

**Law No. 99-57 of June 28, 1999,
on Controlled Appellations of Origin and Indications of Source
of Agricultural Products¹**

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On behalf of the people,

The Chamber of Deputies having adopted it,

The President of the Republic enacts the following Law:

**Chapter one
General Provisions and Definitions**

1. This Law is designed to protect the particular and specific features of agricultural products and their enhancement, by granting them an controlled appellation of origin and an indication of source. It shall apply to natural or processed agricultural and food products, be they plant or animal, but which meet the requirements of this Law.

2. The controlled appellation of origin is the name of the country, natural region or parts of regions from which any product comes and which takes its value and particular features from its geographical environment consisting of natural and human elements.

In general terms, the natural elements shall include the geographical environment from which the product comes, with its particular features relating to the soil, water, vegetation and climate.

The human elements shall include in particular the methods of production, manufacturing or processing, and the specific techniques acquired by the producers or manufacturers in the region concerned.

The production methods shall stem from local ancient, stable and well-known traditions.

3. The indication of source shall designate the name of the country, a natural region or parts of regions from which the product takes its particular feature and its renown, and where it is produced, processed or manufactured.

4. The competent authority shall designate the agricultural and animal production services within the competence of the Ministry of Agriculture.

Chapter II

The Delimitation of Controlled Appellations of Origin and Indications of Source

5. The delimitation of the country, regions and parts of regions conferring the grant of an controlled appellation of origin or an indication of source on the products originating therefrom shall be carried out by decision of the Minister of Agriculture.

The decision shall fix in particular the geographical area of production and its methods. It shall also establish the nature of the product and the features which it must comprise in order to benefit from the controlled appellation of origin or the indication of source.

6. The delimitation is carried out at the request of the producer(s) concerned or the bodies on which they are dependent, following an opinion of the advisory technical commission for controlled appellations of origin and indications of source, as provided for by Article 7 of this Law.

7. An advisory technical commission for controlled appellations of origin and indications of source, responsible for supervising such appellations and indications, shall be set up. It shall *inter alia*:

- examine the requests for delimitation of the country, regions or parts of regions able to confer an appellation of origin or an indication of source, and their use;

- put forward proposals for enhancing agricultural products by safeguarding their particular features;

- issue an opinion on the creation of areas for controlled appellations of origin and indications of source;

- issue an opinion on the appointment of the supervision and certification bodies provided for by Article 23 of this Law;

The make-up of the advisory technical commission and its operating procedures shall be fixed by decree, on a proposal of the Minister of Agriculture.

Its members shall be appointed by decision of the Minister of Agriculture.

8. The competent authority shall issue its opinion on the request for delimitation of an controlled appellation of origin or an indication of source within six months of the date of receipt of the request.

Once this period has elapsed, the authority's silence on the matter shall constitute acceptance of the principle of delimitation of the area of the appellation or indication requested. Reasons shall be given for any refusal.

Chapter III

The Benefit of Controlled Appellations of Origin and Indications of Source

9. As soon as the decision provided for in Article 5 of this Law is issued, each producer, processor or manufacturer of a product carrying out his activity in the geographical area of the controlled appellation of origin or indication of source, and wishing to benefit from this appellation or indication, shall be subject to the production, processing and manufacturing requirements fixed in the specifications provided for in Article 10 of this Law.

10. No producer, processor or manufacturer may benefit from an controlled appellation of origin or a geographical indication unless he meets the requirements of the model specifications approved by decision of the Minister of Agriculture.

These model specifications shall include the following:

- the name of the product originating from the area of the controlled appellation of origin or the indication of source;
- the definition of the product with an indication of its raw materials and its main natural, chemical, microbiological and organoleptic characteristics;
- the delimitation of its area of production;
- the elements proving the source of the product from the area of the controlled appellation of origin or indication of source;
- the description of the method of production, processing or manufacturing of the product, and in particular the local methods and traditions adopted in the field, as appropriate;
- the possibility of setting annual amounts for certain products benefiting from an controlled appellation of origin or an indication of source.

11. The benefit from an controlled appellation of origin or an indication of source shall be subject to the submission of a request, for that purpose, to the Minister of Agriculture, including the specifications provided for in Article 10 of this Law, duly signed by the requestor or his legal representative.

12. The Minister of Agriculture shall submit the request referred to in Article 11 of this Law for an opinion by the advisory technical commission for controlled appellations of origin and indications of source. This commission shall verify that:

- the information contained in the specifications submitted complies with that contained in the model specifications;
- all the requirements relating to the controlled appellation of origin or indication of source are applied to the product concerned.

13. The Minister of Agriculture shall publish an opinion relating to said request in the Official Gazette of the Republic of Tunisia, should the commission report be conclusive.

This opinion shall include the name of the requestor and his address, the name of the product, its source area, and its production, processing or manufacturing methods.

14. Where no objection is raised to the opinion provided for in Article 13 of this Law within six months of its publication, the Minister of Agriculture shall assign the benefit of the

controlled appellation of origin or indication of source to the product which is the subject of the request and shall order that it be entered in the Official Register of Controlled Appellations of Origin and Indications of Source.

The form of registration and related procedures shall be fixed by decree on a proposal by the Minister of Agriculture.

15. The Minister of Agriculture shall publish the controlled appellations of origin and the indications of source in the Official Gazette of the Republic of Tunisia.

Chapter IV

The Protection of Products Benefiting from an Appellation of Origin or an Indication of Source

16. From the date on which the controlled appellation of origin or indication of source is accepted, the following shall be forbidden:

- commercial use of the appellation or indication on any similar product originating from outside the geographical area of the appellation or indication of source;
- imitation of the appellation or indication and reference thereto, where it is indicated that the product concerned does not belong to the geographical area of the appellation or indication;
- reference to the appellation or indication on envelopes, containers and packaging, documents or advertising for a product not belonging to the geographical area of the appellation or indication;
- use of containers, for converting the product or its being offered for sale, likely to create confusion regarding its origin;
- use of any sign likely to mislead or confuse the consumer.

17. The controlled appellation of origin and indication of source shall constitute rights for all agricultural producers to the country, region or parts of regions, provided that they comply with the production rules required by the appellation or indication and which are fixed by the model specifications provided for by Article 10 of this Law.

18. Prescription shall have no effect on controlled appellations of origin or on indications of source.

In that regard, no person may use them for public domain purposes.

19. Appellations which have come into public use may not be registered as controlled appellations of origin or indications of source.

Nor may they be used in relation to the false origin or indication of products.

20. Standardization bodies may not assign any similar factory or trademark to an controlled appellation of origin or an indication of source, where the mark has been applied for following the publication of the delimitation of the controlled appellation of origin or indication of source, in accordance with the procedures laid down in Article 15 of this Law.

21. Any person whose rights are infringed, either directly or indirectly, by the use of an controlled appellation of origin or an indication of source contrary to the specific

requirements, may bring a case before the court with territorial competence in order to prohibit the use of the appellation or indication.

Chapter V

The Technical Supervision of Controlled Appellations of Origin and Indications of Source

22. Controlled appellations of origin and indications of source shall be subject to technical supervision by the competent authority.

The supervision shall be designed to ensure that the products bearing the controlled appellation of origin or indication of source meet the requirements of the specifications referred to in Article 10 of this Law.

23. Subject to the provisions specific to the establishment of a national system of accreditation for compliance bodies, a technical supervision and certification body shall be appointed for each appellation of origin or indication of source duly approved.

The make-up of the supervision and certification body and the conditions for its appointment shall be fixed by decree on a proposal by the Minister of Agriculture.

24. The supervision and certification body shall guarantee, by means of a statement which it shall submit to the producer, manufacturer, processor or trader of the product to which the controlled appellation of origin or indication of source relates, that the product in question complies with the stipulations of the specifications referred to in Article 10 of this Law.

25. The supervision and certification body shall have available all the technical means necessary to supervise the products which are the subject of the controlled appellation of origin or indication of source.

The failure to respect this obligation shall lead to its supervisory and certification powers being withdrawn, once it has been heard; the rights of the beneficiaries of the appellation or indication shall be retained in relation to compensation for damage suffered.

26. Producers, manufacturers and processors of products which are the subject of an controlled appellation of origin or indication of source shall allow the supervision and certification body responsible for them to view, for inspection purposes, the production, storage, processing and manufacturing premises, as well as the elements proving the origin of the product and the methods of its production.

27. A supervision and certification body, which observes the non-compliance with the requirements of the specifications provided for by Article 10 of this Law of the product to which the controlled appellation of origin or indication of source relates, shall immediately inform the competent authority of this fact.

Chapter VI

The Recording of Crimes and Penalties

Section one

Recording

28. The Minister of Agriculture shall appoint the officials responsible for supervising controlled appellations of origin and indications of source.

These officials shall be sworn in.

29. The officials referred to in Article 28 of this Law shall be authorized, in the exercise of their duties, to have access to all installations, premises and sites containing products originating from production areas benefiting from controlled appellations of origin and indications of source.

However, access to living quarters with a view to the supervision referred to in Article 28 of this Law shall be provided in accordance with the procedures specified in the Code of Penal Procedure in relation to searches.

Living quarters shall be those premises actually used for the purposes of habitation, even if they are located in agricultural installations.

30. The officials referred to in Article 28 of this Law may seize the products offered for sale under the title of controlled appellations of origin or indications of source and presumed not to originate from the geographical area of the appellation or indication.

They may also seize the products originating from the geographical area of the appellation or indication but which do not meet the technical production requirements laid down in the specifications provided for in Article 10 of this Law.

Seizures shall be made in accordance with the procedures provided for by the consumer protection legislation in force.

31. Where necessary, law and order officials may assist the officials referred to in Article 28 of this Law in the exercise of their duties.

32. The crimes relating to controlled appellations of origin and indications of source shall be recorded in official reports drawn up by judicial police officers, as provided for by Article 10 of the Code of Penal Procedure, the officials of the competent authority, referred to in Article 28 of this Law, and economic supervision officials.

33. All the official reports, drawn up and signed by the officials referred to in Article 32 of this Law, shall be sent to the Minister of Agriculture, who shall forward them to the Attorney-General's office.

Section II

Penalties

34. Notwithstanding the penalties provided for by the Decree of October 10, 1919 on the Suppression of Fraud in Goods Trading and the Fraudulent Production of Foodstuffs or Agricultural and Natural Products, Law No. 91-44 of July 1, 1991 on the Organization of the Distribution Trade, as amended by Law No. 94-38 of February 24, 1994, Law No. 92-117 of December 7, 1992 on Consumer Protection, and the seizure provided for by Article 30 of this

Law, any person infringing the provisions of Articles 9, 16, 19(2), 26 and 27 of this Law shall be punished with a fine ranging from 1,000 to 20,000 dinars.

In the case of a repeat offense, this penalty shall be doubled.

Chapter VII Transitional and Miscellaneous Provisions

35. Following the entry into force of this Law and for a period not exceeding three years, the marketing of products bearing references to particular geographical regions likely to allude to an controlled appellation of origin or an indication of source may be authorized, provided that these products have been marketed with the references in question for a period of at least three years and their labels clearly prove their real origin.

Once this period has elapsed, the products concerned shall comply with the provisions of this Law.

36. The benefit of an controlled appellation of origin or an indication of source shall be subject to the payment of a contribution, the amount and procedures for collection and use of which shall be fixed by decree on a proposal by the Minister of Agriculture.

In addition, any producer, processor or manufacturer who has benefited from an controlled appellation of origin or an indication of source shall pay a fee to the supervision and certification body for services rendered, as provided for by Article 24 of this Law. This fee shall be fixed by joint agreement between the supervision and certification body and the beneficiary of its services.

37. The Decree of January 10, 1957 regulating Appellations of Origin for Wines, Liqueurs and Spirits is hereby repealed.

However, the texts implementing the Decree shall remain in force until they are replaced by the provisions specified by this Law.

This Law shall be published in the Official Gazette of the Republic of Tunisia and enforced as State Law.

Tunis, June 28, 1999.
Zine El Abidine Ben Ali

Note: Translation by the International Bureau of WIPO.

¹ Preparatory work :
Discussion and adoption by the Chamber of Deputies at its session of June 24, 1999.