REGULATIONS FOR REVIEWING APPLICATIONS FOR RECOGNITION OF DESIGNATIONS, APPLICATIONS FOR AMENDMENT, INTERPRETATION OR EXEMPTION FROM APPROVED SPECIFICATION MANUALS

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1. Preamble

Whereas, in 1996, the Government of Quebec enacted legislation governing reserved designations for agricultural and food products;

Whereas the *Act Respecting Reserved Designations and Added-Value Claims* (A-20.03) stipulates that groups of operators, whose activity is subject to inspection by a certification body, may propose the recognition of a designation to the Minister;

Whereas the reserved designation system in Quebec has a certain number of general rules:

- The recognition of any designation is the result of an organization's efforts to protect it. All applications for recognitions must come from groups of producers or processors that have been instituted as juristic persons, regardless of their legal structure. These organized groups shall:

  - include businesses whose responsibility is to ensure that the products meet the requirements for using the designation at all times;
  - be made up of members from all the sectors involved in the production and preparation of certified products, up to the stage when the products may bear the designation;
  - be representative of the majority of those who practise a given production method to obtain the product;
  - have internal statutes and rules stipulating membership requirements for new applicants, as well as measures for expelling current members, if applicable.

- The applicant organization is not the owner but only the user of the designation, which enters the public domain.

- In Quebec, an open registered designation control system allows all those who comply with the approved specification manuals to use the corresponding designations.

- The recognition of any designation is based on the principle of product traceability. A description of the system used to ensure product traceability at the various stages of production-processing-development, up until the product is put on the market, must be included with the application.

- The protection provided to those who use any reserved designation, once it is recognized by the Minister, is identical for all designations, regardless of their category and type (principle of the specification manual, joint recognition procedure, system of control through certification, protection against forgery and imitations).

Through these regulations, the CARTV outlines the procedure that must be followed for reviewing all:

- Initial designation recognition applications sent to the CARTV, including the approval of the specification manual;
- Applications to modify the approved specification manual included with a recognized designation;
- Applications to transfer a previously recognized designation to another designation.

In this document, the term "Board" refers to the authority whose ultimate responsibility is to recommend the recognition of a designation to the Minister.

2. Purpose and Scope

These regulations aims to outline the procedures for reviewing all applications for designations attributed to agricultural and food products as an attestation of their production method, region of origin or specificity.

Agricultural products include all animal-based foods (milk products, meats, honey, marine and fresh water products derived from aquaculture), and plant-based foods (fruits, vegetables and other crops, including products derived from maple syrup production). Foods include all products prepared using animal-based ingredients (salted or smoked fish and meat, and deli meats) or plant-based ingredients (bakery and pastry products, cookies), including oils. Products containing alcohol, such as beer, wine and spirits, are covered under this heading. Mineral water is excluded.

Products that are eligible to be labelled as protected designations are those intended for human or animal consumption, as well as products that are packaged using previously certified products that have been separated or combined.

The regulations also deal with the procedures for reviewing applications for amendment, interpretation or exemption from approved specification manuals.

3. Definitions

Applicant: Organization instituted as a juristic person that includes all the economic stakeholders actively involved in the production or processing of the product. If possible, these stakeholders should be represented in a balanced way to ensure that different interests are equally represented in operations. This organization protects and manages the designation. It liaises with the CARTV in the following roles:

- Initial designation recognition applications;
- Possession of labels and/or product certification reference manuals, including the inspection plans approved by the CARTV for the recognized designation;
- Applications to modify the specification manual included with the recognized designation;
- Applications to transfer the recognized designation to another designation.

Board: A decision-making authority of the Conseil des appellations réservées et des termes valorisants that is responsible for approving specification manuals that meet the criteria and requirements included in a reference manual that it has adopted.

Conseil des appellations réservées et des termes valorisants: A body that has jurisdiction over the compliance of products bearing designations reserved by Québec's Minister of Agriculture, Fisheries and Food, according to the standards prescribed for these designations.

Consensus: A general agreement characterized by the absence of sustained opposition to substantial issues by any important part of the concerned interests and by a process seeking to take into account the views of all parties concerned and to reconcile any conflicting arguments (excerpt from the ISO/IEC Guide 2).

Note: "Consensus does not necessarily imply unanimity." (Excerpt, ISO/IEC Guide 2).

Designation users: Firms licensed by an accredited certification body that sell certified products pursuant to a given designation. In ISO terms, these are certified product suppliers.

Interested parties: Persons or groups of persons that may be directly affected by the application of standards referring to a designation, and originating from one of the following parties:

a) First party: Manufacturers or suppliers, including firms that cultivate, raise

or grow (agricultural producers) and/or prepare (transforming, processing, as well as any firm modifying a product's original labelling in order to resell it under its own brand name) products that it offers for sale;

b) Second party: Certifiers (mainly including certification bodies, certification mark owners);

c) Third party: Consumers (including consumer associations, in particular).

Labelling model: Colour labelling system containing information on the product's designation in full (indicating any potential variations), required information (such as the address of the person responsible for marketing, composition, etc.), optional information authorized by the regulations (product's brand name, logotypes, proposed drawings, etc.), significant certified characteristics, and the name of the certification body.

Specification manual: A public document that aims to exhaustively define basic specifications for a product to be produced or a service to be delivered. In addition to the basic specifications, it describes its implementation procedures. It also defines the objectives to be attained with respect to the application framework. For the group preparing it, the approved specification manual is used to formalize the requirements and to explain them to the different actors to ensure that everyone is in agreement. The specification manual must include all the elements provided for in the reference manual under the *Regulations respecting reserved designations*.

Standards: A document included in all specification manuals that provides for repeated uses rules or guidelines concerning products, processes or production methods. Standards may also include terminology, as well as labelling and packaging requirements that apply to the product, process or production method. Official standards as well as subsequent amendments must be approved by the Board.

4. Filing an application with the CARTV

4.1 The organization applying for recognition shall send a complete file, including all the documents required for the designation or added-value claim applied for, to the current address of the CARTV's Secretariat (35, rue de Port-Royal Est, 5e étage, bureau 5.26, Montréal QC H3L 3T1).

Ten copies of the required documents shall be provided (see the appendices of these regulations) as well as an electronic copy of the file (in text format).

4.2 In order for the concerned committee (CC) to be able to review a Protected Geographical Indication (PGI) application that was filed on the basis of an already recognized Attestation of Specificity (AS) or Production Method (PM), the applicant organization must send the CARTV the specification manual for the PGI product. This is the old validated and approved AS/PM specification manual, with additional information on the PGI added. This information includes:

- Validated PGI region(s) according to a map;
- Operations carried out in these region(s);
- PGI traceability;
- Labelling (with the letters PGI);
- Reference to the PGI on the cover page of the specification manual.

4.3 The Secretariat shall determine whether or not the file is admissible based on the following criteria:

- Inclusion of all the required documents indicated on the checklist in the appendix, according to the designation category in question;
- A sufficient amount of information in each of the required documents.

If the file is admissible, it shall be forwarded to:

a) The MAPAQ office concerned, for reference purposes;
b) The concerned committee (CC), for assessment purposes.

5. Assessment of the concerned committee (CC)

5.1 Designation eligibility

CC members shall review the file and do an analysis based on the regulatory requirements for the designation concerned, after which they decide if the designation is eligible.

For applications to transfer to PGI designations, they shall make sure that the specification manual is consistent with the PGI issued (between the former certification without a PGI and the PGI file).

If applicable, the Committee may send requests for additional information and a list of questions to the applicant organization.

If the file is rejected, the organization applying for recognition shall be informed of the reasons for its refusal and of an opportunity to file a new designation application at a later date.

5.2 Selection of the audit team

When the file is considered eligible, the CC Chair, in consultation with members, shall appoint an audit team made up of at least two individuals, including an expert in the field of the designation applied for and a reporter selected from the committee members. They must have no direct or indirect interest in the file and, for any regional designation applications, no direct or indirect interest in the area concerned.

The audit team shall review all applications for quality designations (DO, PGI, attestation of specificity, production method) and applications to modify specification manuals.

The audit team's role is to:

- Thoroughly review the application and report to the CC;
- Present concrete facts about the file to the CC;
- Issue a proposed notice, which must be ratified by Committee members in order to be a valid recommendation.

6. Audit team's on-site visits

The audit team, which is made up of the appointed reporter and expert, is responsible for reviewing files submitted by applicants from a practical point of view as well as any specific item requested by the concerned committee. Prior to the public consultation, the verification team shall verify that the submitted file adequately describes the product authenticity and outlines its recognized characteristics. To do so, the team visits the site where the applicants' operations are conducted in order to meet a cross-section of members of the applicant organization, visit the facilities, and interview the applicants' official representatives and any other individuals it considers necessary. The verification team may also consider meeting with other persons concerned by the designation as to examine the validity of any objection, in the perspective of building the consensus required for designation recognition. The team may draw upon external scientific expertise. The *Policy pertaining to the field evaluation of practices outlined in the specification manual* (RAR2PL3160) describes the process of establishing the audit team and its responsibilities.

The certification body/bodies designated for the designation control is/are not met by the verification team. They will be evaluated by the CAEQ accreditation service.

Before the audit team visits, it shall receive the complete application file from the CC Secretariat, including the confidential part, if applicable. This file may be supplemented, if applicable, by any regulations or policies adopted by the Board.

After the visit, the audit team shall draft an expert report, which assesses the level of agreement among the requirements applicable to the designation category being applied for, the information obtained, and the applicant organization's responses to requests that were sent to them. The verification team shall also take position on the product authenticity level with respect to the requirements and the characteristics specified in the specification manual relating to the product authenticity. In particular, this report shall include comments on the following:

- Compliance with professional practices;
- Relevant, objective, measurable characteristics;
- The specification manual criteria with regards to the product authenticity;
- The quality plan's effectiveness compared with the applicant's objectives; the methods described must make it possible to obtain the product exactly as described;
- The difference between the certified product and an ordinary product;
- If applicable, sensory analysis data provided in the file;
- The product's traditional characteristics, if this is a requirement for the particular designation category being applied for;
- The applicant's proposed labelling model.

Where applicable, the report shall mention requests for additional information or improvements that the applicant organization must fulfil.

The audit team's expert report shall be sent to the Committee's Secretariat not later than 15 days after the visit. The CC Secretariat then shall forward this report to the applicant, which is informed, if applicable, of requests that it must fulfil.

The applicant shall send its responses to the CC Secretariat not later than one month after it receives the audit team's report; the committee cannot review the file without the response document.

The applicant's responses are included in the specification manual and sent to the audit team members. Where appropriate, the audit team comments on the applicant's responses within 15 days. These comments are sent to the CC Secretariat, which completes the expert report and then forwards it to the CC members.

7. CC intermediate evaluation stages

The concerned committee shall assess the entire revised specification manual. Normative requirements are assessed in accordance with the *Policy pertaining to the evaluation of specification manuals submitted for approval* (RAR2PL3170).

At this stage, the CC shall review the expert report to ensure that the information contained in the file corresponds to the reality and that it is supported by proof or standards that will make it possible to appropriately verify the requirements set out in the specification manual.

At the same time, the Committee reviews the labelling model corresponding to the final proposed specification manual submitted for recognition. Validation of the labelling model is part of the notice sent by the Committee. This validation focuses on compliance with the regulations for using the official mark logo registered by the CARTV and does not consider compliance with general labelling regulations.

To ensure that an initial proposal for the recognition of a reserved designation is consistent with public interest and has no major objections, each project shall be the subject of consultation, including mandatory public consultation with the interested parties.

The committee shall determine whether the project is ready to be submitted for public consultation, or whether other questions or requests should be addressed to the applicant group before beginning public consultation. The committee may recommend carrying out any other type of consultation listed in the *Internal Regulations Pertaining to Consultations Carried Out by the CARTV* (RC1RG1006) before recommending public consultation on the file to the Board.

8. Public consultation

Public consultation shall allow any person who might be interested in the project to consult all of the elements of the file submitted for public consultation and present comments on or objections to the designation, its name or authenticity criteria. It ensures that the initial project to recognize the reserved designation is consistent with public interest and has no major objection.

Once the Board has decided to do so, the Secretariat of the "Designation Recognition" division submits the proposal for public consultation, which normally lasts 60 days. However, the Board may reduce this to 45 days in cases where it believes that the proposal's scope is somewhat limited.

Public consultation shall be carried out in accordance with the *Policy Pertaining to Public Consultations Carried out by the CARTV* (RC2PL1050), which sets out the rules that apply to the public consultation notice and information submitted for public consultation. More specifically, public consultation includes the following elements.

8.1 Notice of public consultation

The CARTV shall publish a notice of public consultation within seven days before the consultation period start date. It specifies the rules that apply to public consultation and information submitted for public consultation.

8.2 File documents submitted for public consultation

The file documents submitted for public consultation shall include:

- The specification manual submitted by the applicant, excluding information considered to be confidential;
- A summary sheet that presents a description of the main characteristics of the product described in the specification manual in order to demonstrate the authenticity of the product and its designation, certification requirements of the specification manual and the persons referred to in the specification manual and related obligations. The summary sheet highlights the elements identified during the review carried out by the audit team and submitted to the CC during the intermediate evaluation;
- The information or documents presented in the file, in addition to the specification manual (section 2 of the Regulations respecting reserved designations), except for information that the applicant wishes, for sufficient grounds, to keep confidential.

The documents intended to be published for public consultation shall be prepared by the CARTV in accordance with the presentation method stipulated in the *Regulations Pertaining to Information Published During Public Consultations* (RAR2PL3180), particularly the section concerning the summary sheet.

8.3 Receipt and dissemination of feedback

Feedback on the file submitted for consultation must be conveyed in writing and sent to the CARTV within the specified timeframe pertaining to the public consultation period. Any feedback from public consultation

will be considered only if it is received within the time limit and if it is deemed admissible insofar as it meets the following criteria:

Differences in the specification manual criteria, well-argued and substantiated differences relating to the product's authenticity may be claimed as specific grounds for objection (still called remark, critique or comment).

The following may be claimed as grounds for opposition (still called disagreement, contention or refusal):

- If the proposed recognition prejudices a trademark or designation that has been used for a long time;
- If the designation has acquired a generic character or a right previously conferred by the registration of a trademark that is threatened by the designation, etc.

The objections shall be sent to the applicant, which must respond to them within 15 days. They are also forwarded to the audit team as soon as they are received.

The Secretariat shall send the objections to the applicant, who must respond to them within two months. The applicant's response is brought to the attention of the party making the objection, which has 15 days to relay any further comments.

When an objection is based on a right previously conferred by the registration of a trademark, the CARTV may consult the Canadian Intellectual Property Office (CIPO). CIPO's notice shall be then forwarded to the party making the objection.

When objections are made and, after the applicant's response, if the interested parties cannot reach an agreement, the CARTV shall invite them to begin appropriate in-person consultation. If the interested parties come to an agreement, they shall notify the CARTV with all the file documents.
If no agreement is reached, the concerned committee (CC) will adopt a decision during the final assessment of the file.

9. The CC's final evaluation stage

9.1 Meeting to review files

The concerned committee Secretariat shall draft a final report containing information from the expert report, various notices, particularly from

administrations and bodies concerned, comments received during the public consultation and responses received from the applicant organization throughout the process.

The report shall be forwarded to committee members no later than two days before the meeting of the concerned committee, which proceeds to do the final assessment of the file.

After its discussion, it may issue one of the following notices:

a) **The file has been rejected for specific reasons.** If the applicant wishes, it may submit a new file for public consultation.

b) **The file cannot be approved in its current state.** Responses to the CC's comments as well as a new revised specification manual proposal are expected.

   When the file must be reviewed again in a meeting, the Committee may, based on the comments presented, call the applicant for a hearing. The applicant may also request a hearing with the Committee members, appointed by the Chair.

c) **The file may be approved on condition** that the applicant provides satisfactory responses to various comments, validated beforehand by the accredited certification body or bodies, as well as any additional information that may be requested by the Committee after the Committee Secretariat and Chair review these responses.

d) Once the file has been approved and the responses provide the anticipated clarifications, **the Committee issues a positive recommendation regarding the file**. It appears in the decision records in the minutes of the CC meeting**.**

The CC Chair shall send all the notices to the applicant, along with a copy sent to the certification body or bodies that certify the product.

For all files that were not rejected but did not receive a positive recommendation in the CC's final evaluation, the organization shall send five copies of the responses to the comments in the form of:

- a summary table of the responses to the questions;

- a specification manual in which the changes to the previous version are clearly shown; in addition, an electronic copy (with track changes) of the specification manual must be sent; and
- if applicable, five copies of additional documents requested by the committee must also be sent.

Once the CC receives the new information, it shall review the file again in a meeting. **All files that do not receive a positive recommendation after this supplemental evaluation are rejected.**

If the applicant does not respond within three months following the most recent review date on which comments were made, the Board shall send a negative recommendation to the Minister.

9.2 Appeals of negative recommendations by the Committee for initial recognition applications

After they receive a negative recommendation from the CC, applicant(s) have one month to file a petition by sending the Committee's Secretariat a registered letter requesting a review of the decision. They may specifically request a hearing. If the CC maintains its position after this appeal, it shall inform the applicant(s) and certification body or bodies concerned of its decision by registered mail with proof of delivery.

An appeal to the Board may then be filed within 15 consecutive days. It shall be sent by registered mail with proof of delivery to the Secretariat, along with the payment of appeal fees.

If the Board upholds the CC's decision, the content of the decision shall be sent by registered mail with proof of delivery to the applicant(s) and certification body or bodies concerned. If not, the Board may request that the CC reconsider the file at the next meeting on the basis of guidelines it provides to the CC.

A notice concerning the review shall be sent to the Board, which makes the final decision. The Committee may recommend the approval of a specification manual that includes elements, specifically the normative requirements, that go against the feedback (comments, objections) expressed by the majority of the main stakeholders or a category of operators involved in a level of marketing directly affected by the normative requirements, except if they are prescribed or arise under government regulations.

9.3 Sending a final decision to the Board

When the CC makes a final decision, it shall send the content in the form of a notice to the Board in order to have it at its disposal. Should the decision be favourable, it shall be immediately sent to the Board. Should the decision be unfavourable, the CC shall ensure that the deadline for appeals has expired before sending its notice to the Board.

When the CC sends an unfavourable decision to the Board, the file may only be reviewed again if a new recognition application is submitted.

The content of the CC's decision notice shall follow the rules stipulated in the *Policy Pertaining to Committee Notices Regarding the Approval of Specification Manuals* (RAR2PL3193).

10. Board's approval of a specification manual

10.1 The Board shall approve specification manuals that meet the criteria and requirements set out in the applicable reference manual.

10.2 To approve a specification manual or to rule on new normative requirements or amendments to those in force, the Board first and foremost shall ensure that the rules in these regulations are complied with. During the development of a proposal that is submitted, if it determines that some rules or procedures have not been complied with or carried out properly, it can send the project back to the concerned committee for further study in order to obtain a revised proposal.

10.3 The Board's decisions on all types of designation shall have the effect of establishing internal jurisprudence. When the Board has ruled on a question or an issue, the decision becomes a precedent that may be claimed by the committees in their recommendations on the evaluation of specification manuals and certification requirements they contain.

11. Board's recommendation

The Board shall make the decision to recommend to the Minister the recognition of all designation applications. This recommendation cannot take place unless the Council has:

- approved the specification manual included in the recognition application file, in light of the positive recommendation by the concerned committee;
- accredited a certification body for the scope of the designation that is the subject of an application for recognition, in light of a recommendation by the Accreditation Committee.

The Board's decisions regarding the aforementioned files may be implemented only if the inspection plan associated with the specification manual has received a positive recommendation by the Accreditation Committee and if the requirements for the certification of agri-food products under the target designation have been validated by the concerned committee.

12. Recognition of reserved designations

Upon the recommendation of the Board, the Minister shall recognize the designation and reserve its use for operators that hold a compliance certificate for the products covered by the designation, which is issued by the accredited certification body. Recognition of a reserved designation or added-value claim takes effect on the publication date of a notice in the *Gazette officielle du Québec*.

The *Gazette officielle du Québec* also publishes notices regarding specification manuals for products relating to a designation that was previously recognized and changed to PGIs.

13. Follow-up on reserved designations

13.1 Annual report

The certification body shall send a report before March 31 on activities during the past calendar year to the "CARTV Designation Recognition" division. The CARTV shall require the report to include the following information:

- list of operators concerned
- quantities labelled
- list of sensory analysis tests conducted, etc.

If the information requested is not on hand, it must obtain it from the organization responsible for managing the recognized designation or from each operator registered with the certification body.

13.2 Labelling

The approval of new labelling models, corresponding to a previously recognized reference manual, is the CARTV's responsibility.

Before their use, the certification body shall approve new labels proposed by businesses if it certifies their products bearing recognized designations. These new labels shall not be validated by the CARTV.

In all cases, the CC shall be kept informed of follow-up regarding recognized designations.

13.3 Follow-up of the specification manuals related to products that have been granted recognized designations

When it appears that a certified product can no longer be distinguished from an ordinary product or if there is inconsistency among similar certified products or with the established reference manual, the CARTV shall request that the specification manual be changed within a certain time frame, failing which the CC may reconsider its positive recommendation.

13.4 Appeals of withdrawals or suspensions of an approved specification manual

The concerned committee may consider the suspension or withdrawal of a designation's specification manual and issue a notice to the Board to the effect of recommending the cancellation of the recognition of a designation for sufficient grounds in accordance with section 61 of the LARTV.

After they receive a recommendation from the CC, applicants have one month to file a petition by sending a registered letter to the Committee's Secretariat requesting a review of the decision. They may specifically request a hearing. If the SC maintains its position after this petition, it shall inform the applicant(s) and certification body or bodies concerned of its decision by registered mail with proof of delivery.

An appeal to the Board may then be filed within 15 consecutive days. It shall be sent by registered mail with proof of delivery to the Secretariat, along with the payment of appeal fees.

If the Board upholds the CC's decision, the content of the decision shall be sent by registered mail with proof of delivery to the applicant(s) and certification body or bodies concerned. If not, the Board may request that the CC reconsider the file at the next meeting on the basis of guidelines which it shall provide to the CC.

A notice concerning the review shall be sent to the Board, which shall make the final decision and then forward, if applicable, its

recommendation to the Minister.

14. Update of approved specification manuals

The individuals or groups concerned by a designation (often the same people who are applying for the recognition of a designation) may challenge the specification manuals approved by the Board and under its responsibility, in order to make changes and add amendments to adapt their standards to contemporary requirements, while maintaining their compliance with the basic principles arising under the regulations.

14.1 Submission of amendment applications to the CARTV

When a specification manual approved by the Board is under the responsibility of another organization, amendment applications must be submitted to the said organization in accordance with the established rules.

To ensure that any amendments to a specification manual are as clear and precise as possible so that they will be interpreted correctly and uniformly, submissions related to all amendment applications must comply with the following rules:

14.1.1 Any accredited certifying body or any group responsible for applying an approved specification manual of a product bearing a designation may, with the consent of an accredited certifying body, submit an application to have additions or amendments made to a provision in an approved specification manual, or, if applicable, to the list of approved substances. To do so, the applicant shall submit an official application to the CARTV.

14.1.2 The application shall be typed and preferably sent to the CARTV in computer file format.

14.1.3 The applicant shall submit this application in the form of a summary document containing the following information:

a) Date of the request;

b) Information on the applicant:
- Applicant's name;
- Postal address;
- Telephone and fax number, and e-mail address

c) Document concerned by the application (name of the approved specification manual);

d) The text of the proposed addition or amendment must be clearly stated and in the format the applicant would prefer to see it appear in the concerned normative document. If a particular substance is involved, then the exact name must be mentioned in the text;

e) If the request involves removals of requirements, then the part(s) of the standards or substance(s) to be removed must be specified;

f) The purpose of the amendment or addition;

g) The reason that led to this request for amendment or addition;

h) The history of the practice concerned by the requested standard (if applicable);

i) Situations pertaining to the use of criteria, standards or substances of this type, outside of Québec, in a similar context;

j) The advantages that would result from implementing this amendment or addition;

k) Potential problems that might occur once the amendment or supplement has been implemented, with regards to management and any consequences with respect to consumer perception of products bearing a reserved designation;

l) Ways in which these potential problems may be managed or prevented;

m) Any document, publication, scientific study, and so forth, which should be appended or included in summary format and that might support the relevance of the desired amendment or supplement.

14.2 Processing applications

Once considered admissible, applications to amend approved specification manuals shall be processed according to the nature of the application:

- For amendments that are purely editorial in nature, a review shall be conducted by the CC Secretariat concerned;
- For changes that do not substantially affect the product's features or that simply involve broadening its scope, the CC shall conduct a review without public consultation. Upon the Committee Chair's request, one or several experts may be appointed. In addition to reviewing the changes, the CARTV shall ensure that these changes do not substantially alter the initial file. In such a case, the file shall be treated as a new file.
- For substantial changes to the specification manual, the CC shall conduct a review with public consultation. Upon the Committee Chair's request, one or several experts may be appointed.

14.3 Adopting amendments

The Board shall adopt any modifications to an approved specification manual. The CARTV chair and executive director shall forward to the Board all documents related to amendment proposals, as well as justification of their relevance, at least six (6) days before a vote is held on an amendment.

14.4 Effective date of amendments

Before any new amendments to an approved specification manual become effective, the Board shall plan a minimal transition period varying between three (3) and twenty-four (24) months, depending on the nature and scope of the changes to be made.

15. Applications for interpretation

The CARTV receives and processes interpretation applications regarding requirements included in the specification manuals that is has approved and for which it is also responsible. All interpretation applications regarding a specification manual approved by the CARTV, but under the responsibility of another organization, must be submitted to the body appointed by that organization.

15.1 Admitted petitioners

Interpretation applications are limited to the following organizations and bodies:

- the CARTV Accreditation Committee (AC)
- an accredited CARTV certification body
- an applicant certification body
- a group with a majority of operators associated with a given type of designation

15.2 Decision about the application

When the CARTV Secretariat is not able to provide an interpretation, the concerned committee makes the final decision on the interpretation of a requirement.

15.3 Applications

All applications shall be accompanied by a written submission. A submission is made for each requirement separately for which an interpretation is requested. Submissions shall include the applicant's interpretation based on the content of the specification manual whose article corresponds with the concerned normative requirement.

Request for additional information from the applicant, if necessary, may be made by the CARTV.

The committee to which has been assigned the evaluation of an interpretation application may dismiss an incomplete submission if no response is received after a request for more information within the 14 days period.

15.4 Notification of interpretations

As soon as the committee has adopted an interpretation, all concerned organizations and bodies shall be notified, including the rationale.

15.5 Incorporation of interpretations

The committee shall decide if and how the interpretation should be incorporated into the next revision of the concerned reference manual and makes its recommendation to the Board.

16. Exemptions from standards

16.1 Specification manuals approved and published by the Board shall specify the normative requirements for which exemptions may be granted to operators by certifiers involved in the evaluation of operations resulting in the products pertaining to the certification application.

16.2 When an exemption application submitted by an operator to a certification body is not deemed to be a type of exemption covered in a specification manual, the certification body must refuse this application unless it has sufficient grounds to refer it to the appointed body.

(a) If the approved specification manual falls under the responsibility of the CARTV, the exemption application shall be sent to the CARTV Secretariat, which will forward it to the concerned committee;
(b) If the approved specification manual is not under the responsibility of the CARTV, the exemption application shall be sent to the body appointed by the organization that is responsible for the specification manual.

16.3 If the certification body decides to refer the exemption application to the appointed body, it shall submit all the information required to make a decision.

16.4 If the appointed body is the CARTV and if the concerned committee considers it to be inappropriate, the application shall be to the certifier which must refuse the application. However, if the concerned committee decides to process the application, its decision may not be appealed.

17. Publishing approved specification manuals

17.1 The specification manuals approved by the Board, including the normative requirements that they contain, must be promptly published on the CARTV's website, with revision dates appearing on these documents. Changes made to the standards shall be specifically identified in the new published version for at least three months.

17.2 Upon request, the CARTV shall also be able to provide normative procedures, the most recent draft standards, including the version containing any requirements made null and void, as well as provisional versions. These shall be available in electronic format and steps must be taken to ensure that copies of any document will be available in printed format at a reasonable cost.

17.3 The CARTV's management reserves the right to make any editorial changes necessary to standards in order to make them clearer or simply to correct any errors in writing or language that will improve their comprehension.

18. Application of these regulations

All Board and committee members as well as staff assigned from the CARTV agree to abide by the Regulations.

Any breach of procedure, particularly confidentiality, may lead to a proposal to expel the member concerned, after notice from the Committee concerned. This notice shall be sent to the Board for implementation.

If the breach concerns an appointed expert, he or she shall be expelled immediately from committee activities without prejudice to any legal proceedings that may be brought against him or her.

19. Amendments to the Regulations

The Board is responsible for passing or repealing these regulations. It is the only body authorized to make amendments to the regulations, and it may do so at any time, either on its own initiative or in response to recommendations made under an audit exercise.

However, the CARTV's management may make editorial changes to make it easier to understand or to correct linguistic or grammatical errors, as long as the requirements herein are not altered.

APPENDIX 1 - REQUIRED DOCUMENTS TO SUPPORT APPLICATIONS FOR RECOGNITION OF A DESIGNATION

DOCUMENTS AND INFORMATION THAT MUST BE INCLUDED IN DESIGNATION RECOGNITION APPLICATIONS SUBMITTED BY ORGANIZATIONS	REGULATORY REFERENCE
1. The identification of the applicant, the nature of its activities and, where applicable, its legal structure, constituting act and internal by-laws;	Sec. 2. (1)
2. In the case of a group of applicants, that information also includes a list of the group members and the nature of their activities;	Sec. 2. (1)
3. The scope of the reserved designation,	Sec. 2. (2)
4. A list or the class of products that may be certified,	Sec. 2. (2)
5. A description of the product bearing the designation,	Sec. 2. (2)
6. The characteristics that distinguish it from other products of the same category,	Sec. 2. (2)
7. The benefits of such a type of production,	Sec. 2. (2)
8. The economic data and opportunities,	Sec. 2. (2)
9. The distribution network,	Sec. 2. (2)
10. The problems related to product imitation or forgery;	Sec. 2. (2)
11. A specification manual (see Appendix 2);	Sec. 2. (3)
12. A study comparing the main elements of the specification manual for the reserved designation whose recognition is applied for with the corresponding elements in a specification manual for a similar designation.	Sec. 2. (4)

APPENDIX 2 - INFORMATION TO BE INCLUDED IN THE SPECIFICATION MANUAL WITH APPLICATIONS FOR RECOGNITION OF A RESERVED DESIGNATION RELATING TO A LINK WITH A TERROIR

ASPECTS INCLUDED IN THE SPECIFICATION MANUAL THAT MUST ACCOMPANY DESIGNATION APPLICATIONS	REGULATORY REFERENCE
1. The reserved designation whose recognition is applied for;	Sec. 3. (2) (a)
2. A description of the product, including any raw materials used, where applicable, and the main physical, chemical, microbiological or organoleptic characteristics of the product;	Sec. 3. (2) (b)
3. The delimitation of the geographical area	Sec. 3. (2) (c)
4. The elements establishing that the product originates from that geographical area: a) In the case of a protected geographical indication, its development, processing or production must take place in the geographical area delimited on the basis of the link between those characteristics and its geographical origin; b) In the case of a designation of origin, its development, processing and production must take place in the geographical area delimited on the basis of the link between the quality or features of the product and its geographical site;	Sec. 3. (2) (d) Sec. 1. (2) (a) Sec. 1. (2) (b)
5. A description of the method by which product is obtained (compliance with specifications) and where applicable, the local, fair and constant methods;	Sec. 3. (2) (e)
6. The elements establishing the link with the geographical origin or geographical site: a) In the case of a protected geographical indication, the product must have specific quality, a reputation or some another characteristic attributable to its geographical origin; b) In the case of a designation of origin, the quality or features of the product must derive exclusively or essentially from its geographical site, comprising natural and human aspects.	Sec. 3. (2) (f) Sec. 1. (2) (a) Sec. 1. (2) (b)
7. Control points and their assessment methods;	Sec. 3. (2) (g)
8. References concerning the control structure	Sec. 3. (2) (h)
8. Labelling requirements, if any.	Sec. 3. (2) (i)

To prepare a complete application file, we recommend that you consult the *Reference manual on recognition of a designation with reference to the link with a terroir* in order to find out more details on the requirements for each point mentioned on the above list.

APPENDIX 3 - INFORMATION TO BE INCLUDED IN THE SPECIFICATION MANUAL WITH APPLICATIONS FOR RECOGNITION OF A RESERVED DESIGNATION RELATING TO A SPECIFICITY

ASPECTS INCLUDED IN THE SPECIFICATION MANUAL THAT MUST ACCOMPANY DESIGNATION APPLICATIONS	REGULATORY REFERENCE
1. The reserved designation whose recognition is applied for;	Sec. 3. (3) (a)
2. A description of the method by which the product is obtained, including the nature and characteristics of the raw material and ingredients used, in reference to its specificity;	Sec. 3. (3) (b)
3. A description of the product's main physical, chemical, microbiological or organoleptic distinctive characteristics;	Sec. 3. (3) (c)
4. In the case of a reserved designation relating to a traditional specificity, the elements that make it possible to assess the product is distinguishable by a characteristic inherited from at least one prior generation, whether the characteristic results from the raw material used, the product's composition or the method by which the product is obtained.	Sec. 3. (3) (d) Sec. 1. (3)
5. Control points and their assessment methods;	Sec. 3. (3) (e)
6. References concerning the control structure;	Sec. 3. (3) (f)
7. Labelling requirements, if any.	Sec. 3. (3) (g)

To prepare a complete application file, we recommend that you consult the *Reference manual on recognition of a designation with reference to a specificity* in order to find out more details on the requirements for each point mentioned on the above list.

END OF REGULATIONS