

Regulation No. 114 of the Minister of Agriculture of 2 July 2004 "Specific Procedure for Application for Registration of Geographical Indications and Designations of Origin for Agricultural Products and Foodstuffs and of Names of Traditional Specialities and for Processing of Applications"

(RTL<sup>1</sup>, 2004, 95, 1493),

entered into force 18 July 2004.

This Regulation is established on the basis of subsection 53 (4) of the Implementation of European Union's Common Agricultural Policy Act (RT I 2004, 24, 163; 34, 236), Article 5.6 and 7.3 of Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (OJ L 208, 24.07.1992, pp. 1–8) and Article 8.4 of Council Regulation (EEC) No 2082/92 on certificates of specific character for agricultural products and foodstuffs (OJ L 208, 24.07.1992, pp. 9–14).

#### § 1. Scope of application

This Regulation establishes a specific procedure for application for registration of geographical indications and designations of origin for agricultural products and foodstuffs and names of traditional specialities, and for processing of the applications

#### § 2. Registration application

(1) For registration of an agricultural product or foodstuff as a geographical indication or designation of origin at the Community level, a group or person specified in Article 5 of Council Regulation 2081/1992/EEC shall submit a registration application conforming to the format specified in Annex 1 and prepared in three copies (hereinafter application) to the Ministry of Agriculture (hereinafter Ministry).

(2) For registration of an agricultural product or foodstuff as a traditional speciality at the Community level, a group specified in Article 7 of Council Regulation 2082/1992/EEC shall submit an application conforming to the format specified in Annex 1 and prepared in three copies to the Ministry.

(3) Together with the application specified in subsection (1) the following shall be submitted:

- 1) a map of the geographic region in A4 format;
- 2) the specification set forth in Article 4 of Council Regulation 2081/1992/EEC;

3) a summary of the main points of the specification in the format provided in Annex 1 to Commission Regulation (EC) No 383/2004 laying down detailed rules for applying Council Regulation (EEC) No 2081/92 as regards the summary of the main points of the product specifications (OJ L 64, 02.03.2004, pp 16-20).

4) where necessary, documents in proof of the circumstances set out in the application.

(4) Together with the application specified in subsection (2) the following shall be submitted:

1) the specification set forth in Article 6 of Council Regulation 2082/1992/EEC;

2) at the request of the applicant, the application for registering a name specified in Article 13.2 of Council Regulation 2082/1992/EEC;

3) where necessary, documents in proof of the circumstances set out in the application.

### § 3. Processing of applications

(1) The Ministry shall check the conformity of an application to the conditions provided in Council Regulation 2081/1992/EEC or Council Regulation 2082/1992/EEC, correspondingly.

(2) If an application conforms to the conditions provided in Council Regulation 2081/1992/EEC or Council Regulation 2082/1992/EEC, the Ministry shall publish the applicant's name, address, and the geographical indication, designation of origin or the name of the traditional speciality applied for, the type of the relevant agricultural product or foodstuff and a summary of the main points of the specification on its website. In addition to the above, the Ministry shall publish information on the procedure for submission of objections.

(3) The Ministry shall allow interested parties to examine the full texts of applications.

(4) The Ministry shall make a decision on satisfying an application or refusal to satisfy an application within six months after the date of receipt of the application. If no objections are filed or if, as a result of reviewing an objection it is established that the application meets the conditions provided by Council Regulation 2081/1992/EEC or

Council Regulation 2082/1992/EEC, the Ministry shall forward the application to the European Commission.

(5) The applicant shall be sent a copy or excerpt of the decision to satisfy the application or refuse to satisfy the application by registered letter or registered letter with advice of delivery within ten working days after the date of making of the decision.

#### § 4. Objections to applications

(1) A person who provides proof of economic interest may file an objection within three months after the date of publication of the application on the Ministry's website. Reviewing of objections submitted after such date may be denied.

(2) An objection shall be submitted in the format provided in Annex 2 together with documents in proof of the circumstances set forth in the objection.

(3) The Ministry shall check the conformity of an objection to the conditions provided in Council Regulation 2081/1992/EEC or Council Regulation 2082/1992/EEC within fifteen working days after the date of receipt of the objection and in the event of non-conformity, shall inform the person who submitted the objection thereof by sending a registered letter or registered letter with advice of delivery. Review of non-conforming objections may be denied.

(4) In the event of the objection is justified, the Ministry shall inform the applicant and the person who submitted the objection and asks them to come to an agreement and to inform the Ministry thereof within one month after the date of submission of the objection.

(5) If the Ministry is not informed of an agreement within the term specified in subsection (4), the Ministry shall make a decision to satisfy the application or refuse to satisfy the application within fifteen working days.

#### § 5. Proposed amendment

(1) In order to amend the specification of a name registered on the basis of Article 6 of Council Regulation 2081/1992/EEC, the producer or group producing the product bearing the registered name shall submit a proposed amendment prepared in three copies in the format provided in Annex 3 to Commission Regulation 383/2004/EC to the Ministry.

(2) In order to amend the specification of a name registered on the basis of Article 9 of Council Regulation 2082/1992/EEC, the producer or group producing the product bearing the registered name shall submit a proposed amendment in free form which contains the changed component of the specification together with an explanation, and the new specification to the Ministry.

(3) Proposals for amendment are processed pursuant to the procedure provided in §§ 3- 4.

(4) If a proposed amendment meets the conditions provided in Council Regulation 2081/1992/EEC or 2082/1992/EEC, the Ministry shall publish the name and address of the applicant, and the specification on its website.

§ 6. Objections to applications and proposed amendments submitted in Member States

(1) On its website, the Ministry shall publish references to the summaries of applications and proposals for amendments submitted in the Members States of the European Union, and a reference to the dates of publication of the summaries in the Official Journal on the basis provided in Article 6.2 of Council Regulation 2081/1992/EEC and Articles 8.1 and 11.2 of Council Regulation 2082/1992/EEC.

(2) An objection may be filed by a person who proves economic interest within two months in the case of the application specified in subsection 2 (2) and within three months in the case of the application specified in subsection 2 (1) after the publication in the Official Journal of an application which has already been published at the Ministry's webpage. An objection submitted after such date shall be disregarded.

(3) An objection to an application or proposal for amendment submitted in a Member State shall be submitted, in the case of a designation of origin or geographical indication of an agricultural product or foodstuff, in three copies prepared in the format specified in Annex 3, and in the case of the name of a traditional speciality, in three copies prepared in the format specified in Annex 4. Supporting documents shall be appended to an objection.

(4) An objection to an application or proposal for amendment submitted in a Member State shall be checked and the person who submitted the objection shall be informed in the procedure provided in subsection 4 (3).



Registry code	
	Name of representative
Business name	Name of representative

(@)

Residence/Seat		Seat of enterprise (place of business of undertaking)
	County	
	Local government	
	Village, town, small town	
	Street/house	
	Post code	
	Telephone	
	Fax/e-mail <sup>2</sup>	

Membership: Producers/Processors( ) Other ( ) .....

Signature of applicant.....Date.....

<sup>1</sup> In the case of PDO and PGI, also indicate the class according the classification set forth in Annex 2 to Commission Regulation 383/2004/EC.

<sup>2</sup> I agree to sending of notices to my e-mail address: yes... no...

Annex 2 to Regulation No. 114 of the Minister of Agriculture of 2 July 2004 "Specific Procedure for Application for Registration of Geographical Indications and Designations of Origin for Agricultural Products and Foodstuffs and Names of Traditional Specialities and for Processing of Applications"

Objection

Description:

1. Person filing the objection

Natural Person	Legal Person
Forenames	Name
Surname	
Personal identification code	
<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Registry code
Registry code	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Name of representative
Business name	Name of representative

(@)

Residence/Seat		Seat of enterprise (place of business of undertaking)
	County	
	Local government	
	Village, town, small town	
	Street/house	
	Post code	
	Telephone	
	Fax/e-mail <sup>1</sup>	

2. Basis of objection:

Non-conformity with the conditions set forth in Article 2 of Council Regulation 2081/1992/EEC;

Non-conformity with the conditions set forth in Articles 4 and 5 of Council Regulation 2082/1992/EEC;

A threat to:

the existence of an identical name,

the existence of a similar name,

trade mark;

a product on the market.

It is a general name.

Clarifying documents on ... pages are appended.

Signature of the person filing the objection: ..... Date: .....

<sup>1</sup> I agree to sending of notices to my e-mail address: yes... no...

Annex 3 to Regulation No. 114 of the Minister of Agriculture of 2 July 2004 "Specific Procedure for Application for Registration of Geographical Indications and Designations of Origin for Agricultural Products and Foodstuffs and Names of Traditional Specialities and for Processing of Applications"

Objection

Description:

European Commission file No:

Member State filing objection: Estonia

1. Competent authority of Member State:

Ministry of Agriculture of the Republic of Estonia

Lai 39/41, 15056 Tallinn, EESTI

Telephone: +372 625 6249

Fax: + 372 625 6256

2. Basis of objection:

Non-conformity with the conditions set forth in Article 2 of Council Regulation 2081/1992/EEC;

A threat to:

the existence of an identical name,



the existence of a similar name,

trade mark;

a product on the market.

It is a general name.

Clarifying documents on ... pages are appended.

*To be filled out by the Commission:*

Date of delivery or postage:

Objection:

regarded

disregarded

Annex 4 to Regulation No. 114 of the Minister of Agriculture of 2 July 2004 "Specific Procedure for Application for Registration of Geographical Indications and Designations of Origin for Agricultural Products and Foodstuffs and Names of Traditional Specialities and for Processing of Applications"

Objection

Description:

European Commission file No:

Member State filing objection: Estonia

1. Competent authority of Member State:

Ministry of Agriculture of the Republic of Estonia

Lai 39/41, 15056 Tallinn, EESTI

Telephone: +372 625 6249

Fax: + 372 625 6256

2. Basis of objection:

Non-conformity with the conditions set forth in Articles 4 and 5 of Council Regulation 2081/1992/EEC;

A threat to:

the existence of an identical name,

the existence of a similar name,

trade mark;

a product on the market.

It is a general name.

Clarifying documents on ... pages are appended.

*To be filled out by the Commission:*

Date of delivery or postage:

Objection:

regarded

disregarded

<sup>1</sup> RTL = *Riigi Teataja Lisa* = Appendix to State Gazette