

# REFERENCE MANUAL ON RECOGNITION OF A DESIGNATION WITH REFERENCE TO THE LINK WITH A TERROIR

## 1. Preamble

The mission of the Conseil des appellations réservées et des termes valorisants (CARTV) is to advise the Minister on the recognition of reserved designations. To that end, it prepares an accreditation manual setting out the standards and criteria against which it will assess applications for recognition of reserved designations linked to a terroir (territory), based on the following considerations:

- In 1996, the Government of Québec passed legislation in order to promote reserved designations related to agricultural and food products. In 2008, these regulations became the *Act Respecting Reserved Designations and Added-Value Claims* (R.S.Q., chapter A-20.03);
- 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 *Act Respecting Reserved Designations and Added-Value Claims* recognizes public and collective designations for specific products that cannot be protected under the *Trade-marks Act*;
- When a designation is recognized, the *Act Respecting Reserved Designations and Added-Value Claims* grants the exclusive right to use the designation to all parties that are certified compliant with the specification manual;
- The *Regulation Respecting Reserved Designations* specify the criteria and requirements according to which any designation may be recognized with reference to the link with a terroir;
- The *Regulation Respecting Reserved Designations* also specifies the information or documents 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* specifies the information that should appear in the specifications manual of an application for recognition of a designation with reference to the link with a terroir;
- 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* pertaining to the recognition and protection of reserved designations in Québec.
- In accordance with the *Act Respecting Reserved Designations and Added-Value Claims*, the Board gives the committee the responsibility of designing an accreditation manual, in keeping with the criteria and requirements prescribed by regulation of the Minister, and assessing specification manuals.

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## 2. Purpose and Field of Application

2.1. The *Act Respecting Reserved Designations and Added-Value Claims* defines agricultural and food products as its field of application, namely, an unprocessed or processed agricultural, aquacultural or other food product that is intended for sale (Art. 2 of the *Act Respecting Reserved Designations and Added-Value Claims*). This definition includes those of animal origin (milk, meat, honey), including aquaculture and fishery products (marine and freshwater), vegetable (fruit, vegetables and other crops), including maple cultivation products, agroforestry products, products harvested in the wilderness, as well as products processed with the aid of ingredients of animal origin (dairy products, cured and smoked meats, delicatessen products) or vegetable origin (bakery, pastry and cookie products), including oils (essential oils are included when they are considered to be food products). Products containing alcohol such as beers, wines, ciders, *mistelles* and other spirits also fall within this category, yet mineral waters are excluded.

In accordance with the *Act Respecting Reserved Designations and Added-Value Claims*, the term “product” when used in this reference manual includes unprocessed and processed products. Similarly, “production” in this reference manual refers to the production and processing steps.

2.2. The purpose of this application reference manual is to specify the criteria and requirements used in the recognition of designations with reference to the link with a terroir, 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* (TDC) whenever it is required to examine an application for recognition of a designation with reference to the link with a terroir.

## 3. Definitions

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

### *Applicant Group*

A legally constituted group of individuals or companies 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 is the designation applicant. It also manages the designation once it has been recognized 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

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- included with the recognized designation;
- Submits application to transfer recognized designation to another denomination

*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.)

*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

*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).

*Generic Term*

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

*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*

Label concept minimally consisting of the product's full denomination (indicating any possible variations), the name of the designation category according to which the designation is recognized (PGI, DO, AS, etc.), certified characteristics that add value to the product, and the indication of the certification body.

*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.

*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.

*Reputation*

Known for and being the subject of an assessment that may be positive (good reputation) or negative (bad reputation). However, a value judgment is not necessary when referring to the concept of reputation, since it includes the

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aspect of *notoriety*, that is, how well known a product is, without a positive or negative opinion associated with this reputation. Notoriety alone is not sufficient to justify the granting of a designation. When reputation is relied upon to justify a proposed designation, it is assumed that the public has a positive opinion of the product, since it is considered to have a certain quality that consumers associate with the product's production site and geographical origin. Reputation is a component of a product's identity and is normally one of the reasons why it is much sought-after.

*Sensory Information*

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

*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.

*Territorial Designation (or with reference to the link with a terroir)*

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

*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 as well as relevant information on the product.

**4. Criteria and requirements for recognizing a designation with reference to the link with a terroir (also known as a territorial designation)**

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 contain a place name associated with a geographic region (Article 1.3 of the *Regulation Respecting Reserved Designations*). The designation 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:

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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. However, the use of the Québec term may be considered if a link can be demonstrated between a determined quality, reputation or other characteristic of the product and the Québec region.

- 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 designate a product whose features distinguish it from similar products (*Section 2. (2) of the Regulation Respecting Reserved Designations*). This differentiation must be founded on and stem from the characteristic *terroir* from the proposed geographical area.
- 4.1.5 The denomination to be protected must be known or must designate a product revealing an historical (not recent) or traditional characteristic.

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.

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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.

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

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- 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 reserved designation whose recognition is applied for (Section 3. (2) (a) of the *Regulation Respecting Reserved Designations*, through identifying the terms (or group of terms) included in the application submitted:

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 (Section 3. (2) (b) of the *Regulation Respecting Reserved Designations*):

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.) or organoleptic (taste, texture, colour, sensory profile) features of the product;

6.2.3 The product's state at point of sale:

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- 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;

Additional information on requirements

A product life chart is expected in order to specify each stage of its preparation, from the production of raw materials to the preparation of the finished product. The various types of operators involved in the product preparation must be identified by specifying whether the preparation step they carry out requires certification.

6.3 The delimitation of the geographical area (Section 3. (2) (c) of the *Regulation Respecting Reserved Designations*)

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)

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* Section 3. (2) (d), the elements establishing that the product originates from 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

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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 product is obtained, and where applicable, the local, fair and constant methods (Section 3. (2) (e) of the *Regulation Respecting Reserved Designations*)

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.

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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.

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 elements establishing the link with the geographical origin or geographical site (Section 3. (2) (f) of the *Regulation Respecting Reserved Designations*):

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) and the characteristics for which the product is known.

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

6.7 Control points and their assessment methods (Section 3. (2) (g) of the *Regulation Respecting Reserved Designations*).

The applicant group is the most familiar with the product and its characteristics. When drafting the specification manual, it must determine the important points to be controlled in order to ensure the product's authenticity.

6.7.1 To make it easier to develop the control plan, the applicant group identifies the control points that must be certified, based on the product's characteristics.

6.7.2 For each control point, the specification manual must consider the relevant assessment methods and briefly present them in the form of a table that may resemble the following example:

DEVELOPMENT PROCESS STEP	CONTROL POINTS	EVALUATION METHOD
LIVESTOCK FEED	- from foods	- document control of delivery orders
	- food distributed	- document control of records - visual control
SLAUGHTER	- age of animals	- document control of records
	- ...	- ...

6.8 References concerning the control structure (Section 3. (2) (h) of the *Regulation Respecting Reserved Designations*):

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

6.8.2 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.

- 6.8.3 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.
- 6.8.4 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.
- 6.9 Labelling requirements, if any (Section 3. (2) (i) *Regulation Respecting Reserved Designations*)
  - 6.9.1 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.
  - 6.9.2 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.

**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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