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*BACKGROUND PAPER TO THE GREEN PAPER ON AGRICULTURAL PRODUCT
QUALITY*

TRADITIONAL SPECIALITIES GUARANTEED

1. INTRODUCTION

‘Traditional specialities guaranteed’ (TSGs) refer to a name of an agricultural product or foodstuff that is either

- produced using traditional raw materials, or
- characterised by a traditional composition, or
- produced using a traditional method of production.

TSGs were introduced in 1992, at the same time as PDOs and PGIs. Since 1992, only 20 TSG names are registered, which is negligible compared with over 800 PDO and PGI registrations. 30 applications are outstanding.

TSGs were conceived as a real Community-wide instrument: once a name was registered, any producer in the Community can, subject to compliance with the specification and to participation in a control regime, produce and market the traditional product and use the protected name.

1.1. Scope

TSGs cover:

- agricultural products intended for human consumption listed in Annex I to the Treaty and

- a variety of foodstuffs listed in Annex I to Regulation (EC) No 509/2006:

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| <ul style="list-style-type: none">– Beer,– Chocolate and other food preparations containing cocoa,– Confectionery, bread, pastry, cakes, biscuits and other baker's wares,– Pasta, whether or not cooked or stuffed,– Pre-cooked meals,– Prepared condiment sauces,– Soups or broths,– Beverages made from plant extracts,– Ice-creams and sorbets. |
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1.2. Definitions

In the Regulation "specific character" is defined as a characteristic or set of characteristics that distinguishes an agricultural product or a foodstuff clearly from other similar products or foodstuffs of the same category.

Term "traditional" refers to a proven usage on the Community market for a time period showing transmission between generations. This time period should be the one generally ascribed to one human generation, at least 25 years.

In order to be registered, a name should be specific in itself, or express the specific character of the agricultural product or foodstuff.

A specific name need to be traditional and comply with national provisions or be established by custom.

A name expressing specific character should not refer only to claims of a general nature used for a set of agricultural products or foodstuffs, or to those provided for by particular Community legislation nor be misleading in particular when referring to an obvious characteristic of the product or one that does not correspond to the specification.

1.3. Registration

Two types of registration are foreseen in the Regulation (EC) No 509/2006:

- 'Without reservation of the name', meaning that the registered name may continue to be used on the labelling of products not corresponding to the registered specification. In this case the indication 'traditional speciality guaranteed', the abbreviation 'TSG' or the associated EU logo, may not be indicated thereon. The only benefit contained in the regulation of such registration lies in the possibility that a product can be identified as a TSG, either by the Community symbol or the indication "traditional speciality guaranteed". ("Mozzarella", for a cheese, is an example of a TSG without reservation of the name).
- 'With reservation of the name'. In this case the name, even where unaccompanied by the indication 'traditional speciality guaranteed', the abbreviation 'TSG' or the

associated EU logo, may no longer be used on the labelling of similar foodstuffs not satisfying the registered specification (an example of reservation of a name is "Jamón Serrano").

2. LEGAL FRAMEWORK

Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed and replacing Regulation (EC) No 2082/92

Commission Regulation (EC) No 1216/2007 of 18 October 2007 laying down detailed rules for the implementation of Council Regulation (EC) No 509/2006 on agricultural products and foodstuffs as traditional specialities guaranteed

Although the TSGs were not subject of the WTO Panels¹ the new regulation includes similar provisions as regards third countries as in case of the PDO/PGI Regulation. Also, registration and objection procedures were streamlined. It has to be noted that according to Regulation (EEC) No 2082/92 applications for registration had to be translated and sent to other Member States. That meant a significant work for the Commission services. Now the procedures do not differ substantially to those applied for PDO/PGI except that translated product specification has to be published in whole (rather than Single Document) and that there are two different levels of protection (registration with/without reservation of the name).

When Council Regulation (EC) No 509/2006 was adopted the Commission made a declaration to address three requests from MS:

- product coverage,
- use of geographical names, and
- possibility of creating "representative bodies" for products with TSGs.

3. IMPLEMENTATION OF TSGS

3.1. EU level

There are few studies concerning the implementation of the scheme. However, some valuable work that has been done includes: a Commission Report, a study concerning the protection of traditional Rhônealpins products as TSGs, and a chapter on TSG in a booklet exploring the path from localised products to GIs. Their main findings are presented below.

¹ WTO DS174 & DS290: *European Communities — Protection of trademarks and geographical indications for agricultural products and foodstuffs* (2005)

3.1.1 Report of the Commission to the Council

In 1999 the Commission prepared a Report to the Council on the implementation of Regulation (EEC) No 2082/92 (COM(1999) 374, 19.7.1999). This concerned in particular the question of the objection procedure and the question of the protection of the registered names. On the basis of a questionnaire to the Member States several problems were identified, namely understanding of the scheme, different types of registration and protection, the length of the procedure, objections and inspection.

It has to be noted that by the time of the publication of the report 16 applications had been submitted: six of the names were registered under Article 13(1), the rest of the applications were pending. According to information contained in the replies to the questionnaire, other applications were being under preparation in some Member States.

- Understanding of the scheme

First of all, Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs, which was adopted at the same time, set a six-month deadline for Member States to notify already existing designations. The authorities of the Member States thus concentrated on preparing PDO/PGI applications within the deadline set. Since the TSG scheme was completely new and unfamiliar compared with that for geographical indications and designations of origin, a certain amount of time was needed to explain it.

Another difficulty was that the TSG Regulation did not define the concepts of 'specific' and of 'traditional character' nor did it lay down the criteria for assessing them. In the examined specifications the terms 'specific' and 'traditional' were based on the same elements, i.e. these ideas are interchangeable and hence, additional information had to be often requested from the Member States.

According to the Regulation the name to be registered should be 'specific in itself' or 'express the specific character' of the product. Designations notified under the second option could pose a problem because even when attempting to express a specific character the terms used are often too general and cover too wide range of products on the market (and hence not 'specific'). It was also pointed out that some of the designations proposed for registration were dismissed by certain Member States as unsubstantiated claims. The report also notes that where protection is applied for in only one language i.e. the option that was used to make registration possible, the result would be to define and register at 'national' rather than 'Community' level.

- Protection

Several Member States pointed out that it was difficult for producers to grasp the point of the protection afforded by the Regulation, given that the name would not be reserved for certain producers. Moreover, since the method of production is made public, any producer who follows the conditions of production laid down could use the registered name as well as the Community logo and indication. In most cases producers would prefer the option of reserving a name and recipe just for themselves. In other words - this may have discouraged some producers from opting for this scheme.

The 1999 Report notes that Regulation (EEC) No 2082/92, did not provide intellectual property protection, since any Community producer can use the name if his/her product complies with the registered specification.

Article 13 of the Regulation provided for two types of protection i.e. 'partial' protection under paragraph 1 and, as a derogation from it, so called 'full' protection under paragraph 2.

Registration under paragraph 1 of Article 13 would mean protection of the name but only when it would be associated with the Community logo and the indication 'TSG' (traditional speciality guaranteed). Under this option it would be possible to find on the market the same name being used for products manufactured in a different way. It is pointed out in the 1999 Report that this provision, based on a compromise, enabled the Regulation to be adopted at the time. However, it had been strongly criticised on several occasions as not offering real protection for the consumer and creating greater confusion rather than removing ambiguities. Furthermore, the producers failed to understand how, when a name would be registered, it would still be possible to find a product on the market, sold under the same name as the registered product but produced in a different way.

The protection provided for in Article 13(2) involved protection of the name alone. Under this option the only way of using the registered name was to comply with the specification therefore there would not be several products manufactured in accordance with different conditions bearing the same name on the market. This type of protection would be obviously clearest to the consumer, but it was only possible if it did not emerge from the objection procedure (Article 9) that 'use of the name is lawful, recognised and economically significant for similar agricultural products or foodstuffs'. Hence, only few applicants opted for protection under paragraph 2. Following the objections received some applicants, in order to reach a settlement, have agreed to convert their original applications for protection under paragraph 2 (complete protection) to applications under paragraph 1 (partial protection).

This problem of protection was described in the 1999 Report: 'Given that protection under paragraph 2 seems to them to be difficult to obtain (for economic reasons) and they regard protection under paragraph 1 to be of little use and also difficult to obtain, producers are not very motivated to take advantage of this scheme.'

- Registration procedure

Experience has shown that the registration procedure took about a year. But if additional information relating to the specification were required or objections were raised to the application than the procedure was longer than three years what could help to explain why producers were not keener to apply. In 1999, out of a total of fifteen registration applications, ten had reached the initial publication stage; one or more objections have been raised to all ten.

- Inspection

The provision of the inspection was widely criticised. The cost of inspection that had to be borne by the users represented a fairly substantial item of expenditure, at least for

small and medium-sized producers. This is also one of the disincentives for producers to submit registration applications.

- Objections

Regarding the objection procedure, several points were raised. First one was that the Regulation did not list specific grounds for objections. If proper reasons for the objection had to be given, that would limit the work involved and thus reduce the time taken for the procedure and most likely facilitate agreement between the Member States concerned in the course of the procedure.

The deadline set for the amicable settlement procedure was set to three months what was considered as too tight, in particular when the Member States endeavour to reach agreement in writing (correspondence had to be translated before the technical problems can be tackled). Apart from the question of the deadline also the method used to reach an agreement i.e. exchanging letters was found as inappropriate.

3.1.2 Study on the protection of traditional Rhônalpins products as TSG

Similar problems that hinder producers to apply for TSG registration were pointed out in the study by Joyet and Delobel².

Regulation (EC) No 2082/92 was regarded as complex by including concepts and requirements that were difficult to understand in particular notions that a TSG having ‘specific’ as well as ‘traditional’ character, not to mention that proof should be produced for their key elements. In this regard the study points out that if such a scheme was to be easily understood by the consumers it has to convey a simple message of the type ‘produced in a traditional way’.

Another problem pointed out is the lack of an appropriate system of control. As required by the Regulation control bodies should comply with or be accredited in accordance with the European standard EN45011. When products are manufactured by some large companies, this can be justified. But the study concludes this is hardly feasible in the case of small-scale and atomised production, characterised by small producers not linked in a cooperative or other economic structure.

The study also stated that TSG concept seems to be a coherent and interesting tool in some cases. For instance:

- TSG could be used to standardise the method of production of a traditional product whose name has become almost generic.
- TSG also seems to be a coherent tool to protect recipes in general, but particularly recipes based on the traditional use of a product (cheese, fruit...). In this last case,

² JOYET L., DELOBEL M. 2006 - Protection des produits traditionnels rhônalpins par la Spécialité Traditionnelle Garantie, Chambre régionale d’Agriculture Rhône-Alpes, [http://savoie.synagri.com/synagri/pj.nsf/46b50bbadf2cf901c1256c2f0041b9a7/28c531179caf020bc1257227003bb074/\\$FILE/Document%20de%20synth%C3%A8se%20STG.pdf](http://savoie.synagri.com/synagri/pj.nsf/46b50bbadf2cf901c1256c2f0041b9a7/28c531179caf020bc1257227003bb074/$FILE/Document%20de%20synth%C3%A8se%20STG.pdf)

fixing in specification the necessity to use this product could be interesting and might be a way to increase its reputation.

- Finally, the study mentioned that TSG could be a good scheme to protect products of particular farming practices (such as "agneau de lait"...). One of the names registered (subsequent to the study) is 'Boerenkaas', or 'farmhouse cheese' in Dutch.

3.1.3 Chapter on TSG in 'From Localized Products to Geographical Indications: Awareness and Action'

According to Bérard and Marchenay³ TSG scheme is designed to protect a traditional composition or mode of production at EU level, independent of origin. The few TSG registrations throughout the EU show the inherent difficulty with this approach. The authors argue that 'tradition' may only really be detached from origin when considering particular farming practices, such as those used in the production of naturally suckled veal, salt-meadow lamb or Bouchot mussels. In this case, the authors note that an agreement at EU level should be found on what practices to specify which would not be an easy task as attempt to obtain TSG registration for salt-meadow lamb raised in variety of Member States has shown.

For the authors most of the products registered as TSGs correspond more closely to PGIs, being largely inseparable from local culture and fairly typical of their roots. They also raised a question of how useful it is to provide European-wide protection for products that only appeal to local customers giving *Karjalanpiirakka TSG* and *Kalakukko TSG* as examples.

3.2. Economic importance

Since 1992, only 20 TSG names have been registered (compared with over 800 PDOs and PGIs). The main categories of product are *Beer* (6) and *Other products of animal origin (eggs, honey, milk products excluding butter etc.)* (5), followed by *Cheeses* and *Confectionery products* (each 3). The main countries of application for registered names are Belgium (5) and Poland (4) followed by Finland and Spain (each 3). 24 applications (including 3 applications for an amendment) are outstanding for registration, notably from the Member States that joined the EU in 2004. Even if all were registered, the total of 50 names, few of which could describe significant products in economic terms, must be regarded as very low.

Despite there are not many names being registered as TSGs some products of considerable economic importance have acquired them, for example, *Jamon Serrano TSG*. It has to be said however, that there are only limited data available and it should be expected that in economic terms products vary significantly.

A case study of the cheese registration *Boerenkaas TSG*, was presented at the Conference on "Food Quality Certification – Adding Value to Farm Produce", 5-6 February 2007,

³ BÉRARD L., MARCHENAY P, 2008 - From localized products to Geographical Indications. Awareness and Action. Bourg-en-Bresse, CNRS Ressources des terroirs, 64 p., http://www.ethno-terroirs.cnrs.fr/textes/Localized_Products_to_GI.pdf

Brussels. *Boerenkaas* is produced on farms (340 farmers) by using raw milk which must be mostly sourced from the same farm, while ripening mostly done by wholesalers (20). The quality of cheese varies and so do the operations of the producers: they can be divided into two groups: the bigger and more commercial farms producing *Boerenkaas* for wholesale outlet and those who produce it for direct marketing (on-farm sales). *Boerenkaas* production accounts for 0.6 % of the Dutch milk production and amounts to 1 % of the national cheese production. It also holds rather small market share of 2% of (Gouda type) cheese consumption. Since 1995, production and market share has been declining. Benefits to farmers are claimed to be added-value to milk, creating on-farm employment and income, benefits to consumer would be safe and traditional/special product. More than half of value added is retained at the retail level.

3.3. Reasons for TSG registration

The reasons for registration of TSGs, as understood from contacts with Member States and other sources, include the following:

- Boerenkaas (NL): an application for TSG registration was fuelled by desire to replace the abolished national government quality standard since it turned out that protection under private law as a brand name would be impossible. Joint scheme ‘KB label’ was set up by producers and wholesalers as QAS in order to preserve the original product and to prevent the name to be used on industrial cheese and so diminish the market for farm-made cheese;
- Jamón Serrano (ES): At <http://www.fundacionserrano.org/quienes.aspx?id=2> web site of Jamón Serrano Foundation (an association that accounts for over 80% of the cured ham production in Spain, non-for-profit entity responsible for managing the Jamón Serrano TSG seal) it is explained that registration was *inter alia* aimed to protect the name, to add value to that designation, to inform consumers that its quality has been recognised in the EU and to set up an effective, impartial control that would prevent unfair competition. It also explains that "Having ruled out the possibility of registering the trademark "Jamón Serrano", in view of its generic nature, the only way was to use one of the systems in place for affording protection and added value permitted under the community legislation. ... Of these, the only possible option for Jamón Serrano is the one permitted under Regulation 2082/92, i.e., obtaining registration as a Traditional Specialty Guaranteed (TSG)."
- PL registered names and ongoing applications: all 9 are *without* registration of the name. It is understood that the TSG registration is used, in part, as a qualifying criterion by which to focus rural development initiatives. By applying for registration without protection of the name, there is no opposition from other (non-traditional) producers, while the traditional producers can be identified and targeted for support. Marketing assistance using the EU logo also helps consumers to distinguish the traditional product.
- Mozzarella TSG (IT): reasons are not known but it seems there is no production and marketing of Mozzarella TSG using EU symbol/indication/abbreviation.

It has to be noted that only 6 of the TSG registrations (out of 20) are with reservation of the name i.e. more effective protection. The majority of applicants opted for lower

protection (a registration without reservation of the name) like beer "Kriek". In a study by the Tests-Achats magazine in 2002 regarding Kriek being brewed according to tradition, the article described TSG as "un coup pour rien". This article highlights the inefficiency of the lower protection since only 6 beers out of the 27 in the test comply with the definition of the authentic Kriek. Moreover, only one brewer uses the logo STG.

3.4. Member States level

No Member State appears to have taken advantage of the provision in the TSG regulation that a product proposed and registered by one Member State can be produced by operators in another Member State.

On the other hand, Member States and/or regions operate their own particular schemes having similar aims.

In Italy, having registered only one TSG (and numerous GIs), there are more than 4000 so called traditional agrifood products (*Prodotti agroalimentari tradizionali*). Traditional agrifood products refer to products for which the method of preparation, conservation or maturation has become well established over time (25 yrs). It has to be pointed out that the categories of products and the criteria to qualify as a traditional agrifood product are similar to those in Regulation (EC) No 509/2006 and/or Regulation (EC) No 510/2006 (See Annex I). It seems from the legislation that the listed names are identified only; there is no express protection flowing from the listing.

In France, *Label Rouge* is a labelling scheme to promote superior quality. As presented at the Conference on "Food Quality Certification – Adding Value to Farm Produce", 5-6 February 2007, Brussels, the keystone of the system is the certifying organisation, independently controlling all participants. *Label Rouge* concerns a considerable market share accounting in particular for 31% of chicken consumption, although declining due to competition from private brands. There are 6.000 producers organised through Quality Groups within *Label Rouge*.

In Joyet and Delobel's study, 'Code des Usages' was presented as a reference document describing method of production, mainly used in the "charcuterie" sector. They are drafted by the sector and not regarded as a regulation. Codes are of voluntary application although their non-respect is regarded as a fraud and can be retained before the courts. The code could be regarded as a protectionist measure but as it is developed within the industry, the requirement is often not very demanding. Moreover, code of usage is not linked to an implementation of a systematic control.

In Belgium several labels have been set up to identify traditional regional products. At <http://www.streekproduct.be/overstreekproducten/index.phtml> it is explained that Flemish traditional products in order to be recognised as such, they have to satisfy the following criteria:

- products are prepared with raw materials from the region;
- they are perceived by the local population or by a broader public as traditional regional products;
- they are manufactured in old-fashioned way according to the region's tradition;

- they are prepared in their region of origin;
- they must exist for a minimum 25 years. Term 'traditional' means a long-term or historical reputation as a region's speciality.

4. TRADITIONAL EXPRESSIONS IN WINE SECTOR... AND IN MARKETING STANDARDS?

There are certain similarities between TSGs and Traditional Expressions in wine. They are labelling devices, designed to convey to consumers that certain traditional production methods have been used. In the case of wines, traditional expressions are in certain instances reserved exclusively to particular wines.

Wine traditional expressions are contained within the CMO regulation and are in the form of marketing standards. Indeed, one can also observe similarities in concept between TSGs and defined terms that refer to a particular method of production in marketing standards: "cold extracted olive oil", "free range eggs", "fruit juice from concentrate". The mechanism of definition, labelling and protection of these do not differ conceptually from "lambic" and "gueuze" for beer, or "boerenkaas" for cheese.

5. WTO CONTEXT

TSGs are not considered as intellectual property right and thus they do not fall under the TRIPs (intellectual property) agreement.

However, the 2006 regulation and implementing rules were notified to the WTO under the TBT (Technical Barriers to Trade) Agreement in 2007. See also GP05 (certification schemes) for reference to TBT rules.

6. LINK TO SANITARY AND PHYTOSANITARY RULES

Community safety and hygiene legislation provides for the application of specific standards and procedures for traditional/small scale production.

6.1. POSSIBILITIES FOR DEROGATIONS FROM HYGIENE RULES TO ALLOW TRADITIONAL/SMALL SCALE PRODUCTION TO CONTINUE

In the Recital (18) to Regulation (EC) No 2074/2005 (See Annex II) it is explained that flexibility is needed so foods with traditional characteristics can continue to be produced. Member States have already granted derogations for a wide range of such foods under the legislation in force before 1 January 2006. Food business operators should be able to continue without interruption to apply existing practices after that date. A procedure allowing Member States to exercise flexibility is provided for in Regulations (EC) No 852/2004⁴, (EC) No 853/2004⁵ and (EC) No 854/2004⁶.

⁴ Regulations (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs

However, in most cases where derogations have already been granted it is only a question of continuing established practices, so applying a full notification procedure, including a complete hazard analysis, may place an unnecessary and disproportionate burden on the Member States. Foods with traditional characteristics should therefore be defined and general conditions applicable to such foods should be laid down, by way of derogation from the structural requirements laid down in Regulation (EC) No 852/2004, with due regard to food health objectives.

Also, Commission Decision of 25 April 1997 replacing Commission Decision 96/536/EC of 29 July 1996 establishing the list of milk-based products in respect of which Member States are authorized to grant individual or general derogations pursuant to Article 8 (2) of Directive 92/46/EEC and the nature of the derogations applicable to the manufacture of such products (97/284/EC).

6.2. CONTROL ARRANGEMENTS:

Recital (9) of Regulation (EC) No 509/2006: The traditional specialities guaranteed protected within the Community are subject to control arrangements, based on *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*, as well as control arrangements to ensure that operators comply with the product specification before marketing agricultural products and foodstuffs.

From 1st May 2010 accreditation will be compulsory for private control bodies. In this regard, Regulation (EC) No 765/2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products has been adopted on 9 July 2008.

6.3. LABELLING REQUIREMENTS:

Recital (7) of Regulation (EC) No 509/2006: The labelling of agricultural products and foodstuffs is subject to the general rules laid down in the labelling directive (*Directive 2000/13/EC*). The requirement to use the logo or the mention will be brought in 2009.

Given the few names registered, the logo is hardly used, *Jamón Serrano* is being an exception. There are no demands from the TSG side to redesign the logo, while some PDO groups have called for the complete redesign of the TSG logo.

⁵ Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin

⁶ Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption

7. EXPERIENCE IN TRADE PARTNERS

No equivalent scheme is known outside the EU.

During the notification of Regulation 509/2006 the EU received comments from China (regarding definition of TSG, limited scope and procedure on third countries applications) and the USA (clarification of intellectual property rights – TSG relationship and regarding registration with reservation of the name). There were no reactions during notification of the implementing regulation.

ANNEX I: Prodotti agroalimentari tradizionali

Based on **Legislative decree 173/98** and implementing rules in **Ministerial decree 350/99**:

- Traditional agrifood products refer to products for which the method of preparation, conservation or maturation has become well established over time.
- Regions and autonomous provinces verify that methods used in their territories in uniform manner and in accordance to traditional rules and had been used for a period not less than 25 yrs.
- Regions/provinces keep directories of traditional agrifood products containing name, product characteristics and production/conservation/maturation method, raw material and equipment, and premises of production/conservation/maturation.
- National directory composed of products in regional and provincial directories is held by Ministry.
- Possibility for derogations from hygienic rules for production of these products (Decree of Health minister in agreement with Minister for Agriculture and Minister for Industry and Crafts)

Circular n°10 of the 21 December 1999 defines criteria for products to be included to the directories of regions and provinces of traditional agrifood products

- being same as those listed in Annexes to Regulation (EC) No 510/2006 (NB Not 509/2006) and liqueurs.
- if name is subsequently registered under Regulation (EC) No 510/2006 (NB Again not 509/2006) than product is deleted from national directory (Repeated in Decree of Director General 'seventh revision of national directory of agrifood products, No 8627, from 2007).
- regions and provinces transmit to the Ministry (Director general) their directory of traditional products. For each product a form has to be compiled containing the following elements:
 1. category;
 2. name of the product, comprised synonymous and dialectal terms;
 3. concerned territory to the production;
 4. summarised description of the product;
 5. description of method of production, conservation and maturation;
 6. raw materials, specific equipment used for the preparation and the conditioning;
 7. description of working premises, conservation and maturation;
 8. elements that they prove that the method have been practiced in homogenous way and according to traditional rules for not less than 25 years.

Products can be searched on IT Ministry web site:

<http://www.politicheagricole.gov.it/ProdottiQualita/ProdottiTradizionali/default.htm>

There are also web sites on regional/traditional/typical products:

<http://www.prodottiregionali.net/> and <http://www.prodottitipici.com/>

ANNEX II: Commission Regulation (EC) No 2074/2005

Commission Regulation (EC) No 2074/2005 of 5 December 2005 laying down implementing measures for certain products under Regulation (EC) No 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No 854/2004 of the European Parliament and of the Council and Regulation (EC) No 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004

Article 7

Derogation from Regulation (EC) No 852/2004 for foods with traditional characteristics

1. For the purposes of this Regulation, ‘foods with traditional characteristics’ means foods that, in the Member State in which they are traditionally manufactured, are:

- (a) recognised historically as traditional products, or
- (b) manufactured according to codified or registered technical references to the traditional process, or according to traditional production methods, or
- (c) protected as traditional food products by a Community, national, regional or local law.

2. Member States may grant establishments manufacturing foods with traditional characteristics individual or general derogations from the requirements set out in:

(a) Chapter II(1) of Annex II to Regulation (EC) No 852/2004 as regards the premises where such products are exposed to an environment necessary for the part development of their characteristics. Such premises may in particular comprise walls, ceilings and doors that are not smooth, impervious, non-absorbent or of corrosion resistant material and natural geological walls, ceilings and floors;

(b) Chapter II(1)(f) and Chapter V(1) of Annex II to Regulation (EC) No 852/2004 as regards the type of materials of which the instruments and the equipment used specifically for the preparation, packaging and wrapping of these products are made.

The cleaning and disinfecting measures for the premises referred in (a) and the frequency with which they are carried out shall be adapted to the activity in order to take account of their specific ambient flora.

The instruments and equipment referred to in (b) shall be maintained at all times in a satisfactory state of hygiene and be regularly cleaned and disinfected.

3. Member States granting the derogations provided for in paragraph 2 shall notify the Commission and the other Member States of this no later than 12 months after granting individual or general derogations. Each notification shall:

- (a) provide a short description of the requirements that have been adapted;
- (b) describe the foodstuffs and establishments concerned; and
- (c) give any other relevant information.