

Issues concerning the protection of a “designation of origin” in the European Union for Romanian traditional products

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Abstract

This paper aims to present a brief overview of the current situation in our country on the registration of "protected designation of origin" (PDO) at European Community level for Romanian traditional products. There were also summarized the criteria that underpin such a registration and the steps that a producer must go through to register their product.

Keywords: traditional product, protected designation of origin, registration

1. Introduction

This paper addresses an aspect of traditional national products certification and registration of a “protected designation of origin” (PDO) in the European Union.

Currently in Romania there are two aspects referring to our traditional products: first, the county agricultural departments, through competent services, release certificates of accreditation for traditional products, according to Minister of Agriculture Order 690/2004. On the other hand, national and EU legislation provides protection for a designation of origin referring to traditional products.

As for academic specialists and agro-food producers, was necessary to clarify these concepts as well as summary of steps that must be completed in order to protect in the EU a traditional product and its name (designation).

2. Certification Romanian traditional products vis-à-vis the protection in the EU

2.1. Certification Romanian traditional products. Currently, in Romania, any agro-food producers can attest a product traditionally considered by submitting documentation (table 1) to the county departments of the Agricultural Ministry.

Table 1. Required documentation to certificate a traditional product

Nr.	Document	Content
1.	Application	Application form
2.	Specification	Producer data (name, adress, phone/fax/email)
		Product name
		Product type (meat, milk, milling, bakery etc.)
		Characterisation of the main product features which relate to traditional (appearance, shape, size, colour, aroma, taste, physic-chemical parameters, other relevant information)
		Raw materials (enumeration, features)
		Historical information about the product
3.	Analysis report	Fabrication (steps, characterisation)
		Analysis specific to the product from an authorised organism
4.	Product photos	

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Table 2. Community and national legislation to protect a designation of origin for traditional products

Nr.	Document	Content
1.	HG 828/2007	Establish system for protecting geographical indications and designation of origin for agricultural products and food [1]
2.	Orderl MAPDR 906/2007	The procedure for registration and control of the documentation to obtain protection of a geographical indication or designation of origin for a traditional agricultural or food product. Procedure of reporting the national opposition. Procedure for submission to the European Commission the application to obtain protection of a geographical indication or designation of origin for an agricultural product or foodstuff. Procedure for national opposition. Procedure to send to the EC the request of a geographical indication or designation of origin, to obtain protection at Community level [2].
3.	HG 134/2008	Guaranteed traditional specialities of agricultural products and foodstuff
4.	Rule CE 509/2006	Guaranteed traditional specialities of agricultural products and foodstuff
5.	Rule CE 510/2006	Protection of geographical indication and designation of origin for agricultural products and foodstuff
6.	Rule CE 1898/2006 [3]	Norms to apply the Rule CE 510/2006 [4]
7.	Rule CE 1216/2007	Norms to apply the Rule CE 509/2006

Table 3. Documentation necessary to protect a designation of origin (PDO)

Nr.	Document	Content
1.	Association act (if any)	Association act of the group of producers
2.	Declaration (if any)	The group represent the producers from the specific geographical zone which is delimited in the technical specification
3.	Technical specification	Product name, designation of origin
		Product characteristics, raw materials
		Geographical delimitation
		Evidence that the product originates in the defined geographical area
		Production technology, local methods, authentic and invariable
		Supporting elements on: relationship between product quality or characteristics and the defined geographic area
		Name, address of authority / organism that verify technical specifications
		Any rule specific to labelling of the product
Other possible requirements to be applied in accordance with Community or national rules		
4.	Unique document	Annex 1 Rule CE 1989/2006
5.	Data, inscriptions	Link between product and geographical area, link between geographical area and product quality / characteristics, a specific quality, other characteristics or reputation that differentiates the product from others in the same category produces outside the protection areas
6.	Data, inscriptions, references	Historical link to manufacture the product
7.	Socio-economic data	Current production, the estimated amount for 5 years, the number of current and potential customers, current geographical destination and estimated in 5 years, current economic stage and forecast for 5 years
8.	Colour map	Defining the protection area
9.	Declaration	Certification authenticity of information provided
10.	Copy of contract with private inspection and certification authority	-
11.	Other data, information	The necessity to obtain protection

The documentation specified in Table 1 is added to the registration at the veterinary health and food safety department.

Based on the arguments above, county agricultural departments can advise the request and issue a favourable certificate attesting the product as traditional.

2.2. Protection in the EU of a designation of origin for traditional products

Community and national legislation on the basis of which provides protection for a designation of origin are summarized in Table 2.

To protect a designation of origin, the product must meet the following conditions:

- originate in this region, place or country
- product quality or characteristics due to the geographical environment with its natural and human factors
- raw materials must come only from the defined geographical area
- production and processing must take place only in the defined geographical area.

Documentation for the protection of a designation of origin may be filed by:

- an individual producer, if he is the only producer in the delimited geographical area
- a group of producers.

Table 3 presents summary documentation necessary to protect a designation of origin (PDO).

The presented documentation follows the next steps to obtain the protection of a designation of origin:

- contract with inspection and certification accredited authority to develop control plan, verify and certify the reality of field data and documents specification, issue the certificate of conformity
- request for PDO at the Ministry of Agriculture, accompanied by documentation (Table 3)
- technical verification of documentation and request of additional information, if any are necessary, within 30 days
- publication of the documentation on the ministry site for national opposition.

If within 60 days, as documentation is posted on the website of the ministry (national opposition period), there is a national opposition, within 30 days can reach an agreement between the parties concerned, if v. the ministry refuses to register.

If there is no opposition at the national level, or if it reach an agreement, obtain national protection with the product name, on the label will specify the symbol (Figure 1) or the specification "Designation national protected".



Figure 1. Symbol for "designation national protected" [2]

Once a designation is national protected, to obtain protection at EU level, within 30 days of obtaining national protection, the Ministry of Agriculture addressed to the European Commission the application accompanied by the name and address of the producer, technical specification and the unique document. European Commission is examining the correctness of the application within 12 months from the request registration. If documentation is not consistent, it can be undone. If conditions are met, the Commission published in the Official Journal of the European Union the unique document translated into all EU languages and the technical specifications may be published for opposition period. Within six months, any member state or third country may lodge an objection to the proposed registration (opposition period). If not received any objection, the Commission shall register the name in the register of protected designation of origin and obtain the protection of the designation of origin at Community level, and the label will state "protected designation of origin" or community symbols (Figure 2).



Figure 2. Symbol for "protected designation of origin" [3]

3. Conclusion

To attest a traditional product by the county departments of agriculture is based on a documentation, after which yields favourable or not.

Not every traditional product certified as such by the Ministry of Agriculture, obtain protection of the designation of origin. This is achieved first at the national level, after that at EC level. A prerequisite steps to obtain protection for a designation of origin is the geographic demarcation and the link between this and the product. Also, another important difference from a traditional product certification represent the opposition period, both national and Community.

References

1. ***, HG 828/2007 privind înființarea Sistemului de protecție a indicațiilor geografice și denumirilor de origine ale produselor agricole și produselor alimentare
2. ***, Ordin MADR 906/2007 pentru aprobarea Procedurii de înregistrare și verificare a documentației pentru dobândirea protecției unei indicații geografice sau denumire de origine a unui produs agricol ori alimentar, Procedurii de declarare a opoziției la nivel național și a Procedurii de transmitere la nivelul Comisiei Europene a cererii de înregistrare a indicațiilor geografice sau denumirilor de origine ale produselor agricole sau alimentare, în vederea dobândirii protecției la nivelul Uniunii Europene, precum și Regulile specifice privind modelul și utilizarea logoului național
3. ***, Regulament CE 1898/2006 de stabilire a normelor de aplicare a Regulamentului (CE) nr. 510/2006 al Consiliului privind protecția indicațiilor geografice și a denumirilor de origine ale produselor agricole și alimentare
4. ***, Regulament CE 510/2006 privind protecția indicațiilor geografice și a denumirilor de origine ale produselor agricole și alimentare