

PDO-PGI GUIDE FOR APPLICANTS FROM NON-EU COUNTRIES

Disclaimer:

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

FOREWORD

This document is designed for applicants based outside the EU who wish to register the name of an agricultural product or foodstuff as a PDO (protected designation of origin) or PGI (protected geographical indication) in the EU.

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

The application dossier to be sent by the Applicants to the Commission comprises the information listed in Article 5(9)/R.510:

- (1) The Specification and Accompanying information (information on the applicant group; proof of protection in the country of origin). See **PART I** below.
- (2) The Single Document. If the application is accepted, this will be published in the Official Journal of the EU. See **PART II** below.

The application may be sent to the Commission in any one (and only one!) of the 22 languages of the EU.

The application can be sent:

- either via the national authorities of the non-EU country (e.g. from a Ministry, from a Government Agency, or from the Embassy accredited to the EU),
- or directly by the Producer Group in the non-EU country, or their representative.

Send applications by e-mail to: Agri-h2@ec.europa.eu

Or by mail to:

PDO-PGI Applications
Agricultural Product Quality Policy Unit
DG Agriculture and Rural Development (AGRI.H.2)
European Commission

1049 Brussels
BELGIUM

If the application is sent by mail, an electronic copy (e.g. by e-mail) should also be sent.

If at all possible, please retain the WORD format and all formatting of the Single Document, using the template (do not convert into 'pdf' etc.)

Useful links:

Quality Policy website:

http://ec.europa.eu/agriculture/quality/schemes/index_en.htm

Single Document templates:

http://ec.europa.eu/agriculture/quality/leg/template_en.htm

Regulation (EC) No 510/2006:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006R0510:EN:NOT>

Regulation (EC) No 1898/2006:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006R1898:EN:NOT>

PART I: Specification and Accompanying information

PART I.1. SPECIFICATION

(ARTICLE 4(2) OF REGULATION (EC) NO 510/2006)

The Specification is a detailed document, drawn up by the Producer Group, that lays down the detailed rules and conditions for the production of the product to be designated as a PDO or PGI. The Specification can be of any length and may have annexes and supporting documentation to give evidence and proof of the elements of the application.

The Specification is not published in the Official Journal of the EU, but the Commission will, if it accepts the application, make public the Specification on its website. Therefore, it must not contain confidential data or private personal information.

How is the Specification different from the Single Document?

The Single Document (see PART II below) is basically a summary of the Specification, but written in a more precise and concise way.

The Single Document is intended to be published in the Official Journal if the Commission, and as such must be written in a concise way, without annexes and without any references to the Specification or to other material.

The Single Document must be consistent with the Specification.

The sections below must appear in the Specification (sections 1.8 and 1.9 may be left blank) and guidance is given. More detailed guidance is also given in the corresponding sections of the Single Document. Applicants are advised to read both sections.

THE SPECIFICATION

1.1. Name

See Part II (Single Document) section 1 (name) for more information on the name.

Insert the name of the agricultural product or foodstuff proposed for registration as a designation of origin or the geographical indication.

1.2. Description of the agricultural product or foodstuff

See Part II (Single Document) section 3.2 (description) for more information.

Include a detailed description of the product or foodstuff, giving the principal physical, chemical, microbiological or organoleptic characteristics of the product or the foodstuff.

1.3. Definition of the geographical area

See Part II (Single Document) section 4 (geographical area) for more information.

Describe the geographical area in detail. Include its boundaries and particular geographical and environmental features.

A map may usefully be included in the application.

1.4. Proof of origin

Describe the checks and controls that ensure that the final product (and its raw materials/ingredients, as appropriate) originate from the defined geographical area.

See also Article 6/R.1898 which concerns the tracking of product, raw materials, feed, and other items that come from the defined geographical area.

1.5. Description of the method of obtaining the agricultural product or foodstuff

Give detailed technical description of production, highlighting the influence of the geographical environment and/or the savoir faire of the local producers in the final product.

Give details of the production steps that take place within the specified geographical area. *See Part II (Single Document) section 3.5 (production steps) for more information.*

For processed product, give details of the raw materials used. *See Part II (Single Document) section 3.3 (raw materials) for more information.*

For livestock product, give details of the feed given to the animals. *See Part II (Single Document) section 3.4 (feed) for more information.*

Add, if appropriate, information on packaging and in particular any restrictions on packaging and re-packaging to be applied inside the EU. Restrictions on repackaging within the EU are normally not included and are only acceptable with clear justification. *See Part II (Single Document) section 3.6 (Restrictions on packaging) for more information.*

1.6. Link

See Part II (Single Document) section 5 (link) for more information.

For PDO (protected designation of origin), give details bearing out the link between the quality or characteristics of the agricultural product or foodstuff and the geographical environment.

For PGI (protected geographical indication), give details bearing out the link between a specific quality, the reputation or other characteristic of the agricultural product or foodstuff and the geographical origin.

1.7. Name and address of the authorities or bodies verifying compliance with the provisions of the specification [Article 11/R.510]

Compliance with the specification must be subject to verification. This can either be done by public authorities or by a product certification body.

If verification checks are done by the public authorities, they must offer guarantees of impartiality and objectivity and have at their disposal qualified staff and resources necessary to carry out the checks. (Article 11(4)/R.510)

If verification checks are done by a product certification body, it must be accredited in accordance with ISO /IEC Guide 65 (General requirements for bodies operating product certification systems). The accreditation authority must be recognised by the IAF (International Accreditation Forum) or be an accreditation authority of a Member State of the EU.

Supply in the Specification the name and address and contact details of the public authority or product certification body (if more than, give details for all). Also add in annex:

- for public authorities, a statement of their position, capacity and the adequacy of their functions by the national authorities addressed to the Commission;
- for product certification bodies, their certificate of accreditation and the status of the accreditation authority as a member of IAF or in the EU.

List also the specific tasks of the authorities or bodies.

1.8. Labelling

See Part II (Single Document) section 3.7 (labelling) for more information.

This section may be left blank.

Give any specific labelling rule for the agricultural product or foodstuff in question.

1.9. Additional requirements

This section may be left blank.

If necessary, describe any additional requirements under national laws affecting the production and marketing of the product that have not been described above. Any accompanying laws must be translated into an EU language.

PART I.2. ACCOMPANYING INFORMATION

2.2. PDO OR PGI:

State if the application is for a PDO or for a PGI. See Article 2(1)/R.510.

2.3. COUNTRY OF ORIGIN

State country in which the product originates. For cross-border products, give both countries.

2.4. APPLICANT GROUP [ARTICLE 5(7)(A)/R.510 AND ARTICLE 10/R.1898]

Groups of more than one person

The application begins with an Applicant Group, of which some or all of the members must be producers of the product.

The Group can have any legal form [Article 5(1) 2nd subparagraph /R.510]. However, it must have a name (which can be the name of a natural or legal person) and a single address in the Country. Telephone, fax and e-mail are desirable.

Include the following details of the Applicant Group on a separate sheet: name, address (with telephone, fax, e-mail if available), legal status (according to national law), size (how many members of the group), and composition (role or occupation of the members: farmers; producers; distributors; finishers; packers; etc.).

Do not send the Commission articles of association, annual reports, etc. unless specifically requested.

Single applicants

If the application is from a single natural or legal person, the Applicants need to be explain that the conditions of Article 2/R.1898 are met – essentially that the producer is the only one in the area; and the characteristics of area or product/foodstuff produced within the area differ from those produced outside.

2.5. PROOF OF PROTECTION IN THE COUNTRY OF ORIGIN [ARTICLE 5(9)(C)/R.510]

Details covering the terms of point (c) of Article 5(9)/R.510 should be supplied. Protection may be in the form of intellectual property right (e.g. as a geographical indication, appellation of origin, trade mark, etc). Supply an extract from the register. Specific protection under labelling law could also be possible – in which case supply a copy of the relevant law.

PART II Single Document

GENERAL

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

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

Unlike the Specification, the Single Document must stand alone. Do not include annexes; bibliographies; references to the Specification and other publications, etc.

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

THE SINGLE DOCUMENT

HEADER INFORMATION

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

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

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

SECTION 1 (NAME)

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

Write the name in the **original script** used in its place of origin. If the name is entered in a non-Roman script, include a **transcription in Roman characters**, between brackets [[Article 3\(2\)/R.1898](#)]. Note: a transcription is the form of letters that sounds approximately the same as the original. Neither translations nor transliterations may be included. If there are different transcriptions available (i.e. the French transcription of an

Arabic name may be different from the German or English transcription), then the Applicants may choose the one to be entered in the register.

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

Prior uses

Provide details of any prior uses in the EU that are known:

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

Traditional geographical names

Establish whether the name comprises or includes the name of a region or specific place (Article 2 (1)(a) and (b)/R.510).

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

The essential points are:

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

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

Non-geographical names

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

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

Names of countries

If the name is the same as that of a Country [[Article 2\(1\)\(a\) and \(b\)/R.510](#)], identify the usual name for the country and explain any derived words or non-geographical terms in

the name proposed for registration. An acceptable justification must be provided in the application for the use of a country name.

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

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

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

SECTION 2. COUNTRY

In case of joint applications, give all countries.

SECTION 3.1 TYPE OF PRODUCT/FOODSTUFF

Classification

Only use the classification in Annex II /R.1898.

If the product is not quoted in the lists, select the closest category.

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

Description of product/foodstuff

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

The description must be scientific, in the style, and using the language of a food technologist, or agronomist. Information should cover the physical, chemical, organoleptic (taste, flavour, colour, odour...) and microbiological characteristics.

For processed products, the description should also cover raw materials used. The description must clearly set out the exact product(s) and exact form(s) that are covered by the Specification: e.g. raw, processed, caned, fresh or frozen, etc.

Note: if 2 distinct products are covered by the registration (e.g. the raw and prepared form of the product), then the conditions for registration must be met for both forms of the product.

SECTION 3.3: PROCESSED PRODUCT: RAW MATERIALS

For non-processed products, leave this section blank. For processed products, list the raw materials and any conditions relating to their quality or origin.

For PDO applications, all determinant raw materials should themselves be farmed in the area of production.

SECTION 3.4: FEED (LIVESTOCK PRODUCTS)

For crop products, leave this section blank.

For PDO applications, set out the quality and origin of feed.

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

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

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

For a PDO application, all production activities should take place in the zone.

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

This section may be left blank.

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

Restrictions on slicing, bottling, grating etc. or packaging can only be included at the request of the Applicant Group. Such requirements should not be encouraged as they restrict the freedom to provide services in the Internal Market and may have the effect of discriminating against small producers who do not have ready access to the packaging facilities, and who wish to sell in bulk form.

Clarify whether there really is a restriction. Product has to be packed into something appropriate in order for it to be transported and sold. A requirement on producers to pack in certain bags of certain weights, etc. is not necessarily a restriction in the sense of Article 8 /R.1898: this only covers the case where there is an *express prohibition on repacking* when the product is imported into the EU.

SECTION 3.7 RESTRICTIONS ON LABELLING

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

This section may be left blank.

Do not refer to local labelling rules nor set out EU labelling requirements (which apply irrespective on the PDO-PGI registration).

Subject to this, the Producer Group may wish to specify that the registered name appears in a certain form or with a logo.

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

In the Single Document, summarise the boundaries of the geographical area. Only one area (which may comprise non-adjacent zones according to environmental conditions) should be defined.

The geographical area in a specification must be defined in a detailed, precise way that presents no ambiguities (Article 4/R.1898).

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

SECTION 5 LINK

Details bearing out the link. This is the most important section in a PDO or PGI application. This section shows why a name is not merely an indication of provenance, but describes a product with an intrinsic link to the geographical place.

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

SECTION 5.1 SPECIFICITY OF THE GEOGRAPHICAL AREA

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

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

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

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

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

SECTION 5.2 SPECIFICITY OF THE PRODUCT

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

In the case of a PGI based on reputation, the specificity of the product must be shown, and that the reputation attaches to this specific product.

SECTION 5.3 LINK

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

Check the causal interaction given in the Single Document between 5.1 and 5.2 above [[Article 7\(3\)\(c\) /R.1898](#)], and/or summarise the explanation how the characteristics of the defined geographical area affect the final product/foodstuff [[Article 7\(1\) /R.1898](#)]

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

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

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