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Republic of Latvia

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

*Issued pursuant to
Section 88, Paragraph six of the Trade Mark Law
and Section 4, Paragraph twelve of the Law
on the Supervision of the Handling of Food*

I. General Provisions

1. The Regulation prescribes the procedures for the registration, protection and supervision of geographical indications of agricultural products and foodstuffs, including spirit drinks and wines (hereinafter - the products) and also the procedures for the supervision and control of the scheme of protected designations of origin and the scheme of traditional specialities guaranteed in conformity with:

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 (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008 (hereinafter - Regulation No 2019/787);

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);

1.6. Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (hereinafter - Regulation No 1308/2013);

1.7. Commission Delegated Regulation (EU) 2019/33 of 17 October 2018 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation (hereinafter - Regulation No 2019/33);

1.8. Commission Implementing Regulation (EU) 2019/34 of 17 October 2018 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, amendments to product specifications, the register of protected names, cancellation of protection and use of symbols, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards an appropriate system of checks (hereinafter - Regulation No 2019/34);

1.9. Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (hereinafter - Regulation No 1306/2013);

1.10. Regulation (EC) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine and repealing Council Regulation (EEC) No 1601/91 (hereinafter - Regulation No 251/2014).

2. The functions of the competent authority specified in Article 36 of Regulation No 1151/2012, Article 22 of Regulation No 2019/787, Article 90 of Regulation No 1306/2013, and Article 22 of Regulation No 251/2014 shall be carried out by the Food and Veterinary Service (hereinafter - the Service).

3. The inspections specified in Article 37(1)(b) of Regulation No 1151/2012, Article 38(1) of Regulation No 2019/787, Article (15)(1) and Article 19 of Regulation No 2019/34, and Article 23 of Regulation No 251/2014 shall be carried out by the Service.

4. The activities referred to in Article 40 of Regulation No 1151/2012 and Article 40 of Regulation No 2019/787 shall be planned and information regarding the obligations in relation to these Regulations 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) which 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. the submission for the registration of the application for protected geographical indications, protected designations of origin or traditional specialities guaranteed; The application shall include:

5.1.1. regarding the group - the name, address, telephone number and electronic mail address;

5.1.2. the name of the food product to be registered;

5.1.3. the name of the food quality scheme - the protected geographical indication, the protected designation of origin or traditional specialities guaranteed;

5.1.4. the members of the group, indicating the name, address, telephone number, electronic mail address of each and also the registration number of the food producer and processor in the register of facilities supervised by the Service;

5.1.5. suppliers of raw materials (only for schemes - protected geographical indication and protected designation of origin), indicating each name, address, telephone number, electronic mail address, the name of the raw material recipient and also the registration number of the producer and processor in the register of facilities supervised by the Service;

5.1.6. information regarding the State fee payment, indicating the date of payment and the name and registration number of the legal person or the given name, surname and personal identity number of a natural person;

5.1.7. the given name, surname and contact information of the submitter;

5.2. the 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 23 of Regulation No 2019/787 and Article 6 and Annex I to Regulation No 716/2013 - for protected geographical indications of spirit drinks;

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

6.4. the requirements laid down in Article 94 of Regulation No 1308/2013 and Article 5 and Annex I to Regulation No 2019/34 - for protected geographical indications for wine;

6.5. the requirements laid down in Article 112 of Regulation No 1308/2013 and Annex VIII to Regulation No 2019/34 - for the protection of traditional labelling of wine;

6.6. the requirements laid down in Article 10 of Regulation No 251/2014 - for protected geographical indications of aromatised wine.

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. regarding the refusal of registration - if the information indicated in the registration application does not conform to the requirements specified in Paragraph 6 of this Regulation.

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 regarding the registration application, indicating the date of receipt thereof;

8.1.2. the main aspects of the product specification prepared in accordance with the requirements laid down in Article 8(1)(c) or Article 19(1)(d) of Regulation No 1151/2012 - for agricultural products and foodstuffs and the technical documentation parameters in accordance with Article 23(1)(i) of Regulation No 2019/787 - for spirit drinks or Article 94 of Regulation No 1308/2013 and Article 5(1) and Annex I to Regulation No 2019/34 - for wine and also 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 of transitional national protection of the name of product in accordance with the requirements laid down in Article 9 of Regulation No 1151/2012, Article 8 of Regulation No 2019/33, or Article 25 of Regulation No 2019/787.

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 the registration of a product produced in Latvia in the register of protected geographical indications, protected designations of origin or traditional specialities guaranteed or

regarding the registration of spirit drinks in the abovementioned register, it shall take the decision on the conformity of the registration application with the requirements of Regulation No 1151/2012 or Regulation No 2019/787, or Article 105 of Regulation No 1308/2013 and Articles 3 and 9 of Regulation No 2019/34.

10. The Service shall, within 10 working days after the commencement of the registration procedure referred to in Sub-paragraph 7.1 of this Regulation, agree with each producer (hereinafter - the operator) included in the group referred to in Paragraph 5 of this Regulation regarding the time of inspection.

11. In accordance with Article 37 (1) of Regulation No 1151/2012 or Article 38 of Regulation No 2019/787, or Article 15 of Regulation No 2019/34 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 the 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 certificate shall indicate the following:

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

14.2. the product name and certification regarding its conformity with the requirements laid down in Regulation No 1151/2012 or Regulation No 2019/787, or Chapter II of Regulation No 1308/2013;

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;

15.2. 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, within 10 working days after inspection of the operator and taking of the decision on the conformity of the registration application with the specified requirements, 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, Article 24(7) of Regulation No 2019/787, Article 6 of Regulation No 716/2013, and Article 94 of Regulation No 1308/2013.

17. The Service shall notify the group in writing of the decision of the European Commission on the conformity of the product with the requirements of Regulation No 1151/2012, Regulation No 2019/787, or Regulation No 1308/2013 and its publication in the Official Journal of the European Union.

III. Opposition Procedure

18. Any person may, within the period referred to in Paragraph 9 of this Regulation, submit a statement of opposition to the Service (hereinafter - the submitter of opposition).

19. The Service shall, within five working days, evaluate the conformity of the statement of opposition with the requirements of Annex III to Regulation No 668/2014, Annex II to Regulation No 2019/34, or Annex II to Regulation No 716/2013 and inform the submitter of opposition of the following in writing:

19.1. the deadline by which an agreement shall 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, Annex II to Regulation No 2019/34, or Annex II to Regulation No 716/2013;

19.2. the statement of unwarranted opposition if the statement of opposition does not conform to the requirements of Annex III to Regulation No 668/2014, Annex II to Regulation No 2019/34, or Annex II to Regulation No 716/2013.

20. If the statement of opposition conforms to the requirements of Annex III to Regulation No 668/2014, Annex II to Regulation No 2019/34, or Annex II to Regulation No 716/2013, the Service shall send a copy of the statement of opposition to the group. The submitter of opposition and the group shall, within 20 working days after receipt of the information from the Service, reach an agreement on the final version of the registration application and submit it to the Service.

21. Within five working days after receipt of the adjusted registration application the Service shall evaluate it. If the information included in the updated registration application conforms to the requirements of this Regulation and:

21.1. if the adjustments are minor, the Service shall take the decision on the conformity to the requirements of Regulation No 1151/2012, Regulation No 2019/787, or Regulation No 1308/2013 and shall send the registration application to the Ministry of Agriculture and the European Commission;

21.2. if the adjustments of the application provide for substantial changes in the name, description of the product or description of the presentation, the Service shall re-initiate the procedure for expressing oppositions referred to in Sub-paragraph 8.1.3 of this Regulation.

22. The statement of opposition regarding the 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, or Article 8 of Regulation No 2019/34, regarding the registration application of traditional speciality guaranteed - the information specified in Article 21 of Regulation No 1151/2012 preparing it in conformity with the requirements of Annex III to Regulation No 668/2014 or Annex III to Regulation No 716/2013, Annex II to Regulation No 2019/34 and for the application of protection of traditional labelling - the information specified in Annex IX of Regulation No 2019/34.

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 the 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 the requirements of Annex V, VI, VII, or VIII to Regulation No 668/2014, Annex V to Regulation No 716/2013, or Annex IV and V to Regulation No 2019/34 and submit it to the Service.

25. The Service shall:

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

25.1.1. assess it in conformity with the requirements laid down in Article 53 of Regulation No 1151/2012, Article 6(2) of Regulation No 664/2014, Annex V, VI, VII, or VIII to Regulation No 668/2014, Annex V to Regulation No 716/2013, or Annex IV and V to Regulation No 2019/34;

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

25.2. within five working days following the taking of the decision inform the group accordingly in writing.

26. In accordance with Article 54 (1) of Regulation No 1151/2012, Article 18 of Regulation No 716/2013, Article 13 of Regulation No 2019/34, or Article 28 of Regulation No 2019/34 any natural or legal person may submit to the Service the request for the 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 of Annex IX to Regulation No 668/2014, Annex IV to Regulation No 716/2013, or Annex VII to Regulation No 2019/34.

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 the conformity of the annulment request with the requirements of Annex IX to Regulation No 668/2014, Annex IV of Regulation No 716/2013, or Annex VII to Regulation No 2019/34 and send it to the European Commission;

27.2. on the non-conformity of the annulment request with the requirements of Annex IX to Regulation No 668/2014, Annex IV of Regulation No 716/2013, or Annex VII to Regulation No 2019/34 and inform the submitter of the annulment request thereof.

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

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

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

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

V. Procedures for the Protection, Supervision and Control of Protected Geographical Indications, Protected Designations of Origin Schemes and Traditional Specialities Guaranteed Schemes

32. The Service shall, not less than once every year, verify the conformity of the products produced by each operator with the specification in accordance with Article 36(3) of Regulation No 1151/2012 and Article 43 of Regulation No 2019/787 or Article 90(3) of Regulation No 1306/2013 and Article 19 of Regulation No 2019/34.

33. The Service may temporarily prohibit the operator from the use of signs and symbols referred to in Article 12 or 23 of Regulation No 1151/2012 and Article 120(1)(e) of Regulation No 1308/2013 in product labelling which have been specified in Article 2 and Annex to Regulation No 664/2014 and which have been reproduced in accordance with Annex X to Regulation No 668/2014, in case the Service establishes the 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 the non-conformities have not been eliminated, it shall prohibit the operator from using the signs and symbols referred to in Paragraph 33 of this Regulation in product labelling.

VI. Closing Provision

35. Cabinet Regulation No. 767 of 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 (*Latvijas Vēstnesis*, 2015, No. 252), is repealed.

Prime Minister A. K. Kariņš

Minister for Agriculture K. Gerhards

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