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*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council
on agricultural product quality schemes
(COM(2010)0733 – C7-0423/2010 – 2010/0353(COD))

Committee on Agriculture and Rural Development

Rapporteur: Iratxe García-Pérez

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council on agricultural product quality schemes
(COM(2010)0733 – C7-0423/2010 – 2010/0353(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2010)0733),
 - having regard to Article 294(2) and Articles 43(2) and 118(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0423/2010),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 5 May 2011¹,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development (A7-0266/2011),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation Title

Text proposed by the Commission

REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on *agricultural product* quality schemes

Amendment

REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on quality schemes *for agricultural*

¹ Not yet published in the Official Journal.

products and foodstuffs

Justification

Coherence with amendments on articles; 'foodstuffs' should be part of the Regulation, as is the case with the current Regulations 509/2006, 510/2006.

Amendment 2

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) The quality and diversity of European Union agricultural production is *an* important *strength and* competitive advantage *for European Union producers and part of the Union's* living cultural and gastronomic heritage. This is due to the skills and determination of *European Union farmers and producers who have kept alive* traditions while taking into account developments of new production methods and material.

Amendment

(1) The quality and diversity of *the European Union's* agricultural, ***fisheries and aquaculture*** production is *one of its* important strengths, *giving a* competitive advantage *to the Union's* producers and *making a major contribution to its* living cultural and gastronomic heritage. This is due to the skills and determination of Union farmers and producers, who have kept traditions *alive* while taking into account *the* developments of new production methods and material.

Amendment 3

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) Citizens and consumers in the *European Union* increasingly demand *product of* quality as well as traditional products. They are also concerned to *maintaining* the diversity of the agricultural production in the *European Union*. This generates a demand for agricultural products or foodstuffs with *an* identifiable *specificity*, in particular for geographical origin.

Amendment

(2) Citizens and consumers in the Union increasingly demand quality as well as traditional products. They are also concerned to *maintain* the diversity of the agricultural, ***fisheries and aquaculture*** production in the Union. This generates a demand for agricultural products or foodstuffs with identifiable *specific characteristics*, in particular *linked to their* geographical origin.

Amendment 4

Proposal for a regulation Recital 4

Text proposed by the Commission

(4) *Assisting producers, by means of the operation of quality schemes, to be rewarded* for their efforts to produce a *diversity* of quality products, can benefit the rural economy. This is particularly the case in less favoured areas, where the farming sector accounts for a significant part of the economy. In this way quality schemes contribute to and complement rural development policy as well as market and income support policies of the common agricultural policy (CAP).

Amendment

(4) *Operating* quality schemes *for producers, which reward them* for their efforts to produce a *diverse range* of quality products, can benefit the rural economy. This is particularly the case in less favoured areas, ***in mountain areas and in the most remote regions***, where the farming sector accounts for a significant part of the economy ***and production costs are high***. In this way quality schemes *are able to* contribute to and complement rural development policy as well as market and income support policies of the common agricultural policy (CAP).

Amendment 5

Proposal for a regulation Recital 11

Text proposed by the Commission

(11) The *European Union* has for some time been pursuing the aim of simplifying the regulatory *environment* of the CAP. This approach should also be applied to agricultural product quality policy *Regulations*.

Amendment

(11) The Union has for some time been pursuing the aim of simplifying the regulatory *framework* of the CAP. This approach should also be applied to *regulations in the field of* agricultural product quality policy, ***without, in so doing, calling into question the specific characteristics of those products with the aim of reducing the administrative burden on producers.***

Amendment 6

Proposal for a regulation Recital 13 - indent 3

Text proposed by the Commission

Amendment

- Provisions concerning voluntary labelling rules of Regulation (EC) No 1234/2007 and Directive 2001/110/EC

deleted

Justification

Coherence with amendments on articles.

Amendment 7

Proposal for a regulation Recital 18

Text proposed by the Commission

Amendment

(18) The specific objectives of protecting designations of origin and geographical indications are for farmers and producers to secure fair return for the qualities of product and provide clear information on products with specific characteristics linked to geographical origin, enabling consumers to make more informed purchasing choices.

(18) The specific objectives of protecting designations of origin and geographical indications are for farmers and producers to secure fair return for the qualities **and characteristics of a given product or of its mode of production**, provide clear information on products with specific characteristics linked to geographical origin, enabling consumers to make more informed purchasing choices.

Amendment 8

Proposal for a regulation Recital 19

Text proposed by the Commission

Amendment

(19) Ensuring uniform respect throughout the Union of the intellectual property rights related to names protected in the Union is **also an objective** that can be achieved more effectively at Union level.

(19) Ensuring uniform respect throughout the Union of the intellectual property rights related to names protected in the Union is **a priority** that can be achieved more effectively at Union level.

Amendment 9

Proposal for a regulation Recital 20

Text proposed by the Commission

(20) A Union framework for protection of designations of origin and geographical indications, with their inclusion into a register, permits their development 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. Provision should be made for the development of designations of origin and geographical indications at Union level.

Amendment

(20) A Union framework for protection of designations of origin and geographical indications, with their inclusion into a register, permits their development 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. Provision should be made for the development of designations of origin and geographical indications at Union level ***and the creation of mechanisms for their external protection in the framework of the WTO, within which it is important to secure the recognition of the quality of products and of their model of production as a factor that adds value.***

Amendment 10

Proposal for a regulation Recital 28

Text proposed by the Commission

(28) In view of their specific nature, special provisions as to labelling should be adopted for protected designations of origin and protected geographical indications, requiring producers to use the appropriate Union symbols or indications on packaging. The use of such symbols or indications should be made obligatory in the case of Union names, on the one hand, to make this category of products and the guarantees attached to them better known

Amendment

(28) In view of their specific nature, special provisions as to labelling should be adopted for protected designations of origin and protected geographical indications, requiring producers to use the appropriate Union symbols or indications on packaging. The use of such symbols or indications should be made obligatory in the case of Union names, 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. Taking into account the requirements of the World Trade Organization, the use of such symbols or indications should be *made voluntary for geographical indications and designations of origin originating in a third country.*

to consumers and, on the other, to permit easier identification of these products on the market so as to facilitate checks. Taking into account the requirements of the World Trade Organization, the use of such symbols or indications should be *authorised for geographical indications and designations of origin originating in a third country only in the case of products that have complied with the procedures set out in Chapter IV of Title V of this Regulation.*

Justification

Coherence with amendments on articles.

Amendment 11

Proposal for a regulation Recital 36

Text proposed by the Commission

(36) To ensure that names of genuine traditional products are registered under the scheme, other criteria and conditions for registration of a name should be reviewed, in particular concerning the definition of 'traditional' that should be changed to cover products that have been produced for a highly significant period of time. *To improve protection of the culinary heritage of the Union, the scope of the traditional specialities guaranteed scheme should henceforth be more clearly focussed on prepared meals and processed products.*

Amendment

(36) To ensure that names of genuine traditional products are registered under the scheme, other criteria and conditions for registration of a name should be reviewed, in particular concerning the definition of 'traditional' that should be changed to cover products that have been produced for a highly significant period of time.

Justification

Coherence with amendments on articles.

Amendment 12

Proposal for a regulation Recital 39

Text proposed by the Commission

(39) In order to avoid creating unfair conditions of competition, any producer, including third-country producers, should be able to use a registered name **and, where appropriate, the Union symbol associated with the indication ‘Traditional speciality guaranteed’**, provided that the product complies with the requirements of the relevant specification and the producer is covered by a system of controls.

Amendment

(39) In order to avoid creating unfair conditions of competition, any producer, including third-country producers, should be able to use a registered name *of a traditional speciality guaranteed*, provided that the product complies with the requirements of the relevant specification and the producer is covered by a system of controls. ***For traditional specialities guaranteed produced within the Union, the Union symbol should be indicated on the labelling and should be associated with the indication ‘Traditional speciality guaranteed’.***

Justification

In order to raise consumer awareness and make sure that European consumers recognise and differentiate between genuine quality labels and numerous quality claims that some products display without control, the use of the Union logos should be made compulsory so that consumers can familiarise with them more quickly.

Amendment 13

**Proposal for a regulation
Recital 41 a (new)**

Text proposed by the Commission

Amendment

(41a) A procedure should be introduced for replacing names that are registered without reservation of name pursuant to Regulation (EC) No 509/2006 with names that may be registered and automatically entered in the register with reservation of name.

Justification

The TSG register currently contains names registered without reservation of the name, as is currently permitted under Regulation (EC) No 509/2006. In view of the provisions enabling those names to continue to be used under the conditions provided for in Regulation (EC) No 509/2006 only until 31 December 2017, a procedure needs to be introduced to allow TSGs registered without reservation of the name to be replaced with names that may be registered

and automatically entered in the register referred to in Article 25 of the new regulation.

Amendment 14

Proposal for a regulation Recital 43

Text proposed by the Commission

Amendment

(43) The marketing standards should be clearly divided between obligatory rules maintained in the common market organisation legislation and the optional quality terms, which should be included in the architecture of the quality schemes. The optional quality terms should continue to support the aims of the marketing standards and thus be limited in scope to product listed in Annex I to the Treaty. **deleted**

Justification

The specific provisions relating to optional reserved terms and all articles and recitals relating to these terms and to marketing standards, as well as Annex II are moved to the proposal for a Regulation on marketing standards (2010/0354 COD), so as to integrate all optional reserved terms in the Single CMO.

Amendment 15

Proposal for a regulation Recital 44

Text proposed by the Commission

Amendment

(44) In the light of the objectives of the present Regulation and in the interest of clarity, existing optional quality terms should be governed by this Regulation. **deleted**

Justification

The specific provisions relating to optional reserved terms and all articles and recitals relating to these terms and to marketing standards, as well as Annex II are moved to the proposal for a Regulation on marketing standards (2010/0354 COD), so as to integrate all optional reserved terms in the Single CMO.

Amendment 16

Proposal for a regulation Recital 44 a (new)

Text proposed by the Commission

Amendment

(44a) A second tier of quality systems, based on quality terms which add value, which can be communicated on the internal market and which are to be applied voluntarily, should be put in place. Those optional quality terms should refer to specific characteristics of the product, farming method or processing attribute. The optional quality term "product of mountain farming" has met the conditions up to now and will bring an additional value to the product on the market.

Justification

Coherence with amendments on the establishment of the 'optional quality terms'.

Amendment 17

Proposal for a regulation Recital 57

Text proposed by the Commission

Amendment

(57) The role of groups should be clarified and recognised. Groups play an essential role in the application process for the registration of names of designations of origin and geographical indications and traditional specialities guaranteed, including amendments of specifications and cancellation requests. The group can also develop activities related to the surveillance of the enforcement of the protection of the registered names, the compliance of the production with the product specification, the information and promotion of the registered name as well as in general any activity aiming to improve the value of the registered names and

(57) The role of groups should be clarified and recognised. Groups play an essential role in the application process for the registration of names of designations of origin and geographical indications and traditional specialities guaranteed, including amendments of specifications and cancellation requests. The group can also develop activities related to the surveillance of the enforcement of the protection of the registered names, the compliance of the production with the product specification, the information and promotion of the registered name as well as in general any activity aiming to improve the value of the registered names and

effectiveness of the quality schemes. Nevertheless, these activities should not facilitate nor lead to anti-competitive conduct incompatible with Articles 101 and 102 of the Treaty.

effectiveness of the quality schemes. ***Moreover, it should monitor the position of the products on the market and regulate that position within prescribed rules.*** Nevertheless, these activities should not facilitate nor lead to anti-competitive conduct incompatible with Articles 101 and 102 of the Treaty.

Amendment 18

Proposal for a regulation Recital 61 a (new)

Text proposed by the Commission

Amendment

(61a) In the case of cross-border quality products, the joint registration procedure for protected designations of origin, protected geographical indications and traditional specialities guaranteed should be simplified.

Amendment 19

Proposal for a regulation Recital 62

Text proposed by the Commission

Amendment

(62) The Commission should have the power to adopt delegated acts in accordance with Article 290 of the Treaty in order to supplement or amend certain non-essential elements of this Regulation. The elements for which that power may be exercised should be defined, as well as the conditions to which that delegation is to be subject.

(62) In order to ensure the proper functioning of the regime established by this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the supplementing or amending of certain non-essential elements of this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant

Justification

Reflects Common Understanding on delegated acts between institutions.

Amendment 20

**Proposal for a regulation
Recital 62 a (new)**

Text proposed by the Commission

Amendment

(62a) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to establish and maintain updated a register of protected designations of origin (PDOs), protected geographical indications (PGIs), and traditional specialities guaranteed (TSGs), lay down the form and content of the register, define the means by which the name and address of product certification bodies shall be made public, make public the list of names for which registration applications have been submitted to it, make provision for the publication of certain documents in the Official Journal, decide to reject an application where conditions are not met, register a name where no opposition is met and approve or reject amendments to product specifications if these are minor.

Justification

These are cases where the Commission may act without the assistance of the Committee.

Amendment 21

Proposal for a regulation Recital 63

Text proposed by the Commission

(63) *In order to guarantee a uniform application of this Regulation in all Member States, the Commission should be empowered to adopt implementing acts in accordance with Article 291 of the Treaty. Save where explicitly provided otherwise, the Commission should adopt those implementing acts in accordance with the provisions of Regulation (EU) No XX/XXXX of the European Parliament and the Council of... on ...*

Amendment

(63) *The implementing powers relating to the extension of certain transition periods, the protection of TSGs, the use of optional quality terms, the protection of TSGs, the decision on the registration of names when no agreement is reached by the Agricultural Product Quality Committee, and the cancellation of the registration of PDOs, PGIs, or TSGs should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers¹.*

¹ OJ L 55, 28.2.2011, p. 13.

Justification

According to the templates used for articles on implementing powers.

Amendment 22

Proposal for a regulation Article 1

Text proposed by the Commission

1. This Regulation is designed to assist producers of agricultural products to communicate the product characteristics and farming attributes of those products to buyers and consumers ensuring:

Amendment

1. This Regulation is designed to assist producers of agricultural products **and foodstuffs** to communicate the product characteristics and farming attributes of those products to buyers and consumers, *thereby* ensuring:

Justification

It is wished to make clear that 'foodstuffs' are also covered by this Regulation, as is already the case with current Regulations 509/2006 and 510/2006.

Amendment 23

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The measures herein are intended to foster agricultural and processing activities and farming systems associated with high quality products thus contributing to the achievement of rural development policy.

Amendment

The measures herein are intended to foster agricultural, ***fisheries, aquaculture***, and processing activities and farming systems associated with high quality products thus contributing to the achievement of rural development policy *objectives, and should focus especially on areas in which the farming sector is of greater economic importance and, in particular, on disadvantaged areas.*

Amendment 24

Proposal for a regulation

Article 1 – paragraph 2 – introductory part

Text proposed by the Commission

2. This Regulation establishes ‘quality schemes’ which provide the basis for the identification and, where appropriate, protection of, names and terms that indicate or describe in particular agricultural products having:

Amendment

2. This Regulation establishes ‘quality schemes’ which provide the basis for the identification and, where appropriate, protection of, names and terms that indicate or describe in particular agricultural, ***fisheries and aquaculture*** products having:

Amendment 25

Proposal for a regulation

Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission

However, the quality scheme set out in

Amendment

deleted

Title III of this Regulation shall not apply to unprocessed agricultural products.

Amendment 26

Proposal for a regulation

Article 2 - paragraph 1 - subparagraph 3

Text proposed by the Commission

In order to ensure that the products covered by this Regulation are closely linked to agricultural products or to the rural economy, the Commission ***may, by means of*** delegated acts ***amend*** Annex I ***thereto***.

Amendment

In order to ensure that the products covered by this Regulation are closely linked to agricultural products or to the rural economy, the Commission ***shall be empowered to adopt*** delegated acts ***in accordance with Article 53, supplementing*** Annex I ***to this Regulation***.

Justification

This achieves more clarity with regard to the Commission power to include new products in the ambit of Annex I.

Amendment 27

Proposal for a regulation

Article 2 - paragraph 2

Text proposed by the Commission

2. This Regulation shall not apply to grapevine products with the exception of wine vinegars, ***or*** to spirit drinks or to aromatised wines.

Amendment

2. This Regulation shall not apply to grapevine products with the exception of wine vinegars ***and grape juice***, to spirit drinks or to aromatised wines.

Justification

Grape Juice, as a PDO or PGI is not included in either the Single CMO, or in Regulation 510/2006, so this amendment seeks to address this.

Amendment 28

Proposal for a regulation

Article 3 – paragraph 2

Text proposed by the Commission

2. 'group' means any association, irrespective of its legal form, mainly composed of *producers* or *processors working with the same* product;

Amendment

2. 'group' means any association, irrespective of its legal form, mainly composed of *operators who produce, process or both produce and process the* product;

Amendment 29

**Proposal for a regulation
Article 3 – point 3**

Text proposed by the Commission

(3) 'traditional' means proven usage on the domestic market for a time period allowing transmission between generations; this time period should be the one generally ascribed to two generations, at least 50 years;

Amendment

(3) 'traditional' means proven usage on the domestic market for a time period allowing transmission between generations; this time period should be the one generally ascribed to two generations, *that is*, at least 50 years. *However, the Commission shall establish by means of delegated acts the conditions under which exemptions could be granted in the case of old products and recipes which have been revived in recent times. In these cases, the period will be the one ascribed to one generation, that is, at least 25 years.*

Amendment 30

**Proposal for a regulation
Article 3 – point 6 - paragraph 1 a (new)**

Text proposed by the Commission

Amendment

Terms and descriptions of products that already exist among the "generic terms" shall be made evident by inclusion in a list.

Amendment 31

Proposal for a regulation

Article 3 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a) ‘production step’ means one either production, processing or preparation.

Amendment 32

Proposal for a regulation

Article 3 - point 6 b (new)

Text proposed by the Commission

Amendment

(6 b) ‘processed product’ has the same meaning as in point (o) of Article 2(1) of Regulation (EC) No 852/2004 of the European Parliament and of the Council*.

* OJ L 139, 30.4.2004, p. 1.

Amendment 33

Proposal for a regulation

Article 5 – paragraph 1 – point a – subpoint iii

Text proposed by the Commission

Amendment

(iii) the production steps of which all take place in the same defined geographical area;

(iii) the production steps ***within the meaning of Article 3(6a)*** of which all take place in the same defined geographical area;

Amendment 34

Proposal for a regulation

Article 5 – paragraph 1 – point b – subpoint iii

Text proposed by the Commission

(iii) at least one of the production steps of which **take** place in the defined geographical area.

Amendment

(iii) at least one of the production steps of which **that is critical for fulfilling the conditions set out under (ii) takes** place in the defined geographical area.

Amendment 35

**Proposal for a regulation
Article 5 – paragraph 3**

Text proposed by the Commission

3. In order to take into account the specificities related to certain sectors or areas, the Commission *may, by means of delegated acts, adopt* **restrictions and** derogations regarding *the* steps of production which shall take place in the defined geographical area or regarding the sourcing of raw materials.

Amendment

3. In order to take into account the specificities related to certain sectors or areas, the Commission *shall be empowered to adopt, in accordance with Article 53, on a proposal from the applicant group,* delegated acts *concerning* derogations *from this Regulation* regarding:

– *specific* steps in production *that must* take place in the defined geographical area, or

– *the localisation of certain steps in production in the defined geographical area, or*

– the sourcing of raw materials.

These derogations shall, on the basis of objective criteria, take into account quality, usage and recognised know-how, specific natural factors and the development of disadvantaged areas.

Amendment 36

**Proposal for a regulation
Article 5 – paragraph 3 a (new)**

Text proposed by the Commission

Amendment

3a. With a view to ensuring that

consumers are properly informed, in respect of protected geographical indication products the place of provenance of the agricultural product shall be specified, at least in cases where the place of provenance is not the same as the place in which processing took place.

Amendment 37

Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

1. Names that have become generic may not be registered as protected designations of origin or protected geographical indications.

Amendment

1. Names that have become generic may not be registered as protected designations of origin or protected geographical indications. ***In establishing whether or not a name has become generic, the translation of the name into each of the official languages of the Union shall be taken into account.***

Amendment 38

Proposal for a regulation

Article 6 - paragraph 3

Text proposed by the Commission

3. A name proposed for registration that is wholly or partially homonymous with a name already entered in the register established under Article 11 may be registered provided there is sufficient distinction in practice between conditions of usage and presentation of the homonym registered subsequently and the name already entered in the register, so as to not mislead the consumer.

Amendment

3. A name proposed for registration that is wholly or partially homonymous with a name already entered in the register established under Article 11 may ***not*** be registered ***unless*** there is sufficient distinction in practice between conditions of ***local and traditional*** usage and presentation of the homonym registered subsequently and the name already entered in the register, so as to not mislead the consumer ***into believing that products come from another territory 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.

Justification

This amendment aims at introducing more coherence with Single Common Market Organization (wine). It is coherent with the extension of protection of wine under the WTO TRIPs Agreement.

Amendment 39

Proposal for a regulation

Article 7 - paragraph 1 - point b

Text proposed by the Commission

(b) a description of the product, including the raw materials, if appropriate, **and** the principal physical, chemical, microbiological **and** organoleptic characteristics of the product ;

Amendment

(b) a description of the product, including the raw materials, if appropriate, **as well as** the principal physical, chemical, microbiological **or** organoleptic characteristics of the product ;

Justification

It is important to maintain on this point the current provisions of 510/2006 Regulation which take into account the differences that exist between GI products with regard to the characteristics that are analysed.

Amendment 40

Proposal for a regulation

Article 7 – paragraph 1 – point d

Text proposed by the Commission

(d) evidence that the product originates in the defined geographical area referred to in point (a) or (b) of Article 5(1);

Amendment

(d) evidence that the product originates in the defined geographical area referred to in point (a) or (b) of Article 5(1) **and (3)** ;

Amendment 41

Proposal for a regulation

Article 7 - paragraph 1 - point e

Text proposed by the Commission

(e) a description of the method of obtaining the product and the authentic and unvarying local methods and, **where applicable**, information concerning packaging, if the applicant group 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;

Amendment

(e) a description of the method of obtaining the product and, **where appropriate**, the authentic and unvarying local methods and information concerning packaging, if the applicant group 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;

Justification

This provides for better legal clarity of the text.

Amendment 42

Proposal for a regulation

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1a) To help contribute to safeguarding the quality and good name of the products, the product specification may include specific requirements aimed at protecting the natural resources or landscape of the production area or improving the welfare of farm animals.

Amendment 43

Proposal for a regulation

Article 8 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) proof that the applicant group within the meaning of Article 46 is representative of producers of the product;

Amendment 44

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

A Member State may, on a transitional basis only, grant protection to a name under this Regulation at national level, with effect from the date on which an application is lodged with the Commission.

Amendment

A Member State may, on a transitional basis only, grant protection to a name ***or accept an amendment to a product specification*** under this Regulation at national level, with effect from the date on which an application is lodged with the Commission.

Justification

A transitional national period should be available to cover not only the registration of a new PDO or PGI but also the request for the modification of a PDO or a PGI specification. This would ensure a status quo on this point.

Amendment 45

Proposal for a regulation Article 10 – paragraph 1 – point d

Text proposed by the Commission

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

Amendment

(d) gives details from which it can be concluded that the name for which registration is requested ***or that its translation into an official language of the Union*** is generic.

Amendment 46

Proposal for a regulation Article 10 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) shows that the requirements laid down in Article 7(1)(e) are not complied with.

Amendment 47

Proposal for a regulation Article 11 – paragraph 3

Text proposed by the Commission

3. The Commission may, by means of implementing acts without the assistance of the Committee referred to in Article 54, lay down the form and content of the register.

Amendment

3. The Commission may *adopt* implementing acts without the *application* of Article 54, *laying* down the form and content of the register. ***The register shall contain, as a minimum, the single document, the product specification and the Commission acts of approval.***

Amendment 48

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

1. Protected designations of origin and protected geographical indications may be used by any operator marketing a product conforming to the corresponding specification.

Amendment

1. Protected designations of origin and protected geographical indications may be used by any operator marketing a product conforming to the corresponding specification ***and control plan.***

Amendment 49

Proposal for a regulation Article 12 - paragraph 3

Text proposed by the Commission

3. In the case of products originating in the Union, marketed under a protected designation of origin or a protected geographical indication registered in accordance with the procedures laid down in this Regulation, the indications ‘protected designation of origin’ or ‘protected geographical indication’ or the

Amendment

3. In the case of products originating in the Union, marketed under a protected designation of origin or a protected geographical indication registered in accordance with the procedures laid down in this Regulation, ***the Union symbols associated with them shall appear on the labelling. In addition, the registered name***

Union symbols associated with them shall appear on the labelling. In addition, the corresponding abbreviations "PDO" or "PGI" may appear on the labelling.

of the product shall appear immediately before the indications 'protected designation of origin' or 'protected geographical indication' or the corresponding abbreviations "PDO" or "PGI".

3a. In addition, the following may also appear on the labelling: depictions of the geographical area of origin as referred to in Article 5 and text, graphics or symbols referring to the Member State and/or region in which that geographical area of origin is located.

3b. Without prejudice to Directive 2000/13/EC, the collective geographical marks referred to in Article 15 of Directive 2008/95/EC may be used on labels, together with the protected designation of origin or protected geographical indication.

Amendment 50

Proposal for a regulation Article 12 - paragraph 4

Text proposed by the Commission

4. In the case of products originating in third countries marketed under a name entered in the register, the indications referred to in paragraph 3 or the Union symbols associated with them may appear on the labelling.

Amendment

4. In the case of products originating in third countries marketed under a name entered in the register ***in accordance with Chapter IV of Title V of this Regulation***, the indications referred to in paragraph 3 or the Union symbols associated with them may appear on the labelling.

Justification

Only products from third countries and EU countries that have undergone the procedure of examination contained in this regulation ("Reciprocity") should be entitled to bear the same symbols and indications.

Amendment 51

Proposal for a regulation Article 13 – paragraph 1 – point a

Text proposed by the Commission

(a) any direct or indirect commercial use of a registered name in respect of products not covered by the registration *insofar 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;

Amendment

(a) any direct or indirect commercial use of a registered name in respect of products not covered by the registration *where* those products are comparable to the products registered under that name or *where* using the name exploits the reputation of the protected name, ***including when those products are used as an ingredient***;

Amendment 52

Proposal for a regulation

Article 13 – paragraph 1 – point b

Text proposed by the Commission

(b) any misuse, imitation or evocation, even if the true origin of the *product* or *service* 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;

Amendment

(b) any misuse, imitation or evocation, even if the true origin of the *products* or *services* 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, ***including when those products are used as an ingredient***;

Amendment 53

Proposal for a regulation

Article 13 – paragraph 3

Text proposed by the Commission

3. Member States shall take the appropriate administrative and judicial steps to prevent or stop the unlawful use of protected designations of origin and protected geographical indications as referred to in paragraph 1, ***in particular at the request of a producer group as provided for in point (a) of Article 42.***

Amendment

3. Member States shall take the appropriate administrative and judicial steps to prevent or stop the unlawful use of protected designations of origin and protected geographical indications, as referred to in paragraph 1, ***that are produced or marketed in that Member State.***

Amendment 54

Proposal for a regulation
Article 13 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

To that end Member States shall designate the authorities that are responsible for managing the administrative measures relating to PDOs, PGIs and TSGs in accordance with procedures determined by each individual Member State. Those authorities shall be objective and impartial. They shall also be equipped with staff and resources that are commensurate with these objectives.

Amendment 55

Proposal for a regulation
Article 13 – paragraph 3 - subparagraph 1 b (new)

Text proposed by the Commission

Amendment

In order to prevent the marketing in the Union or the export to third countries of products not labelled in conformity with this Regulation, the Commission shall be empowered to adopt delegated acts in accordance with Article 53 concerning the definition of the actions to be implemented by Member States in this respect.

Amendment 56

Proposal for a regulation
Article 14 – paragraph 1– subparagraph 1

Text proposed by the Commission

Amendment

1. Where a designation of origin or a geographical indication is registered under this Regulation, the **registration of** a trade mark the use of which would contravene Article 13 **and which relates to a same type of product** shall be refused if **the**

1. Where a designation of origin or a geographical indication is registered under this Regulation, the **application to register** a trade mark the use of which would contravene Article 13 shall be refused if **that** application is submitted after the date

application *for registration of the trade mark* is submitted after the date of submission of the registration application to the *Commission*.

of submission of the registration application to *the Member State concerned*.

Amendment 57

Proposal for a regulation Article 14 – paragraph 2

Text proposed by the Commission

2. Without prejudice to Article 6(4), a trade mark the use of which contravenes 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 *European Union*, before the date on which the application for protection of the designation of origin or geographical indication is submitted to the *Commission*, may continue to be used and renewed for that product notwithstanding the registration of a designation of origin or geographical indication, provided that no grounds for its invalidity or revocation exist under Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark or under Directive 2008/95/EC. In such cases, the use of the protected designation of origin or protected geographical indication shall be permitted as well as use of the relevant trade marks.

Amendment

2. Without prejudice to Article 6(4), a trade mark the use of which contravenes 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 Union, before the date on which the application for protection of the designation of origin or geographical indication is submitted to the *Member State concerned*, may continue to be used and renewed for that product notwithstanding the registration of a designation of origin or geographical indication, provided that no grounds for its invalidity or revocation exist under Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark or under Directive 2008/95/EC. In such cases, the use of the protected designation of origin or protected geographical indication shall be permitted as well as use of the relevant trade marks *provided that the product bearing the trade mark which would contravene Article 13 is produced in accordance with the specification and is covered by the system of controls*.

Amendment 58

Proposal for a regulation Article 15 – paragraph 1 – introductory part

Text proposed by the Commission

1. Without prejudice to Article 14, products originating in a Member State or a third country other than the one of the applicant the designation of which comprises or contains a name that contravenes Article 13(1) may continue to use the ***protected*** name for a transitional period of up to five years, solely where an admissible statement of opposition under Article 48 shows that:

Amendment

1. Without prejudice to Article 14, products originating in a Member State or a third country other than the one of the applicant the designation of which comprises or contains a name that contravenes Article 13(1) may continue to use the name ***under which it was marketed*** for a transitional period of up to five years, solely where an admissible statement of opposition under Article 48 shows that:

Justification

'A name that contravenes Article 13(1)' may not necessarily signify the use of a protected name as such but a deformation thereof or a reference thereto.

Amendment 59

**Proposal for a regulation
Article 15 – paragraph 4 a (new)**

Text proposed by the Commission

Amendment

4a. 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 publication referred to in Article 47(2) and have noted that point in the national opposition procedure referred to in Article 46(3) or the Community opposition procedure referred to in Article 48(1). The transitional period referred to in this paragraph may not exceed five years.

Justification

This amendment will include current provisions in Article 13.3 second sub-paragraph of Council Regulation (EC) No 510/2006 which provide for the granting of a transitional period to businesses located in the applicant Member State who made an admissible objection to the

application during the domestic consultation stage and who wish to have time to make the necessary adjustments to take account of the fact that the name whose registration they opposed has been protected.

Amendment 60

Proposal for a regulation Article 17 – paragraph 1

Text proposed by the Commission

A scheme for traditional specialities guaranteed is established *in order to assist* producers of traditional product in marketing and communicating the value adding attributes of *the product* to consumers.

Amendment

A scheme for traditional specialities guaranteed is established to *safeguard and promote traditional methods of production and recipes by assisting* producers of traditional product in marketing and communicating the value adding attributes of *their traditional recipes and products* to consumers.

Amendment 61

Proposal for a regulation Article 18 - paragraph 1 - introductory part

Text proposed by the Commission

1. A name shall be eligible for registration as a traditional speciality guaranteed where it describes a specific *processed* product that:

Amendment

1. A name shall be eligible for registration as a traditional speciality guaranteed where it describes a specific product *or foodstuff* that:

Amendment 62

Proposal for a regulation Article 18 – paragraph 1 – point a

Text proposed by the Commission

(a) results from a mode of production *and* composition corresponding to traditional practice for that product, and

Amendment

(a) results from a mode of production *and/or processing or* composition corresponding to traditional practice for that product *or foodstuff, or*

Amendment 63

Proposal for a regulation – amending act Article 18 - paragraph 2 - point b

Text proposed by the Commission

(b) identify *the* traditional **form of the product**

Amendment

(b) to identify *its* traditional **character or specificity**

Amendment 64

Proposal for a regulation Article 19 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) the scope of the application for recognition as a traditional speciality guaranteed;

Amendment 65

Proposal for a regulation Article 19 - paragraph 1 - point b

Text proposed by the Commission

(b) a description of the product including its main physical, chemical, microbiological or organoleptic characteristics, showing the product's specificity;

Amendment

(b) a description of the product including, **where appropriate**, its main physical, chemical, microbiological or organoleptic characteristics, showing the product's specificity;

Amendment 66

Proposal for a regulation Article 23 – paragraph 1

Text proposed by the Commission

1. A name registered as a traditional speciality guaranteed may be used by any operator marketing a product conforming to the corresponding specification.

Amendment

1. A name registered as a traditional speciality guaranteed may be used by any operator marketing a product conforming to the corresponding specification **and its**

control plan.

Amendment 67

Proposal for a regulation

Article 23 – paragraph 3 – (new drafting)

Text proposed by the Commission

3. In the case of the products originating in the Union marketed under a traditional speciality guaranteed registered in accordance with this Regulation the symbol referred to in paragraph 2 shall, without prejudice to paragraph 4, appear on the labelling.

The symbol shall be optional on the labelling of traditional specialities guaranteed which are produced outside the Union.

The symbol referred to in paragraph 2 may be supplemented or replaced by the indication ‘traditional speciality guaranteed’.

Amendment 68

Proposal for a regulation

Article 25 – paragraph 2

Text proposed by the Commission

2. Names registered in accordance with the requirements laid down in the first subparagraph of Article 1(1), and in Article 13(1) of Regulation (EC) No 509/2006, including those registered pursuant to applications referred to in the second subparagraph of Article 55(1) of this Regulation, may continue to be used under the conditions provided for in Regulation

Amendment

3. In the case of the products originating in the Union marketed under a traditional speciality guaranteed registered in accordance with this Regulation the symbol referred to in paragraph 2 shall, without prejudice to paragraph 4, appear on the labelling. ***In addition, the name of the product shall appear immediately before the indication ‘traditional speciality guaranteed’, or the corresponding abbreviation ‘TSG’.***

The symbol shall be optional on the labelling of traditional specialities guaranteed which are produced outside the Union.

Amendment

2. Names registered in accordance with the requirements laid down in the first subparagraph of Article 1(1), and in Article 13(1) of Regulation (EC) No 509/2006, including those registered pursuant to applications referred to in the second subparagraph of Article 55(1) of this Regulation, may continue to be used under the conditions provided for in Regulation

(EC) No 509/2006, until 31 December 2017.

(EC) No 509/2006, until 31 December 2017, *unless Member States use the procedure set out in paragraph 2a.*

2a. Member States shall, no later than 31 December 2016, submit to the Commission a list of traditional specialities guaranteed that have been registered in accordance with Article 13(1) of Regulation (EC) No 509/2006 and that comply with this Regulation. Names of those traditional specialities guaranteed may be adjusted in order to comply with point (b) of Article 18(2).

The Commission shall publish the full list in the Official Journal of the European Union.

Any statement of opposition referred to in Articles 48 and 49 shall be submitted to the Commission within two months from the date of such publication.

Once the opposition procedure is concluded, the Commission shall, where appropriate, adjust the entries in the register referred to in Article 22. The corresponding specifications shall be the specifications referred to in Article 19.

Amendment 69

Proposal for a regulation Article 26

Text proposed by the Commission

A scheme for optional quality terms is established in order to facilitate producers of agricultural product having value adding characteristics or attributes to communicate such characteristics or attributes within the internal market, *and in particular to support and complement specific marketing standards.*

Amendment

A scheme for optional quality terms is established in order to facilitate producers of agricultural product having value adding characteristics or attributes to communicate such characteristics or attributes within the internal market.

Justification

The specific provisions relating to optional reserved terms and all articles and recitals relating to these terms and to marketing standards, as well as Annex II are moved to the proposal for a Regulation on marketing standards (2010/0354 COD), so as to integrate all optional reserved terms in the Single CMO.

Amendment 70

Proposal for a regulation

Article 26 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States that already have optional terms shall have the right to retain more restrictive national measures.

Amendment 71

Proposal for a regulation

Article 27

Text proposed by the Commission

Amendment

Article 27

deleted

Existing optional quality terms

1. The optional quality terms covered by this scheme at the date of entry into force of this Regulation are listed in Annex II to this Regulation together with the acts laying down the terms in question and the conditions of use of those terms.

2. The optional quality terms referred to in paragraph 1 shall stay in force until amended or cancelled pursuant to Article 28.

Justification

The specific provisions relating to optional reserved terms and all articles and recitals relating to these terms and to marketing standards, as well as Annex II are moved to the proposal for a Regulation on marketing standards (2010/0354 COD), so as to integrate all optional reserved terms in the Single CMO.

Amendment 72

Proposal for a regulation
Article 28

Text proposed by the Commission

Amendment

Article 28

deleted

Reservation, amendment and cancellation

In order to take account of the expectations of consumers, developments in scientific and technical knowledge, the situation in the market, and developments in marketing standards and in international standards, the Commission may, by means of delegated acts:

- (a) reserve an additional optional quality term, laying down its conditions of use,***
- (b) amend the conditions of use of an optional quality term, or***
- (c) cancel an optional quality term.***

Justification

These are key elements of EU policy aimed at improving the quality of agricultural products. It is necessary to follow the standard legislative procedure in order to amend this regulation with a view to establishing new optional terms (for example, 'products of mountain farming') or cancelling an optional term.

Amendment 73

Proposal for a regulation
Article 29a (new)

Text proposed by the Commission

Amendment

Article 29a

Mountain product

1. The term 'mountain product' is established. This term may only be used to describe products intended for human consumption listed in Annex I to the Treaty of which the raw materials come from mountain areas. In addition, for the term to be applied to processed products,

such processing must also take place in mountain area or in certain circumstances in areas in close proximity to the mountains.

2. For the purposes of this Article, "mountain areas" within the European Union are those areas within the meaning of Article 18(1) of Regulation (EC) No 1257/1999.

The Commission shall adopt delegated acts in accordance with Article 53, concerning the establishment of the methods of production and other criteria relevant for the application of this optional quality term. In adopting such acts, the Commission shall take into account good farming practices compatible with the need to safeguard the environment and maintain the countryside, in particular by sustainable farming.

For products of third countries, "mountain areas" shall include areas that fulfil criteria equivalent to those set out in Article 18(1) of Regulation (EC) No 1257/1999.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 53, laying down derogations from the conditions of use referred to in paragraph 1 in duly justified cases and in order to take into account of natural constraints affecting agricultural production in mountain areas.

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 53, laying down guidelines in order to prevent the term 'mountain' or similar terms that are likely to mislead consumers from being used in the labelling of foodstuffs which do not comply with this Article.

Amendment 74

Proposal for a regulation Article 29 b (new)

Text proposed by the Commission

Amendment

Article 29b

Product of island farming

By 30 September 2012, the Commission shall present a report to the European Parliament and to the Council on the case for a new term, 'product of island farming'. The term may only be used to describe products intended for human consumption listed in Annex I to the Treaty of which the raw materials come from islands. In addition, for the term to be applied to processed products, such processing must also take place on islands in cases where this substantially affects the particular characteristics of the final product.

That report shall, if necessary, be accompanied by appropriate legislative proposals creating the optional quality term 'product of island farming'.

Amendment 75

Proposal for a regulation Article 29 c (new)

Text proposed by the Commission

Amendment

Article 29c

Local and direct sales

By 30 September 2012, the Commission shall present a report to the European Parliament and to the Council on the case for a new local-farming and direct sales labelling scheme to assist producers in marketing their produce locally. That

report shall focus on the ability of the farmer to add value to his produce through the new label, and shall take into account other criteria, such as the possibilities of reducing carbon emissions and waste through short production and distribution chains.

That report shall, if necessary, be accompanied by appropriate legislative proposals creating that local and direct sales labelling scheme.

Amendment 76

Proposal for a regulation Article 30 - paragraph 2

Text proposed by the Commission

2. Member States shall take appropriate measures to ensure that product labelling does not give rise to confusion with *optional* quality *terms*.

Amendment

2. Member States shall take appropriate measures to ensure that product labelling does not give rise to confusion with *other* quality *mentions*.

Justification

This is to avoid legal uncertainty, in the cases where a variety of such quality mentions may exist throughout the Member States.

Amendment 77

Proposal for a regulation Article 33 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall also designate the competent authorities that are to take the necessary administrative and judicial steps referred to in Article 13(3).

Justification

The rule provided in Article 13.3 is crucial, but there is a need to make it more effective. To do so, each Member State should identify the authority in charge of carrying out the administrative and judicial measures provided by in Article 13.

Amendment 78

Proposal for a regulation

Article 34 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

The costs of such verification of compliance with the specifications *shall* be borne by the operators *that are* subject to those controls. *The Member States may also contribute to the costs.*

Amendment 79

Proposal for a regulation

Article 35

Text proposed by the Commission

Member States shall inform the Commission on the names and addresses of the competent authorities referred to in Article 33. The Commission shall make public the name and address of those authorities.

Amendment

Member States shall inform the Commission on the names and addresses of the competent authorities referred to in Article 33. The Commission shall make public the name and address of those authorities. *Member States shall carry out checks, based on a risk analysis, to ensure compliance with the requirements of this Regulation and, in the event of breaches, shall impose appropriate administrative penalties.*

Amendment 80

Proposal for a regulation

Article 38 – paragraph 1

Text proposed by the Commission

1. Without prejudice to Article 13, this Regulation shall not affect the use of terms that are generic in *the Union*, even if the generic term is part of a name that is protected under a quality scheme.

Amendment

1. Without prejudice to Article 13, this Regulation shall not affect the use of terms that are generic in *one or more Member States*, even if the generic term is part of a name that is protected under a quality

scheme.

Amendment 81

Proposal for a regulation

Article 38 – paragraph 3 – point a

Text proposed by the Commission

(a) the existing situation *in the Member States and* in areas of consumption;

Amendment

(a) the existing situation in areas of consumption;

Amendment 82

Proposal for a regulation

Article 38 – paragraph 4

Text proposed by the Commission

4. In order to fully protect the rights of interested parties, the Commission may, by means of delegated acts, lay down additional rules for determining the generic status of names or terms referred to in paragraph 1.

deleted

Amendment

Justification

The adoption of rules for determining 'generic status' is essential for product quality schemes and must not therefore be left to delegated acts.

Amendment 83

Proposal for a regulation

Article 41 – paragraph 1 – introductory part

Text proposed by the Commission

1. Indications, abbreviations and symbols referring to the quality schemes may only be used *in the labelling of product* produced in conformity with the rules of the quality scheme to which they apply. This applies in particular to the following indications, abbreviations and symbols:

Amendment

1. Indications, abbreviations and symbols referring to the quality schemes may only be used *to identify products* produced in conformity with the rules of the quality scheme to which they apply. This applies in particular to the following indications, abbreviations and symbols:

Amendment 84

Proposal for a regulation Article 41 – paragraph 2

Text proposed by the Commission

2. In accordance with Article 5 of Regulation (EC) No 1290/2005, the European Agricultural Fund for Rural Development (EAFRD) may finance on a centralised basis on the initiative of the Commission or on its behalf, administrative support concerning the development, preparatory work, monitoring, administrative and legal support, legal defence, registration fees, renewal fees, mark watching fees, litigation fees and any other related measure required to protect the use of the indications, abbreviations and symbols referring to the quality schemes from misuse, imitation, evocation or any other practice liable to mislead the consumer, within the Union and in third countries.

Amendment

2. In accordance with Article 5 of Regulation (EC) No 1290/2005, the European Agricultural Fund for Rural Development (EAFRD) may finance on a centralised basis on the initiative of the Commission or on its behalf, administrative support concerning the development, preparatory work, monitoring, administrative and legal support, legal defence, registration fees, renewal fees, mark watching fees, litigation fees and any other related measure required to protect **and promote** the use of the indications, abbreviations and symbols referring to the quality schemes from misuse, imitation, evocation or any other practice liable to mislead the consumer, within the Union and in third countries.

Amendment 85

Proposal for a regulation Article 41 – paragraph 3

Text proposed by the Commission

3. The Commission shall adopt, **by means of implementing** acts, rules for the uniform protection of the indications, abbreviations and symbols referred to in paragraph 1.

Amendment

3. The Commission shall adopt **delegated** acts **in accordance with Article 53, laying down** rules for the uniform protection of the indications, abbreviations and symbols referred to in paragraph 1.

Amendment 86

Proposal for a regulation Article 41 – paragraph 3 a (new)

3a. In the event of infringement of the provisions of paragraph 1, the Member States shall apply appropriate administrative penalties.

Amendment 87

Proposal for a regulation Article 42

Text proposed by the Commission

Amendment

Without prejudice to specific provisions on producer organisations and inter-branch organisations as laid down in Regulation (EC) No 1234/2007, a group is entitled to:

Without prejudice to specific provisions on producer organisations and inter-branch organisations as laid down in Regulation (EC) No 1234/2007, a group ***that is representative for the product*** is entitled to:

(a) contribute to ensuring that the quality of their products *is* guaranteed on the market by monitoring the use of the name in trade and, if necessary, informing competent authorities as referred to in Article 33, within the framework of Article 13(3);

(a) contribute to ensuring that the quality, ***reputation and authenticity*** of their products *are* guaranteed on the market by monitoring the use of the name in trade and, if necessary, *by* informing competent authorities as referred to in Article 33, ***or any other competent authority*** within the framework of Article 13(3);

aa) take action to ensure adequate legal protection of the protected denomination of origin or protected geographical indication and of the intellectual property rights directly connected with them;

b) develop information and promotion activities aiming at communicating the value adding attributes of the product to consumers;

b) develop information and promotion activities aiming at communicating the value adding attributes of the product to consumers;

c) develop activities related to ensuring compliance of a product with its specification;

c) develop activities related to ensuring compliance of a product with its specification;

d) take action to improve the performance of the scheme, including developing economic expertise, carrying out economic

d) take action to improve the performance of the scheme, including developing economic expertise, carrying out economic

analyses, disseminating economic information on the scheme and providing advice to producers;

analyses, disseminating economic information on the scheme and providing advice to producers;

(da) apply for an authorisation from its Member State to establish a system for managing its production.

With regard to that system, in order to create better conditions for the stability and functioning of the market for PDO and PGI products, Member States may establish rules allowing groups to adjust supply to demand in the cases where the groups responsible for the PDO and PGI formally introduce such a demand. Such management of supply systems shall not harm competition in the internal market, constitute a barrier for new entrants on the market, or lead to small producers being adversely affected. The Commission shall be notified and may revoke at any time the authorisation of the Member States;

(db) take measures to enhance the value of products and, where necessary, take steps to prevent or counter any measures which are or risk being detrimental to the image of those products;

dc) Member States shall encourage the formation and functioning of groups on their territories by administrative means. Moreover, Member States shall communicate to the Commission which shall make public the name and address of the groups referred to in point 2 of Article 3 , and update them periodically.

Amendment 88

Proposal for a regulation Article 43 – paragraph 2

Text proposed by the Commission

2. Operators preparing **and** storing **a traditional speciality**, protected

Amendment

2. Operators preparing, **packaging**, storing **or placing on the market products with**

designation of origin *or* protected geographical indication or *who places such* traditional speciality guaranteed, *protected designation of origin and protected geographical indication on the market* shall also be subject to the system of controls as referred to in Chapter I of this Title.

protected designation of origin (*PDO*), protected geographical indication (*PGI*) or traditional speciality guaranteed (*TSG*), shall also be subject to the system of controls as referred to in Chapter I of this Title.

Amendment 89

Proposal for a regulation Article 44 – paragraph 1

Text proposed by the Commission

Without prejudice to Regulation (EC) No 882/2004 and in particular the provisions of Chapter VI of Title II thereof, Member States may charge a fee to cover their costs of managing the quality schemes, including those incurred in processing applications, statements of opposition, applications for amendments and requests for cancellations provided for in this Regulation.

Amendment

Without prejudice to Regulation (EC) No 882/2004 and in particular the provisions of Chapter VI of Title II thereof, Member States may charge a *reasonable* fee to cover their costs of managing the quality schemes, including those incurred in processing applications, statements of opposition, applications for amendments and requests for cancellations provided for in this Regulation.

Amendment 90

Proposal for a regulation Article 44 a (new)

Text proposed by the Commission

Amendment

Article 44a

Reporting on Guidelines

With regard to the Guidelines on the best practices on voluntary certification schemes (2010/C 341/04) and on the labelling of products using PDO-PGI ingredients (2010/C 341/03), on ..., the Commission shall present a report to the European Parliament and to the Council, with a view to establishing whether legislative provisions are necessary,*

accompanied, if appropriate, by any relevant proposals.

** OJ, please insert the date three years after the entry into force of this Regulation*

Justification

The guidelines proposed by the Commission only serve as an orientation tool, as recommendations. After three years' application, it would be useful to know whether obligatory legislative measures are needed instead.

Amendment 91

Proposal for a regulation

Article 46 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Applications for registration of names under the quality schemes referred to in Article 45 may only be submitted by groups.

Amendment

Applications for registration of names under the quality schemes referred to in Article 45 may only be submitted by groups *within the meaning of Article 3.*

Amendment 92

Proposal for a regulation

Article 46 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Under exceptional conditions, a natural or legal person may be treated as a group.

Amendment

Under exceptional conditions *and only if no group exists for a product*, a natural or legal person may be treated as a group.

Amendment 93

Proposal for a regulation

Article 47 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Commission shall scrutinise by appropriate means an application received

Amendment

The Commission shall scrutinise by appropriate means an application received

pursuant to Article 46, to check that it is justified and meets the conditions of the respective scheme. This scrutiny *should* not exceed a period of six months.

pursuant to Article 46, to check that it is justified and meets the conditions of the respective scheme. This scrutiny *must* not exceed a period of six months. ***Where the Commission requests further information, this period shall be suspended, provided that such suspension should as a general rule only occur once. The period shall resume once the Commission has received the information.***

Amendment 94

Proposal for a regulation Article 48 – paragraph 1

Text proposed by the Commission

1. Within two months from the date of publication in the Official Journal of the European Union, *a **statement** of opposition may be lodged to the Commission by the authorities of a Member State or of a third country, or a natural or legal person having a legitimate interest and established in a third country.*

Any natural or legal person having a legitimate interest, established or resident in a Member State other than that from which the application was submitted, may lodge a **statement** of opposition to the Member State in which it is established within a time limit permitting an opposition *in accordance with paragraph 1.*

2. The Commission shall check the admissibility of statements of oppositions.

3. Where statement of opposition is admissible, the Commission shall invite the authority or person that lodged the opposition and the authority or body that lodged the application to engage in

Amendment

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

Any natural or legal person having a legitimate interest, established or resident in a Member State other than that from which the application was submitted, may lodge a **notice** of opposition to the Member State in which it is established within the time limit permitting an opposition *pursuant to paragraph 1.*

If a notice of opposition is submitted to the Commission, it must be followed within two months by a reasoned statement of opposition.

2. The Commission shall check the admissibility of statements of oppositions.

3. Where *a **reasoned*** statement of opposition is admissible, the Commission shall ***within a period not exceeding two months*** invite the authority or person that lodged the opposition and the authority or

appropriate consultations for a reasonable period that shall not exceed three months.

body that lodged the application to engage in appropriate consultations for a reasonable period that shall not exceed three months. *The Commission may, at the request of one of the parties involved extend the deadline for the consultations by a maximum of three months if the Commission deems that extending the deadline would contribute to reaching an agreement or if one of the parties involved is from a third country.*

Amendment 95

Proposal for a regulation Article 50 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. A group *having* a legitimate interest may apply for approval of an amendment to a product specification.

Amendment

1. A group *within the meaning of Article 3 that has* a legitimate interest may apply for approval of an amendment to a product specification.

Amendment 96

Proposal for a regulation Article 50 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Where the amendment involves one or more amendments to the specification that are not minor, the amendment application shall follow the procedure laid down in Articles 46, 47, 48 and 49.

Amendment

2. Where the amendment involves one or more amendments to the specification that are not minor, the amendment application shall follow the procedure laid down in Articles 46, 47, 48 and 49. *The scrutiny of the application shall focus exclusively on the proposed amendment.*

Amendment 97

Proposal for a regulation Article 51 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

1. The Commission may, on *its own initiative or on* request of any natural or legal person having a legitimate interest, by means of implementing acts, cancel the registration of a protected designation of origin or of a protected geographical indication or of a traditional speciality guaranteed in the following cases:

Amendment

1. The Commission may, *at the* request of any natural or legal person having a legitimate interest, *after a full and impartial inquiry of which the procedure is set out in paragraph 2*, by means of implementing acts, cancel the registration of a protected designation of origin or of a protected geographical indication or of a traditional speciality guaranteed in the following cases:

Amendment 98

Proposal for a regulation

Article 51 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

(b) no product is placed on the market under the traditional speciality guaranteed, the protected designation of origin or the protected geographical indication for at least *five* years.

Amendment

(b) no product is placed on the market under the traditional speciality guaranteed, the protected designation of origin or the protected geographical indication for at least *ten* years.

Justification

Given the time-consuming and painstaking procedure required for the registering of a designation/indication, particular care must be taken regarding the conditions and procedures for cancellation thereof, including the period of time for which it may not be placed on the market.

Amendment 99

Proposal for a regulation

Article 53

Text proposed by the Commission

Delegated acts

1. ***The powers to adopt the delegated acts referred to in this Regulation shall be conferred on the Commission for an indeterminate period of time.***

Amendment

Exercise of the delegation

1. ***The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.***

As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

2. The delegation of powers referred to in paragraph 1 may be revoked at any time by the European Parliament or by the Council.

2. The power to adopt delegated acts referred to in Articles 2(1), 5(3), 7(3), 12(5), 13(3a), 16(2), 18(4), 19(2), 23(4), 25(3), 29(3), 29a, 39(2), 41(3), 46(1), 46(7), 48(6), 50(3), 51(2) shall be conferred on the Commission for a period of five years from.... The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*

The institution which has commenced an internal procedure for deciding whether to revoke the delegation of powers shall inform the other legislator and the Commission, at least one month before the final decision is taken, indicating the delegated powers which could be subject to revocation and possible reasons for a revocation.

The decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the Official Journal of the European Union.

3. The European Parliament and the Council may object to a delegated act within a period of two months from the date of notification. At the initiative of the European Parliament or the Council this period shall be extended by two months.

3. The delegation of power may be revoked at any time by the European Parliament or by the Council. The decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any

delegated acts already in force.

If, on expiry of that period, neither the European Parliament nor the Council has objected to the delegated act, it shall be published in the Official Journal of the European Union and shall enter into force at the date stated therein.

The delegated act may be published in the Official Journal of the European Union and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.

If the European Parliament or the Council raises objections in respect of the delegated act, it shall not enter into force. The institution which has raised objections to the delegated act shall state the reasons therefore.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to this Regulation shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council, or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

** Date of the entry into force of this Regulation*

Justification

Adaptation of wording in accordance with the Common Understanding on practical arrangements for the use of delegated acts (Article 290 TFUE).

Amendment 100

Proposal for a regulation Article 54

Text proposed by the Commission

Amendment

Implementing acts

[Where implementing acts are adopted pursuant to this Regulation, the Commission shall be assisted by the Agricultural Product Quality Policy Committee and the procedure provided for in Article [5] of Regulation (EU) No [xxxx/yyyy] shall apply.]

Committee procedure

1. The Commission shall be assisted by the Agricultural Product Quality Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Justification

In accordance with the templates for provisions on implementing acts subject to control by Member States, in line with the proposed Regulation of the European Parliament and the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

Amendment 101

Proposal for a regulation Annex I – part I – indent 10 a (new)

Text proposed by the Commission

Amendment

– vegetable oils of agricultural origin for cosmetic purposes,

Amendment 102

Proposal for a regulation Annex I - point II - last dash (new)

Text proposed by the Commission

Amendment

- salt

Justification

There are traditional methods, almost artisanal, for the production of sea salt. These production methods need to be recognised under the TSG scheme.

EXPLANATORY STATEMENT

General presentation

European agriculture delivers food of great variety, with production methods that are respectful of the environment and of rural communities. The regional diversity of food, the traditional methods of production sometimes going centuries back, the emphasis on safety and good environmental conditions lead to the fact that the quality of European food is among the highest in the world.

Farmers and consumers alike need to be made aware of these special characteristics of their home grown food. In addition, this quality oriented approach could help reward the best quality products on the domestic, as well as international markets. The EU introduced a series of labels and quality schemes under its Food Quality policy that provide recognition for the high value characteristics of the products and also for the regional specificities of the product.

The current quality schemes are: Protected designation of origin (PDO), Protected Geographical Indication (PGI), Traditional Specialty Guaranteed (TSG), Organic Farming and Outermost Regions, all with their respective logos.

Commission new proposals

Parliament's Committee of agriculture and rural development currently works on a new legislative proposal of the European Commission on quality and on marketing standards.

The Quality Package presented by the Commission aims to improve the Union legislation in the field of quality, as well as in the operation of national and private certification schemes, in order to make them simpler, more transparent and easier to understand, adaptable to innovation, and less burdensome for producers and administrations.

The Commission has presented this set of legislative proposals last December, following an extensive public consultation process launched by the publication of the Green Paper on quality in 2009. The package includes two proposals for regulations - one on agricultural product quality schemes and one on marketing standards - as well as two guideline documents, one on certification schemes and one on labelling of products using PDO-PGI ingredients. The proposals are extensive and include many of the points demanded by Parliament in our own initiative report drafted by Giancarlo Scottà MEP. In addition to the points of substance, it is also important to note the provisions regarding delegated and implementing acts which bear an important significance for how policy making will be conducted in practice in the years to come.

Rapporteur proposals

Your rapporteur believes as a general remark that among our priorities should be the simplification and development of the current schemes, as well as the addition of new quality terms, that are likely to create value for the best European products. Whereas the Commission proposal constitutes a good and laudable departure point, your rapporteur believes greater

clarity and a more comprehensive European quality system may be achieved.

In preparing the draft report, the rapporteur has consulted extensively with colleagues and shadow rapporteurs, discussed the legislative proposals in the Committee on two separate occasions and hosted a workshop with experts on the policy. Further, regular consultations and clarification were asked from the Commission; also, the rapporteur held numerous meetings with the industry, stakeholders and national and European institutions involved.

All throughout the text, your rapporteur has tried to achieve greater clarification and simplification, where this was needed. One important point in this sense was the provision of clearer definitions that render the text more comprehensive for both producers and consumers. Also, in some cases, greater legal certainty was needed. In the following, your rapporteur presents the changes proposed to each title of the regulation.

Title I

- The quality system of traditional specialties guaranteed should also be applied to non-processed products, as there are traditional methods of crop and livestock production that are not limited to a specific geographic area and result in products with features that give added value or attributes that add value due to agricultural techniques and therefore fit perfectly the object of the proposal as outlined in Article 1, paragraph 2, points a and b.
- Moreover, taking into account the definition of "processing" that is set in Regulation (EC) No 852/2004 of the European Parliament and the Council of 29 April 2004 on the hygiene of foodstuffs there are still cases in which it is not clear whether the product is processed or not, because we have to assess whether the treatment "significantly alters" or not the initial product. In this regard, requesting the inclusion of salt in the scope of quality system of traditional specialties guaranteed.
- A definition for what is meant under 'production steps'

Title II

- We propose to include the definition of 'production steps' also in Article 3, as this provides to greater clarity, also when we speak for example of 'production steps' in 5.1. b) (iii);
- In relation to Article 6, we propose an alternative wording because if treatment is identical to food products and wines in regard to the application by the Commission of the EU obligations arising from the TRIPS agreement, this should likewise be extended to food products, all aspects related to the additional protection afforded to wines in the agreement.
- In Article 7, paragraph 1, letter b), we suggest to maintain 'microbiological *or* organoleptic', as is the case at present;
- In relation to Article 12, paragraph 3, your rapporteur believes the European **symbols**

designed and adopted to represent the PDO and PGI should be clearly indicated on the label. On the other hand, your rapporteur believes that only those products may carry the EU logo and the indications that go through the same registration procedure, on the same terms as products originating in the Single Market, rather than via bilateral agreements.

Title III

- Here, we seek to achieve consistency with the other amendments that depart from the limitation to processed foods only; also, we believe in the case of TSG, this limitation is not needed;

Title IV

- Your rapporteur believes **optional reserved terms (comprised in Annex II)** should remain in the Single CMO and therefore should be included in the Regulation on marketing standards, as it better reflects the nature of these optional policy instruments. At the same time, a legal basis for **optional quality terms** that the Commission may put forward in the future is needed. Thus, the rapporteur believes such a legal basis should be kept. As first such optional quality term, your rapporteur propose the 'products of mountain farming';
- Your rapporteur believes a scheme for **products of mountain farming** should be introduced. Following extensive consultations, it became clear that this scheme is not only desired by the sector, but also the clear added value it would result for the consumer and the value of the products was established.
- Also, we hope the Commission will analyze and will be able to present soon proposals for new optional quality terms, such as 'island', 'Arctic' products. We further request further consideration within the proposed regulation of voluntary labelling system for beef.

Title V

- As regards the **role of producer groups** in the PDO and PGI schemes, your rapporteur is in favour of the Commission proposals and wishes to see these put in place at the soonest. Moreover, your rapporteur believes the conditions for a further strengthening of the role played by the groups are met. Thus, I propose that in carefully limited and controlled situations a role for establishing production management measures be granted to producer groups, under the tight supervision of Member States and the Commission. This is because it has been demonstrated that such systems may lead to greater stability for producers of PDO and PGI high value products and avoid extreme price volatility in this sector.
- As regards the application of the guidelines (on voluntary certification schemes and the use of PDOs/PGIs as ingredients, we demand that the Commission report to the legislator 3 years following the entry into force of this Regulation on the possibility to

introduce mandatory legislation in this field;

- Your rapporteur also makes clarifications with regards to procedures for **opposition**, by creating a possibility for the extension of the time foreseen, when it is likely that an agreement will be reached;

Annexes

- Your rapporteur proposes that additional products are included in the annexes that include the products that can benefit from PDO, PGI and TSG protection.
- Annex II (currently the optional reserved terms) shall be moved to the Regulation on marketing standards.

Alignment

With regards to alignment, your rapporteur believes a balance should be achieved between the need for the Commission to act efficiently and expediently on one hand and the powers Parliament and Council have under the Lisbon Treaty with regards to the legislative process. Your rapporteur is generally in favour of most proposals for delegated or implementing acts and believes the Commission has made a balanced proposal in this regard.

PROCEDURE

Title	Quality systems applicable to agricultural products		
References	COM(2010)0733 – C7-0423/2010 – 2010/0353(COD)		
Date submitted to Parliament	10.12.2010		
Committee responsible Date announced in plenary	AGRI 18.1.2011		
Committee(s) asked for opinion(s) Date announced in plenary	ENVI 18.1.2011	IMCO 18.1.2011	
Not delivering opinions Date of decision	ENVI 26.1.2011	IMCO 26.1.2011	
Rapporteur(s) Date appointed	Iratxe García Pérez 27.10.2010		
Discussed in committee	26.1.2011	15.3.2011	11.4.2011
Date adopted	21.6.2011		
Result of final vote	+: –: 0:	33 0 4	
Members present for the final vote	John Stuart Agnew, Richard Ashworth, Liam Aylward, José Bové, Michel Dantin, Paolo De Castro, Albert Deß, Herbert Dorfmann, Lorenzo Fontana, Iratxe García Pérez, Béla Glattfelder, Sergio Gutiérrez Prieto, Martin Häusling, Esther Herranz García, Peter Jahr, Elisabeth Jeggle, Jarosław Kalinowski, Elisabeth Köstinger, George Lyon, Gabriel Mato Adrover, Krisztina Morvai, James Nicholson, Wojciech Michał Olejniczak, Georgios Papastamkos, Britta Reimers, Ulrike Rodust, Alfreds Rubiks, Giancarlo Scottà, Czesław Adam Siekierski, Sergio Paolo Francesco Silvestris, Alyn Smith, Marc Tarabella, Janusz Wojciechowski		
Substitute(s) present for the final vote	Luís Paulo Alves, Giovanni La Via, Maria do Céu Patrão Neves, Daciana Octavia Sârbu		
Substitute(s) under Rule 187(2) present for the final vote	Giommaria Uggias		
Date tabled	12.7.2011		