

REFERENCE MANUAL ON RECOGNITION OF DESIGNATION ALLOCATED TO A PRODUCT, TESTIFYING TO ITS REGION OF PRODUCTION


1. Preamble

The Conseil des appellations réservées et des termes valorisants (CARTV) determines the criteria and requirements used in the evaluation of an application for recognition of a designation concerning the production regions, based on the following considerations:

- in 1996 in order to promote reserved designations related to agricultural and food products, the Government of Québec passed the *Act Respecting Reserved Designations and Added-Valued Claims*;
- within the context of a free and competitive market system, the reservation of a designation may only be justified when founded upon principles of objectivity;
- the *Regulation Respecting Reserved Designations* specify the criteria and requirements according to which any designation allocated to an agricultural and food product, including all those attesting to its regional production, may be recognized;
- the *Regulation Respecting Reserved Designations* specify the documents and information that should accompany an application for recognition of a reserved designation, and which can be used to support this recognition.
- the *Regulation Respecting Reserved Designations* specify the information that should appear in the specifications manual of an application for recognition of a designation pertaining to production regions;
- under the terms of Decree No. 1124-2007 passed on December 12, 2007 by the Government of Québec, the Conseil des appellations réservées et des termes valorisants (CARTV) is the only public body authorized to oversee the application of the *Act Respecting Reserved Designations and Added-Value Claims* (RSQ, Chapter A-20.03) pertaining to the recognition and protection of reserved designations in Québec.

2. Purpose and Field of Application

2.1 The *Act Respecting Reserved Designations and Added-Value Claims* (A-20.03) defines agricultural and food products as its field of application. Agricultural products are those of animal origin (dairy, meat, honey), including aquaculture products (marine and freshwater) or vegetable (fruit, vegetables and other crops), including maple cultivation products. Food products include all those processed with the aid of ingredients of animal origin (cured and smoked meats, delicatessen products) or vegetable origin (bakery, pastry and cookie products), including oils. Products containing alcohol such as beers,

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wines and other spirits also fall within this category, yet mineral waters are excluded.

2.2 The purpose of this application reference manual is to specify the criteria and requirements used in the recognition of designations allocated to these products to testifying to their production region, based on provisions contained in the Act and the *Regulation Respecting Reserved Designations*. It also supplies the official interpretation and logical reasoning used by the *Territorial Designations Committee* whenever it is required to examine an application for recognition of a designation.

3. Definitions

Unless the context indicates otherwise, the terms used in this manual are defined as follows:

Designation

The identification of a product which, by virtue of its specific features or method of production, differs from other products in the same class.

Territorial Designation

The identification of a product based on its production region, be it a geographical indication or a designation of origin.

Generic Denomination

The designation allocated to a product, comprising a reference to the location or region where it was originally produced or marketed, but which has since become a common name for the product, regardless of its provenance (i.e. Brussels sprouts, Dijon mustard, Marseilles soap).

Denomination

A group of words or a phrase (excluding words used individually) which refer to an actual geographic, toponymic, administrative, political, cultural or linguistic location, etc.)

Applicant Group

A legally constituted group comprising all those economic players having a major involvement in the product's production or processing and represented if possible in a balanced manner such that no single interest predominates. This group constitutes the organization responsible for the designation's management and defence, and serves as a go-between with CARTV according to the following roles:

- Submits initial application for designation's recognition;
- Possesses labels or reference manual used for product certification, including monitoring plans approved by the CARTV within the framework of the recognized designation;
- Submits application to have modifications made to specifications manual included with the recognized designation;
- Submits application to transfer recognized designation to another denomination

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Provenance Indication

Direct or indirect reference to geographical provenance of products or services. The product's provenance is determined by its place of manufacture or that of the base materials and components used, and without which the product's characteristics could not be attributed to the geographic location from which it originates.

Geographic Milieu

An area that has attained unique recognition due to its natural features (climate, soil quality, bacterial flora specific to a region) and human factors (local knowledge).

Labelling Model

Coloured label concept consisting of the product's full denomination (indicating any possible variations), mandatory references (specific address of those responsible for marketing, composition, etc.), optional references authorized by regulations (product brand, logos, eventual drawings, etc.), certified communications characteristics and certifying body references.

Sensory Information

Refers to a feature that affects sensory organs, such as product's taste, odour, colour, appearance or consistency.

Origin

Location where a product or one of its characteristic elements first appeared at the time of its first inception and the environment in which it originated.

Provenance

Location from which product comes.

Standard Product

Product meeting minimal regulations in effect and mandatory fair selling practices. References to the standard product are at the provincial level and it is not certifiable.

Generic Term

General or global concept used to designate a type, group or general genus.

Terroir

Resources and limitations specific to a geographical area, including both physical (natural) and human factors. The *terroir* represents the mutual interaction of these two factors, developed over time.

Traceability

Possibility of detailed tracking, both forward and backward, of all stages involved in production, processing and distribution, raw materials and ingredients used in a food product.

4. Criteria and requirements for recognizing a designation allocated to a product, testifying to its region of production

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4.1 All applications for recognition of a territorial type designation must meet the following conditions:

4.1.1 The denomination to be protected must designate only one product and where applicable its derivatives, but not a group of diverse products.

4.1.2 The denomination to be protected must be geographic. The product must bear the name of an area (district, municipality, RCM, administrative region), as officially recognized by Commission de la toponymie du Québec. This name may be either geographic or traditional, evoking an origin. To verify the relevance of a geographical name, please refer to: <http://www.toponymie.gouv.qc.ca/ct/topos/topos.html>

Interpretation


If the geographical area comprises a very large number of Québec administrative regions, with no common physical or human characteristics differentiating it from other regions in Québec, then an application for a designation indicating the product's specificity may be submitted (certificate of specificity) rather than a designation testifying to the region of production.

4.1.3 The protected denomination represents the geographical region where the product realized, allowing a link to be made between the product and region giving the product its name.

4.1.4 The denomination to be protected must be used by a group of producers or processors, corresponding to the applicant group (*Respecting Reserved Designations and Added-Value Claims*, Article 20.03).

4.1.5 The denomination to be protected must designate a product whose features distinguish it from similar products (*Regulation Respecting Reserved Designations*; Article 2, Item 11). This differentiation must be founded on and stem from the characteristic *terroir* from the proposed geographical area.

4.1.6 The denomination to be protected must be known or must designate a product revealing an historical (not recent) or traditional characteristic.

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Interpretation

The historical longevity of a product for which an application for recognition is being submitted must be equivalent to a generation. Any product dating back to less than one generation may nevertheless be given special consideration, if it meets all other requirements and there are certain reasons favouring the product's protection; i.e. it may be an updated version of a previously existing product, but over time the product's link with the area was broken.

5. Conditions of Acceptability for an Application for Recognition.

Applicants for any type of territorial designation must demonstrate that in their file:

- 5.1 In an application for recognition of a Protected Geographical Indication (PGI), at least one stage in the product's realization must take place in the delimited area. In a DO application, it is mandatory that all stages of its realization, from raw materials to their processing through to the finished product, take place within the delimited region for which the product bears the name.

Additional information on requirements concerning delimited areas

In territorial designations, the specifications manual must define a delimited area and depending on whether it is a DO or PGI definition, proof should be provided to guarantee that the various production, processing or preparation phases take place within the area:

- For crops: growing, storage and packaging locations.
- For animals (meat): breeding, slaughtering and cutting locations.
- For processed products: raw material sources (divided between those coming from inside and outside the area) and the place of transformation.
- For preparation: the preparation location

- 5.2 The product's existence originates from within the delimited zone in the PGI, or perhaps it existed within that zone over a period of time, before being re-updated. The documentation submitted must include background information testifying to the product's history, showing proof of the product's existence within the geographical zone, even though it has been subjected to interruptions.

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Additional information on requirements

The documentation must include key elements of the product's history, showing proof of the designation's use and notoriety, including its first utilization, and to the extent possible descriptions of the first product and its processing method, if applicable. Moreover historical reasoning justifying the product and its characteristics should be included. This would preferably include citations and references making historical links to the territory, with particular reference to any aspects of human know-how. In this section the use of bibliographical references is mandatory, but when not be available oral evidence may be cited.

5.3 The product is unique in itself and possesses added commercial value, all of which is expressed through the following information elements:

5.3.1 The features that distinguish it from similar products:

- Reference to similar products currently on the market;
- Points differentiating these from DO or PGI products (final characteristics, modes of preparation, description, designation, local reputation and tradition, perceived quality);

5.3.2 The advantages of that type of production,

5.3.3 The economic data related to that production;

- Magnitude of market in terms of production volume
- Competing products
- Commercial objective targeted
- Expected economic impacts, etc.

5.3.4 The distribution network;

5.3.5 Potential problems with respect to product imitation or forgery;


5.3.6 The economic prospects, including current and forecast data in particular with respect to:

- Project's economic viability, operators who use the designation;
- Economic support from the regional agriculture and food sector (i.e., maintenance of agri-food activity)
- Regional fallout from multifunctional perspective (tourism, etc.).

6. Evaluation criteria for items to be included in specifications manual

The following items are to be included in the specifications manual and in the evaluation criteria:

6.1 The name of the product, containing the designation of origin or the geographical indication being requested, through identifying the terms

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(or group of terms) included in the application submitted (Regulation Respecting Reserved Designations, Article 2, Subsection (2) Letter (g)).

- 6.1.1 In all cases the DO or PGI is a name identifying a product that is already known and on the market;
 - 6.1.2 The appellation includes the agri-food product to which a geographical name is added;
 - 6.1.3 The generic names that may form part of a DO or PGI to better allocate them (meat, cheese, etc.) are excluded from the field of protection. Only the unique combination of all terms constituting the DO or PGI is protected.
 - 6.1.4 The names of any agricultural product being in conflict with the name of a plant variety or animal breed cannot be protected but may form part of the denomination.
 - 6.1.5 The overall denomination must not be generic (see definition of this term).
- 6.2 A description of the product, including *Regulation Respecting Reserved Designations*, Article 2, Paragraph 11 and Subparagraph (2) Subsection (b):
- 6.2.1 Any raw materials used (composition), if applicable;
 - 6.2.2 The major physical (pH, shape, appearance, etc.), chemical (presence/absence of additives, residues, etc.), microbiological (use of certain salts or enzymes, presence of sprouts, etc.) and organoleptic (taste, texture, colour, sensory profile) features of the product;
 - 6.2.3 The product's state at point of sale
 - Fresh, chilled, frozen, preserved (sterilized), pasteurized, etc.
 - In bulk or packaged;
 - 6.2.4 The scope of reference pertaining to the product's certification: at which stage of production and completion must the product be certified;
- 6.3 The delimitation of the geographical area (*Regulation Respecting Reserved Designations*, Art. 2, Subparagraph (2) Letter (c))
- 6.3.1 The geographical area is defined according to existing political divisions, the smallest unit being the municipality (boroughs in big cities are considered as municipalities).

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Additional information on requirements

The delimitation corresponds to a list of municipalities, regional county municipalities or of exceptionally administrative regions, ideally covering geographical areas or natural features, where certain characteristics influence the product. Although geographically the area may be discontinuous, the exclusion of municipalities within a coherent area is not acceptable.

- 6.3.2 The justification for the area's delimitation and its geographical consistency is demonstrated by criteria established on the basis of the product's characteristics and directly associated with this area's *terroir*, especially if some production takes place outside the area proposed by the group.
- 6.3.3 The common characteristics belonging to the entire delimited area are identified.
- 6.4 According to the *Regulation Respecting Reserved Designations* Article 2, Subsection (2) Letter (d), the facts proving that the agricultural or food product originates in that geographical area :
 - 6.4.1 The products originated in delimited area and have existed there for a fairly long period, accounting for the fact that in some cases its existence in the area may have been interrupted for some time, before being revived by the current developers.

Additional information on requirements

This demonstration is based on the historical records included in the documentation. Depending on whether the application concerns a DO or PGI recognition, the historical aspect may pertain to most of the product's aspects or is reduced to a few particular elements. In all cases however a link must be made between the retained elements and the time frame to which they originally belonged as well as their region of origin.

- 6.4.2 Depending on whether a DO or IPG, the systems and procedures used to target the establishment of a relation between the products' input and output, thus ensuring their traceability, and also making it possible to testify that one or all of the product's completion stages would take place in the geographical area.

Additional information on requirements

For all products being designated with a territorial type appellation, a table should be included in the specifications manual illustrating the product's forward and backward traceability from production to marketing. When envisaged for a given product type, the use of indelible traceability symbols must be included in the specifications.

6.5 A description of the method by which the agricultural or food product is obtained, and any fair, consistently used local methods (*Regulation Respecting Reserved Designations*, Article 2, Subdivision (2) Letter (e)).

6.5.1 The elements included in the description of the method used to obtain the product must be specific and linked to delimited area. These elements are the certified characteristics forming the minimum requirements regarding the monitoring of raw materials, processing, preparation and packaging methods:

- *Raw materials*: the pedoclimatic unit in production area, species/variety or specific breed, feeding, grassland management method, nature and origin of supplements, forbidden foods, storage and collection method specific to the raw material (targets), etc.
- *Processing*: storage, processing time, specific equipment, handling skills, ingredients (origin, crop type), additives, shapes and sizes, etc.
- *Preparation*: conditions and durations for curing, drying, aging, product's sensory profile, texture, etc.
- *Packaging* (if applicable): product-specific packaging, etc.

This description coincides with the scope of the product's certification (all operational stages for which the product must be certified).

6.5.2 The description of fair, local and consistently used methods.

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Additional information on requirements

If existent, it is documented in the historical records. The key element is to demonstrate those certain characteristics allow a product to stand out from others, are enshrined in a collective or potentially collective name conveyed by the product, according to precise characteristics recognized by the production and preparation firms, and also consumers (traditional use). When the current method differs from key elements in the product's production method, this evolution can be justified by arguments concerning technology or public health.

6.6 The facts proving an association with the geographical site or with the geographical origin (*Regulation Respecting Reserved Designations*, Article 2, Subsection (2) Letter (f)):

6.6.1 If they concern a designation of origin, the product's quality and characteristics are essentially or exclusively due to the geographical environment of their place of origin.

6.6.2 If they concern protected geographical indication, the product possesses one or more of the following, attributable to its geographical origin:

a) A pre-defined quality corresponding to one of the product's unique attributes, as a result of location factors that influence the product.

b) A renowned reputation supported by documents, most often comprising two parts:

- Current reputation, describing the extent of the product's notoriety (local, national or international).

Additional information on requirements

Various examples of documentary evidence showing the product's media treatment (i.e. newspaper articles), or the designation's usage in communications tools applied by intermediaries (i.e., restaurant menus, etc.). A survey administered by a recognized independent firm (at the group's expense) may be required.

- Past reputation completes the historical file by providing evidence supporting the product's tangible and prolonged link with the geographic area.

c) Another characteristic might correspond to specific know-how which helped give added value to the product,

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through comparing it to ordinary techniques (breeding, cultivation methods, production processes, etc.), insofar as this feature is related to the geographic area.

6.7 References in respect of the supervisory structure (*Regulation Respecting Reserved Designations*, Article 2, Subdivision (2) Letter (g)):

6.7.1 The applicant group must ensure that it can obtain certification for its products from one or more certifying bodies.

6.7.2 All certifying bodies must be accredited under the *Act Respecting Reserved Designations and Valued-Added Claims* (A-20.03).

The accreditation must result from a compliance assessment based on ISO/IEC Guide 65: 1996 requirements. To be accredited within the scope of certification referring to the targeted appellation products, the certifying body must meet the requirements of these standards and meet any additional requirements from the CARTV accreditation criteria, and demonstrate that it applies a monitoring plan referring to the product for which an appellation is being requested. The accreditation's role is to issue compliance symbols attesting that the duly identified product has met the specifications and thus may bear the denomination.

6.7.3 If more than one certifying body is mentioned, then it is this group of bodies that should ensure that all bodies involved are granted access and can apply the same level of control.

6.7.4 Prior to designating a new body, the applicant group must inform the CARTV, which will subsequently ensure it has been accredited for the products referenced by the appellation.

6.8 Specific labelling elements related to the words "designation of origin" or "protected geographical indication", as the case may be, or to the equivalent wording traditionally used in Québec (*Regulation Respecting Reserved Designations*, Article 2, Subsection, (2) Letter (h))

6.8.1 In addition to the appellation name, the labelling elements involved above all else target the product's traceability. It is mandatory that labelling include: the certifying body's name and "designation of origin or "geographical indication" or the official DO or PGI trademark logo.

6.8.2 If the applicant group members agree to it, this provision may also be used on the product's label to harmonize the size and graphic layout of references made to the protected denomination, as well as the logo representing it.

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7. Amendment to Application's Reference Manual

The CARTV is responsible for adopting or repealing the application's reference manual, and thus is the only decision-making body authorized to amend its content. It may make changes on its own at any time, either by its own initiative or in response to recommendations made by the *Territorial Designations Committee*.

END OF REFERENCE MANUAL

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