



Brussels, 11.12.2017
COM(2017) 743 final

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

on the exercise of the power to adopt delegated acts conferred on the Commission pursuant to 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

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1. INTRODUCTION

Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs¹, which repealed Council Regulations (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs² and 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed³, is the basic act for EU Quality schemes on agricultural products and foodstuffs. It improved and updated the framework for the protection and promotion of quality agricultural products. In particular, the scope of the protection was extended to new products, some definitions were aligned to TRIPS (Agreement on Trade-Related Aspects of Intellectual Property Rights), the protection was enhanced, registration and amendment procedures were streamlined, the use of the symbols for Protected Designation of Origin (PDO), Protected Geographical Indication (PGI) and Traditional Speciality Guaranteed (TSG) became compulsory for products of EU origin, the TSG scheme was strengthened, the rules on controls were clarified and a scheme for optional quality terms was established.

The second subparagraph of Article 2(1), Article 5(4), the first subparagraph of Article 7(2), the first subparagraph of Article 12(7), Article 16(2), Article 18(5), the first subparagraph of Article 19(2), the first subparagraph of Article 23(4), Article 25(3), Article 29(4), Article 30, Article 31(3) and (4), Article 41(3), Article 42(2), the first subparagraph of Article 49(7), the first subparagraph of Article 51(6), the first subparagraph of Article 53(3) and the first subparagraph of Article 54(2) of Regulation (EU) No 1151/2012 empower the Commission to adopt delegated acts in order to supplement Regulation (EU) No 1151/2012 with regard to the following subject matters, respectively: the list of products set out in Annex I to Regulation (EU) No 1151/2012; restrictions and derogations with regard to the sourcing of feed in the case of a PDO and with regard to the slaughtering of live animals and the sourcing of raw materials in the case of a PDO or a PGI; rules which limit the information contained in the product specification for a PDO and a PGI where such a limitation is necessary to avoid excessively voluminous applications for registration; the establishment of the Union symbols for a PDO and a PGI; additional transitional rules on PDO/PGI to protect the rights and legitimate interests of producers and stakeholders; further details on the eligibility criteria for

¹ OJ L 343, 14.12.2012, p. 1.

² OJ L 93, 31.3.2006, p. 12.

³ OJ L 93, 31.3.2006, p. 1.

a TSG; rules which limit the information contained in the product specification for a TSG where such a limitation is necessary to avoid excessively voluminous applications for registration; the establishment of the Union symbol for a TSG; additional transitional rules on TSG to protect the rights and legitimate interests of producers and stakeholders; detailed rules relating to the criteria for optional quality terms; the reservation and the establishment of, and amendment to, the conditions of use of additional optional quality terms; the derogation from the conditions of use of the optional quality term "mountain product" in particular as regards the conditions under which raw materials or feedstuffs are permitted to come from outside the mountain areas, the conditions under which the processing of products is permitted to take place outside of the mountain areas in a geographical area to be defined, and the definition of that geographical area; the establishment of the methods of production, and other criteria relevant for the application of the optional quality term "mountain product"; additional rules for determining the generic status of generic terms; rules for determining the use of the name of a plant variety or of an animal breed; rules for carrying out the national objection procedure for joint applications concerning more than one national territory and complementing the rules of the application process; the completion of the rules of the opposition procedure; the completion of the rules of the amendment application process including where it concerns a temporary change in the specification resulting from the imposition of obligatory sanitary or phytosanitary measures by the public authorities; the completion of the rules regarding the cancellation process.

2. LEGAL BASIS

This report is required under Article 56(2) of Regulation (EU) No 1151/2012. Pursuant to that provision, the power to adopt delegated acts is conferred on the Commission for a period of five years from 3 January 2013. The delegation of power is tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. EXERCISE OF THE DELEGATION

The power to adopt delegated acts was exercised to ensure the correct and efficient functioning of Regulation (EU) No 1151/2012, to ensure a smooth transition to the new scheme from Council Regulations (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs and (EC) No 509/2006 on agricultural products and foodstuffs as traditional specialities guaranteed and to ensure the fair and consistent application of Article 31 of the Regulation concerning the optional quality term "mountain product".

The Commission has used that power with restraint, by adopting two delegated regulations: 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 rules⁴ and Commission Delegated Regulation (EU) No 665/2014 of 11 March 2014 supplementing

⁴ OJ L 179, 19.6.2014, p. 17.

Regulation (EU) No 1151/2012 of the European Parliament and of the Council with regard to conditions of use of the optional quality term ‘mountain product’⁵.

No further use of the empowerment under the Articles of Regulation (EU) No 1151/2012 empowering the Commission to adopt delegated acts is currently envisaged by the Commission.

Commission Delegated Regulation (EU) No 664/2014 provides for specific rules on sourcing of feed for protected designations of origin and on the origin of raw materials for protected geographical indications (Article 1), establishes the Union symbols (Article 2), fixes the maximum length for the product specifications for traditional specialities guaranteed (Article 3), clarifies rules on opposition procedure for joint applications (Article 4), settles the obligation for the applicant to notify the Commission all the relevant information concerning an agreement reached in the context of an opposition procedure (Article 5), specifies procedural rules for non-minor amendments, minor amendments and temporary amendments (Article 6), makes cancellation the subject of a formal procedure by aligning it to the standard registration procedure as laid down in Articles 49 to 52 of Regulation (EU) No 1151/2012 (Article 7), provides for transitional rules on publication of single documents for protected designations of origin and protected geographical indications registered prior to 31 March 2006 and on the conditions of use of symbols to be applied until 3 January 2016, as from which the new regime on conditions of use of symbols, indications and abbreviations as set out in Articles 12(3) and 23(3) of Regulation (EU) No 1151/2012 will be applied (Article 8), repeals Commission Regulations (EC) No 1898/2006 laying down detailed rules of implementation of Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁶ and (EC) No 1216/2007 laying down detailed rules for the implementation of Council Regulation (EC) No 509/2006 on agricultural products and foodstuffs as traditional specialities guaranteed⁷ (Article 9).

Commission Delegated Regulation (EU) No 665/2014 lays down criteria for the application of the term ‘mountain product’ to products of animal origin (Article 1), clarifies for different types of animal, the requirement that feedstuffs come essentially from mountain areas (Article 2), lays down criteria for the application of the term ‘mountain product’ to products of beekeeping (Article 3), lays down criteria for the application of the term ‘mountain product’ to products of plant origin (Article 4), lists the ingredients of products of plant and animal origin that may be sourced from outside mountain areas (Article 5), and establishes what processing operations may take place within a certain distance of mountain areas (Article 6).

In line with the common understanding on delegated acts, during the preparation of the acts Member State experts were consulted in the Expert Group for the Sustainability and Quality of Agriculture and Rural Development. The Commission, ensured a simultaneous, timely and

⁵ OJ L 179, 19.6.2014, p. 23.

⁶ OJ L 369, 23.12.2006, p. 1.

⁷ OJ L 275, 19.10.2007, p. 3.

appropriate transmission of the relevant documents to the European Parliament and to the Council.

The Commission adopted the Commission Delegated Regulation (EU) No 664/2014 on 18 December 2013 and the Commission Delegated Regulation (EU) No 665/2014 on 11 March 2014. They were then both notified to the European Parliament and the Council to allow these Institutions to express objection within two months from the notification of the act.

As regards the Commission Delegated Regulation (EU) No 664/2014, the period of two months from the notification of the act for the European Parliament or the Council to express their objection, provided for in Article 56(5) of Regulation (EU) No 1151/2012, was extended for two months on the initiative of the Council.

Neither the European Parliament nor the Council issued any objection to the two Delegated Regulations. After the expiry of the respective periods, the Commission Delegated Regulation (EU) No 664/2014 was published in the *Official Journal of the European Union* L 179 of 19 June 2014 and entered into force on 22 June 2014, and the Commission Delegated Regulation (EU) No 665/2014 was published in the same Official Journal of the European Union and entered into force on 26 June 2014.

4. CURRENT SITUATION

The two above-mentioned Delegated Regulations have satisfactorily reached the objective of supplementing Regulation (EU) No 1151/2012 with the necessary rules to have it properly and efficiently functioning.

No request has been received from Member States as to delegated powers possibly be additionally conferred to the Commission or substracted. There were no expectations raised for a change of the balance of powers set out in Regulation (EU) No 1151/2012. Likewise, no request for amendment of the two Delegated Regulations has been received.

While difficulties with the application and interpretation of the two Delegated Regulations at stake were not experienced during the three years of their application, the legal, economic and factual context relevant to them evolves continuously. The extension of the delegation powers for another 5 years period is, therefore, advisable in order to allow the Commission to promptly react to possible specific issues that may arise in the interpretation and application of the comprehensive legal system composed by Regulation (EU) No 1151/2012, Regulation (EU) No 664/2014, Regulation (EU) No 665/2014 and Regulation (EU) No 668/2014.

5. CONCLUSION

The Commission has exercised its delegated powers correctly and invites the European Parliament and the Council to take note of this Report.