

2. Who is responsible for the failure to adopt Greek programmes that have been submitted and what measures will be taken to avoid delays which, inter alia, affect future allocations of resources?

**Answer given by Mr Fischler on behalf of the Commission**

(22 November 1999)

The Commission underlines that out of 22 measures for rural development under Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European agricultural guidance and guarantee fund (EAGGF) and amending and repealing certain Regulations<sup>(1)</sup>, in Greece only four (the three existing accompanying measures, and the aids to less-favoured areas) are concerned by the financial allocations of EAGGF-guarantee section. In fact, Greece, as part of the objective 1 regions for the whole of its territory will benefit in the period 2000-2006 from an additional and important financial assistance from the guidance section of EAGGF, within the total amount of € 20,96 million of the structural funds attributed to Greece. This will enable this Member State to implement the remaining 18 measures for rural development. Indeed, the Guidance section of EAGGF is reserved to objective 1 regions.

1. The Commission draws the attention of the Honourable Member to the flexibility which exists in the framework of the financial allocations. Firstly, the Commission is prepared to adjust within three years the decision on financial allocations by Member State, in accordance with the provisions of Article 46(3) of the above Regulation and within the overall limits of the resources available. Secondly, the implementation rules for the rural development programmes adopted by the Commission in July 1999 make clear that where resources unused by Member States in a given year reach a particular level, compared to their original planning figure, they can be 're-cycled' to Member States with additional needs that conform with their programming documents. This will help to meet contingency pressures, although over the whole period the Member States would have to remain within their allocation set out in the Commission decision in force.

2. The Commission does not attribute responsibilities to anyone in relation to the approval of Greek programmes for rural development.

It should be recognised however that the accompanying measures in the period 1994-1999, due to their innovative and relatively complex character, faced some difficulties in the starting period, thus their implementation was not as speedy as initially expected.

The rate of absorption of credits from the Guidance section between 1994-1999 in Greece was however extremely high and successful. Thus globally the policy for rural development in this Member State during the above period was satisfactorily implemented.

<sup>(1)</sup> OJ L 160, 26.6.1999.

(2000/C 225 E/029)

**WRITTEN QUESTION P-1845/99**

**by Umberto Bossi (TDI) to the Commission**

(11 October 1999)

*Subject:* Products of protected designation of origin (PDI) and protected geographical indication (PGI) — private certification bodies — freedom of competition

For some months the Italian Government has been seeking to assign responsibility for the certification of certain PDI products, including Grana Padano, to a single private body. Although the Italian anti-trust authority and a number of courts have ruled that this measure is illegal, the Italian Government seems set on adopting a law (Community Law 1999 AC 5619-B) sharply restricting freedom of competition by not allowing individual producers or producers' associations direct access to the PDI control system, denying the possibility for several private bodies to certify the same PDI product, and encouraging protection consortia to extend their internal representativeness in order to meet the requirements of the Uni EN 45011 rules in order to become certification bodies themselves.

Will the Commission say:

1. whether individual producers or producers' associations can have direct access to the control system;
2. whether confining responsibility for the certification of each PDI or PGI product to a single private certification body represents a serious distortion of free competition;
3. whether protection consortia can meet the necessary requirements and thus become private certification bodies or in any case impose standards or controls on non-associated subjects;
4. whether it believes that measures should be taken against the Italian Government in the light of the blatant irregularities described above?

### **Answer given by Mr Fischler on behalf of the Commission**

*(8 November 1999)*

Under Article 10(2) of Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs<sup>(1)</sup>, 'an inspection structure may comprise one or more designated inspection authorities and/or private bodies approved for that purpose by the Member State'. Article 4(2) stipulates that 'the product specification shall include at least: ... g) details of the inspection structures provided for in Article 10'.

For each protected designation of origin (PDO) or protected geographical indication (PGI) there may, therefore, be or one or more public inspection authorities or one or more private bodies approved for that purpose by the Member State, or a mixture of the two systems.

The Member State in which the geographical area of the PDO or PGI lies may decide on the composition and number of inspection structures. The Member State may choose, for example, to have only one private body for each PDO or PGI. However, where a Member State decides to designate several inspection authorities or (approved) private bodies, the holders of the PDO or PGI may choose their inspection structure from those designated.

The Regulation does not stipulate that private bodies must be accredited, but simply lays down (Article 10(3)) that 'as from 1 January 1998, in order to be approved by the Member States for the purpose of this Regulation, private bodies must fulfil the requirements laid down in standard EN 45011 of 26 June 1989' (the standard was amended on 18 February 1998).

The Commission feels it would be difficult for the strict requirements in this standard to be met by a 'consorzio di tutela', which is usually made up of the same producers who would be subject to the inspection required under the above Article 10.

Furthermore, Article 10(4) lays down that: 'If a designated inspection authority and/or private body in a Member State establishes that an agricultural product or a foodstuff bearing a protected name of origin in that Member State does not meet the criteria of the specification, they shall take the steps necessary to ensure that this Regulation is complied with. They shall inform the Member State of the measures taken in carrying out their inspections. The parties concerned must be notified of all decisions taken.'

Producers of a PDO or a PGI product must in any case use the inspection structure provided for in the product specification for the name concerned. The product specification is drafted by the producers and annexed to their application for protected status. The choice of inspection structure may be changed at any time, where the Member State concerned so requests in accordance with Article 9 of the Regulation.

In the particular case of the PDO 'Grana Padano', the inspection structure, following the amendment notified by the competent Italian authority on 17 November 1998, is the approved private body 'C.S.Q.A. — Certificazione Qualità Agroalimentare s.r.l.'.

In view of the foregoing, the Commission does not consider it appropriate to take measures against the Italian Government.

<sup>(1)</sup> OJ L 208, 24.7.1992.