



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 23.12.2005  
COM(2005) 694 final

2005/0270 (CNS)

Proposal for a

**COUNCIL REGULATION**

**on agricultural products and foodstuffs as traditional specialities guaranteed**

(presented by the Commission)

## EXPLANATORY MEMORANDUM

1. Since 24 July 1993 Council Regulation (EEC) No 2082/92 on certificates of specific character for agricultural products and foodstuffs has provided for Community recognition and protection of traditional agricultural products and foodstuffs having specific characteristics. The specific character of these products is linked to their production method, but not to their geographical origin.
2. Since the creation of this scheme, 15 agricultural products and foodstuffs have been registered, some of which have significant economic potential. The Commission has received 18 further applications for registration from various Member States.
3. This instrument allows producers to realise the market value of their products while protecting consumers against abusive practices and at the same time guaranteeing fair trade. The main advantage provided by registration under the Regulation is product identification through a combination of the registered name, the expression “traditional speciality guaranteed” and the Community logo. Concerning use of the name, two options are provided: registration can be made with or without reserving use of the name for producers who comply with the product specification. Since the entry into force of the Regulation, only five registrations have been made where the name has been reserved. Member States are obliged to protect the expression “traditional speciality guaranteed”, the corresponding logo and the reserved names. Traditional specialities guaranteed do not constitute an intellectual property right within the meaning of the TRIPS Agreement.
4. It is necessary to ensure that producers in WTO member countries can benefit from registration without conditions of equivalence or reciprocity and that citizens of those countries with a legitimate interest be allowed to object to a registration. Lastly, under the clause on national treatment, producers from WTO members should be able to use the product specifications registered as traditional specialities guaranteed in the same way as producers from Member States. Furthermore, provisions are introduced to guarantee the applicability and coverage of existing intellectual property rights such as trade marks and geographical indications.
5. The proposal also aims to simplify and elucidate procedures and clarify the responsibilities of the various authorities involved in scrutinising applications. It is clarified that the duties best performed nationally must of course be assigned to the national authorities, while ensuring that all interested parties, including those in third countries, are treated equally.
6. The current procedure for registering traditional specialities guaranteed is a two-stage process. An application for registration is first submitted by a producer group to the competent authorities in the Member State concerned. The national authorities then send the application to the Commission, with a view to its registration; the Commission then sends the translated application to the other Member States.
7. Member States usually send the Commission applications that are far too detailed and voluminous. It is accordingly proposed that only the product specification in *stricto sensu* should be transmitted to Community level, the national authorities instead being responsible for evaluating the traditional and specific characteristics of the agricultural products and foodstuffs concerned.

8. The Commission publishes the main details of an application in the *Official Journal of the European Union*, so allowing anyone with a legitimate interest to object to the registration. It is proposed to define the grounds on which an objection is admissible, so that the Commission can avoid having to deal with objections that are on occasion vexatious and unreasonable. These measures will ease the administrative burden at Community level.
9. The proposal contains many simplifications and clarifications. It has become evident that the purpose of the original Regulation is not sufficiently clear to the producers and other operators concerned. The terms used are complex and the definitions not precise enough. Even the term “traditional” has not been defined. It is also proposed to rectify certain inconsistencies, such as the length of time during which objections can be made where a specification is amended, which is fixed at six months in one paragraph but at three months in another.
10. Where appropriate, system improvements identical to those proposed for the system to protect geographical indications and designations of origin are proposed, particularly as regards control arrangements, registration and objection procedures, the obligatory reference to “traditional speciality guaranteed” and to the Community logo on product labelling and recourse to a Management Committee for matters relating to applications for registration.
11. Consultations have taken place with the stakeholders on the main thrust of these amendments. Discussions within the Advisory Group on the quality of agricultural products (June 2005) and the Regulatory Committee on certificates of specific character for agricultural products and foodstuffs have drawn attention to the importance of the system and provided examples of its success.
12. The proposed measures have no impact on the general budget of the European Communities.

Proposal for a

## COUNCIL REGULATION

### **on agricultural products and foodstuffs as traditional specialities guaranteed**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament<sup>1</sup>,

Whereas:

- (1) The production, manufacture and distribution of agricultural products and foodstuffs play an important role in the Community economy.
- (2) The diversification of agricultural production should be encouraged. The promotion of traditional products with specific characteristics could be of considerable benefit to the rural economy, particularly in less-favoured or remote areas, both by improving the income of farmers and by retaining the rural population in these areas.
- (3) For the sound running of the internal market in foodstuffs, economic operators should be provided with instruments allowing them to enhance the market value of their products while protecting consumers against improper practices and guaranteeing at the same time fair trade.
- (4) Council Regulation (EEC) No 2082/92 of 14 July 1992 on certificates of specific character for agricultural products and foodstuffs<sup>2</sup> defines the certificates of specific character and the term “traditional speciality guaranteed” has been established and introduced by Commission Regulation (EEC) No 1848/93<sup>3</sup>, which lays down the detailed rules for applying Regulation (EEC) No 2082/92. The certificates of specific character, more commonly referred to as “traditional specialities guaranteed”, meet consumer demand for traditional products with specific characteristics. Given the diversity of products on the market and the abundance of information concerning them, consumers should, in order to be able to make better choices, be provided with clear and succinct information regarding the specific characteristics of these foodstuffs.

---

<sup>1</sup> OJ C [...],[...], p. [...].

<sup>2</sup> OJ L 208, 24.7.1992, p. 9. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

<sup>3</sup> OJ L 168, 10.7.1993, p. 35. Regulation as last amended by Regulation (EC) No 2167/2004 (OJ L 371, 18.12.2004, p. 8).

- (5) With a view to clarification, the term “certificate of specific character” should be abandoned in favour of “traditional speciality guaranteed” alone, which is easier to understand and, in order to make the goal of the Regulation more explicit for producers and consumers alike, the term ‘specific character’ should be precisely defined and a definition of the term 'traditional' should be introduced.
- (6) Certain producers would like to derive market value from agricultural products or traditional foodstuffs because the inherent characteristics of these distinguish them clearly from similar products or foodstuffs. In order to protect the consumer, the certified specific character should be subject to inspection. Such a voluntary system, enabling operators to make known the quality of a foodstuff throughout the Community, must offer every guarantee in order to ensure that any references which may be made to it in the trade are substantiated.
- (7) The labelling of agricultural products and foodstuffs is subject to the general rules laid down in Council Directive 2000/13/EC of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs<sup>4</sup>. In view of their specific character, however, special additional provisions should be adopted for traditional specialities guaranteed. In order to make for easier and quicker identification of traditional specialities guaranteed produced within the Community, use of the expressions and Community symbols concerned should be made obligatory on their labelling, while affording operators a reasonable amount of time to adjust to this requirement.
- (8) To ensure compliance with, and the consistency of, the identified specific characteristics, producers organised into groups should themselves define those characteristics in a product specification. The option of registering a traditional speciality guaranteed should be open to third-country producers.
- (9) The traditional specialities guaranteed protected within the Community must be subject to credible control arrangements, based on Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules<sup>5</sup>, as well as control arrangements to ensure that operators comply with the product specification before marketing agricultural products and foodstuffs.
- (10) To qualify for protection, traditional specialities guaranteed should be registered at Community level. Entry in a register should also provide information to those involved in the trade and to consumers.
- (11) The national authorities of the Member State concerned should scrutinise each application for registration in accordance with minimum common rules, including a procedure for raising objections at national level, in order to ensure that the agricultural product or foodstuff concerned is traditional and has specific characteristics. The Commission should subsequently undertake a scrutiny to ensure a uniform approach towards applications for registration lodged by the Member States and by third-country producers.

---

<sup>4</sup> OJ L 109, 6.5.2000, p. 29. Directive as last amended by Council Directive 2003/89/EC (OJ L 308, 25.11.2003, p. 15).

<sup>5</sup> OJ L 165, 30.4.2004, p. 1. Corrected version in OJ L 191, 28.5.2004, p. 1.

- (12) In order to improve the efficiency of the registration procedure, vexatious and unjustified objections should not be entertained and the grounds on which the Commission assesses the admissibility of objections sent to it should be specified. The right to object is to be granted to citizens of third countries with a legitimate interest, under the same criteria as those applying to Community producers. Evidence and assessments of these criteria should be substantiated on a Community-wide basis. In view of the experience gained, the period in which objections can be made and the period for consultations among the Member States where objections are made should both be adjusted.
- (13) Provisions should be introduced guaranteeing the application and coverage of existing intellectual property rights.
- (14) In order to avoid creating unfair conditions of competition, any producer, including third-country producers, should be able to use either a registered name together with a particular expression and, where appropriate, a Community symbol or a name registered as such, provided that the agricultural product or foodstuff which is produced or processed complies with the requirements of the relevant specification and the producer employs the services of an inspection body in accordance with this Regulation.
- (15) If they are to be attractive to producers and reliable for consumers, expressions relating to the specific character of an agricultural product or a foodstuff should be granted legal protection and be subject to official controls.
- (16) If no inspection body is notified to the Commission for a traditional speciality guaranteed within a given timeframe and it is therefore not produced in compliance with the registered product specification, the registration should be cancelled.
- (17) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>6</sup>.
- (18) Provision should be made to identify the rules in this Regulation that apply to applications for registration which reach the Commission before its entry into force, based in particular on the stage that the registration procedure has reached. Operators should be permitted a reasonable amount of time to adapt both the private control bodies and the labelling of agricultural products and foodstuffs marketed as traditional specialities guaranteed.
- (19) In the interests of clarity and transparency, Regulation (EEC) No 2082/92 should be repealed and replaced by a new Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*  
Scope

1. This Regulation lays down rules under which a traditional speciality guaranteed may be recognised for:

---

<sup>6</sup> OJ L 184, 17.7.1999, p. 23.

- (a) the agricultural products intended for human consumption listed in Annex I to the Treaty;
- (b) the foodstuffs listed in Annex I to this Regulation.

Annex I hereto may be amended in accordance with the procedure referred to in Article 18(2).

- 2. This Regulation shall apply without prejudice to other specific Community provisions.
- 3. Directive 98/34/EC of the European Parliament and of the Council<sup>7</sup> shall not apply to the ‘traditional specialities guaranteed’ covered by this Regulation.

## *Article 2* Definitions

- 1. For the purposes of this Regulation:
  - (a) “specific character” means the characteristic or set of characteristics which distinguishes an agricultural product or a foodstuff clearly from other similar products or foodstuffs of the same category;
  - (b) “traditional” means proven usage on the Community market for a period at least equal to that generally ascribed to a human generation;
  - (c) “traditional speciality guaranteed” means a traditional agricultural product or foodstuff recognised by the Community for its specific character through its registration under this Regulation;
  - (d) “group” means any association, irrespective of its legal form or composition, of producers or processors concerned with the same agricultural product or foodstuff.
- 2. The characteristic or set of characteristics referred to in paragraph 1(a) may relate to the product's intrinsic features such as its physical, chemical, microbiological or organoleptic features, or to the product's production method or to specific conditions that pertain during its production.

The presentation of an agricultural product or a foodstuff is not regarded as a characteristic within the meaning of paragraph 1(a).

The specific characteristic defined in paragraph 1(a) may not be confined to qualitative or quantitative composition.

Other interested parties may join the group referred to in paragraph 1(d).

---

<sup>7</sup> OJ L 204, 21.7.1998, p. 37.

*Article 3*  
Register

The Commission shall keep a register of the traditional specialities guaranteed recognised throughout the Community under this Regulation.

The register shall have two lists of traditional specialities guaranteed, according to whether or not use of the name of the product or foodstuff is reserved to producers who comply with the product specification.

*Article 4*  
Requirements as regards products and names

1. In order to appear in the register referred to in Article 3, an agricultural product or foodstuff shall either be produced using traditional raw materials or have a traditional composition or a mode of production or processing which is a traditional type of production or processing.

Registration shall not be permitted in the case of an agricultural product or foodstuff the specific character of which is due to its provenance or geographic origin. The use of geographic terms shall be authorised, however.

2. To be registered, the name must:

- (a) be specific in itself, or
- (b) express the specific character of the agricultural product or foodstuff.

A specific name as referred to in (a) above must be traditional and comply with national provisions or be established by custom.

A name expressing specific character, as referred to in (b) above, may not be registered if:

- (a) it refers only to claims of a general nature used for a set of agricultural products or foodstuffs, or to those provided for by particular Community legislation;
- (b) it is misleading, a particular example being a reference to an obvious characteristic of the product or one that does not correspond to the specification and is therefore likely to mislead the consumer as to product's characteristics.

*Article 5*  
Relationship with intellectual property rights

1. A product shall not be registered as a traditional speciality guaranteed if the name is identical or similar to a registered trademark for identical or similar products where there is a risk of confusion or where the name concerns a geographical indication on Community territory.
2. The name of a plant variety or breed of animal may form part of the name of a traditional speciality guaranteed, provided that it is not misleading as regards the nature of the product.



*Article 6*  
Product specification

1. In order to qualify as a traditional speciality guaranteed, an agricultural product or foodstuff must comply with a product specification.
2. The product specification shall include:
  - (a) the name referred to in Article 4(2), in one or more languages, indicating whether the group applies for registration with or without reservation of the name and whether the group applies to benefit from the provisions of Article 13(3);
  - (b) a description of the main physical, chemical, microbiological and organoleptic characteristics of the agricultural product or foodstuff;
  - (c) a description of the production method that the producers must follow, including the nature and characteristics of the raw material or ingredients used and the method of preparation of the agricultural product or foodstuff,
  - (d) the key elements that define its specific character and, where appropriate, the reference basis used;
  - (e) the key elements that prove its traditional character as laid down in the first subparagraph of Article 4(1);
  - (f) the minimum requirements and procedures to check the specific character.

*Article 7*  
Applying for registration

1. Only a group shall be entitled to apply for registration of the specific character of an agricultural product or foodstuff.

Several groups from different Member States or third countries may submit a joint application.
2. Groups may lodge applications only for the agricultural products or foodstuffs they produce or obtain.
3. Applications for registration shall include:
  - (a) the name of the applicant group;
  - (b) the product specification referred to in Article 6;
  - (c) the documents proving the product's specific and traditional character;
  - (d) details of the inspection structures provided for in Article 15.
4. If the group is located in a Member State, the application shall be lodged with the competent authority of the Member State in which it is established.

Member States shall scrutinize each application by appropriate means in order to check that it is justified and meets the conditions laid down in this Regulation.

5. When undertaking the scrutiny referred to in the second subparagraph of paragraph 4, Member States shall introduce a national objection procedure ensuring adequate publication of the application and providing for a reasonable period in which any legitimately concerned individual established on its territory may lodge an objection to the application.

Member States shall examine the admissibility of the objections received, using criteria that shall include those listed in the first subparagraph of Article 9(3).

6. Where the requirements of Article 4, 5 and 6 are met, the competent authority shall send the Commission:
  - the name of the applicant group,
  - the product specification referred to in Article 6,
  - details of the inspection structures provided for in Article 15,
  - a declaration by the Member State that the application submitted by the group satisfies the conditions of this Regulation and the rules adopted to implement it.
7. Where an application for an agricultural product or foodstuff comes from a group in a third country, it shall be sent to the Commission either directly or through the competent authorities of that country, and shall comprise the information laid down in paragraph 3.
8. The documents sent to the Commission under this Article shall be drafted in an official language of the Community or shall be accompanied by a certified translation in one of the Community's official languages.

#### *Article 8* Scrutiny by the Commission

1. The Commission shall scrutinise the application in order to check that it is justified and meets the conditions laid down in this Regulation.

The Commission shall make public the list of designations for which applications for registration have been made, together with the date on which they were submitted.

2. Where the conditions of this Regulation appear to be met, the Commission shall publish in the *Official Journal of the European Union* the product specification referred to in Article 6, and the details of the applicant group and of the inspection structure(s) laid down in Article 15.

If the conditions are not met, the Commission shall decide to reject the application, following the procedure laid down in Article 18(3).

*Article 9*  
Objections

1. Within four months of the publication in the *Official Journal of the European Union* provided for in the first subparagraph of Article 8(2), any other Member State or third country may object to the proposed registration by lodging a duly substantiated statement.

2. Any natural or legal person directly or indirectly involved and established or residing in a third country or Member State other than the one that has sought registration may object to the proposed registration by lodging a duly substantiated statement.

In the case of natural or legal persons established or residing in a Member State, the statement shall be lodged with the competent authority of that Member State by a deadline enabling an objection to be made in accordance with paragraph 1.

In the case of natural or legal persons residing in a third country, the statement shall be lodged with the Commission, either directly or through the competent authorities of the third country concerned, within the deadline laid down in paragraph 1.

3. Statements of objection are only admissible provided they reach the Commission by the deadline laid down in paragraph 1 and prove:

(a) non-compliance with the conditions laid down in Articles 2, 4 and 5;

(b) or, in the case of an application under Article 13(2), that use of the name is lawful, recognized and economically significant for similar agricultural products or foodstuffs.

The Commission shall check the admissibility of objections.

The criteria listed in the first subparagraph shall be tested and assessed on a Community-wide basis.

4. If the Commission does not receive any admissible objection under paragraph 3, it shall register the traditional speciality guaranteed.

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

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

If the interested parties reach an agreement within six months they shall notify the Commission of all the factors which enabled that agreement to be reached, including the opinions of the applicant and the objector. If the information published under Article 8(2) is unchanged or has changed in only minor respects, the Commission shall proceed in accordance with paragraph 4 above. The Commission shall otherwise repeat the scrutiny referred to in Article 8(1).

If no agreement is reached, the Commission shall take a decision in accordance with the procedure laid down in Article 18(3), having regard to fair and traditional uses practiced and the actual likelihood of confusion.

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

6. The documents sent to the Commission under this Article shall be drafted in an official language of the Community or shall be accompanied by a certified translation in one of the Community's official languages.

*Article 10*  
Cancellation

The Commission may decide to cancel registration of a traditional speciality guaranteed if, after a period to be determined, no inspection body has been notified for this product in accordance with Article 15.

*Article 11*  
Amending the product specification

1. An amendment of a product specification may be made by a Member State at the request of the producer group of a traditional speciality guaranteed established on its territory, or by a traditional speciality guaranteed producer group established in a third country. In the latter case, the application shall be sent to the Commission either directly or through the competent authorities of that third country.

Applications shall demonstrate a legitimate economic interest and describe the amendments sought and the justification therefore.

Applications for approval of an amendment shall follow the procedure provided for in Articles 7, 8 and 9. However, if the only amendments proposed are minor ones, the Commission shall decide to approve the change without recourse to the procedure in Article 8(2) and Article 9.

2. The competent authorities of the Member State shall ensure that any producer or processor applying the product specification for which an amendment has been requested is informed of the publication. In addition to statements of objection referred to in Article 9(3), statements of objection demonstrating an economic interest in the production of the traditional speciality guaranteed shall be admissible.

*Article 12*  
Markings and symbol

1. Only producers complying with the product specification may refer to a traditional speciality guaranteed on the labelling, advertising or other documents relating to an agricultural product or foodstuff.
2. Where reference is made to a traditional speciality guaranteed on the labelling of an agricultural product or foodstuff produced within the Community, the registered name, the expression "traditional speciality guaranteed" or its abbreviation "TSG" as well as the associated Community symbol shall appear thereon.
3. The indications referred to in paragraph 2 shall be optional on the labelling of traditional specialities guaranteed produced outside the Community.

*Article 13*  
Detailed rules on the registered name

1. From the date of publication as laid down in Article 9(4), a name entered in the register provided for in Article 3 may only be used to identify the agricultural product or foodstuff corresponding to the product specification as a traditional speciality guaranteed in accordance with the rules laid down in Article 12. However, registered names may continue to be used on the labelling of products not corresponding to the registered specification, but the expression “traditional speciality guaranteed”, the abbreviation “TSG” or the associated Community symbol may not be indicated thereon.
2. However, a traditional speciality guaranteed may be registered with reservation of the name for an agricultural product or foodstuff corresponding to the published product specification, provided that the group has requested this in its application for registration and the procedure provided for in Article 9 does not reveal in use of the name in a lawful, renowned and economically significant manner for similar agricultural products or foodstuffs. From the date of publication laid down in Article 9(4), the name, even where unaccompanied by the expression “traditional speciality guaranteed”, the abbreviation “TSG” or the associated Community symbol, may no longer be used on the labelling of similar agricultural products or foodstuffs not satisfying the registered specification.
3. In the case of designations whose registration is sought in a single language, the group may specify in the product specification that, when the product is marketed, the label may contain, in addition to the name of the product in the original language, an indication in the other official languages that the product has been obtained in accordance with the tradition of the region, Member State or third country from which the application originated.

*Article 14*  
System of controls

1. The Member States shall ensure that the system of controls laid down in Regulation (EC) No 882/2004 applies to the operators subject to the provisions of this Regulation.
2. Member States shall include operators subject to the provisions of this Regulation in their multi-annual national control plans under Articles 41, 42 and 43 of Regulation (EC) No 882/2004, and in their annual reports under Article 44 of that Regulation.
3. In accordance with Article 4 of Regulation (EC) No 882/2004, the Member States shall designate a competent central authority specifically responsible for implementing the control system relating to this Regulation.

*Article 15*  
Controls concerning compliance with the product specification by operators

1. With a view to carrying out controls, prior to marketing, on products to check operator compliance with the product specifications, the competent authority referred

to in Article 14(3) may designate one or more official inspection bodies or else delegate those controls to one or more private inspection bodies.

In accordance with Article 7(3)(d), applications shall identify one or more bodies to inspect the agricultural products or foodstuffs in question.

If production takes place in a third country, applications shall identify one or more public or private bodies to undertake the controls referred to in the first subparagraph.

2. The private inspection bodies referred to in paragraph 1 shall be accredited under the EN 45011 standard or an equivalent standard.
3. The public or private inspection bodies referred to in paragraph 1 shall have the powers to enforce compliance with this Regulation, including, where appropriate, by imposition of penalties, if they find that an agricultural product or foodstuff designated as a traditional speciality guaranteed does not comply with the requirements laid down in the product specification.
4. Each Member State shall notify the Commission of the name and address of the competent authority referred to in Article 14(3), the name and address of whichever official inspection bodies are designated and the name and address of delegated private inspection bodies referred to in the first subparagraph of paragraph 1, their respective duties, and any changes to this information.

In the case of producers located in a third country, the group, or, in the absence of a group, the producer, shall send the Commission the information listed in the first subparagraph, either directly or through the authorities of the third country concerned.

The Commission shall publish the information referred to in the first and second subparagraphs, which shall be periodically updated.

5. Member States shall adopt the necessary measures to ensure that a producer who complies with this Regulation is inspected by the bodies referred to in this Article.
6. The costs occasioned by the controls referred to in this Article shall be borne by the operators subject to those controls.

#### *Article 16*

##### Producer declarations to an inspection body

1. A producer in a Member State intending to produce a traditional speciality guaranteed for the first time, even if belonging to the group that made the initial application, shall notify this fact beforehand to a designated inspection authority or body of the Member State in which the producer is established, as instructed by the competent authority referred to in Article 14(3).
2. A third-country producer intending to produce a traditional speciality guaranteed for the first time, even if belonging to the group making the initial application, shall notify this fact beforehand to a designated inspection authority or body, if need be as instructed by the producer group or competent authority of the third country.
3. The designated inspection authority or body shall ensure that the producer complies with the published information before the product is placed on the market.

*Article 17*  
Protection

1. Member States shall take the necessary measures to ensure legal protection against any misuse or misleading use of the term “traditional speciality guaranteed” and the associated Community symbol and against any imitation of names registered and reserved under Article 13.
2. Registered names shall be protected against any practice liable to mislead consumers, including in particular practices suggesting that an agricultural product or foodstuff is a traditional speciality guaranteed recognised by the Community.
3. Member States shall take all appropriate measures to ensure that sales descriptions used at national level do not give rise to confusion with names registered and reserved under Article 13(2).

*Article 18*  
Standing Committee on Traditional Specialities Guaranteed

1. The Commission shall be assisted by the Standing Committee on Traditional Specialities Guaranteed, composed of representatives of the Member States and chaired by a Commission representative.
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.  

The period provided for in Article 5(6) of Decision 1999/468/EC shall be three months.
3. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.  

The period provided for in Article 4(3) of Decision 1999/468/EC shall be three months.
4. The Committee shall adopt its own Rules of Procedure.

*Article 19*  
Detailed rules of application and transitional provisions

1. In accordance with the procedure referred to in Article 18(2), detailed rules shall be adopted for the implementation of this Regulation. They shall cover in particular:
  - (a) the information that must be included in the product specification referred to in Article 6(2);
  - (b) the submission of an application for registration under Article 7(1) by groups based in different Member States or third countries;
  - (c) the transmission to the Commission of the applications referred to in Article 7(3), the applications referred to in Article 7(7) and the applications for amendments referred to in Article 11;

- (d) the register of traditional specialities guaranteed referred to in Article 3;
  - (e) the objections referred to in Article 9, including rules on adequate consultations between the interested parties;
  - (f) the cancellation of a traditional speciality guaranteed registration as referred to in Article 10;
  - (g) the markings and symbol referred to in Article 12;
  - (h) a definition of the minor nature of the amendments referred to in the fourth subparagraph of Article 11(1);
  - (i) equivalent standards for the inspection bodies referred to in Article 15(2);
  - (j) the conditions for checking operator compliance with the specifications, as referred to in Article 15.
2. The names already registered under Regulation (EEC) No 2082/92 on the date of entry into force of this Regulation shall be automatically entered in the register referred to in Article 3. The relevant specifications shall be deemed to be the specifications referred to in Article 6(1).
3. In accordance with the procedure referred to in Article 18(2), the Commission shall adopt a Regulation facilitating the transition from the rules under Regulation (EEC) No 2082/92 to those laid down by this Regulation. Such Regulation shall lay down in particular the procedures to be followed for an effective analysis of registration applications still pending under Regulation (EEC) No 2082/92. Those procedures may include a requirement on applicants to provide additional information by a deadline to be fixed.

#### *Article 20*

##### Fees

Member States may charge an administrative fee to cover the costs incurred in scrutinising the applications for registration, objections and applications for amendments under this Regulation.

#### *Article 21*

Regulation (EEC) No 2082/92 is hereby repealed.

References made to the repealed Regulation shall be taken as referring to this Regulation and shall be read against the correlation table attached at Annex II hereto.

#### *Article 22*

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

However, Article 12(2) shall apply from 1 May 2007.



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

Done at Brussels,

*For the Council  
The President*

## ANNEX I

### **Foodstuffs referred to in Article 1(1)(b)**

- Beer,
- Chocolate and other food preparations containing cocoa,
- Confectionery, bread, pastry, cakes, biscuits and other baker's wares,
- Pasta, whether or not cooked or stuffed,
- Pre-cooked meals,
- Prepared condiment sauces,
- Soups or broths,
- Beverages made from plant extracts,
- Ice-creams and sorbets.

## ANNEX II

### CORRELATION TABLE

| Regulation (EEC) No 2082/92      | This Regulation                                     |
|----------------------------------|---|
| Article 1(1) first subparagraph  | Article 1(1) first subparagraph                     |
| Article 1(1) second subparagraph | Article 1(1) second subparagraph                    |
| Article 1(2) and (3)             | Article 1(2) and (3)                                |
| Article 2(1) first subparagraph  | Article 2(1) point a)                               |
| Article 2(1) second subparagraph | Article 2(1) second subparagraph                    |
| Article 2(1) third subparagraph  | Article 2(1) third subparagraph                     |
| Article 2(2) first sentence      | Article 2(1) point d)                               |
| Article 2(2) second sentence     | Article 2(2) fourth subparagraph                    |
| Article 2(3)                     | Article 2(1) point c)                               |
| –                                | Article 2(1) point b)                               |
| –                                | Article 2(2) first subparagraph                     |
| Article 3                        | Article 3   |
| Article 4(1) first subparagraph  | Article 4(1) first subparagraph                     |
| Article 4(2)                     | Article 4(1) second subparagraph                    |
| –                                | –   |
| Article 5(1)                     | Article 4(2) first subparagraph                     |
| Article 5(2)                     | Article 4(2) third subparagraph                     |
| Article 5(3)                     | Article 4(2) first sentence of second subparagraph  |
| Article 5(4)                     | Article 4(1) second sentence of second subparagraph |
| –                                | Article 5   |
| Article 6(1)                     | Article 6(1)  |
| Article 6(2)                     | Article 6(2)  |
| Article 7(1)                     | Article 7(1)  |
| –                                | Article 7(2)  |
| Article 7(3)                     | Article 7(6)  |
| –                                | Article 7(7) and (8)                                |
| Article 7(2)                     | Article 7(3)  |
| –                                | Article 7(4) and (5)                                |
| –                                | Article 8(1)  |
| Article 8(1) first subparagraph  | –   |
| Article 8(1) second subparagraph | Article 8(2) first subparagraph                     |
| Article 8(2)                     | –   |
| Article 8(3)                     | Article 9(1) and (2)                                |
| –                                | Article 9(3)  |
| Article 9(1)                     | Article 9(4)  |

|                                   |                                   |
|-----------------------------------|-----------------------------------|
| Article 9(2)                      | Article 9(5)                      |
| Article 10                        | Article 10                        |
| Article 11(1)                     | Article 11(1) first subparagraph  |
| Article 11(2) first subparagraph  | Article 11(1) third subparagraph  |
| –                                 | Article 11(1) second subparagraph |
| Article 11(2) second subparagraph | Article 11(2)                     |
| Article 11(1) to (4)              | –                                 |
| Article 12                        | Article 19(1)(g)                  |
| Article 13(1)                     | Article 13(1)                     |
| Article 13(2)                     | Article 13(2)                     |
| –                                 | Article 13(3)                     |
| Article 14                        | Articles 14 and 15                |
| Article 15(1)                     | Article 12(1)                     |
| –                                 | Article 12(2) and (3)             |
| Article 15(2)                     | Article 16(1)                     |
| Article 15(3)                     | Article 16(3)                     |
| Article 16                        | –                                 |
| Article 17                        | Article 17(1) and (2)             |
| Article 18                        | Article 17(3)                     |
| Article 19                        | Article 18                        |
| Article 20                        | Article 19                        |
| Article 21                        | –                                 |
| –                                 | Article 21                        |
| Article 22                        | Article 22                        |
| Annex                             | Annex I                           |
| –                                 | Annex II                          |