

REPORT
on the new EU Regulation no. 1151/2012
on quality schemes for agricultural products and foodstuffs

Giulio E. Sironi
Chair of SC Q220 - Geographical Indications

1.- On 3 January 2013 the new EU Regulation no. 1151/2012 of 21 November 2012, which concerns quality schemes for agricultural products and foodstuffs, came into force. It abrogates and replaces Regulations nos. 509/2006 and 510/2006 which regulated the protection of PDOs (protected designations of origin), PGIs (protected geographical indications) and TSGs (traditional specialities guaranteed). The new Regulation does not affect the rules on wine PDOs and PGIs (which continue to be regulated by EC Regulation 1234/2007), nor the rules on spirit PGIs (which continue to be regulated by EC Regulation no. 110/2008).

2.- The objective of the new Regulation is to create one single legal instrument for the protection and promotion of the level of quality of agricultural products, regulating different quality schemes for these products, and provide a simpler but, at the same time, safer and more efficient system for the protection of these schemes. The general objectives of the Regulation, as laid down in Article 1, are fair competition for farmers and producers; availability to consumers of reliable information on the products; respect for IP rights; integrity of the internal market.

3.- In addition to regulating PDOs, PGIs and TSGs, the new Regulation provides for the creation of optional quality terms relating to the characteristics of one or more categories of products. The first optional quality term established by the Regulation is “mountain product”. The question of whether to establish a further optional quality term “product of island farming” is also being evaluated. The Regulation expressly states that other optional quality terms may be created in the

future.

4.- For what concerns PDOs and PGIs the new Regulation is, in large part, the same as the previous Regulation no. 510/06, but it does introduce a number of significant modifications, namely: i) a faster registration procedure and a reduction in the opposition period from six to three months; ii) a clearer and more detailed wording of the rules on controls; iii) the possibility of inserting in the register GIs which pertain to products of third countries that are protected in the EU under an International Agreement to which the EU is a contracting party; iv) the possibility of also registering PDOs and PGIs for other types of products not mentioned in the previous Regulation; v) the obligation (but only after a transition period) to use PDO and PGI logos for products of EU origin; vi) the specification that PDO and PGI protection in cases of use of PDOs and PGIs in respect of products which are not covered by the registration and in cases of use which gives rise to misuse, imitation or evocation is extended to cases in which the products for which the PDOs and PGIs are used are employed as an ingredient of another product; vii) the provision whereby Member States must take appropriate administrative and judicial steps to prevent or stop the unlawful use of PDOs and PGIs, thus changing the position whereby it is the parties concerned who must take steps in order to have illicit uses stopped.

5.- For what concerns TSGs, the main new points are i) an increase from 25 to 30 years of the minimum period of use on the market of the term to be registered; and ii) a provision that the use of registered TSGs is reserved in the EU, while under the previous Regulation no. 509/06 registration could take place for identification purposes without reservation of the registered name in the EU.

6.- Our Committee will continue to monitor developments in EU legislation. For the moment it does not seem that AIPPI need conduct any particular initiatives or take up any position on the modifications introduced by the new Regulation no. 1151/2012.

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