

Guide for control of protection of names for foodstuffs

Description of system for protection of names

The system for the protection of names for agricultural products and foodstuffs has been in force in the area of the European Community since 1993. The purpose of the system is to protect foodstuffs and agricultural products against misuse of the established name.

The protection of the name (registration of the name) usually applies to products traditionally manufactured or produced in a certain area or by a certain manufacturing method for several generations.

Only several producers together or an association or organisation that represents them may apply for the protection of the name. Individual producers cannot apply for the protection of their product, except in special cases.

The registration of the name is a two-phase process consisting of a national procedure and a review at Community level. The application is submitted to the Ministry of Agriculture and Forestry that issues a decision on the matter. The Ministry then forwards the application to the Commission, which registers the designation.

The name of more than 800 products has been so far protected in the area of EU. The largest group of products with a protected name consists of cheeses, followed by fruit and vegetables, meat and meat based products, as well as olive oils. Some of the protected names are only known on national level, while some are known all over the world. However, they are all products of a high standard and significance, at least in their own area. France and Italy have the highest number of protected products. Portugal, Spain and Greece are next in the list. All these countries have long traditions in national protection of their local foodstuffs prior to the adoption of the EU systems for name protection.

Protected names may only be used on the conditions presented in the product specifications included in the applications for the registration of the protected products.

Regulations pertaining to protection of names

- Commission Regulation (EC) No 510/2006 pertains to the protection of geographical indications and designations of origin for agricultural products and foodstuffs, and Commission Regulation (EC) No 1898/2006 (amendment 628/2008) to its implementation.
- Commission Regulation (EC) No 509/2006 pertains to certificates of specific character for agricultural products and foodstuffs, and Commission Regulation (EC) No 1216/2007 to its implementation. The Regulations are available on the web site of EU at:

http://ec.europa.eu/agriculture/quality/schemes/legislation/index_en.htm

Systems for protection of names

There are three different protection systems. Two of them, protected designation of origin (**PDO**) and protected geographical indication (**PGI**), delimitate the manufacture and/or production of the product to its traditional geographical area. The third protection system, traditional speciality guaranteed (**TSG**), on the other hand, protects the traditional manufacturing method of the product.



1. Protected designation of origin (PDO)

The production, processing and handling of the product shall take place within a certain geographical area. The quality or the characteristics of the product are essentially due to the geographical area, for example a raw material produced in the area.

Finnish products with a protected designation of origin include Lapin Puikula – potato from Lapland (1997), Lapin Poron liha – reindeer meat from Lapland) (2009) and Lapin Poron kuivaliha – dried reindeer meat from Lapland) (2010).

Examples of European products: Parmigiano Reggiano – cheese (Italy), Danablu cheese (Denmark), Feta cheese (Greece), Roquefort cheese (France), Gorgonzola cheese (Italy), Prosciutto di Parma – Parma ham (Italy), Prosciutto di Carpegna (Italy), Prosciutto di Modena (Italy), Pistacchio verde di Bronte – pistachio nuts (Italy), Huile d'olive de Nice – Nice olive oil (France), Modena traditional balsamic vinegar (Italy).



2. Protected geographical indication (PGI)

At least one of the following phases: production, processing, handling must take place within a certain geographical area, and the quality, reputation or other characteristics of the product must be attributable to this area. Some of the raw material for the product can be acquired from outside the area.

Kainuun rönttönen – rye crust pie with lingonberries (2008) is a Finnish product with protected geographical indication.

Examples of European products: Navarra asparagus (Spain), Ardennes ham (Belgium), Schwarzwald ham (Germany), Connemara Hill lamb (Ireland), Steirisches Kurbiskeröl – pumpkin seed oil (Austria), Aachen gingerbread (Germany), Lübeck marzipan (Germany).



3. Traditional speciality guaranteed (TSG)

The traditional speciality guaranteed (TSG) protection does not refer to the origin of the product, but emphasises the traditional composition or production method of the product. A product with TSG protection can be manufactured anywhere within the EU area, but the product must be manufactured according to the registered manufacturing method.

Finnish products with TSG protection include Sahti beer (2002), Kalakukko – fish and pork pie (2002) and Karjalanpiirakka – Karelian pie (2003).

Examples of European products: Mozzarella cheese, Falun sausage (Falukorv), Serrano ham (Jamón serrano).

List of products with protected names

An up-to-date list of products with a protected name is provided in the DOOR database on the EU web site:

<http://ec.europa.eu/agriculture/quality/door/list.html;jsessionid=pL0hLqgLXhNmFQyFI1b24mY3t9dJQPflg3xbL2YphGT4k6zdWn34!-370879141>

The list contains

- registered products
- products for which the application for registration has been published (member states can lodge objections to the Commission within six months)
- products for which the application for registration has not yet been published

Products can be searched from the list by country, product class, registered name or the name shown in the application (products that have not yet been registered).

The product specifications, which describe the manufacturing method and other factors contributing to the specific character of the products, can also be found from this link.

Control of products with a protected name

- The Ministry of Agriculture and Forestry has issued for the implementation of the aforementioned EU Regulations national Decree No 907/2007 on the Protection of Names for Agricultural Products and Foodstuffs: <http://www.finlex.fi/fi/laki/alkup/2007/20070907>

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The use of registered names and the conditions of registration are controlled by the Finnish Food Safety Authority and other authorities referred to in the Food Act, and as far as alcoholic beverages are concerned, by the National Supervisory Authority for Welfare and Health Valvira.

These authorities are responsible for the control of the obligations related to name protection in compliance with the Control Regulation (882/2004/EC).

Factors to which particular attention should be paid in control are presented in the next Section.

Control of products with protected designation of origin (PDO) and protected geographical indication (PGI)

Finnish products

In the execution of control, it shall particularly be verified that these products, which are registered in Finland and the compliance of which with the specification can be influenced, fulfil the requirements of the specifications with respect to product description, geographical area, proof of origin and production method.

Lapin Puikula – potato from Lapland (PDO)

It shall be verified that potatoes marketed as Lapin Puikula have been produced and packaged in Lapland.

The protection only applies to the designation Lapin Puikula, which means that potatoes referred to as just Puikula can be produced and packaged also elsewhere than in Lapland.

Lapin Poron liha – reindeer meat from Lapland (PDO)

It shall be verified that reindeer meat marketed as Lapin Poron liha has been produced, cut and packaged in the Finnish reindeer husbandry area. Under the Finnish Reindeer Husbandry Act (No 848/1990), the area includes the Province of Lapland (excluding the cities of Kemi and Tornio and the municipality of Keminmaa), the municipalities of Hyrynsalmi, Kuivaniemi, Kuusamo, Pudasjärvi, Suomussalmi, Taivalkoski and Yli-Ii in the Province of Oulu and the areas North of the River Kiiminkijoki and the Puolanka-Hyrynsalmi road in the municipalities of Puolanka, Utajärvi and Ylikiihimäki. Lapland reindeer meat is sold in whole, half and quarter carcasses or cut into carcass and muscle parts. A more detailed description is provided in specification <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:019:0022:0026:FI:PDF>

The protection only applies to the designation Lapin Poron liha.

Lapin Poron kuivaliha – dried reindeer meat from Lapland (PDO)

Lapin Poron kuivaliha (dried Lapland reindeer meat) is made from whole muscle and pieces of muscle. The finished products are different-shaped pieces or slices 1-5 cm thick and 10-20 cm long. The weight ranges from one hundred to a few hundred grams. Lapin Poron kuivaliha is produced, processed and packed in the Finnish reindeer husbandry area. A more detailed description is provided in specification

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<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:042:0012:0015:FI:PDF>

The protection only applies to the designation Lapin Poron kuivaliha.

Kainuun rönttönen – rye crust pie with lingonberries (PGI)

It shall be verified through control that the product has been manufactured in accordance with the manufacturing method described in the specification, and the manufacturer's place of production is located in Kainuu Region.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:074:0072:0075:FI:PDF>

Products registered elsewhere in EU (PDO and PGI)

It shall be verified through control that products registered in other countries are not manufactured in Finland. This primarily concerns cheeses; e.g. Parmigiano Reggiano cheese, Danablu cheese, Feta cheese, Roquefort cheese, Gorgonzola cheese.

A protected name cannot be accompanied by an expression such as "style", "type", "method", "as produced in", "imitation". In other words, "Feta cheese type cheese" is not a permitted name for a foodstuff, but the name must be formed according to e.g. the purpose of use, such as "salad cheese".

All handling, cutting, grating and packaging of cheeses with PDO protection must take place in the relevant geographical area.

Control of products with traditional speciality guaranteed (TSG) protection

When an application for TSG protection is lodged, the applicant must indicate if the name is to be reserved solely to the product complying with the specification. If this reservation is not applied for, the same name can also be used for products, which do not comply with the specification.

Karjalanpiirakka – Karelian pie

It shall be verified through control that the product is manufactured in accordance with the manufacturing method presented in the registration application: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2002:102:0014:0015:FI:PDF>

Only the raw materials presented in the application may be used in the preparation of Karelian pie and the method of preparation must meet the requirements of the registration application in all respects.

The applicant has reserved the name Karjalanpiirakka solely for products that comply with the registered method. Pies that do not fulfil the requirements specified above shall be referred to as e.g. "rice pies".

Kalakukko – fish and pork pie

It shall be verified through control that the product is manufactured in accordance with the manufacturing method presented in the registration application: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2001:235:0012:0014:FI:PDF>

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The applicant has reserved the name Kalakukko solely for products that comply with the registered method.

The protection only applies to the name Kalakukko, not to names "muikkukukko" (vendace pie), "ahvenkukko" (perch pie), "lanttukukko" (rutabaga pie), etc.

TSG products registered elsewhere in EU

As concerns **Mozzarella** cheese and **Pizza Napoletana**, the applicants have not in the registration application reserved the name solely for the product complying with the specification, which means that these names can also be used for other corresponding products. However, the labelling of such products may not indicate "traditional speciality guaranteed" or bear the EU logo. The compliance of their composition with the specification need not therefore be controlled.

EU logo or corresponding verbal mention

The packaging of products with a protected name shall bear the mention "protected designation of origin" (PDO protected products), "protected geographical indication (PGI protected products) or "traditional speciality guaranteed" (TSG protected products), or alternatively the corresponding EU logo (cf. Section "Systems for protection of names").

Annex V to Commission Regulation 1898/2006/EC (Amendment 628/2008/EC) stipulates requirements in more detail (colours, size, fonts) on PDO and PGI logos: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2006R1898:20080710:FI:PDF>

All the logos are shown in printable quality at http://ec.europa.eu/agriculture/quality/schemes/logos/index_en.htm

Use of EU logo or corresponding verbal mention, when the foodstuff contains an ingredient with a protected name

When a product with a protected name is used as an ingredient of a foodstuff or as a raw material of a food served in a restaurant, a logo or a verbal mention can be used with the name of the foodstuff or on the menu on the following conditions:

- the content of the product with a protected name is adequate to provide a specific characteristic to the foodstuff or the food
- the percentage of the product with a protected name is indicated with the name of the foodstuff or food
- the foodstuff or food does not contain any ingredient of similar type that would falsely benefit from the ingredient with a protected name (e.g. a food stuff that contains both "Lapin Poron liha" and reindeer meat)
- it is clearly indicated for the foodstuff or food that it is not a product with a protected name itself, but only contains one as an ingredient.

Actions

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If misuse of protected designations is found through control, the authorities shall order the designations to be corrected within a short time limit (Food Act (23/2006), Section 55).