

**Opinion of the Economic and Social Committee on the 'Proposal for a Council Regulation (EC) amending Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs' (1)**

(97/C 30/15)

On 2 August 1996 the Council decided to consult the Economic and Social Committee, under Articles 43 and 198 of the Treaty establishing the European Community, on the above-mentioned proposal.

The Section for Agriculture and Fisheries, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 5 September 1996. The Rapporteur was Mr Staffan Nilsson.

At its 338th Plenary Session (meeting of 25 September 1996) the Economic and Social Committee adopted the following Opinion by 97 votes to two, with six abstentions.

## 1. The Commission Proposal

1.1. The Commission proposes (COM(96) 266 final, 12 June 1996) a change in the transitional period specified in Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin.

1.2. The current Regulation states that the transitional period shall last for five years from the date of publication of the Regulation. This means that the transitional period expires on 25 July 1997.

1.3. The proposal would consider the transitional period as starting on the day registration was approved by the Commission, i.e. 12 June 1996, when the Commission adopted the registration proposal under the simplified procedure (Article 17 of the Regulation).

## 2. Background

2.1. Regulation (EEC) No 2081/92 provides for the protection of geographical indications and designations of origin for agricultural products and foodstuffs. Products covered by the Regulation must be registered and the decision rests with the Commission.

2.2. The ESC adopted an Opinion on the Commission proposal in 1991 (2), in which it welcomed the proposal and endorsed the wording of the document whilst making a few accompanying remarks.

2.3. Registration provides protection for certain geographical indications and designations of origin, which can only be used by undertakings located within a defined area.

2.4. According to the Regulation, Member States may maintain national measures for a transitional period

of five years, provided that the products have been marketed legally for at least five years before the date of publication of the Regulation and that the label clearly indicates the true origin of the product.

2.5. The first registration proposal, however, was not presented until March 1996.

## 3. Comments

3.1. The proposed amendments to the Regulation on the protection of geographical indications and designations of origin go no further than amending the transitional period.

3.2. Whilst it is vital that registration procedures under the Regulation be carried out scrupulously and the names be subject to careful scrutiny, the operation seems to have taken an unreasonably long time, ultimately damaging the objective of the Regulation.

3.3. Consequently it has been impossible, in practice, for undertakings to comply with the Regulation, since there was no registration list of names or areas which had to be protected.

3.4. Undertakings can be faced with considerable expense in complying with the Regulation and changing the name of their product; this may involve both direct outlay on packaging and the like, and the expense incurred in launching a new name for the product.

3.5. Accordingly, in the interests of fairness, an adjustment of the transitional period is urgently required.

3.6. The Commission also proposes that the transitional period with the option to maintain national measures should apply to point (a) of Article 13(1) as well as to point (b). This is a welcome amendment.

(1) OJ No C 241, 20. 8. 1996, p. 7.

(2) OJ No C 269, 14. 10. 1991, p. 62.

#### 4. Final remarks

4.1. The Committee endorses the proposal to consider the transitional period as starting on the day registration was published, and to apply this to both points (a) and (b) of Article 13(1).

4.2. The Committee would, however, emphasize its disappointment with the fact that registration — and consequently, implementation of the regulation — has been so badly delayed.

#### 5. Conclusion

5.1. In every respect, issues relating to labelling, indications of origin and the wording of consumer information have become increasingly important in recent years, for suppliers and consumers alike.

5.2. It is important to the single market as a whole that this information should be framed, so that the rules can be respected by all market operators. It is also important that the Commission should be aware of consumer demands. This is vital for the credibility of suppliers, market demand, and consumer protection, and — consequently — for EU employment.

5.3. The ESC therefore calls on the Commission to provide prompt proposals for regulations for a more comprehensive indication of origin for agricultural products and foodstuffs, as defined in Article 38 of the Treaty, Annex II, with a view to bolstering the single market and consumer confidence in EU produce.

Brussels, 25 September 1996.

*The President  
of the Economic and Social Committee*

Carlos FERRER

### **Opinion of the Economic and Social Committee on the 'Proposal for a Council Regulation laying down the conditions under which non-resident carriers may operate national road passenger transport services within a Member State'<sup>(1)</sup>**

(97/C 30/16)

On 7 February 1996 the Council decided to consult the Economic and Social Committee, under Article 75 of the Treaty establishing the European Community, on the above-mentioned proposal.

The Section for Transport and Communications, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 24 July 1996. The rapporteur was Mr Ghigonis.

At its 338th Plenary Session of 25 and 26 September 1996 (meeting of 25 September 1996), the Economic and Social Committee adopted the following Opinion by 77 votes to eight with six abstentions.

#### 1. Thrust of the proposed Regulation

1.1. The proposal for a Council Regulation, on the one hand, incorporates the text of Regulation 2454/92<sup>(2)</sup> which was annulled by the Court of Justice<sup>(3)</sup>, and on the other, introduces some changes, the most important of which are described below:

— Non-discriminatory treatment on the grounds of the carrier's nationality is reinforced by a supplementary clause.

— A distinction is made between 'regular services' and 'regular international services'. A definition of regular international services has been inserted from EEC Regulation 684/92<sup>(4)</sup>.

— A definition of 'occasional services' has been taken in part from Regulation 684/92. The shuttle services category has been deleted, since it does not exist in the national legislation of the Member States. Shuttle services are classified as 'regular services' or 'occasional services', according to the features of the service.

<sup>(1)</sup> OJ No C 60, 29. 2. 1996, p. 10.

<sup>(2)</sup> OJ No L 251, 29. 8. 1992, p. 1.

<sup>(3)</sup> Case C — 388/92.

<sup>(4)</sup> OJ No L 74, 20. 3. 1992, p. 1.