
Republic of Latvia**Cabinet****Regulation No. 767**

Adopted 22 December 2015

Procedures for the Registration, Protection and Supervision of Geographical Indications, Designations of Origin and Traditional Specialities Guaranteed of Agricultural Products and Foodstuffs

*Issued pursuant to
Section 40, Paragraph two of the law On Trade marks
and Indications of Geographical Origin and Section 4,
Paragraph twelve of the Law On the Supervision of the Handling of Food*

I. General Provisions

1. This Regulation prescribes the procedures by which protected geographical indications, protected designations of origin and traditional specialities guaranteed shall be registered for agricultural products and foodstuffs, including spirit drinks (hereinafter - the products), in accordance with registration, protection and supervision of activities of food quality schemes pursuant to:

1.1. Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (hereinafter - Regulation No 1151/2012);

1.2. Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (hereinafter - Regulation No 668/2014);

1.3. Commission Delegated Regulation (EU) No 664/2014 of 18 December 2013 supplementing Regulation (EU) No 1151/2012 of the European Parliament and of the Council with regard to the establishment of the Union symbols for protected designations of origin, protected geographical indications and traditional specialities guaranteed and with regard to certain rules on sourcing, certain procedural rules and certain additional transitional rules (hereinafter - Regulation No 664/2014);

1.4. Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89 (hereinafter - Regulation No 110/2008);

1.5. Commission Implementing Regulation (EU) No 716/2013 of 25 July 2013 laying down rules for the application of Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks (hereinafter - Regulation No 716/2013).

2. Functions of the competent authority specified in Article 36 (1) of Regulation No 1151/2012 and Article 24 (1) of Regulation No 110/2008 shall be carried out by the Food and Veterinary Service (hereinafter - the Service).

3. The verifications specified in Article 37 (1) (b) of Regulation No 1151/2012 and Article 22 (1) of Regulation No 110/2008 shall be performed by the Service.

4. The activities specified in Article 40 of Regulation No 1151/2012 shall be planned and information on duties in relation to this Regulation shall be included in the annual report by the Service.

II. Assessment of a Registration Application

5. The group of the submitter of the registration application (hereinafter - the group) who wishes to register a product in the register of protected geographical indications, protected designations of origin or traditional specialities guaranteed, shall submit the following documents to the Service:

5.1. a submission on registration of an application for protected geographical indication, protected designation of origin or traditional speciality guaranteed (Annex);

5.2. a registration application.

6. The registration application shall be drawn up pursuant to:

6.1. the requirements laid down in Article 8 (1) of Regulation No 1151/2012 and Annex I to Regulation No 668/2014 - for protected geographical indications and protected designations of origin of agricultural products and foodstuffs;

6.2. the requirements laid down in Article 6 of Regulation No 716/2013 - for protected geographical indications of spirit drinks;

6.3. the requirements laid down in Article 20 (1) of Regulation No 1151/2012 and Annex II to Regulation No 668/2014 - for traditional specialities guaranteed of agricultural products and foodstuffs.

7. The Service shall examine the documents referred to in Paragraph 5 of this Regulation within five working days and take one of the following decisions:

7.1. to initiate the registration procedure - if the registration application conforms to the requirements referred to in Paragraph 6 of this Regulation;

7.2. to update the registration application within the specified term - if the registration application does not conform to the requirements referred to in Paragraph 6 of this Regulation;

7.3. to refuse registration - if the information specified in the registration application does not conform to the product registration conditions laid down in Article 7 (1) or Article 19 (1) of Regulation No 1151/2012 or Article 6 of Regulation No 716/2013.

8. Upon initiating the registration procedure referred to in Sub-paragraph 7.1 of this Regulation, the Service shall:

8.1. publish the following on its website:

8.1.1. information on the registration application, indicating the date of receipt;

8.1.2. the main aspects of the product specification prepared in accordance with requirements laid down in Article 8 (1) (c) or Article 19 (1) (d) of Regulation No 1151/2012 and the technical documentation parameters in accordance with Annex II to Regulation No 716/2013, as well as the website address where the list of products is available;

8.1.3. information on the opposition procedure;

8.2. inform in written form the Patent Office of the Republic of Latvia regarding transitional national protection of the name of product in accordance with the requirements laid down in Article 9 of Regulation No 1151/2012.

9. If within a month from initiating the opposition procedure the Service has not received the statement of opposition referred to in Paragraph 18 of this Regulation regarding registration of a product produced in Latvia in the register of protected geographical indications, protected designations of origin or traditional specialities guaranteed or within two months - regarding registration of spirit drinks in the abovementioned register, it shall take a decision on conformity of the registration application with the requirements laid down in Regulation No 1151/2012 or Chapter III of Regulation No 110/2008 and Chapter III of Regulation No 716/2013.

10. The Service shall, within 10 working days after initiating the registration procedure referred to in Sub-paragraph 7.1 of this Regulation, reach an agreement on the term of probation with each producer who wants to register its product in the register of protected geographical indications, protected designations of origin and traditional specialities guaranteed (hereinafter - the operator).

11. Pursuant to Article 37 (1) of Regulation No 1151/2012 or Article 22 of Regulation No 110/2008 the Service shall:

11.1. assess the conformity of the product with the specification during the verification of the operator;

11.2. verify the suppliers of raw materials for products of protected geographical indications or protected designations of origin on the basis of a risk analysis;

11.3. after verification of the operator and the suppliers of raw materials referred to in Sub-paragraph 11.2 of this Regulation prepare and issue to the operator an assessment protocol depicting the results of the verification and, if necessary, set the term for prevention of non-conformities.

12. If as a result of the verification referred to in Paragraph 11 of this Regulation the Service establishes conformity of the produced product with the specification, it shall, within 10 working days after verification, take a decision to issue a conformity certificate (hereinafter - the certificate).

13. If as a result of the verification referred to in Paragraph 11 of this Regulation the Service establishes non-conformity of the product with the specification or the parameters of technical documentation, it shall:

13.1. after expiry of the term for prevention of the non-conformities referred to in Sub-paragraph 11.3 of this Regulation carry out a repeat verification, as well as prepare and submit to the operator an assessment protocol regarding results of the verification;

13.2. within 10 working days after repeat verification take a decision to issue a certificate or refusal to issue a certificate and inform the operator thereon in written form.

14. The following data shall be specified in the certificate:

14.1. the identification data of the operator (for a legal person - the name and registration number, for a natural person - the given name, surname and personal identity number);

14.2. the product name and certification on its conformity with the requirements laid down in Regulation No 1151/2012 or Chapter III of Regulation No 110/2008;

14.3. the certificate number;

14.4. the name of the food quality scheme;

14.5. the date of issue of the certificate.

15. The operator and supplier of raw materials shall pay for the conformity verification referred to in Paragraphs 11 and 13 of this Regulation in accordance with the laws and regulations on procedures for settling the payment for official surveillance and control activities and payment services of the Service, and shall settle the following payments:

15.1. the operator - for the verification of conformity of the product prior to placing the product on the market and repeat verification, if non-conformity with the specification or parameters of the technical documents has been established during verification;

15.1. the supplier of raw materials - for repeat verification, if non-conformity with the requirements of the food quality scheme has been established during systematic verification.

16. The Service shall send to the Ministry of Agriculture and the European Commission the application documentation specified in Article 8 (2) or Article 20 (2) of Regulation No 1151/2012 and Article 6 of Regulation No 716/2013 within 10 working days after inspecting the operator and taking of a decision on conformity of a registration application with the requirements laid down.

17. After taking of a decision by the European Commission on conformity of the product with the requirements of Regulation No 1151/2012 and Regulation No 110/2008 and publishing thereof in the Official Journal of the European Union in accordance with Article 52 (4) of Regulation No 1151/2012 or Article 17 (6) of Regulation No 110/2008, the Service shall notify the decision of the European Commission to the group in writing.

III. Opposition Procedure

18. During the time period referred to in Paragraph 9 of this Regulation, any person may submit a statement of opposition to the Service regarding registration of a product produced in Latvia in the register of protected geographical indications, protected designations of origin or traditional specialities guaranteed (hereinafter - the submitter of opposition).

19. The Service shall, within five working days, assess the conformity of the statement of opposition with the requirements of Annex III to Regulation No 668/2014 and shall inform the submitter of opposition in writing:

19.1. regarding the term until which an agreement must be reached with the group regarding the final version of the application, if the statement of opposition conforms to the requirements of Annex III to Regulation No 668/2014;

19.2. regarding unreasoned statement of opposition, if the statement of opposition does not conform to the requirements of Annex III of Regulation No 668/2014.

20. If the statement of opposition conforms to the requirements of Annex III to Regulation No 668/2014, the Service shall send a copy of the statement of opposition to the group. The submitter of opposition and the group shall reach an agreement on the final version of the registration application and submit it to the Service within 20 working days after receipt of the information from the Service.

21. After receipt of an updated registration application, the Service shall assess it within five working days. If the information included in the updated registration application conforms to the requirements of this Regulation and:

21.1. amendments are insignificant in accordance with the criteria laid down in Article 53 (2) of Regulation No 1151/2012, the Service shall take a decision on compliance with the requirements of Regulation No 1151/2012 or Regulation No 110/2008 and shall send the registration application to the Ministry of Agriculture and the European Commission;

21.2. amendments are not insignificant in accordance with the criteria laid down in Article 53 (2) of Regulation No 1151/2012, the Service shall repeatedly initiate the opposition procedure referred to in Sub-paragraph 8.1.3 of this Regulation.

22. A statement of opposition regarding a registration application of a product produced in another Member State of the European Union may be submitted to the Service within one month after the registration application has been published in the Official Journal of the European Union. The statement of opposition regarding the registration application of protected geographical indication or protected designation of origin shall contain the information specified in Article 10 of Regulation No 1151/2012 or Article 14 of Regulation No 716/2013, whereas regarding the registration application of traditional speciality guaranteed - the information specified in Article 21 of Regulation No 1151/2012, and it shall be prepared in conformity with the requirements of Annex III to Regulation No 668/2014 or Annex II to Regulation No 716/2013.

23. The Service shall, within 10 working days, assess the conformity of the statement of opposition referred to in Paragraph 22 of this Regulation with the requirements of Annex III to Regulation No 668/2014 and Annex III to Regulation No 716/2013. If the statement of opposition:

23.1. conforms to the requirements laid down, it shall be sent to the Ministry of Agriculture and European Commission;

23.2. does not conform to the specified requirements, the submitter of opposition shall be informed thereof in writing, specifying the reasons of non-conformity.

IV. Amendments to Specification, Annulment of Registration and Joining and Withdrawal of Operators from a Group

24. If amendments to the product specification or technical documentation included in the register of the European Commission are necessary, the group shall prepare information in accordance with requirements laid down in Annex V, VI, VII or VIII to Regulation No 668/2014 or Annex V to Regulation No 716/2013, and submit it to the Service.

25. The Service:

25.1. within 10 working days after receipt of information regarding amendments to specification or technical documentation:

25.1.1. shall assess such information in conformity with the requirements laid down in Article 53 of Regulation No 1151/2012, Article 6 (2) (2) of Regulation No 664/2014, Annex V, VI, VII or VIII to Regulation No 668/2014 or Annex V to Regulation No 716/2013;

25.1.2. shall take a decision on a necessity to initiate a new procedure for the review of a registration application, if the amendment is not insignificant or to send information regarding amendments to the specification or technical documentation to the European Commission, if the amendment is insignificant;

25.2. shall inform the group regarding the decision taken within five working days.

26. Pursuant to Article 54 (1) of Regulation No 1151/2012 or Article 18 of Regulation No 716/2013, any natural or legal person may submit to the Service a request regarding annulment of the registration of a product included in the register of protected geographical indications, protected designations of origin or traditional specialities guaranteed. The annulment request shall be drawn up in accordance with the requirements laid down in Annex IX to Regulation No 668/2014 or Annex IV to Regulation No 716/2013.

27. The Service shall examine the annulment request within 10 working days after receipt thereof and take one of the following decisions:

27.1. on conformity of the annulment request with the requirements laid down in Annex IX to Regulation No

668/2014 or Annex IV to Regulation No 716/2013 and send it to the European Commission;

27.2. on non-conformity of the annulment request with the requirements laid down in Annex IX to Regulation No 668/2014 or Annex IV to Regulation No 716/2013 and inform the submitter of the annulment request thereof.

28. Any natural or legal person who wants to produce a product in Latvia and whose name has been included in the register of protected geographical indications, protected designations of origin and traditional specialities guaranteed, shall submit a submission to the Service.

29. The Service shall examine the submission referred to in Paragraph 28 of this Regulation within 10 working days after receipt thereof, and shall reach an agreement with the person referred to in Paragraph 28 of this Regulation regarding the term of probation and shall act in accordance with the requirements laid down in Paragraphs 9, 10, 12, 13, 14, and 15 of this Regulation.

30. After receipt of a certificate, the operator shall submit a submission on joining the group to the group referred to in Paragraph 5 of this Regulation.

31. The operator, upon terminating the production of the scheme product, shall inform the Service and the group thereof in writing within 10 working days.

V. Supervision and Protection of Registered Designations and Indications

32. The Service shall, not less than once every year, verify conformity of products produced by each operator with the specification in accordance with Article 36 (3) of Regulation No 1151/2012 and Article 22 (1) of Regulation No 110/2008.

33. The Service may temporarily prohibit the operator from the use of indications and symbols referred to in Article 12 or 23 of Regulation No 1151/2012 in product labelling which have been specified in Article 2 of and Annex to Regulation No 664/2004, and which have been reproduced in accordance with Annex X to Regulation No 668/2014, in case the Service establishes non-conformity of the product with the specification and if the requirements laid down in Article 22 of Regulation No 716/2013 regarding the use of European Union symbols have been violated. The Service shall determine a deadline for elimination of non-conformities which does not exceed one month from establishment of non-conformities, and shall afterwards perform a repeat verification.

34. If during the repeat verification the Service establishes that non-conformities have not been eliminated, the operator is prohibited from using the indications and symbols referred to in Paragraph 33 of this Regulation in product labelling.

VI. Closing Provision

35. Cabinet Regulation No. 126 of 10 February 2009, Procedures for the Registration and Protection of Geographical Indications of Agricultural Products and Foodstuffs (*Latvijas Vēstnesis*, 2009, No. 26; 2010, No. 21; 2011, No. 202), is repealed.

Prime Minister Laimdota Straujuma

Minister for Agriculture Jānis Dūklavs

Annex
Cabinet Regulation No. 767
22 December 2015

Submission on the Registration of Application for Protected Geographical Indication, Protected Designation of Origin or Traditional Speciality Guaranteed

1. Group of the submitter of the registration application

Name of the group

Address

Telephone number

E-mail address

2. Name to be registered of the product

3. Name of the food quality scheme (select one and mark with "X"):

protected geographical indication

protected designation of origin

traditional specialities guaranteed

4. Group members

No.	Name	Address	Phone number and e-mail address	Registration number of a foodstuffs company in accordance with the register of surveillance objects*

5. Suppliers of raw materials (this information must be submitted only on geographical indications and designations of origin)

No.	Name	Address	Phone number and e-mail address	Registration number of a foodstuffs company in accordance with the register of surveillance objects*	Name of raw material recipient

6. Information on State fee payment

(the name of the legal person or the given name and surname of the natural person)

(taxpayer registration code or personal identity number)

(payment date)

7. Appended documents

Registration application on _____ page(s).

Applicant

_____ (given name and surname)

_____ (signature**)

Contact information

_____ (phone number, electronic mail address)

Date** _____

Notes.

1. *Only specified by producers and processors.

2. **The details of the document "signature" and "date" shall not be completed, if the electronic document has been drawn up in accordance with the laws and regulations regarding the drawing up of electronic documents.

Minister for Agriculture Jānis Dūklavs

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