理しなければならない。

第 1 段落の(b), (c) 及び(d) に言及する範疇は共同体の領域との関連で審査されなければならず、知的所有権の場合は当該権利が保護されている領域、又は複数領域のみを評価するものとする。

4. 委員会に対して第3項による異議申立がなされなかった場合は、その名称は登録されなければならない。

登録は欧州連合公報に公告されなければならない。

- 5. 異議申立が第3項の意味において受理可能である場合は、委員会は利害関係人を招聘し適正な協議を行わなければならない。
- 6月以内に合意が成立した場合は、利害関係人は委員会に対し、合意成立を可能にした全ての要因を、出願人及び異議申立人の意見書を添えて連絡しなければならない。第6条(2)に基づいて公告された明細に第16条(h)に規定されるように変更がなかった場合又は微細な変更の場合は、委員会は本条の第4項に従って手続を進めなければならない。変更があった場合は、委員会は第6条(1)に定める検証を繰り返さなければならない。

合意が成立しなかった場合,委員会は従来の公正な慣行,及び混同が現実に生じる可能性を考慮した上で、第15条(2)に定める手続に従って決定を下さなければならない。

決定は、欧州連合公報に公告されなければならない。

- 6. 委員会は、原産地保護呼称及び地理的保護表示の最新の登録簿を整備しなければならない。
- 7. 本条で定めた委員会への送付文書は、欧州連合機関の公用語の 1 言語で作成するか、 又は公用語の 1 言語で書かれた認証済み翻訳を添付しなければならない。

第8条

名称,表示及びシンボル

- 1. 本規則のもとで登録された名称は、対応する明細書に合致する農産物又は食品を販売する如何なる事業者も使用することができる。
- 2. 本規則に従って登録された名称に基づいて販売される共同体を原産地とする農産物及び食品の場合には、「保護原産地呼称」及び「保護地理的表示」という表示、又はそれに付随する共同体シンボルがラベルとして表示されなければならない。

3. 本規則に従って登録された名称に基づいて販売される第三国を原産地とする農産物及 び食品の場合には、第2項にある表示及びそれに付随する共同体シンボルを同様にラベルとし て表示することができる。

第9条

明細書に対する変更の承認

1. 第5条(1)及び(2)の条件を満たし、正当な利害関係を有する集団は、明細書の修正、特に科学技術知識の進展を考慮するための、又は第4条(2)(c)にいう地理的地域を再定義するための修正の承認を要求することができる。

出願は、要請した修正を記述し、その理由を明示しなければならない。

- 2. 修正が単一書類に関する1又は2以上の修正を含む場合は、修正の出願は第5条、第6条及び第7条に定められた手続が適用されるものとする。ただし、提案された修正が微細である場合は、委員会は第6条(2)及び第7条に定められた手続に従わないで修正を承認するかどうかを決定し、承認する場合には、第6条(2)にいう要素の公告を進めなければならない。
- 3. 修正が単一書類に関するいかなる変更も含まない場合は、次の規則を適用しなければならない。
 - (i) 地理的地域が特定の加盟国内にある場合は、当該加盟国は修正の承認に対する考え 方を明らかにしなければならず、また認められる場合は、修正された明細書を公告し、 是認された修正及びその理由を欧州委員会に通知しなければならない。
 - (ii) 地理的地域が第三国にある場合は、委員会は提案された修正を承認するかどうかを 決定しなければならない。
- 4. 修正が当局によって義務付けられた衛生基準又は植物衛生基準を満たすために生じる 明細書の一時的変更に関するものである場合は、本条3に定められた手続を適用しなけ ればならない。

第10条

公的管理

- 1. 加盟諸国は、規則 (EC) No. 882/2004 に従って本規則に定められた義務に関する管理に 責任のある1または2以上の管轄当局を指定しなければならない。
- 2. 加盟諸国は、本規則を遵守する如何なる事業者も公的管理システムでカバーされることができることを確保しなければならない。

3. 委員会は、本条の1または第11条にいう当局及び団体の名称及び住所を公告し、定期的に更新しなければならない。

第11条

明細書遵守の立証

- 1. 共同体内の地理的地域に関連する地理的表示及び原産地呼称に関して、明細書遵守の立証は、産物を市場に出す前に、次によって確保されなければならない。
- 一 1 又は 2 以上の, 第 10 条にいう管轄当局, 及び/又は
- 産地認証団体として機能している、1 または 2 以上の規則 (EC) No. 882/2004 の第 2 条の 意味における管理団体。

そのような明細書遵守の立証に係る費用は、そのような管理に従う事業者が負担しなければならない。

- 2. 第三国内の地理的地域に関連する地理的表示及び原産地呼称に関して、明細書遵守の立証は、産物を市場に出す前に、次によって確保されるものとする。
- 一 第三国によって指定された1又は2以上の公的当局,及び/又は
- 一 1又は2以上の産物認証団体。
- 3. 本条の1及び2にいう産物認証団体は、欧州規格 EN 45011 又は ISO/IEC 指針 65(産物認証システムを機能する団体に関する一般要件)に従うものとし、2010 年 5 月からはこれらに従って認可されるものとする。
- 4. 本条の1及び2にいう当局が明細書の遵守を立証するために選ばれた場合は、客観性及び 普遍性に関する十分な保証を提供しなければならず、処理に当っては、その機能を果たすため に必要な、適格な職員及び資源を有していなければならない。

第12条

抹消

- 1. 第16条 (k) にいう細則に従って、委員会が保護名称に係る農産物又は食品の明細書の条件の遵守がもはや確保されていないとみなす場合は、第15条 (2) にいう登録の抹消に関する手続を開始しなければならず、その旨を欧州連合公報に公告しなければならない。
- 2. 正当な利害関係のある如何なる自然人又は法人も、要求の理由を明らかにした上で、登録の抹消を要求することができる。

第5条, 第6条及び第7条に規定された手続は, 必要な変更を加えて適用されるものとする。

第13条

保護

- 1. 登録名称は次の事項に対して保護されるものとする。
 - (a) 登録名称を、登録の対象とされていない産物について直接又は間接に業として使用すること。ただし、それらの産物が登録名称の下で登録されている産物と類似していること、又はその名称を使用することが保護名称の評判の不当な利用になることを条件とする。
 - (b) 悪用、模倣又は想起。産物の真の原産地が指示されている場合、又は保護名称が翻訳されているか、若しくは「style」、「type」、「method」、「as produced in」、「imitation」その他類似の表現が添えられている場合であっても同様とする。
 - (c) 産物の出所,原産地,種類又は基本的品質に関する上記以外の虚偽の又は誤認を生じる表示を,その産物に関連する内側又は外側の包装,広告用の資料又は書類に付すること,及びその産物を原産地に関して誤った印象を与える虞のある容器に詰めること
- (d) 産物の真の原産地について消費者に誤認を生じさせる虞のある上記以外の全ての慣行。 登録名称がその名称の中に一般的であるとみなされる農産物又は食品の名称を含んでいる場合 は、該当する農産物又は食品に当該の一般名称を使用することは、第1段落(a)又は(b)に
- 2. 保護名称は、一般名称になることができない。

反するものであるとはみなさない。

3. 第5条に基づいて登録が出願された名称の場合,第7条(5)に基づいて最大5年までの移行期間に関する規定を設けることができる。ただし、提案された名称の登録について、全体又は一部において同一である名称の存在、又は第6条(2)に規定された公布日前少なくとも5年間合法的に販売されていた産物の存在を危険に晒すという理由で、異議申立書の受理が言明された場合に限るものとする。

地理的地域が所在する加盟国又は第三国に設立された事業に対して,移行期間を設定することもできる。ただし,当該企業が第 6 条(2)にいう公布日前少なくとも 5 年間終始一貫して当該名称を使用し,問題の産物を合法的に販売しており,第 5 条(5)の第 1 及び第 2 段落にいう国内の異議申立手続,又は第 7 条(2)にいう委員会の異議申立手続においてその点に言及していることを条件とする。本条のこの段落にいう移行期間及び第 5 条(6)にいう調整期間を合算した全期間は,5 年を超えることはできない。第 5 条(6)にいう調整期間が 5 年を超える場合は,移行期間は認められない。

- 4. 第 14 条を損なわないことを条件とし、委員会は、第 15 条 (2) に規定された手続に従い、登録名称と、ある加盟国内又は第三国内のある場所を表示している登録名称と同一の非登録名称との共存を認める決定を行うことができる。ただし、次の条件をすべて満たしていることを条件とする。
- (a) 登録名称と同一の非登録名称が、1993 年 7 月 24 日より前、少なくとも 25 年間にわたって法的に一貫して公正に使用されてきた。
- (b) その名称を使用する目的は、如何なる時も登録名称の評判から利益を得るためではなかったこと、かつ、消費者は産物の真の原産地に関して誤解していなかった又は誤解できなかったことが示される。
- (c) 同一名称であることに由来する問題が、名称の登録以前に生じた。

登録名称と関係する同一の名称は、最大限 15 年間共存することができ、そののち非登録名称の使用が停止されなければならない。

関係する非登録名称の使用は、その原産国がラベルに明らかに目立つように示されている場合 に限り、是認される。

第14条

商標、原産地呼称及び地理的表示の関係

1. 原産地呼称又は地理的表示が本規則に従って登録されている場合において、商標であって、第13条にいう事情の1に該当し、かつ、同一種類の産物に関するものについては、商標の登録出願が欧州委員会に対する登録出願の提出日後に提出されたときは、その登録出願は却下するものとする。

第1段落に反して登録された商標は、無効を宣言するものとする。

2. 欧州委員会法を適切に考慮した上で,第13条にいう事情の1に該当する商標の使用であって,その商標が原産国における原産地呼称又は地理的表示の保護の日より前,又は1996年1月1日の前に,委員会の領域内で,善意で出願され,登録され,又は使用により確立され,その可能性が関係法によって認められているならば,原産地呼称又は地理的表示の登録にかかわらず,その使用の継続が認められる。ただし,加盟諸国の商標に関する法律を近接化するための1988年12月21日の第1次理事会指令89/104/EEC(1)又は欧州委員会商標に関する1993年12月20日の理事会規則(EC)No 40/94(2)に定めた商標に関する無効理由又は取消理由が存在していないことを条件とする。

⁽¹⁾ OJ L 40, 11.2.1989, p. 1.

^{(&}lt;sup>2</sup>) OJ L 11, 14.1.1994, p. 1.

第15条

委員会手続

- 1. 委員会は、地理的保護表示及び原産地保護呼称に関する常任委員会によって補佐されるものとする。
- 2. 本段落に引用される場合は、決定 1999/468/EC の第 5 条及び第 7 条を適用するものとする。 決定 1999/468/EC の第 5 条 (6) に定められた期間は、3 ヶ月に設定されるものとする。
- 3. 委員会は独自の手続規則を採択するものとする。

第16条

実施規則

本規則を適用するための細則は、第15条(2)にいう手続に従って採択されるものとする。それらは特に次を含むものとする。

- (a) 第2条(3) にいう原材料のリスト
- (b) 第4条(2)にいう産物明細書に含まれなければならない情報
- (c) 自然人又は法人が集団として取り扱われることができる条件
- (d) 第5条(1)の第3段落にいう国境を越えた地理的地域を示している名称の登録出願の 提出
- (e) 第5条(7)及び(9)にいう書類の委員会への伝達の内容と方法
- (f) 第7条にいう異議,関係する団体間における適切な協議に関する規則を含む
- (g) 第8条にいう表示及びシンボル
- (h) 第7条(5)の第2段落及び第9(2)にいう微細な修正の定義,微細な修正が産物の必要不可欠な特性に関連しないこと,又は関連を変えることは不可能であることを心にとめた上で
- (i) 第7条(6)に規定された原産地表示及び地理的表示の登録簿
- (j) 産物明細書が遵守されていることを調べるための条件
- (k) 登録の抹消に関する条件

第17条

移行規定

- 1. 本規則が効力を発生する日に、委員会規則 (EC) No 1107/96⁽¹⁾の付属書に列挙された名称、及び規則 (EC) No 2400/96⁽²⁾に関する委員会の付属書に列挙された名称は、本規則の第7条
- (6) にいう登録簿に自動的に入れられるものとする。対応する明細書は、第4条(1) にいう明細書であるとみなされるものとする。そのような登録に伴う如何なる特別移行規定も適用が継続されるものとする。
- 2. 本規則が効力を発生する日より前に、委員会が受領した出願、申立書及び要求の期間に関しては次の通りとする。
 - (a) 第13条(3)を侵害することなく、第5条の手続は適用しないものとし、及び
- (b) 委員会規則 (EC) No 383/2004⁽³⁾に従って記述された明細書の概要は,第 5 条 (3)(c) にいう単一の書類に交換するものとする。
- 3. 委員会は、必要に応じて、第15条(2)にいう手続に従って、他の移行規定を採択することができる。

第18条

料金

加盟諸国は、本規則に従った登録の出願、異議申立書、修正の出願及び抹消の要求に係る厳密 な調査に発生する費用を含む諸費用を賄うための料金を請求することができる。

第19条

撤廃

規則 (EEC) No 2081/92 は、ここにより撤廃される。

⁽¹⁾ 理事会規則 (EEC) No 2081/92 (OJ L 148, 21.6.1996, p. 1) の第 17 条に定められた手続に基づいて地理的表示及び原産地呼称に関する 1996 年 6 月 12 日の委員会規則 (EC) No 1107/96。規則 (EC) No 704/2005 (OJ L 118, 5.5.2005, p. 14)によって最近修正された規則。

⁽²⁾ 農産物及び食品に係る地理的保護表示及び原産地呼称に関する理事会規則 (EEC) No 2081/92 に規定された「原産地保護呼称及び地理的保護表示の登録簿」への, ある名称の記載に関する 1996 年 12 月 17 日の理事会規則 (EC) No 2400/96 (OJ L 327, 18.12.1996, p. 11)。規則 (EC) No 417/2006 (OJ L 72, 11.3.2006, p. 8) によって最近修正された規則。

⁽³⁾ 産物明細書の主要点の概要に関して、理事会規則 (EEC) No 2081/92 を適用するための細則を規定している 2004 年 3 月 1 日の理事会規則 (EC) No 383/2004 (OJ L 64, 2.3.2004, p. 16)。

撤廃された規則への言及は、本規則に言及されると解釈されるものとし、付属書 III の相関表に従って読み取られるものとする。

第20条

効力の発生

本規則は欧州連合公報におけるその公布の日から効力が発生するものとする。

ただし、第8条(2)は2009年5月1日から施行されるものとし、その日より前に既に販売された産物に損害を与えることはない。

本規則は全加盟国に対し、その全体において拘束力を有し、かつ、直接に適用するものとする。

付属書I

第1条(1)にいう食品

- ー ビール
- 一 植物抽出物から製造した飲料
- 一 パン,練り菓子,ケーキ,糖菓,その他の焼き菓子
- 一 天然ゴム及び樹脂
- 練りがらし
- ー パスタ
- 塩

付属書 II

第1条(1)にいう農産物

- 一 干し草
- 一 精油
- 一 コルク
- 一 コチニール (動物起源の原産物)
- 一 花及び観賞植物
- 一 羊毛
- 一 小枝細工
- 一 亜麻正線
- 綿

付属書III 相関表

| | 14) |
|----------------------------|--|
| 規則 (EEC) No. 2081/92 | 本規則 |
| | |
| 第1条 | 第1条 |
| 第 2 条(1) | <u> </u> |
| 第2条(2) | 第2条(1) |
| | |
| 第2条(3) | 第 2 条 (2) |
| 第2条(4) | 第2条(3)第1段落 |
| | 314 = 314 (6) 314 I 4341H |
| 第 2 条 (5) | |
| 第2条(6) | 第 2 条 (3) 第 2 段落 |
| 第2条(7) | |
| | |
| 第3条(1) 第1, 第2及び第3段落 | 第3条(1)第1,第2及び第3段落 |
| 第3条(1)第4段落 | <u> </u> |
| 第3条(2) | 第3条(2) |
| | 31 3 7 (2) |
| 第 3 条(3) | |
| 第4条 | 第4条 |
| 第5条(1), (2)及び(3) | 第5条(1), (2) 及び(3) |
| | |
| 第 5 条(4) | 第 5 条 (4) 第 1 段落 |
| 第5条(5)第1段落 | 第5条(4)第2段落 |
| 70 0 7K (0) 7V 1 1×10 | |
| - | 第 5 条 (5) |
| 第5条(5)の第2段落 | 第5条(6)第1段落 |
| _ | 第5条(6)第2段落 |
| W = A (=) W a FR. H | |
| 第 5 条(5)第 3 段落 | 第5条(6) 第3段落 |
| 第5条(5)第4及び第5段落 | 第5条(6)第4及び第5段落 |
| 第5条(5)第6,第7及び第8段落 | Storage (a) Storage Storage |
| 为 3 木(3)为 0,为 1 及 O 为 6 权俗 | —————————————————————————————————————— |
| _ | 第 5 条(7) |
| 第5条(6) | 第5条(8) |
| 7/1 2 7K (0) | |
| | 第5条(9)及び(10) |
| 第6条(1)第1段落 | 第 6 条 (1) 第 1 段落 |
| 第6条(1)第2段落 | |
| | 然(夕(1)然 A CD 共 |
| 第6条(1) 第3段落 | 第6条(1)第2段落 |
| 第6条(2) | 第6条(2) 第1段落 |
| 第6条(3)及び(4) | 第7条(4) |
| | |
| 第6条(5)第1段落 | 第6条(2)第2段落 |
| 第6条(5) 第2段落 | _ |
| 第6条(6)第1段落 | |
| | tote a tot (a) |
| 第6条(6)第2段落 | 第 3 条 (3) |
| 第7条(1) | 第7条(1) |
| | 214 · 214 · (-) |
| 第7条 (2) | |
| 第7条(3) | 第7条(2) 第1段落 |
| | 第7条(2)第2及び第3段落 |
| 烘 ■ 久 (4) | |
| 第7条(4) | 第7条(3) |
| 第7条(5) | 第7条(5) |
| | 第7条(6)及び(7) |
| | |
| _ | 第8条(1) |
| 第8条 | 第 8 条 (2) |
| NA A NA | |
| _ | 第8条 (3) |
| 第9条の第1段落 | 第9条(1) |
| 第9条の第2及び第3段落 | 第9条 (2) |
| カノ イッカムス O カコK付 | N1 / N (4) |
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| 規則(EEC)No. 2081/92 | 本規則 |
|--------------------|---------------|
| _ | 第9条(3)及び(4) |
| _ | 第10条(1) |
| 第10条(1) | _ |
| 第10条(2) | 第11条(1) |
| _ | 第 11 条(2) |
| 第10条(3) | 第11条(3)及び(4) |
| 第10条(4) | _ |
| 第10条(5) | 第 10 条(3) |
| 第 10 条 (6) | 第 10 条(2) |
| 第 10 条 (7) | 第11条(1)第2段落 |
| 第 11 条 (1) - (3) | _ |
| 第 11 条 (4) | 第 12 条(1) |
| 第 11 a 条 (a) | 第 12 条(2) |
| 第 11 a 条 (b) | _ |
| 第 12 条 ~ (12d) | _ |
| 第13条(1) | 第 13 条(1) |
| 第13条(3) | 第 13 条(2) |
| 第 13 条 (4) | 第13条(3)第1段落 |
| _ | 第13条(3)第2段落 |
| 第 13 条 (5) | 第 13 条(4) |
| 第14条(1)及び(2) | 第14条(1)及び(2) |
| 第14条(3) | 第3条(4) |
| 第15条 | 第 15 条 |
| 第16条 | 第 16 条 |
| _ | 第 17 条一第 19 条 |
| 第18条 | 第 20 条 |
| 付属書I | 付属書I |
| 付属書 II | 付属書Ⅱ |

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COMMISSION REGULATION (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

(OJ L 369, 23.12.2006, p. 1)

Amended by:

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| ► <u>M1</u> | Commission Regulation (EC) No 628/2008 of 2 July 2008 | L 173 | 3 | 3.7.2008 |

COMMISSION REGULATION (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

THE COMMISSION OF THE EUROPEAN COMMUNITIES.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (1), and in particular Article 16 and Article 17(3) thereof,

Whereas:

- Regulation (EC) No 510/2006 has set up the general rules for the (1) protection of geographical indications and designations of origin and repealed Council Regulation (EEC) No 2081/92 (2).
- For the sake of clarity, Commission Regulation (EEC) (2) No 2037/93 of 27 July 1993 laying down detailed rules of application of Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (3) and Commission Regulation (EC) No 383/2004 of 1 March 2004 laying down detailed rules for applying Council Regulation (EEC) No 2081/92 as regards the summary of the main points of the product specifications (4) should be repealed and replaced by a new Regulation.
- The conditions in which one natural or legal person may apply (3) for registration should be laid down. Specific attention should be paid to delimitation of the area, taking into account the traditional zone of production, and characteristics of the product. Any producer established in the defined geographical area should be able to use the registered name as long as the conditions in the product specification are fulfilled.
- Only a name that is in use in commerce or in common language, or which has been used historically to refer to the specific agricultural product or foodstuff, may be registered. Specific rules concerning linguistic versions of a name, names covering several distinct products and names that are wholly or partially homonymous with names of plant varieties or animal breeds should be laid down.
- The geographical area should be defined with regard to the link (5) and in a detailed, precise way that presents no ambiguities for producers or competent authorities and control bodies to know if the operations take place inside the defined geographical area.
- A list of raw materials for designations of origin which in (6) accordance with Article 2(3) of Regulation (EC) No 510/2006 may come from a geographical area larger than or different from the processing area should be provided. Pursuant to Article 2(5) of Regulation (EEC) No 2081/92, only live animals, meat and milk have been included in the list. For the sake of continuity, no changes to this list are proposed.
- The product specification must include the measures taken to ensure proof of origin, allowing following the path of the

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ L 208, 24.7.1992, p. 1. (3) OJ L 185, 28.7.1993, p. 5. Regulation as last amended by Regulation (EC) No 2168/2004 (OJ L 371, 18.12.2004, p. 12).

⁽⁴⁾ OJ L 64, 2.3.2004, p. 16.

- product, raw materials, feed and other items that are required to come from the defined geographical area.
- (8) Where packaging of an agricultural product or foodstuff or operations concerning its presentation, such as slicing or grating, are restricted to a defined geographical area, this constitutes a restriction on free movement of goods and freedom to provide services. In the light of the case-law of the Court of Justice, 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. Justifications for such restrictions must be provided.
- (9) To ensure coherent implementation of Regulation (EC) No 510/2006, procedures should be specified and models concerning applications, objections, amendments and cancellations should be provided for.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Protected Geographical Indications and Protected Designations of Origin,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation lays down detailed rules for implementation of Regulation (EC) No 510/2006.

Article 2

Specific rules for a group

A single natural or legal person may be treated as a group within the meaning of the second subparagraph of Article 5(1) of Regulation (EC) No 510/2006 where it is shown that both of the following conditions are fulfilled:

- (a) the person concerned is the only producer in the defined geographical area 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;

Article 3

Specific rules for a name

1. Only a name that is used, whether in commerce or in common language, to refer to the specific agricultural product or foodstuff may be registered.

The name of an agricultural product or foodstuff may be registered only in the languages which are or were historically used to describe the said product in the defined geographical area.

- 2. A name shall be registered in its original script. Where the original script is not in Latin characters, a transcription in Latin characters shall also be registered together with the name in its original script.
- 3. Names that are wholly homonymous with names of plant varieties or animal breeds for comparable products may not be registered if it is shown before the expiry of the objection procedure referred to in Article 7 of Regulation (EC) No 510/2006 that the variety or breed is

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in such commercial production outside the defined area prior to the date of application that consumers would be liable to confuse the products bearing the registered name and the variety or the breed.

Names that are partly homonymous with names of plant varieties or animal breeds may be registered, even if the variety or breed is in significant commercial production also outside the area, provided consumers would not be liable to confuse the products bearing the registered name and the variety or the breed.

4. Where the application for registration of a name or approval of an amendment contains a description of the agricultural product or foodstuff pursuant to point (b) of Article 4(2) of Regulation (EC) No 510/2006 that describes several distinct products of the same type, the requirements for registration must be shown for each distinct product.

For the purposes of this paragraph, 'distinct products' are those differentiated when placed on the market.

Article 4

Definition of the geographical area

The geographical area shall be delimited with regard to the link referred to in point (f) of Article 4(2) of Regulation (EC) No 510/2006.

The geographical area must be defined in a detailed, precise way that presents no ambiguities.

Article 5

Specific rules on raw materials and feed

- 1. Only live animals, meat and milk may be considered as raw materials for the purposes of Article 2(3) of Regulation (EC) No 510/2006.
- 2. Any restriction on the origin of raw materials for a geographical indication must be justified in relation to the link referred to in point (ii) under point (f) of Article 4(2) of Regulation (EC) No 510/2006.
- 3. In respect of a product of animal origin designated as a designation of origin, detailed rules on the origin and quality of feed shall be included in the product specification. Feed shall be sourced as far as practicable from within the defined geographical area.

Article 6

Proof of origin

- 1. The product specification shall identify procedures which operators must have in place for information on proof of origin, referred to in point (d) of Article 4(2) of Regulation (EC) No 510/2006, 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 referred to in paragraph 1 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) correlation between each batch of inputs referred to in point (a) and each batch of outputs referred to in point (b).

Article 7

Link

- 1. Details bearing out the links referred to in point (f) of Article 4(2) of Regulation (EC) No 510/2006 shall provide an explanation how the characteristics of the defined geographical area affect the final product.
- 2. With regard to a designation of origin the product specification shall set out:
- (a) details of the geographical area, including natural and human factors, relevant to the link;
- (b) details of the quality or characteristics of the agricultural product or foodstuff essentially or exclusively due to the geographical environment;
- (c) description of the causal interaction between details referred to in point (a) and details referred to in point (b).
- 3. With regard to a geographical indication the product specification shall set out:
- (a) details of the geographical area relevant to the link;
- (b) details of the specific quality, reputation or other characteristics of the agricultural product or foodstuff attributable to the geographical origin;
- (c) description of the causal interaction between details referred to in point (a) and details referred to in point (b).
- 4. With regard to a geographical indication, the product specification shall state whether it is based on a specific quality or reputation or other characteristics attributable to its geographical origin.

Article 8

Packaging in the defined geographical area

If the applicant group determines in the product specification that the packaging of the agricultural product or the foodstuff referred to in point (e) of Article 4(2) of Regulation (EC) No 510/2006 must take place in the defined geographical area, justifications, specific to the product, for such restrictions on free movement of goods and freedom to provide services must be given.

Article 9

Specific rules on labelling

A Member State may provide that the name of the authority or body referred to in point (g) of Article 4(2) of Regulation (EC) No 510/2006 must appear on the label of the agricultural product or foodstuff designated as a protected designation of origin or a protected geographical indication that is produced within its territory.

Article 10

Applying for registration

1. An application for registration shall consist of documents required pursuant to Article 5(7) or 5(9) of Regulation (EC) No 510/2006, as appropriate, and an electronic copy of the product specification and single document when those documents are required in the said paragraphs.

Information on the legal status, size and composition of the applicant group shall also be submitted.

▼B

2. The date of submission of an application to the Commission is the date on which the application is entered in the Commission's mail registry in Brussels.

Article 11

Single document

- 1. The single document shall be drawn up in accordance with the form in Annex I to this Regulation for each application for a designation of origin or a geographical indication within the meaning of Article 5 of Regulation (EC) No 510/2006 and for each request concerning approval of an amendment within the meaning of Article 9(2) of that Regulation.
- 2. The type of the agricultural product or foodstuff product shall be indicated in accordance with the classification in Annex II to this Regulation.
- 3. Description of the product in the single document must include specific technical data commonly used in that product type to describe the product, including where appropriate organoleptic data.

Article 12

Trans-border applications

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, the following rules shall apply:

- (i) where only Member States are concerned, the national objection procedure referred to in Article 5(5) of Regulation (EC) No 510/2006 shall be carried out in all Member States concerned; the application shall be submitted by any of those Member States in the name of the others, including the declarations from all the Member States concerned, referred to in point (c) of Article 5(7) of that Regulation;
- (ii) where only third countries are concerned, the conditions laid down in Article 5(9) of Regulation (EC) No 510/2006 shall be fulfilled in respect of all of them; the application is submitted to the Commission by any of the applicant groups concerned in the name of the others, directly or via its authorities, including the proof of protection in each of the third countries concerned referred to in Article 5(9) of that Regulation;
- (iii) where at least one Member State and at least one third country are concerned, the national objection procedure referred to in Article 5 (5) of Regulation (EC) No 510/2006 shall be carried out in all Member States concerned and the conditions laid down in Article 5(9) of Regulation (EC) No 510/2006 shall be fulfilled in all third countries concerned; the application shall be submitted to the Commission by any Member State concerned or any of the applicant groups in third countries concerned, directly or via the authorities of the third country concerned, including the declarations from all the Member States concerned, referred to in point (c) of Article 5(7) of that Regulation and the proof of protection in each of the third countries concerned referred to in Article 5(9) of the said Regulation.

Article 13

Objections

1. A statement of objection for the purposes of Article 7 of Regulation (EC) No 510/2006 may be drawn up in accordance with the form in Annex III to this Regulation.

- 2. In determining the admissibility of the objection pursuant to Article 7(3) of Regulation (EC) No 510/2006, the Commission shall check that the statement includes reasons and justification for the objection.
- 3. The period of six months referred to in Article 7(5) of Regulation (EC) No 510/2006 shall commence on the date of dispatch of the Commission's invitation to the interested parties to reach agreement among them.
- 4. When the procedure referred to in the first sentence of the second subparagraph of Article 7(5) of Regulation (EC) No 510/2006 has terminated, the Member State of application or the third-country applicant shall communicate the results of each consultation to the Commission within one month and may use the form in Annex IV to this Regulation.

Article 14

Indications and symbols

- 1. The Community symbols referred to in Article 8 of Regulation (EC) No 510/2006 shall be reproduced as laid down in Annex V to this Regulation. The indications 'PROTECTED DESIGNATION OF ORIGIN' and 'PROTECTED GEOGRAPHICAL INDICATION' within the symbols may be replaced by the equivalent terms in another official language of the Community as laid down in Annex V to this Regulation.
- 2. Where the Community symbols or the indications referred to in Article 8 of Regulation (EC) No 510/2006 appear on the label of a product, they shall be accompanied by the registered name.

Article 15

Register

- 1. The Commission shall maintain at its seat in Brussels the 'Register of protected designations of origin and protected geographical indications', hereafter referred to as 'the Register'.
- 2. Upon entry into force of a legal instrument registering a name, the Commission shall record the following data in the Register:
- (a) the registered name of the product in compliance with the provisions of Article 3(2) of this Regulation;
- (b) information that the name is protected as a geographical indication or as a designation of origin;
- (c) the class of the product as referred to in Annex II to this Regulation;
- (d) indication of the country of origin;

and

- (e) reference to the instrument registering the name.
- 3. In respect of the names automatically registered by virtue of Article 17(1) of Regulation (EC) No 510/2006, the Commission shall record in the Register, by 31 December 2007, the data provided for in paragraph 2 of this Article.

Article 16

Amendments to specification

1. An application for approval of changes to the product specification shall be drawn up in accordance with Annex VI to this Regulation

- 2. In the case of an application for approval of changes to specifications under Article 9(2) of Regulation (EC) No 510/2006:
- (a) the information required under Article 5(7) of Regulation (EC) No 510/2006 shall comprise the duly completed application referred to in paragraph 1 and the declaration referred to in point (c) of Article 5(7) of the said Regulation;
- (b) the information required under Article 5(9) of Regulation (EC) No 510/2006 shall comprise the duly completed application referred to in paragraph 1 and the proposed updated product specification;
- (c) the information to be published in accordance with Article 6(2) of Regulation (EC) No 510/2006 shall comprise the duly completed document drawn up in accordance with Annex VI to this Regulation.
- 3. In the case of amendments referred to in paragraphs 3 or 4 of Article 9 of Regulation (EC) No 510/2006 that the Commission has approved, the Commission shall make public the amended product specification.
- 4. For an amendment to be regarded as minor, it cannot:
- (a) relate to the essential characteristics of the product;
- (b) alter the link;
- (c) include a change to the name, or to any part of the name, of the product;
- (d) affect the defined geographical area;
- (e) represent an increase in restrictions on trade in the product or its raw materials.
- 5. Where the Commission decides to accept an amendment to the specification that includes or comprises a change to the information recorded in the Register provided for in Article 15 of this Regulation, it shall strike the original data from the Register and record the new data in the Register with effect from the entry into force of the said decision.
- 6. Information submitted to the Commission pursuant to this Article shall be in both paper and electronic form. The date of submission of an amendment application to the Commission is the date on which the application is entered in the Commission's mail registry in Brussels.

Article 17

Cancellation

- 1. The Commission may take the view that the compliance with the conditions of the specification for an agricultural product or foodstuff covered by a protected name is no longer possible or cannot be ensured in particular, if the conditions laid down in Article 11 of Regulation (EC) No 510/2006 are not fulfilled, and the situation is likely to continue.
- 2. A request for a cancellation of a registration pursuant to Article 12 (2) of Regulation (EC) No 510/2006 shall be drawn up in accordance with Annex VII to this Regulation.

The information required under Articles 5(7) and 5(9) of Regulation (EC) No 510/2006 shall comprise the duly completed request for cancellation referred to in the first subparagraph of this paragraph.

Article 5(6) of Regulation (EC) No 510/2006 shall not apply.

The request for cancellation shall be made public pursuant to Article 6 (1) of Regulation (EC) No 510/2006.

▼B

The information to be published under Article 6(2) of Regulation (EC) No 510/2006 shall comprise the duly completed document drawn up in accordance with Annex VII to this Regulation.

Statements of objection shall be admissible pursuant to Article 7(3) of Regulation (EC) No 510/2006 only if they show continued commercial reliance by an interested person on the registered name.

- 3. When a cancellation takes effect, the Commission shall strike the name from the Register provided for in Article 15 of this Regulation.
- 4. Information submitted to the Commission pursuant to this Article shall be in both paper and electronic form.

Article 18

Transitional rules

- 1. If, pursuant to Article 17(2) of Regulation (EC) No 510/2006, the single document is replaced by the summary of the specification, the said summary shall be drawn in conformity with the model in Annex VIII to this Regulation.
- 2. In respect of names registered prior to the date of entry into force of Regulation (EC) No 510/2006 the Commission shall, at the request of a Member State, publish a single document submitted by that Member State and drawn up in accordance with the model in Annex I to this Regulation. The publication shall be accompanied by the reference of publication of the specification.
- 3. The provisions of this Regulation shall apply with effect from the date of entry into force, subject to the following:
- (a) The provisions of Articles 2 to 8 shall only apply in respect of procedures for registration and approval of amendments where the publication pursuant to Article 6(2) of Regulation (EC) No 510/2006 or pursuant to Article 6(2) of Regulation (EEC) No 2081/92 has not taken place before entry into force of this Regulation;
- (b) The provisions of Articles 10, 11, 12, 16(1), 16(2), 16(3), 16(6) and 17(2) shall only apply in respect of applications for registration, approval of amendments and requests for cancellation received after 30 March 2006;
- (c) The provisions of paragraphs 1 to 3 of Article 13 shall only apply in respect of objection procedures for which the 6 month period in Article 7(1) of Regulation (EC) No 510/2006 has not commenced at the date of entry into force of this Regulation. The provisions of Article 13(4) shall only apply in respect of objection procedures for which the 6 month period in Article 7(1) has not expired at the date of entry into force of this Regulation;
- (d) The provisions of Article 14(2) shall apply not later than 1 January 2008, without prejudice to products placed on the market before that date.

Article 19

Repeal

Regulations (EEC) No 2037/93 and (EC) No 383/2004 are repealed.

References to the repealed acts shall be construed as references to this Regulation.

Article 20

Entry into force

This Regulation shall enter into force on the seventh day following that of its publication in the Official Journal of the European Union.

However, point (b) of Article 18(3) shall apply with effect from 31 March 2006.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

ANNEX I

When this form is completed, the text in square parentheses shall be omitted

SINGLE DOCUMENT

| COUNCIL | REGULATION (EC) No 510/2006 on protected geographical indications and protected designations of origin |
|------------|---|
| [Insert na | ame, as in 1 below:] " " |
| EC No: [fo | or EC use only] |
| [Select on | ne, "X":] PGI PDO |
| 1. | NAME [OF PGI OR PDO] |
| | [Insert the name proposed for registration or, in the case of an application for approval of an amendment to a product specification or publication pursuant to Article 19(2) of this Regulation, the registered name] |
| 2. | MEMBER STATE OR THIRD COUNTRY |
| 3. | DESCRIPTION OF THE AGRICULTURAL PRODUCT OR FOODSTUFF |
| 3.1. | Type of product [as in Annex II] |
| 3.2. | Description of the product to which the name in (1) applies |
| | [Main points of items in Article point (b) of Article 4(2) of Regulation (EC) No 510/2006. Technical description of finished product to which the name in (1) applies, including any requirements for use of certain animal breeds or plant varieties.] |
| 3.3. | Raw materials (for processed products only) |
| | [State any quality requirements, or restrictions on origin, of raw materials. State justifications for any such restrictions.] |
| 3.4. | Feed (for products of animal origin only) |
| | [State any quality requirements, or restrictions on origin, of feed. State justifications for any such restrictions.] |
| 3.5. | Specific steps in production that must take place in the identified geographical area |
| | [State justifications for any restrictions.] |
| 3.6. | Specific rules concerning slicing, grating, packaging, etc. |

[If none, leave blank. State justifications for any restrictions.]

▼B

3.7. Specific rules concerning labelling

[If none, leave blank. State justifications for any restrictions.]

- 4. CONCISE DEFINITION OF THE GEOGRAPHICAL AREA
- 5. LINK WITH THE GEOGRAPHICAL AREA
- 5.1. Specificity of the geographical area

[For PDO applications, also include description of any inherent natural and human factors.]

- 5.2. Specificity of the product
- 5.3. Causal link between the geographical area and the quality or characteristics of the product (for PDO) or a specific quality, the reputation or other characteristic of the product (for PGI).

REFERENCE TO PUBLICATION OF THE SPECIFICATION (ARTICLE 5(7) OF REGULATION (EC) NO 510/2006)

ANNEX II

CLASSIFICATION OF PRODUCTS FOR THE PURPOSES OF COUNCIL REGULATION (EC) No 510/2006

- 1. AGRICULTURAL PRODUCTS INTENDED FOR THE HUMAN CONSUMPTION LISTED IN ANNEX I OF THE TREATY
 - Class 1.1. Fresh meat (and offal)
 - Class 1.2. Meat products (cooked, salted, smoked, etc.)
 - Class 1.3. Cheeses
 - Class 1.4. Other products of animal origin (eggs, honey, various dairy products except butter, etc.)
 - Class 1.5. Oils and fats (butter, margarine, oil, etc.)
 - Class 1.6. Fruit, vegetables and cereals fresh or processed
 - Class 1.7. Fresh fish, molluscs, and crustaceans and products derived therefrom
 - Class 1.8. other products of Annex I of the Treaty (spices etc.)
- 2. FOODSTUFFS REFERRED TO IN ANNEX I OF THE REGULATION
 - Class 2.1. Beers
 - Class 2.2. Natural mineral waters and spring waters (discontinued) (1)
 - Class 2.3. Beverages made from plant extracts
 - Class 2.4. Bread, pastry, cakes, confectionery, biscuits and other baker's wares
 - Class 2.5. Natural gums and resins
 - Class 2.6. Mustard paste
 - Class 2.7. Pasta
- 3. AGRICULTURAL PRODUCTS REFERRED TO IN ANNEX II OF THE REGULATION
 - Class 3.1. Hay
 - Class 3.2. Essential oils
 - Class 3.3. Cork
 - Class 3.4. Cochineal (raw product of animal origin)
 - Class 3.5. Flowers and ornamental plants
 - Class 3.6. Wool
 - Class 3.7. Wicker
 - Class 3.8. Scutched flax

 $^{(^{\}text{\scriptsize l}})$ Only used for registrations and applications before 31 March 2006

ANNEX III

STATEMENT OF OBJECTION

Council Regulation (EC) No 510/2006 on protected geographical indications and protected designations of origin

| 1. | NAME OF PRODUCT |
|----|---|
| | [as given in Official Journal (OJ) publication] |
| | |
| 2. | OFFICIAL REFERENCE |
| 2. | |
| | [as given in Official Journal (OJ) publication] |
| | Reference number: |
| | Date of <i>OJ</i> publication: |
| 3. | CONTACT DETAILS |
| | Contact person: Title (Mr, Ms): Name: |
| | Group/organisation/individual: |
| | Group/organisation/individual: |
| | Or national authority: Department: |
| | Address: |
| | |
| | Telephone + |
| | e-mail address: |
| 4 | REASON FOR THE OBJECTION: |
| 4. | |
| | — ☐ Non-compliance with the conditions laid down in Article 2 of Regulation (EC) No 510/2006 |
| | Registration of the name would be contrary to Article 3(2) of Regulation (EC) No 510/2006 (plant variety or animal breed) |
| | Registration of the name would be contrary to Article 3(3) of Regulation (EC) No 510/2006 (name wholly or partially homonymous) |
| | Registration of the name would be contrary to Article 3(4) of Regulation (EC) No 510/2006 (existing trademark) |
| | Registration would jeopardize the existence of names, trademarks or products as specified in point (c) of Article 7(3) of Regulation (EC) No 510/2006 |
| | — ☐ The name proposed for registration is generic; details to be provided as set down in point (d) of Article 7(3) of Regulation (EC) No 510/2006 |

5. **DETAIL OF OBJECTION**

Provide a statement setting out the reasons and justification for the objection. Provide also a statement explaining the legitimate interest of the objector, unless the objection is lodged by the national authorities, in which case no statement of legitimate interest is required. The statement of objection should be signed and dated.

ANNEX IV

When this form is completed, the text in square parentheses shall be omitted

NOTIFICATION OF END OF CONSULTATIONS FOLLOWING OBJECTION PROCEDURE

| Council Regulation (| | | | |
|----------------------|--|--|--|--|
| | | | | |
| | | | | |

[as given in Official Journal (OJ) publication]

2. OFFICIAL REFERENCE [AS GIVEN IN OFFICIAL JOURNAL (OJ) PUBLICATION]

Reference number:

Date of OJ publication:

- 3. RESULT OF CONSULTATIONS
- 3.1. Agreement was reached with the following objector(s):

[annex copies of letters showing agreement]

- 3.2. Agreement was not reached with the following objector(s):
- 4. PRODUCT SPECIFICATION AND SINGLE DOCUMENT
- 4.1. The specifications have been amended:
 - ... Yes * ... No
 - * If 'Yes', annex description of amendments
- 4.2. The single document (or summary of specifications) has been amended:
 - ... Yes ** ... No
 - ** If 'Yes', annex copy of updated document
- 5. **DATED AND SIGNED**

[Name]

[Department/Organisation]

[Address]

[Telephone:] -

[e-mail address:]

ANNEX V

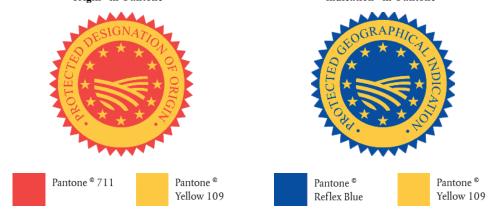
REPRODUCTION OF THE COMMUNITY SYMBOLS AND INDICATIONS

▼<u>M1</u>

1. COMMUNITY SYMBOLS IN COLOUR OR BLACK AND WHITE

When used in colour, direct colours (Pantone) or four-colour process may be used. The reference colours are indicated below.

Community symbol for 'Protected designation of Community symbol for 'Protected geographical origin' in Pantone indication' in Pantone



Community symbols in four-colour process:

Community symbol for 'Protected designation of Community symbol for 'Protected geographical origin' in four-colour process indication' in four-colour process



Community symbols in black and white



▼<u>M1</u>

2. COMMUNITY SYMBOLS IN NEGATIVE

If the background colour of the packaging or label is dark, the symbols may be used in negative format, using the background colour of the packaging or label.



3. CONTRAST WITH BACKGROUND COLOURS

If a symbol is used in colour on a coloured background which makes it difficult to see, a delimiting outer circle around the symbol should be used to improve contrast with the background colours.

Community symbol for 'Protected designation of Community symbol for 'Protected geographical origin'





▼<u>B</u>

4. TYPOGRAPHY

Times Roman capitals must be used for the text.

5. REDUCTION

The minimum size of the Community symbols is 15 mm in diameter.

6. 'PROTECTED DESIGNATION OF ORIGIN' AND ITS ABBREVIATION IN EC LANGUAGES

| EC Language | Term | Abbreviation |
|----------------|------------------------------------|--------------|
| ES | denominación de origen protegida | DOP |
| CS | chráněné označení původu | CHOP |
| DA | beskyttet oprindelsesbetegnelse | BOB |
| DE | geschützte Ursprungsbezeichnung | g.U. |
| ET | kaitstud päritolunimetus | KPN |
| EL | προστατευόμενη ονομασία προέλευσης | ПОП |
| EN | protected designation of origin | PDO |
| FR | appellation d'origine protégée | AOP |
| IT | denominazione d'origine protetta | DOP |

| EC Language | Term | Abbreviation |
|----------------|-------------------------------------|--------------|
| LV | aizsargāts cilmes vietas nosaukums | ACVN |
| LT | saugoma kilmės vietos nuoroda | SKVN |
| HU | oltalom alatt álló eredetmegjelölés | OEM |
| MT | denominazzjoni protetta ta' oriģini | DPO |
| NL | beschermde oorsprongsbenaming | BOB |
| PL | chroniona nazwa pochodzenia | CHNP |
| PT | denominação de origem protegida | DOP |
| SK | chránené označenie pôvodu | СНОР |
| SL | zaščitena označba porekla | ZOP |
| FI | suojattu alkuperänimitys | SAN |
| SV | skyddad ursprungsbeteckning | SUB |

7. 'PROTECTED GEOGRAPHICAL INDICATION' AND ITS ABBREVIATION IN EC LANGUAGES

| EC Language | Term | Abbreviation |
|----------------|--|--------------|
| ES | indicación geográfica protegida | IGP |
| CS | chráněné zeměpisné označení | CHZO |
| DA | beskyttet geografisk betegnelse | BGB |
| DE | geschützte geografische Angabe | g.g.A. |
| ET | kaitstud geograafiline tähis | KGT |
| EL | προστατευόμενη γεωγραφική ένδειξη | ПГЕ |
| EN | protected geographical indication | PGI |
| FR | indication géographique protégée | IGP |
| IT | indicazione geografica protetta | IGP |
| LV | aizsargāta ģeogrāfiskās izcelsmes norāde | AĢIN |
| LT | saugoma geografinė nuoroda | SGN |
| HU | oltalom alatt álló földrajzi jelzés | OFJ |
| MT | indikazzjoni ġeografika protetta | IĠP |
| NL | beschermde geografische aanduiding | BGA |
| PL | chronione oznaczenie geograficzne | CHOG |
| PT | indicação geográfica protegida | IGP |
| SK | chránené zemepisné označenie | CHZO |
| SL | zaščitena geografska označba | ZGO |
| FI | suojattu maantieteellinen merkintä | SMM |
| SV | skyddad geografisk beteckning | SGB |

ANNEX VI

When this form is completed, the text in square parentheses shall be omitted.

AMENDMENT APPLICATION

COUNCIL REGULATION (EC) No 510/2006 on protected geographical indications and protected designations of origin

| | | AMENDMENT A | APPLICATION ACCORDING TO ARTICLE 9 |
|------------|----------------------|---|---|
| [Register | ed name] " " | , | |
| EC No: [fe | or EC use only] | | |
| [Select or | ne, "X":] | ☐ PGI | □ PDO |
| 1. | HEADING IN THE F | PRODUCT SPECII | FICATION AFFECTED BY THE AMENDMENT |
| | — ☐ Name of p | roduct | |
| | — 🗌 Description | n of product | |
| | — ☐ Geographi | ical area | |
| | — ☐ Proof of or | rigin | |
| | $ \square$ Method of | production | |
| | — 🗌 Link | | |
| | — 🗌 Labelling | | |
| | — 🗌 National re | equirements | |
| | — ☐ Other [to b | pe specified] | |
| 2. | TYPE OF AMENDA | MENT(S) | |
| | — 🗌 Amendme | ent to Single Docu | ument or Summary Sheet |
| | | ent to specifications s been published | n of registered PDO or PGI for which neither the Single Document nor |
| | | ent to Specificati of Regulation (EC | ion that requires no amendment to the published Single Document (2) No 510/2006) |
| | | | Specification resulting from imposition of obligatory sanitary or phyto- authorities (Article 9(4) of Regulation (EC) No 510/2006) |
| 3. | AMENDMENT(S): | | |
| | | | ction above, provide a short explanation of each amendment. Provide egitimate interest of the group proposing the amendment.] |
| 4. | UPDATED SINGLE | E DOCUMENT (IF I | NEEDED) |
| | [use Annex I] | | |
| 5. | REFERENCE TO P | PUBLICATION OF | THE SPECIFICATION |

ANNEX VII

When this form is completed, the text in square parentheses shall be omitted.

CANCELLATION REQUEST

COUNCIL REGULATION (EC) No 510/2006 on protected geographical indications and protected designations of origin

- 2. MEMBER STATE OR THIRD COUNTRY
- 3. TYPE OF PRODUCT [AS IN ANNEX II]
- 4. PERSON OR BODY MAKING REQUEST FOR CANCELLATION

Name:

Address:

Nature of legitimate interest in making the request:

[Provide a statement explaining the legitimate interest of the person or group proposing the cancellation.]

5. **REASONS FOR CANCELLATION**

[Provide a statement setting out the reasons and justification for the cancellation of the registration of the name.]

ANNEX VIII

SUMMARY

COUNCIL REGULATION (EC) No 510/2006 on protected geographical indications and protected designations of origin

66 37

EC No:

PDO(§) PGI(§)

This summary sets out the main elements of the product specification for information purposes.

| 1. | RESPONSIBLE DEPARTMENT IN THE MEMBER STATE | | | |
|----|--|--------------------------|-----------|--|
| | Name: | | | |
| | Address: | | | |
| | Tel.: | | | |
| | Fax: | | | |
| | e-mail: | | | |
| | | | | |
| 2. | GROUP | | | |
| | Name: | | | |
| | Address: | | | |
| | Tel.: | | | |
| | Fax: | | | |
| | e-mail: | | | |
| | Composition: | Producers/processors (§) | Other (§) | |
| | | | | |
| 3. | TYPE OF PROD | ист | | |

Class

| ▼ <u>B</u> | |
|-------------------|---|
| 4. | SPECIFICATION |
| | (summary of requirements under Article 4(2) of Regulation (EC) No 510/2006) |
| 4.1. | Name: |
| | " " · · · · |
| 4.2. | Description: |
| 4.3. | Geographical area: |
| 4.4. | Proof of origin: |
| 4.5. | Method of production: |
| 4.6. | Link: |
| 4.7. | Inspection body: |
| | Name: |
| | Address: |
| | Tel.: |
| | Fax: |
| | e-mail: |
| 4.8. | Labelling: |

本文は単なる文書化ツールを目的とするものであり、関係機関はその内容について一切責任を負わない。

農産物と食料品の地理的表示および原産地表記の保護に関する 理事会規則 (EC) No 510/2006の実施の詳細規則を定める 2006年12月14日の 委員会規則 (EC) No 1898/2006

(OJ L 369, 23.12.2006, p. 1)

下記により修正:

官報

No 頁 日付

2008年7月2日の委員会規則 (EC) No 628/2008 L 173 3 2008年7月3日

仮訳(知的財産課が行った和訳に対して、内藤が一部修正を行った。)

農産物と食料品の地理的表示および原産地表記の保護に関する 理事会規則 (EC) No 510/2006 の実施の詳細規則を定める 2006 年 12 月 14 日の 委員会規則 (EC) No 1898/2006

欧州共同体委員会は、

欧州経済共同体の設立条約を考慮し、

2006年3月20日の農産物と食料品の地理的表示および原産地表記の保護に関する理事会規則 (EC) No 510/2006⁽¹⁾、具体的には同理事会規則第17条(3)を考慮し、

さらに:

- (1) 規則 (EC) No 510/2006 は地理的表示および原産地表記の保護に関する一般規則を定め、 理事会規則 (EEC) No 2081/92 が廃止されたこと ⁽²⁾。
- (2) 農産物と食料品の地理的表示および原産地表記の保護に関する理事会規則(EEC) No 2081/92 の詳細な適用規定を定める 1993 年 7 月 27 日の委員会規則(EEC) No 2037/93 ⁽³⁾ ならびに製品仕様の要点の概要に関する理事会規則(EEC) No 2081/92 の詳細な適用規定を定める 2004 年 3 月 1 日の委員会規則(EEC) No 383/2004 ⁽⁴⁾ は廃止し、新しい規則に置きかえるべきであること。
- (3) 一人の自然人または法人が登録申請できる条件を定める必要がある。伝統的な生産地域と 製品の特徴を考慮した地域の限界設定に特別に注意を払うべきである。定義された地理的 地域内に確立された各生産者は、製品仕様の条件を満たしている限り、登録名称を使用で きなければならないこと。
- (4) 特定の農産物または食料品を示すために商業目的において使用されている名称あるいは一般的な言葉として使用されている名称、もしくは歴史的に使用されてきた名称を登録することができる。ある名称の言語的な異型、いくつかの特異的な製品をカバーする名称、および植物の品種または動物の種類の名称と全面的または部分的に同名の名称に関する具体的な規則を定める必要があること。
- (5) 生産者または関係当局および監督機関がその地理的地域内で該当事業が行なわれているかどうかを知ることができるよう、不明瞭な部分がないよう正確に、「結びつき」に関して、地理的地域を定義する必要があること。
- (6) 規則 (EC) No 510/2006 の第2条(3)にもとづく原産地表記に関する原材料リストが、該当加工地域よりも大きな地理的地域または同加工地域とは異なる地理的地域に由来しても差

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ L 208, 24.7.1992,p.1.

⁽³⁾ OJ L 185, 28.7.1993, p. 5. 規則 (EC) No 2168/2004 (OJ L 371, 18.12.2004, p. 12) によって最後に修正された 規則

 $^{^{(\!4\!)}}$ OJ L 64, 2.3.2004, p. 16.

支えないことを規定する必要がある。規則 (EEC) No 2081/92 の第2条(5)にもとづき、生きた動物、肉、ミルクだけがこのリストに含まれてきた。継続性を考慮し、このリストの変更は提案されていないこと。

- (7) 製品仕様には、定義された地理的地域に由来するものであることが義務付けられている製品、原材料、飼料および他の品目の経路をたどることを可能にする原産地証明を保証するための対策を含めなければならないこと。
- (8) 農産物または食料品の荷造りまたはスライスやすりおろし等のプレゼンテーションに関する作業が定義された地理的地域内に限定されると、商品の自由な動きやサービス提供の自由が制限されてしまう。欧州裁判所の判例法を考慮し、地理的な表示や原産地表記の評判を守る上で必要である場合、相応しい場合または有効である場合に限って、このような制限が課せられるべきである。このような制限については、それを正当とする理由が明らかにされねばならないこと。
- (9) 規則 (EC) No 510/2006 を首尾一貫して実施するため、手順を明確化するとともに、申請、 異議申立、変更、取消し等に関するモデルを定める必要があること。
- (10) 本規則で定める対策は、「保護された地理的表示および原産地表記に関する常任部会 (Standing Committee on Protected Geographical Indications and Protected Designations of Origin)」の見解にもとづくものであること。

等を考慮し、

本指令を採用した:

第1条 範 囲

本規則は、規則 (EC) No 510/2006 の実施の詳細に関する規則を定める。

第2条 グループに関する詳細規定

以下の条件が双方とも満たされている場合、一名の自然人または法人は、規則 (EC) No 510/2006 の第5条(1)の2番目の副段落において、一つのグループとして扱うことができるものとする:

- (a) 該当する定義された地理的地域内おいてその自然人または法人が申請提出を希望する唯一の 生産者である;
- (b) 該当する定義された地理的地域が近隣地域の特徴と明らかに異なる特徴を備えている、また は該当製品の特徴が近隣地域で生産されている製品の特徴と異なっている。

第3条

名称に関する詳細規定

1. 商業目的において使用されている名称あるいは一般的な言葉として使用されている名称、何れの場合も、特定の農産物または食料品を示すために用いられている名称に限り、これを登録できるものとする。

農産物または食料品の名称は、該当する地理的地域内でその製品を表現するために、現在用いられている言語または歴史的に用いられていた言語によるものに限り、これを登録できるものとする。

- 2. 名称は、その本来の筆記文字で登録するものとする。本来の筆記文字がラテン文字でない 場合、元の筆記文字による名称とともにラテン文字で書換えたものも登録することとする。
- 3. 植物の品種または動物の種類が該当申請年月日よりも前に該当する定義された地域以外で商業的に生産されていることが規則 (EC) No 510/2006 の第7条に示す意義申立手続の終了以前に明らかになり、消費者がそのような登録名称の製品とその品種または種類を混同する可能性があることが明らかになった場合、その植物の品種または動物の種類の名称と全面的に同名の名称は登録できないものとする。

植物の品種または動物の種類の名称と部分的に同名の名称については、その品種または種類が該当地域以外でも相当量が生産されていた場合であっても、これを登録できるものとする。ただし、この場合、消費者がそのような登録名称の製品とその品種または種類を混同する可能性がないことを条件とする。

4. 名称登録または変更の承認に関する申請に規則 (EC) No 510/2006 の第4条(2)の (b) 項にもとづく農産物または食料品の説明 (ただし同じ種類の複数の個別製品についての説明) が含まれている場合、各々の個別製品についての登録要件を示す必要があるものとする。

本項において、「個別製品」とは、市場に投入された場合に区別される製品をいう。

第4条 地理的地域の定義

地理的地域は、規則 (EC) No 510/2006 の第 4 条(2) (f) 項が示す「結びつき」に関して範囲を定める。

地理的範囲は、あいまいな点がないよう、詳細かつ正確に定義する。

第5条 原材料と飼料に関する詳細規定

- 1. 規則 (EC) No 510/2006 の第 2 条(3) においては、生きた動物、肉、ミルクだけを原材料 と見なす。
- 2. 地理的表示における原材料の原産地に関する制限は、規則 (EC) No 510/2006 の第 4(2) 条の (f) 項の (ii) が示す「結びつき」との関連で正当化する。
- 3. 原産地表記として示す動物由来製品に関連して、製品仕様に、飼料の原産地と品質に関す

る詳細規定を含めるものとする。できる限り、飼料は、該当する定義された地理的地域から調達するものとする。

第6条 原産地の証拠

- 1. 製品仕様は、製品仕様にもとづき該当する定義された地理的地域に由来するものであることが義務付けられている製品、原材料、飼料および他の品目に関して、規則 (EC) No 510/2006 の第4条(2)の (d) 項に示す原産地の証拠情報として整えておくよう運営者に義務付けられている手順を確認しなければならない。
- 2. 第1項に示す運営者は、以下のことを識別できなければならない:
 - (a) 入荷した原材料および/または製品の全バッチの供給者、数量および原産地;
 - (b) 供給製品の受取人、数量および仕向地;
- (c) (a) 項の入荷品目の各バッチと(b) 項の出荷各バッチとの相関関係。

第7条 結びつき

- 1. 規則 (EC) No 510/2006 の第 4(2)条の (f) 項に示す「結びつき)」の詳細は、地理的地域の特徴がどのように最終製品に影響をおよぼしているかということを説明するものでなければならない。
- 2. 原産地呼称に関連して、製品仕様には以下のことを明示するものとする:
 - (a) 「結びつき」に関連する地理的地域の詳細(自然要因と人的要因を含む):
 - (b) 基本的に、または独占的に該当する地理的環境に起因する農産物または食料品の品質または 特徴の詳細;
 - (c) (a) 項に示す詳細と(b) 項に示す詳細、相互の因果関係についての説明。
- 3. 地理的表示に関連して、製品仕様には以下のことを明示するものとする:
 - (a) 「結びつき」に関連する地理的地域の詳細;
- (b) 農産物または食料品の該当する地理的起源に起因する明確な品質上の特徴、評判、または他の特徴の詳細;
- (c) (a) 項に示す詳細と (b) 項に示す詳細、相互の因果関係についての説明。
- 4. 地理的表示に関連して、製品仕様には、それがその地理的起源に起因する明確な品質上の特徴に基づくものか、評判に基づくものか、または他の特徴に基づくものかを記載するものとする。

第8条 定義された地理的地域内における荷造り

製品仕様の中で申請グループが、規則 (EC) No 510/2006 の第4条(2)の (e) 項が示す農産物または食料品の荷造りを定義された地理的地域で行なわねばならないと決めた場合、その製品に関して、そのように商品の自由な動きやサービス提供の自由を制限することの正当な理由を示さねばならない。

第9条 表示に関する詳細規定

加盟国は、保護された原産地表記または保護された地理的表示として、規則 (EC) No 510/2006 の第 4(2)条の第 (g) 項が示す当局または機関の名称がその地域内で生産された産物または食料品のラベルに表示されるよう定めることができるものとする。

第10条 登録申請

- 1. 登録申請書類は、必要に応じて、規則 (EC) No 510/2006 の第5条(7)または第5条(9)に基づき義務付けられている文書類、並びに上記規定でそれらの文書が義務付けられている場合は製品の明細書及び単一文書 (single document) の電子コピーで構成する。
- 申請グループの法的身分、規模および組織に関する情報も提出するものとする。
- 2. ブリュッセルで欧州委員会郵便物記録簿に申請書が記録された日をもって、欧州委員会への同申請書の提出日とする。

第11条 単一文書 (single document)

- 1. 単一文書は、各申請について、規則 (EC) No 510/2006 第 5 条でいうところの原産地呼称 又は地理的表示の各申請について、並びに規則 (EC) No 510/2006 第 9 (2) 条でいうところの変更承 認に関する各要請について、本規則の付属書 (Annex) I の書式にしたがい作成する。
- 2. 本規則の付属書 II の分類にしたがい、農産物または食料品の種類を示すものとする。
- 3. 単一文書における製品の説明には、その製品を説明する上でその製品の種類において一般的に用いられている具体的な専門データ(必要に応じて官能的データを含む)を含めるものとする。

第12条 越境申請

国境を越えた地理的地域の名称表示、あるいは国境を越えた地理的地域にまたがった伝統的な名称 について、いくつかのグループが合同申請を行なう場合、以下の規定を適用する:

(i) 加盟国だけが関係している場合、各々の関係加盟国において、規則 (EC) No 510/2006 の 第5条が定める国内異議申立手続を実施するものとする。これらの加盟国の何れかの国が、

- 他の国の名において、規則 (EC) No 510/2006 の第 5 条(7)の (c) 項が定める関係加盟国全ての申告 (declaration) を含めた申請書を提出する。
- (ii) 関係者が第三国だけの場合、これら全ての国について、規則 (EC) No 510/2006 の第5条 (9)が定める条件が満たされるものとする。関係申請グループの何れかの者が他の者の名において、直接またはその者の当局を通じて、規則 (EC) No 510/2006 の第5条(9)が定める関係第三国各々にいて保護されている証明を含めた申請書を欧州委員会宛に提出するものとする。
- (iii) 関係者に加盟国が1ヶ国以上、第三国が1ヶ国以上含まれている場合、各々の関係加盟国において規則 (EC) No 510/2006 の第5条(5)が定める国内異議申立手続を実施するとともに、関係第三国全てにおいて規則 (EC) No 510/2006 の第5条(9)が定める条件が満たされるものとする。これらの加盟国の何れかの国または関係第三国の申請グループの何れかの者が、直接または関係第三国の当局を通じて、規則 (EC) No 510/2006 の第5条(7)の (c) 項が定める関係加盟国全ての公表 (declaration) ならびに規則 (EC) No 510/2006 の第5条(9)が定める関係第三国各々において保護されている証明を含めた申請書を提出する。

第13条 異議申立

- 1. 規則 (EC) No 510/2006 の第7条でいうところの異議申立は、本規則の付属書 III の書式 により作成できるものとする。
- 2. 規則 (EC) No 510/2006 の第7条(3)にもとづく異議申立の許容性を判断するに当たり、 欧州委員会は、異議申立の根拠と異議申立を正当とする理由がその申立に含まれているかどうかを チェックする。
- 3. 規則 (EC) No 510/2006 の第7条(5)が定める6ヶ月の期間は、関係者間で合意に達するよう欧州委員会が関係者に対して案内を発送した日に開始する。
- 4. 規則 (EC) No 510/2006 の第7条(5)の2番目の副段落の最初の文章で定める手続が終了した場合、1ヶ月以内に、申請加盟国または第三国の申請者は、各々の協議の結果を欧州委員会宛に通知する。この場合、本規則の付属書IVの書式を用いることができるものとする。

第14条 表示と記号

- 1. 規則 (EC) No 510/2006 の第8条に定める欧州共同体の記号を本規則の付属書 V に規定するように複製するものとする。同記号内の「PROTECTED DESIGNATION OF ORIGIN (保護された原産地表記)」と「PROTECTED GEOGRAPHICAL INDICATION (保護された地理的表示)」の表示は、本規則の付属書 V に定めるように共同体の別の公用語の同義語に置換えることができるものとする。
- 2. 規則 (EC) No 510/2006 の第8条に示す欧州共同体の記号または表示を製品ラベルに表示する場合、登録名称を伴うものとする。

第15条

登録

- 1. 欧州委員会は、ブリュッセルの同人所在地において、「Register of protected designations of origin and protected geographical indications (保護された原産地表記および保護された地理的表示の登録簿)」(以下「本件登録簿」)を維持する。
- 2. 名称を登録する法律文書の効力発生にともない、欧州委員会は、以下のデータを本件登録簿に記録する:
 - (a) 本規則の第3条(2)の規定にもとづく製品の登録名称;
 - (b) 地理的表示または原産地呼称として名称が保護されていること:
 - (c) 本規則の付属書 II に示す製品分類;
 - (d) 原産国の表示;
 - (e) 上記名称が登録されている上記法律文書。
- 3. 規則 (EC) No 510/2006 の第 17 条(1) にもとづき自動的に登録される名称の場合、欧州委員会は、2007 年 12 月 31 日迄に、本条第 2 段落に定めるデータを本件登録簿に記録する。

第16条 明細書の変更

- 1. 製品の明細書の変更承認を求める申請書は本規則の付属書 VI にもとづき作成する。
- 2. 規則 (EC) No 510/2006 の第 9 条(2) にもとづく製品の明細書の変更承認を求める申請書においては:
 - (a) 規則 (EC) No 510/2006 の第 5 条(7) にもとづき義務付けられている情報は、段落 1 に示すように、しかるべく作成された申請書、ならびに規則 (EC) No 510/2006 の第 5 条(7) の (c) 項に示す公表 (declaration) から成る。
 - (b) 規則 (EC) No 510/2006 の第5条(9) にもとづき義務付けられている情報は、段落1に示すように、しかるべく作成された申請書、ならびに提案する製品の明細書の最新版から成る。
 - (c) 規則 (EC) No 510/2006 の第6条(2) にもとづき公開される情報は、本規則の付属書 VI にもとづきしかるべく作成された文書から成る。
- 3. 欧州委員会が承認した規則 (EC) No 510/2006 の第9条の段落3または段落 4に示す変更の場合、欧州委員会は、変更された製品仕様を公表する。
- 4. 軽微と見なされる変更においては:
 - (a) その変更が該当製品の基本的な特徴に関連していてはならない;
 - (b) その変更によって「結びつき」が変わってはならない;
 - (c) その変更に該当製品の名称の全てまたは一部の変更が含まれていてはならない:
- (d) その変更が該当する定義されている地理的地域に影響をおよぼしてはならない;
- (e) その変更によって該当製品または同製品の原材料の取引に関する制限が増大してはならない。

- 5. 欧州委員会が本規則の第15条で定める本件登録簿に記載されている情報の変化をともな う仕様の変更を認める判断を下した場合、同委員会は本件登録簿から元のデータを削除し、新たな データを本件登録簿に記載する。なお、これは上記決定の効力発生から有効となる。
- 6. 本条にしたがい欧州委員会に提出される情報は、書類(紙)と電子的形態の双方による。 ブリュッセルで欧州委員会郵便物記録簿に記録された日をもって、欧州委員会への変更申請書の提 出日とする。

第17条 取消し

- 1. 規則 (EC) No 510/2006 の第 11 条が定める条件が満たされず、そのような状況が継続すると思われる場合、欧州委員会は、保護された名称が適用されている農産物または食料品の明細書の条件の順守がもはや不可能または保証できないと判断できるものとする。
- 2. 規則 (EC) No 510/2006 の第 12 条(2) にもとづく登録取消の要請は、本規則の付属書 VII にもとづき作成する。

規則 (EC) No 510/2006 の第5条(7)と第5条(9)にもとづき義務付けられている情報は、本段落の最初の副段落に示すように、しかるべく作成された取消要請から成る。

規則 (EC) No 510/2006 の第5条(6) は適用しない。

取消要請は、規則 (EC) No 510/2006 の第6条(1)にもとづき公表されるものとする。

規則 (EC) No 510/2006 の第6条(2)にもとづき公開される情報は、本規則の付属書 VII にもとづき しかるべく作成された文書から成る。

規則 (EC) No 510/2006 の第7条(3)にもとづく異議申立は、それが関係者による該当登録名称に対する継続的な商業依存を示すものであった場合に限り認められるものとする。

- 3. 取消が発効した場合、欧州委員会は、本規則の第 15 条に示す本件登録簿から該当名称を 削除する。
- 4. 本条にもとづき欧州委員会宛に提出される情報は書類(紙)と電子的形態の双方による。

第18条 移行規定

- 1. 規則 (EC) No 510/2006 の第 17 条(2) にもとづき単一文書が仕様の要約によって置換えられる場合、その要約は、本規則の付属書 VIII のモデルにもとづいて作成されるものとする。
- 2. 規則 (EC) No 510/2006 発効日以前に登録されている名称について、欧州委員会は、加盟国の要請に応じて、本規則の付属書 I のモデルにしたがい作成され、その加盟国が提出した単一文書を公表する。この公表物においては、明細書の公表へのリファレンスを伴うものとする。
- 3. 本規則の規定は、以下を条件に、効力発生日から適用する:
- (a) 第2条から第8条は、本規則の効力発生以前に規則 (EC) No 510/2006 の第6条(2)または規

則 (EEC) No 2081/92 の第6条(2)にもとづく公開が行なわれていない登録手続及び変更承認 手続に関してのみ適用する;

- (b) 第10条、11条、12条、16条(1)、16条(2)、16条(3)、16条(6)、17条(2)の規定は、2006 年3月30日以降に受領した登録申請、変更承認申請、取消要請についてのみ適用する;
- (c) 第13条の (1) ~ (3) の規定は、本規則の効力発生日の時点で規則 (EC) No 510/2006 の第7条(1)の6ヶ月間が開始していない異議申立手続についてのみ適用する;第13条の (4) の規定は、本規則の効力発生日の時点で規則 (EC) No 510/2006 の第7条(1)の6ヶ月間が終了していない異議申立手続についてのみ適用する。
- (d) 第14条(2)の規定は、2008年1月1日以前に市場に出された製品に影響をおよぼすことなく、 2008年1月1日までに適用する。

第19条 廃 止

規則 (EEC) No 2037/93 および規則 (EC) No 383/2004 を廃止する。 条規の廃止規則への言及は、本規則への言及と見なす。

第20条 効力発生

本規則は、本規則が欧州連合の官報 (Official Journal of the European Union) で公布された日から7日目に効力を生ずる。

ただし、第18条(3)の(b) 項は、2006年3月31日から有効とする。

本規則は、全体として拘束力を有し、全加盟国において、そのまま適用する。

付属書 (ANNEX) I

この書式を作成後は、[]内の文章を削除のこと

単一文書(SINGLE DOCUMENT)

保護地理的表示および保護原産地呼称に関する理事会規則 (EC) No 510/2006

[下記1と同じ名称を挿入:]「」

EC No: [EC の場合のみ]

[どちらか一方を選択「X」] □PGI □PDO

1. [PGI またはPDO の] 名称

[登録を希望する名称を挿入、または本規則の第19条(2)にもとづく製品仕様または出版物の変更承認申請の場合は登録名称を挿入]

- 2. 加盟国または第三国
- 3. 農産物または食料品の説明
- 3.1. 製品のタイプ [付属書 II の場合と同じ]
- 3.2. (1) の名称が適用される製品の説明

[規則 (EC) No 510/2006 の第4条(2)の (b) 項の項目の主要ポイント。特定の種類/品種の動物または植物の使用が不可欠等、(1) の名称が適用される製品の技術的な説明。]

3.3. 原材料 (加工食品の場合のみ)

[原材料の品質要件または原産地に関する制限を記載。そのような制限を設けることが正当であるとする理由を記載。]

3.4. 飼料 (動物由来製品の場合のみ)

[飼料の品質要件または原産地に関する制限を記載。そのような制限を設けることが正当であるとする理由を記載。]

3.5. 特定の地理的地域において実施されねばならない生産における具体的な段階

「制限がある場合はそれを正当であるとする理由を記載。

3.6. スライス、すりおろし、荷造り等に関する詳細規定

[特にない場合は空白のままにしておくこと。制限がある場合はそれを正当であるとする理由

を記載。]

3.7. 表示に関する詳細規定

[特にない場合は空白のままにしておくこと。制限がある場合はそれを正当であるとする理由を記載。]

- 4. 地理的地域の簡単な定義
- 5. 地理的地域との結びつき
- 5.1. 地理的地域の特異性

[PDO 申請の場合、特有の自然要因と人的要因の説明も含めること。]

- 5.2. 製品の特異性
- 5.3. 地理的地域と製品の品質または特徴との因果関係 (PDO の場合)、または製品の詳細な品質、評判または他の特徴 (PGI の場合)。

仕様公表物との関係

(規則 (EC) No 510/2006 の第5条(7))

付属書(ANNEX)II

理事会規則 (EC) No 510/2006 における製品の分類

- 1. 設立条約の付属書 (ANNEX) I に記載の人による消費を目的とした農産物
 - クラス 1.1. 魚肉(および魚の内臓)
 - クラス 1.2. 肉製品(調理済、塩漬け、薫製、その他)
 - ー クラス 1.3. チーズ
 - クラス 1.4. 動物由来のその他の製品(卵、蜂蜜、バター以外の各種乳製品、その他)
 - 一 クラス 1.5. 油脂 (バター、マーガリン、油、その他)
 - 一 クラス 1.6. 生鮮または加工された果物、野菜、穀類
 - 一 クラス 1.7. 生の魚、軟体動物、甲殻類およびこれらの派生製品
 - ー クラス 1.8. 設立条約の付属書 (ANNEX) I のその他の製品 (スパイス、その他)
- 2. 上記規則の付属書 I に記載の食料品
 - 一 クラス 2.1. ビール
 - ー クラス 2.2. 天然ミネラル水およびわき水 (中止)⁽¹⁾
 - 一 クラス 2.3. 植物抽出物を原料とする飲料
 - ー クラス 2.4. パン、ペストリー、ケーキ、菓子類、ビスケットおよびその他のパン屋 の商品
 - 一 クラス 2.5. 天然のガムおよび樹脂
 - 一 クラス 2.6. 練りがらし
 - ー クラス 2.7. パスタ
- 3. 上記規則の付属書 II に記載の農産物
 - 一 クラス 3.1. 干し草
 - クラス3.2. エッセンシャルオイル
 - ー クラス 3.3. コルク
 - クラス 3.4. コチニール (動物由来の原材料)
 - 一 クラス 3.5. 花および観賞植物
 - 一 クラス 3.6. 羊毛
 - 一 クラス 3.7. 枝編み細工
 - 一 クラス 3.8. 打ち亜麻

 $^{^{(1)}}$ 2006 年 3 月 31 日迄の登録および申請にのみ使用

付属書 (ANNEX) Ⅲ

保護地理的表示および保護原産地呼称に関する理事会規則 (EC) No 510/2006 に関する異議申立

| 1. | 製品名 |
|----|---|
| | [官報 (Official Journal=OJ) に示すもの] |
| 2. | 公式リファレンス |
| | [官報 (Official Journal=OJ) に示すもの] |
| | リファレンス番号: |
| | OJ 刊行日: |
| 3. | 連絡に関する詳細情報 |
| | 連絡担当者:肩書(Mr、Ms···):氏名 |
| | 団体/組織/個人: |
| | または国家当局: |
| | 部局: |
| | 住所: |
| | 電話 |
| | e メールアドレス: |
| 4. | 異議申立の根拠: |
| | 一 |
| | ─ □ 名称登録が規則 (EC) No 510/2006 の第3条(2) (植物品種または動物の種類) に 反するのではないか |
| | ─ □ 名称登録が規則 (EC) No 510/2006 の第3条(3) (名称の全てまたは一部が同名)に反するのではないか |
| | ─ □ 名称登録が規則 (EC) No 510/2006 の第3条(4) (既存商標) に反するのではないか。 |
| | ─ 登録が規則 (EC) No 510/2006 の第7条(3)の (c) 項が定めるように既存の名称、 商標または製品を脅かすのではないか |
| | ─ 登録希望の名称が一般名である;規則 (EC) No 510/2006 の第7条(3)の (d) 項が 定めるように詳細が提供されなければならない |
| 5. | 異議申立の詳細 |
| | 異議申立が正当であるとする理由を記載すること。意義申立人の正当な権利に関する説明を 記載すること。ただし、国家当局により異議申立が行なわた場合を除く。この場合、正当な |

権利に関する記載は不要。異議申立書には署名し、日付を記入のこと。

付属書(ANNEX)IV

この書式を作成後は、[]内の文章を削除のこと

異議申立手続後の協議終了通知

保護地理的表示および保護原産地呼称に関する理事会規則 (EC) No 510/2006

1. 製品名

「官報 (Official Journal=OJ) に示すもの]

2. 公式リファレンス [官報 (Official Journal=OJ) に示すもの]

リファレンス番号:

0J 刊行日:

- 3. 協議結果
- 3.1. 下記意義申立人との間で合意に達した:

[合意を示す書簡のコピーを付加すること]

- 3.2. 下記意義申立人との間で合意に達しなかった:
- 4. 製品仕様および単一文書 (Single Document)
- 4.1. 仕様は変更済:
 - …はい* …いいえ
 - *「はい」の場合、変更の説明を付加すること
- 4.2. 単一文書(または仕様の要約)は変更済:
 - …はい** …いいえ
 - **「はい」の場合、変更の説明を付加すること
- 5. 日付と署名

[氏名]

[部門/組織]

[住所]

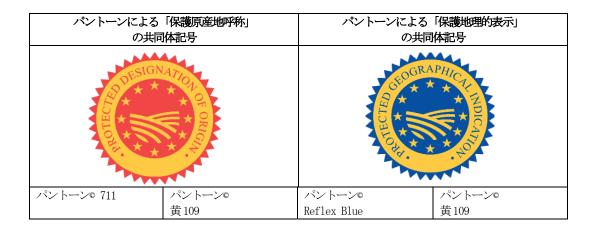
[電話:] +

[e メールアドレス:]

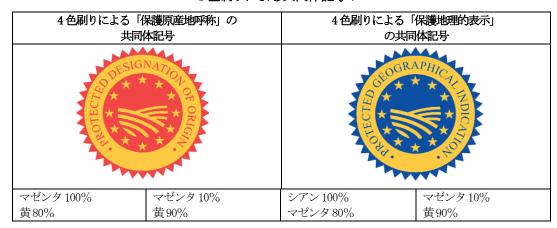
付属書 (ANNEX) V

共同体の記号と表示の複製

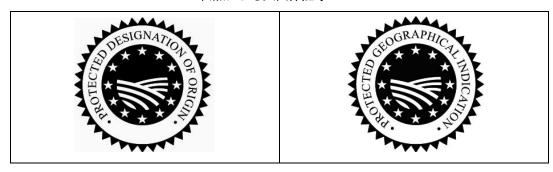
1. カラーまたは白黒の共同体の記号 カラーの記号を用いる場合、直接着色 (パントーン) または 4 色刷りを用いることができる。 基本色を以下に示した。



4色刷りによる共同体記号:



白黒による共同体記号



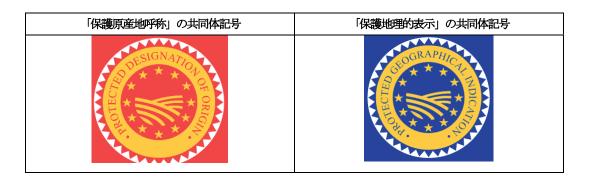
2. 白黒反転させた共同体記号

パッケージまたはラベルの背景色が暗色の場合、パッケージまたはラベルの背景色を使って 反転させた記号を用いることができる。



3. 背景色との対比

色の付いた背景とカラー記号を組み合わせて見にくくなる場合、背景色とのコントラストを改善するため、記号周囲の円形の境界領域を用いる。



4. 活字

文章にはTimes Romanの大文字を用いること。

5. 縮小

共同体記号の最小サイズは、直径 15 mm。

6. EC 言語による「保護原産地呼称 (PROTECTED DESIGNATIO OF ORIGIN)」とその省略形

| EC言語 | 表現 | 省略形 |
|------|-------------------------------------|---------|
| ES | denominación de origen protegida | DOP |
| CS | chráně né označ ení pů vodu | CHOP |
| DA | beskyttet oprindelsesbetegnelse | BOB |
| DE | geschützte Ursprungsbezeichnung | g. U. |
| ET | kaitstud päritolunimetus | KPN |
| EL | προστατευό μενη ονομασί α | ПОП |
| | προέ λευσης | |
| EN | protected designation of origin | PDO PDO |
| FR | appellation d'origine protégée | AOP |
| IT | denominazione d'origine protetta | DOP |
| LV | aizsargā ts cilmes vietas nosaukums | ACVN |

| EC 言語 | 表現 | 省略形 |
|-------|-------------------------------------|------|
| LT | saugoma kilmė s vietos nuoroda | SKVN |
| HU | oltalom alatt álló eredetmegjelölés | OEM |
| MT | denominazzjoni protetta ta'oriġ ini | DPO |
| NL | beschermde oorsprongsbenaming | BOB |
| PL | chroniona nazwa pochodzenia | CHNP |
| PT | denominação de origem protegida | DOP |
| SK | chránené označ enie pôvodu | CHOP |
| SL | zaš č itena označ ba porekla ZOP | |
| FI | suojattu alkuperänimitys SAN | |
| SV | skyddad ursprungsbeteckning | SUB |

7. EC 言語による「保護地理的表示 (PROTECTED GEOGRAPHICAL INDICATION)」とその省略形

| EC 言語 | 表現 | 省略形 |
|--|---------------------------------------|----------|
| ES | indicación geográfica protegida | IGP |
| CS | chráně né země pisné označ ení | CHZO |
| DA | beskyttet geografisk betegnelse | BGB |
| DE | geschützte geografische Angabe | g. g. A. |
| ET | kaitstud geograafiline tähis | KGT |
| EL | προστατευό μενη γεωγραφική ένδειξη | 省略 |
| EN | protected geographical indication | PGI |
| FR | FR indication géographique protégée | |
| IT | indicazione geografica protetta | IGP |
| LV aizsargā ta ģ eogrā fiskā s izcelsmes norā de | | AĢ IN |
| LT saugoma geografinė nuoroda | | SGN |
| HU oltalom alatt álló földrajzi jelzés OF | | OFJ |
| MT | indikazzjoni ġ eografika protetta | IĠ P |
| NL | beschermde geografische aanduiding | BGA |
| PL | chronione oznaczenie geograficzne | CHOG |
| PT | indicação geográfica protegida | IGP |
| SK | chránené zemepisné označ enie | CHZ0 |
| SL | zaš č itena geografska označ ba | ZGO |
| FI | suojattu maantieteellinen merkintä | SMM |
| SV | skyddad geografisk beteckning | SGB |

付属書 (ANNEX) VI

| この書式を作成後は、[]内の文章を削除のこと | | | | |
|---|--|--|--|--|
| 変更申請 | | | | |
| 保護された地理的表示および保護された原産地表記に関する理事会規則 (EC) No 510/2006 | | | | |
| 第9条にもとづく変更申請 | | | | |
| - <u>で</u> 「登録名称」「 」 | | | | |
| EC No : [EC の場合のみ] | | | | |
| | | | | |
| [どちらか一方を選択「X」] □PGI □PDO | | | | |
| 1. 本変更の影響を受ける製品仕様の表題 | | | | |
| 一 □ 製品名 | | | | |
| ─ 製品の説明 | | | | |
| ─ □ 地理的地域 | | | | |
| 一 □ 原産地の証拠一 □ 製造方法 | | | | |
| 一 □ 装垣方伝一 □ 結びつき | | | | |
| 一 一 表示 | | | | |
| 一 国内要件 | | | | |
| − □ その他 (明記のこと) | | | | |
| 2. 変更の種類 | | | | |
| — □ 単一文書 (Single Document) または要約書 (Summary Sheet) の変更 | | | | |
| ー □ 単一文書も要約書も公開されていない登録されているPDOまたはPGIの仕様の変更 | | | | |
| - □ 公開されている単一文書の変更を必要としない仕様の変更 (規則 (EC) No 510/2006 | | | | |
| 第9条(3)) | | | | |
| 一 □ 公的機関によって義務付けられた衛生対策または植物検疫対策にともなう仕様の | | | | |
| 一時的変更(規則(EC)No 510/2006 第 9 条 (4)) | | | | |
| 3. 変更: | | | | |
| [上記セクションでチェックした表題各々について、各変更毎に簡単に説明すること。また、 | | | | |
| その変更を提案している団体の正当な権利も記載のこと。] | | | | |
| 4. 更新した単一文書 (必要な場合) | | | | |

5. 仕様公表物との関係

[付属書 I を使用]

付属書VII

この書式を作成後は、[]内の文章を削除のこと

取消要請

保護された地理的表示および保護された原産地表記に関する理事会規則 (EC) No 510/2006

第12条(2)にもとづく取消要請

[登録名称:]「 」

EC No: [EC の場合のみ]

[どちらか一方を選択「X」] □PGI □PDO

- 1. 取消を希望する登録名称
- 2. 加盟国または第三国
- 3. 製品のタイプ (付属書 II の場合と同じ)
- 4. 取消を要請する者または組織

名称:

住所:

本要請を行なうことの正当な権利の性質:

[取消を要請する者または団体の正当な権利の説明を記載のこと。]

5. 取消の理由

[名称の登録を取消すことの正当な理由を記載のこと。]

付属書VIII

要 約

保護地理的表示および保護原産地呼称に関する理事会規則 (EC) No 510/2006

FC No:
PDO (§) PGI (§)

本要約は、情報提供を目的として該当製品仕様の主な要素を説明する。

| 名称: |
|--------|
| 住所: |
| 電話: |
| Fax: |
| e メール: |

加盟国の担当部局

2. 団体

1.

名称: 住所: 電話: Fax: e メール:

組織: 生産者/製造加工者(§) その他(§)

3. 製品のタイプ

分類

4. 仕様

(規則 (EC) No 510/2006の第4条(2)にもとづく要件の要約)

4.1. **名称**: 「…」

- 4.2. 説明:
- 4.3. 地理的地域:
- 4.4. 原産地の証拠:

4.5. 結びつき:

4.7. **検査機関**:

名称:

住所:

電話:

Fax:

e メール:

4.8. 表示:

EUROPEAN COMMUNITIES

Council Regulation on geographical indications and designations of origin Council Regulation (EEC) No 2081/92 of 14 July 1992 on protection of geographical indications and designations of origin for agricultural products and foodstuffs

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Afficie 10

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Article 13

Article 14

Article 15

Article 16

Article 17

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ANNEX I Foodstuffs referred to in Article 1(1)

ANNEX II Agricultural products referred to in Article 1(1)

Preamble

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas the production, manufacture and distribution of agricultural products and foodstuffs play an important role in the Community economy;

Whereas, as part of the adjustment of the common agricultural policy the diversification of agricultural production should be encouraged so as to achieve a better balance between supply and demand on the markets; whereas the promotion of products having certain characteristics could be of considerable benefit to the rural economy, in particular to less-favoured or remote areas, by improving the incomes of farmers and by retaining the rural population in these areas;

Whereas, moreover, it has been observed in recent years that consumers are tending to attach greater importance to the quality of foodstuffs rather than to quantity; whereas this quest for specific products generates a growing demand for agricultural products or foodstuffs with an identifiable geographical origin;

Whereas in view of the wide variety of products marketed and of the abundance of information concerning them provided, consumers must, in order to be able to make the best choice, be given

clear and succinct information regarding the origin of the product;

Whereas the labelling of agricultural products and foodstuffs is subject to the general rules laid down in Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs; whereas, in view of their specific nature, additional special provisions should be adopted for agricultural products and foodstuffs from a specified geographical area;

Whereas the desire to protect agricultural products or foodstuffs which have an identifiable geographical origin has led certain Member States to introduce 'registered designations of origin'; whereas these have proved successful with producers, who have secured higher incomes in return for a genuine effort to improve quality, and with consumers, who can purchase high quality products with guarantees as to the method of production and origin;

Whereas, however, there is diversity in the national practices for implementing registered designations of origin and geographical indications; whereas a Community approach should be envisaged; whereas a framework of Community rules on protection will permit the development of geographical indications and designations of origin since, by providing a more uniform approach, such a framework will ensure fair competition between the producers of products bearing such indications and enchance the credibility of the products in the consumers' eyes;

Whereas the planned rules should take account of existing Community legislation on wines and spirit drinks, which provide for a higher level of protection;

Whereas the scope of this Regulation is limited to certain agricultural products and foodstuffs for which a link between product or foodstuff characteristics and geographical origin exists; whereas, however, this scope could be enlarged to encompass other products or foodstuffs;

Whereas existing practices make it appropriate to define two different types of geographical description, namely protected geographical indications and protected designations of origin;

Whereas an agricultural product or foodstuff bearing such an indication must meet certain conditions set out in a specification;

Whereas to enjoy protection in every Member State geographical indications and designations of origin must be registered at Community level; whereas entry in a register should also provide information to those involved in trade and to consumers;

Whereas the registration procedure should enable any person individually and directly concerned in a Member State to exercise his rights by notifying the Commission of his opposition;

Whereas there should be procedures to permit amendment of the specification, after registration, in the light of technological progress or withdrawal from the register of the geographical indication or designation of origin of an agricultural product or foodstuff if that product or foodstuff ceases to conform to the specification on the basis of which the geographical indication or designation of origin was granted;

Whereas provision should be made for trade with third countries offering equivalent guarantees for the issue and inspection of geographical indications or designations of origin granted on their territory;

Whereas provision should be made for a procedure establishing close cooperation between the Member States and the Commission through a Regulatory Committee set up for that purpose,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation lays down rules on the protection of designations of origin and geographical indications of agricultural products intended for human consumption referred to in Annex II to the Treaty and of the foodstuffs referred to in Annex I to this Regulation and agricultural products listed in Annex II to this Regulation.

However, this Regulation shall not apply to wine products or to spirit drinks.

Annex I may be amended in accordance with the procedure set out in Article 15.

2. This Regulation shall apply without prejudice to other specific Community provisions.

3. Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations shall not apply to the designations of origin and geographical indications covered by this Regulation.

Article 2

- 1. Community protection of designations of origin and of geographical indications of agricultural products and foodstuffs shall be obtained in accordance with this Regulation.
- 2. For the purposes of this Regulation:
- (a) designation of origin: means the name of a region, a specific place or, in exceptional cases, a country, used to describe an agricultural product or a foodstuff:
- originating in that region, specific place or country, and
- the quality or characteristics of which are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors, and the production, processing and preparation of which take place in the defined geographical area;
- (b) geographical indication: means the name of a region, a specific place or, in exceptional cases, a country, used to describe an agricultural product or a foodstuff:
- originating in that region, specific place or country, and
- which possesses a specific quality, reputation or other characteristics attributable to that geographical origin and the production and/or processing and/or preparation of which take place in the defined geographical area.
- 3. Certain traditional geographical or non-geographical names designating an agricultural product or a foodstuff originating in a region or a specific place, which fulfil the conditions referred to in the second indent of paragraph 2(a) shall also be considered as designations of origin.
- 4. By way of derogation from Article 2(a), certain geographical designations shall be treated as designations of origin where the raw materials of the products concerned come from a geographical area larger than or different from the processing area, provided that:
- the production area of the raw materials is limited,
- special conditions for the production of the raw materials exist, and
- there are inspection arrangements to ensure that those conditions are adhered to.
- 5. For the purposes of paragraph 4, only live animals, meat and milk may be considered as raw materials. Use of other raw materials may be authorized in accordance with the procedure laid down in Article 15.
- 6. In order to be eligible for the derogation provided for in paragraph 4, the designations in question must be or have already been recognized as designations of origin with national protection by the Member State concerned, or, if no such scheme exists, have a proven, traditional character and an exceptional reputation and renown.
- 7. In order to be eligible for the derogation provided for in paragraph 4, applications for registration must be lodged within two years of the entry into force of this Regulation.

Article 3

1. Names that have become generic may not be registered.

For the purposes of this Regulation, 'a name that has become generic' means the name of an agricultural product or a foodstuff which, although it relates to the place or the region where this product or foodstuff was originally produced or marketed, has become the common name of an agricultural product or a foodstuff.

To establish whether or not a name has become generic, account shall be taken of all factors, in particular:

- the existing situation in the Member State in which the name originates and in areas of consumption,
- the existing situation in other Member States,
- the relevant national or Community laws.

Where, following the procedure laid down in Articles 6 and 7, an application of registration is rejected because a name has become generic, the Commission shall publish that decision in the Official Journal of the European Communities.

- 2. A name may not be registered as a designation of origin or a geographical indication where it conflicts with the name of a plant variety or an animal breed and as a result is likely to mislead the public as to the true origin of the product.
- 3. Before the entry into force of this Regulation, the Council, acting by a qualified majority on a proposal from the Commission, shall draw up and publish in the Official Journal of the European Communities a non-exhaustive, indicative list of the names of agricultural products or foodstuffs which are within the scope of this Regulation and are regarded under the terms of paragraph 1 as being generic and thus not able to be registered under this Regulation.

Article 4

- 1. To be eligible to use a protected designation of origin (PDO) or a protected geographical indication (PGI) an agricultural product or foodstuff must comply with a specification.
- 2. The product specification shall include at least:
- (a) the name of the agricultural product or foodstuffs, including the designation of origin or the geographical indication;
- (b) a description of the agricultural product or foodstuff including the raw materials, if appropriate, and principal physical, chemical, microbiological and/or organoleptic characteristics of the product or the foodstuff:
- (c) the definition of the geographical area and, if appropriate, details indicating compliance with the requirements in Article 2 (4);
- (d) evidence that the agricultural product or the foodstuff originates in the geographical area, within the meaning of Article 2(2) (a) or (b), whichever is applicable;
- (e) a description of the method of obtaining the agricultural product or foodstuff and, if appropriate, the authentic and unvarying local methods;
- (f) the details bearing out the link with the geographical environment or the geographical origin within the meaning of Article 2 (2) (a) or (b), whichever is applicable;
- (g) details of the inspection structures provided for in Article 10;
- (h) the specific labelling details relating to the indication PDO or PGI, whichever is applicable, or the equivalent traditional national indications;
- (i) any requirements laid down by Community and/or national provisions.

Article 5

- 1. Only a group or, subject to certain conditions to be laid down in accordance with the procedure provided for in Article 15, a natural or legal person, shall be entitled to apply for registration.
- For the purposes of this Article, 'Group' means any association, irrespective of its legal form or composition, of producers and/or processors working with the same agricultural product or foodstuff. Other interested parties may participate in the group.
- 2. A group or a natural or legal person may apply for registration only in respect of agricultural products or foodstuffs which it produces or obtains within the meaning of Article 2(2) (a) or (b).
- 3. The application for registration shall include the product specification referred to in Article 4.
- 4. The application shall be sent to the Member State in which the geographical area is located.
- 5. The Member State shall check that the application is justified and shall forward the application, including the product specification referred to in Article 4 and other documents on which it has based its decision, to the Commission, if it considers that it satisfies the requirements of this Regulation.
- If the application concerns a name indicating a geographical area situated in another Member State also, that Member State shall be consulted before any decision is taken.
- 6. Member States shall introduce the laws, regulations and administrative provisions necessary to

comply with this Article.

Article 6

1. Within a period of six months the Commission shall verify, by means of a formal investigation, whether the registration application includes all the particulars provided for in Article 4.

The Commission shall inform the Member State concerned of its findings.

- 2. If, after taking account of paragraph 1, the Commission concludes that the name qualifies for protection, it shall publish in the Official Journal of the European Communities the name and address of the applicant, the name of the product, the main points of the application, the references to national provisions governing the preparation, production or manufacture of the product and, if necessary, the grounds for its conclusions.
- 3. If no statement of objections is notified to the Commission in accordance with Article 7, the name shall be entered in a register kept by the Commission entitled 'Register of protected designations of origin and protected geographical indications', which shall contain the names of the groups and the inspection bodies concerned.
- 4. The Commission shall publish in the Official Journal of the European Communities:
- the names entered in the Register,
- amendments to the Register made in accordance with Article 9 and 11.
- 5. If, in the light of the investigation provided for in paragraph 1, the Commission concludes that the name does not qualify for protection, it shall decide, in accordance with the procedure provided for in Article 15, not to proceed with the publication provided for in paragraph 2 of this Article.

Before publication as provided for in paragraphs 2 and 4 and registration as provided for in paragraph 3, the Commission may request the opinion of the Committee provided for in Article 15.

Article 7

- 1. Within six months of the date of publication in the Official Journal of the European Communities referred to in Article 6(2), any Member State may object to the registration.
- 2. The competent authorities of the Member States shall ensure that all persons who can demonstrate a legitimate economic interest are authorized to consult the application. In addition and in accordance with the existing situation in the Member States, the Member States may provide access to other parties with a legitimate interest.
- 3. Any legitimately concerned natural or legal person may object to the proposed registration by sending a duly substantiated statement to the competent authority of the Member State in which heresides or is established. The competent authority shall take the necessary measures to consider these comments or objection within the deadlines laid down.
- 4. A statement of objection shall be admissible only if it:
- either shows non-compliance with the conditions referred to in Article 2,
- or shows that the proposed registration of a name would jeopardize the existence of an entirely or partly identical name or trade mark or the existence of products which are legally on the market at the time of publication of this regulation in the Official Journal of the European Communities,
- or indicates the features which demonstrate that the name whose registration is applied for is generic in nature.
- 5. Where an objection is admissible within the meaning of paragraph 4, the Commission shall ask the Member States concerned to seek agreement among themselves in accordance with their internal procedures within three months. If:
- (a) agreement is reached, the Member States in question shall communicate to the Commission all the factors which made agreement possible together with the applicant's opinion and that of the objector. Where there has been no change to the information received under Article 5, the Commission shall proceed in accordance with Article 6(4). If there has been a change, it shall again initiate the procedure laid down in Article 7;

(b) no agreement is reached, the Commission shall take a decision in accordance with the procedure laid down in Article 15, having regard to traditional fair practice and the actual likelihood of confusion. Should it decide to proceed with registration, the Commission shall carry out publication in accordance with Article 6(4).

Article 8

The indications PDO, PGI or equivalent traditional national indications may appear only on agricultural products and foodstuffs that comply with this Regulation.

Article 9

The Member State concerned may request the amendment of a specification, in particular to take account of developments in scientific and technical knowledge or to redefine the geographical area. The Article 6 procedure shall apply mutatis mutandis.

The Commission may, however, decide, under the procedure laid down in Article 15, not to apply the Article 6 procedure in the case of a minor amendment.

Article 10

- 1. Member States shall ensure that not later than six months after the entry into force of this Regulation inspection structures are in place, the function of which shall be to ensure that agricultural products and foodstuffs bearing a protected name meet the requirements laid down in the specifications.
- 2. An inspection structure may comprise one or more designated inspection authorities and/or private bodies approved for that purpose by the Member State. Member States shall send the Commission lists of the authorities and/or bodies approved and their respective powers. The Commission shall publish those particulars in the Official Journal of the European Communities.
- 3. Designated inspection authorities and/or approved private bodies must offer adequate guarantees of objectivity and impartiality with regard to all producers or processors subject to their control and have permanently at their disposal the qualified staff and resources necessary to carry out inspection of agricultural products and foodstuffs bearing a protected name.

If an inspection structure uses the services of another body for some inspections, that body must offer the same guarantees. In that event the designated inspection authorities and/or approved private bodies shall, however, continue to be responsible vis-a-vis the Member State for all inspections.

As from 1 January 1998, in order to be approved by the Member States for the purpose of this Regulation, private bodies must fulfil the requirements laid down in standard EN 45011 of 26 June 1989.

- 4. If a designated inspection authority and/or private body in a Member State establishes that an agricultural product or a foodstuff bearing a protected name of origin in that Member State does not meet the criteria of the specification, they shall take the steps necessary to ensure that this Regulation is complied with. They shall inform the Member State of the measures taken in carrying out their inspections. The parties concerned must be notified of all decisions taken.
- 5. A Member State must withdraw approval from an inspection body where the criteria referred to in paragraphs 2 and 3 are no longer fulfilled. It shall inform the Commission, which shall publish in the Official Journal of the European Communities a revised list of approved bodies.
- 6. The Member States shall adopt the measures necessary to ensure that a producer who complies with this Regulation has access to the inspection system.
- 7. The costs of inspections provided for under this Regulation shall be borne by the producers using the protected name.

Article 11

1. Any Member State may submit that a condition laid down in the product specification of an

agricultural product or foodstuff covered by a protected name has not been met.

- 2. The Member State referred to in paragraph 1 shall make its submission to the Member State concerned. The Member State concerned shall examine the complaint and inform the other Member State of its findings and of any measures taken.
- 3. In the event of repeated irregularities and the failure of the Member States concerned to come to an agreement, a duly substantiated application must be sent to the Commission.
- 4. The Commission shall examine the application by consulting the Member States concerned. Where appropriate, having consulted the committee referred to in Article 15, the Commission shall take the necessary steps. These may include cancellation of the registration.

Article 12

- 1. Without prejudice to international agreements, this Regulation may apply to an agricultural product or foodstuff from a third country provided that:
- the third country is able to give guarantees identical or equivalent to those referred to in Article 4,
- the third country concerned has inspection arrangements equivalent to those laid down in Article 10,
- the third country concerned is prepared to provide protection equivalent to that available in the Community to corresponding agricultural products or foodstuffs coming from the Community.
- 2. If a protected name of a third country is identical to a Community protected name, registration shall be granted with due regard for local and traditional usage and the practical risks of confusion. Use of such names shall be authorized only if the country of origin of the product is clearly and visibly indicated on the label.

Article 13

- 1. Registered names shall be protected against:
- (a) any direct or indirect commercial use of a name registered in respect of products not covered by the registration in so far as those products are comparable to the products registered under that name or insofar as using the name exploits the reputation of the protected name;
- (b) any misuse, imitation or evocation, even if the true origin of the product is indicated or if the protected name is translated or accompanied by an expression such as 'style', 'type', 'method', 'as produced in', 'imitation' or similar;
- (c) any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product, on the inner orouter packaging, advertising material or documents relating to the product concerned, and the packing of the product in a container liable to convey a false impression as to its origin;
- (d) any other practice liable to mislead the public as to the true origin of the product.
- Where a registered name contains within it the name of an agricultural product or foodstuff which is considered generic, the use of that generic name on the appropriate agricultural product or foodstuff shall not be considered to be contrary to (a) or (b) in the first subparagraph.
- 2. However, Member States may maintain national measures authorizing the use of the expressions referred to in paragraph 1 (b) for a period of not more than five years after the date of publication of this Regulation, provided that:
- the products have been marketed legally using such expressions for at least five years before the date of publication of this Regulation,
- the labelling clearly indicates the true origin of the product.
- However, this exception may not lead to the marketing of products freely on the territory of a Member State where such expressions are prohibited.
- 3. Protected names may not become generic.

Article 14

1. Where a designation of origin or geographical indication is registered in accordance with this

Regulation, the application for registration of a trade mark corresponding to one of the situations referred to in Article 13 and relating to the same type of product shall be refused, provided that the application for registration of the trade mark was submitted after the date of the publication provided for in Article 6(2).

Trade marks registered in breach of the first subparagraph shall be declared invalid.

This paragraph shall also apply where the application for registration of a trade mark was lodged before the date of publication of the application for registration provided for in Article 6(2), provided that that publication occurred before the trade mark was registered.

- 2. With due regard for Community law, use of a trade mark corresponding to one of the situations referred to in Article 13 which was registered in good faith before the date on which application for registration of a designation of origin or geographical indication was lodged may continue notwithstanding the registration of a designation of origin or geographical indication, where there are no grounds for invalidity or revocation of the trade mark as provided respectively by Article 3(1)(c) and (g) and Article 12(2)(b) of First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks.
- 3. A designation of origin or geographical indication shall not be registered where, in the light of a trade mark's reputation and renown and the length of time it has been used, registration is liable to mislead the consumer as to the true identity of the product.

Article 15

The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 16

Detailed rules for applying this Regulation shall be adopted in accordance with the procedure laid down in Article 15.

Article 17

- 1. Within six months of the entry into force of the Regulation, Member States shall inform the Commission which of their legally protected names or, in those Member States where there is no protection system, which of their names established by usage they wish to register pursuant to this Regulation.
- 2. In accordance with the procedure laid down in Article 15, the Commission shall register the names referred to in paragraph 1 which comply with Articles 2 and 4. Article 7 shall not apply. However, generic names shall not be added.
- 3. Member States may maintain national protection of the names communicated in accordance with

paragraph 1 until such time as a decision on registration has been taken.

Article 18

This Regulation shall enter into force twelve months after the date of its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States. Done at Brussels, 14 July 1992.

ANNEX I Foodstuffs referred to in Article 1(1)

- Beer,
- Natural mineral waters and spring waters,
- Beverages made from plant extracts,
- Bread, pastry, cakes, confectionery, biscuits and other baker's wares,
- Natural gums and resins.

ANNEX II Agricultural products referred to in Article 1(1)

- Hay
- Essential oils.

Commission Communication — Guidelines on the labelling of foodstuffs using protected designations of origin (PDOs) or protected geographical indications (PGIs) as ingredients

(2010/C 341/03)

1. INTRODUCTION

1.1. Background

The European Union has been developing a specific policy with regard to geographical indications for agricultural products and foodstuffs since 1992 (¹). Rules on the labelling of foodstuffs to be delivered in their existing state to the final consumer and on the advertising of such products are laid down in the Labelling Directive (²).

The legislation relating to protected designations of origin (PDOs) and protected geographical indications (PGIs) stipulates, inter alia, that registered names are to be protected against any direct or indirect commercial use in respect of products not covered by the registration in so far as such products are comparable to those registered and in so far as that use makes it possible to profit from the reputation of the protected name (3). The Labelling Directive also states that the labelling of a foodstuff and related advertising must not be of a kind that could mislead a consumer, particularly as to the nature, identity, properties and composition of the said foodstuff (4).

In this context, while the incorporation of a product with a PDO or PGI in a foodstuff could of course constitute a major outlet for such quality products, care should nevertheless be taken to ensure that any reference to such incorporation in the labelling of a foodstuff is made in good faith and does not mislead consumers.

1.2. Guidelines

In its Communication on agricultural product quality policy (COM(2009) 234), the Commission undertook to draw up guidelines on the labelling and advertising of processed products using geographical indications as ingredients.

Those guidelines are intended to illustrate the legislative provisions applicable in this area and to help economic operators define their room for manoeuvre. In particular, they set out the Commission's point of view concerning:

 the conditions under which names registered as a PDO or PGI can be used in the labelling, presentation and advertising of foodstuffs containing such names as ingredients,

(¹) Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (OJ L 93, 31.3.2006, p. 12) and Commission Regulation (EC) No 1898/2006 of 14 December 2006 laying down detailed rules of implementation of Council Regulation (EC) No 510/2006 (OJ L 369, 23.12.2006, p. 1).

(2) Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs (OJ L 109, 6.5.2000, p. 29).

— good practice to ensure that names registered as a PDO or PGI and employed as ingredients in food products are not used in a manner that damages the reputation of the product benefiting from such a designation or misleads consumers as to the composition of the product produced.

Uptake of the guidelines is voluntary.

The examples mentioned in the guidelines are provided purely for illustrative purposes and do not reflect situations or contentious issues brought to the Commission's attention.

The present guidelines should not be deemed to constitute a legally binding interpretation of EU legislation on PDOs and PGIs or the Labelling Directive. Indeed, such an interpretation falls solely within the remit of the European Court of Justice; furthermore, the issue of whether a specific product's labelling could mislead purchasers or consumers, or any decision regarding the potentially misleading nature of a trade name is the responsibility of domestic courts (5).

These guidelines may be amended.

2. RECOMMENDATIONS

In the light of the above, the Commission wishes to set out below a series of recommendations relating to, on the one hand, the rules on using a name registered as a PDO or PGI and relevant European Union terms, abbreviations or symbols in the labelling of foodstuffs containing products benefiting from such a designation and, on the other hand, the specifications relating to names registered as a PDO or PGI and incorporated as ingredients in foodstuffs.

2.1. Recommendations on the use of registered names

- According to the Commission, a name registered as a PDO or PGI may legitimately be included in the list of ingredients of a foodstuff.
- 2. The Commission also considers that a name registered as a PDO or PGI may be mentioned in or close to the trade name of a foodstuff incorporating products benefiting from a registered name, as well as in the labelling, presentation and advertising relating to that foodstuff, provided that the following conditions are met.

⁽³⁾ Article 13(1)(a) of Regulation (EC) No 510/2006.

⁽⁴⁾ Article 2(1)(a) of Directive 2000/13/EC.

⁽⁵⁾ Refer to, in this regard, the Court's judgment in Case C-446/07 Alberto Severi v Regione Emilia Romagna (2009) ECR I-8041 (paragraph 60).

- The foodstuff in question should not contain any other 'comparable ingredient', i.e. any other ingredient which may partially or totally replace the ingredient benefiting from a PDO or PGI. As a non-restrictive example of the concept of 'comparable ingredient', the Commission considers that a blue-veined cheese (commonly known as 'blue cheese') could be considered comparable to 'Roquefort' cheese.
- This ingredient should also be used in sufficient quantities to confer an essential characteristic on the foodstuff concerned. However, given the wide range of possible scenarios, the Commission is not able to suggest a minimum percentage to be uniformly applied. As an example, the incorporation of a minimum amount of a spice benefiting from a PDO/PGI in a foodstuff could, if appropriate, be sufficient to confer an essential characteristic on that foodstuff. By contrast, the incorporation of a minimum amount of meat benefiting from a PDO/PGI in a foodstuff would not a priori be sufficient to confer an essential characteristic on a foodstuff.
- Finally, the percentage of incorporation of an ingredient with a PDO or PGI should ideally be indicated in or in close proximity to the trade name of the relevant foodstuff or, failing that, in the list of ingredients, in direct relation to the ingredient in question.
- 3. On the assumption that the conditions referred to in point (2) are met, the Commission feels that the European Union terms, abbreviations (1) or symbols accompanying the registered name should be used in labelling, within or close to the trade name or in the list of ingredients of the foodstuff only if it is made clear that the said foodstuff is not

- itself a PDO or PGI. Otherwise, the Commission takes the view that this would result in the undue exploitation of the reputation of the PDO or PGI and result in consumers being misled. For example, the trade names 'Pizza au Roquefort' (Pizza with Roquefort) or 'Pizza élaborée avec du Roquefort AOP' (Pizza prepared with Roquefort PDO) would hardly give rise to a dispute in the eyes of the Commission. By contrast, the trade name 'Pizza au Roquefort AOP' (Pizza with Roquefort PDO) would clearly be ill-advised, in as much as it could give the consumer the impression that the pizza as such was a product benefiting from a PDO.
- 4. The Commission takes the view that, if an ingredient comparable to an ingredient benefiting from a PDO/PGI has been incorporated in a foodstuff, the name registered as a PDO/PGI should appear only in the list of ingredients, in accordance with rules similar to those applicable to the other ingredients mentioned. In particular, it would be appropriate to use characters that are identical in terms of font, size, colour, etc.

2.2. Recommendations concerning specifications relating to names registered as a PDO or PGI and incorporated as an ingredient in foodstuffs

According to the Commission, provisions governing the use of a name registered as a PDO or PGI in the labelling of other foodstuffs should not be included, in principle, in the specification for that name; compliance with existing EU legislation by economic operators should constitute an adequate guarantee. They may be included by way of exception only in order to resolve a specific, clearly identified difficulty and provided they are objective, proportionate and non-discriminatory. In any case, any provisions contained in the specifications could not be aimed at or result in modifying the legislation in force.

The terms in question are 'protected designation of origin' and 'protected geographical indication' and the abbreviations PDO and PGI.