

PRESIDENTIAL DECREE NO 81

“Conditions, Terms and Procedure for the Determination of Appellation of Origin for Agricultural Products”

THE PRESIDENT OF THE HELLENIC REPUBLIC

Having regard to:

1. The provisions of par. 15 of the Article 11 of the Law 2040/1992 on “Regulating matters concerning the Ministry of Agriculture and legal entities under its supervision and other provisions” (A 70)
2. The provisions of Article 27 of the Law 2001/1992 on “Regulating the institution of chambers, amending provisions of the Law 1712/1987 on the modernization of vocational organisations of merchants, craftsmen and other occupational groups and other provisions” (A 154)
3. The fact that the provision of this Decree don’t cause any expenditure against the State budget.
4. The No 95/1993 opinion of the Council of State, following the proposal of the Minister of Agriculture, we decide:

Article 1

Definitions – Application field

1. For the application of this decree, the meaning of the terms is given, as follows:
 - a) Designation of origin: the geographical name (toponymy) of an area or a specific place, that can be used to describe an agricultural product, originated from this area or this specific place and its quality or typical characteristics are due to area factors (natural or technical factors).
 - b) Geographical name of an area: the official name of the area or the specific place, used to describe an agricultural product, as well as the traditionally used name of an area or a specific place. In exceptional cases, the Greek territory as a whole may be used as an area.
 - c) Group: every organisation of producers or processors or standardization operators-packagers of agricultural products, regardless of its legal form or composition.
2. The provisions of this decree are applied to plant, animal, forest and fisheries products, natural or processed.
3. Agricultural products that are entitled to use appellation of origin, are classified as follows:
 - a) Protected Designation of Origin (PDO)
 - b) Protected Geographical Indication (PGI)

The agricultural products of an area or a specific place providing they meet the conditions of this decree, as well as those determined by case, are entitled to one of the above indications, and they may bear the name (toponymy) of the area or of the specific place, as well.

4. The name (toponymy) of the area, recognised as “protected designation of origin” is not permitted to be used as “protected geographical indication” in the same time, for similar products.

Article 2

Main requirements for recognition

For a name (toponymy) of place to be recognised as “protected designation of origin” or as “protected geographical indication”, it must meet the following requirements:

- a) The agricultural product is well and widely known, at least in the internal market of the country.
- b) The production zone limitation and the exclusion of inappropriate areas into that zone, is possible, following objective criteria.

- c) The agricultural product is obtained from excellent varieties or animal or bird breeds or fish species, produced in the area, the name of which is proposed as designation of origin.
- d) The plant varieties or animal or bird breeds or fish species are traditionally used for this specific agricultural product.
- e) The processed agricultural product has the appropriate qualities for the product to be produced, without technological treatments required, that could drastically change the physico-chemical composition of the final product.
- f) Standardization-packaging, processing and conservation or maturing of the products, must take place in installations equipped with the appropriate mechanical equipment and including appropriate areas where storage and processing can take place.
- g) It must be possible and easy to control the agricultural products concerned, in every stage of production and marketing transportation.
- h) The agricultural product must be of quality or to have characteristics due to the geographical environment of the area.
- i) More specifically, concerning PDOs, products should be typical of the area and their characteristics must be due, exclusively or mainly, to the geographical environment of the area, which includes natural or technical factors.
- j) Processing of the agricultural products, including possible maturing, must take place into the limits of the determined zone of designation of origin.

Article 3 Recognition Procedure

1. The recognition of “protected designation of origin” (PDO) or “protected geographical indication” (PGI), is approved following an application of a group having a direct economic relationship with the agricultural product concerned (production, packaging-processing, marketing) and its installations are located in the recognition area. In the case that there is no group in an area, the recognition application may be submitted by any physical or legal entity, staying or located in the area and having legitimate economic interest (producer of primary production, processor, packaging-standardisation operator) or ever by the responsible local service of the Ministry of Agriculture.
2. In the application, the following must be included:
 - a) Full information about the applicant (full name or firm name, address, packaging-standardization, processing etc. units’ addresses).
 - b) Data proving that the basic provisions of the Article 2 of this decree, are met.
 - c) The name of the agricultural product, the geographical name for which recognition is requested, as well as the category for which recognition is requested (PDO or PGI).
 - d) The geographical zone of origin of the raw material of the agricultural paroduct. The zone will be determined on the basis of agricultural records and where these are not available, it will be based on the limits of Communities, Municipalities, Prefectures or other Administrative Divisions. This proposed zone must be illustrated on a map of an appropriate scale.
 - e) The plant varieties or the animal species or the fish species, the product of which is used for the production and the recognition of designation of origin.
 - f) The cultivation and breeding technics, including the maximum yields per ha or per animal, as well as the collection conditions or the possible special production conditions.
 - g) The natural condition of the area (climate, soil, flora, waters etc) for which recognition is requested, depending on the product.
 - h) The minimum quality characteristics of raw material, as well as the methods and conditions of packaging, transportation, storage and processing of the agricultural product.
 - i) The quality characteristics of the final product (natural, chemical or organoleptic) if PGI is in question, due to natural or technical factors of the area.
 - j) The typical or quality characteristics of the final product (natural, chemical or organoleptic) due exclusively or mainly to the geographical environment of the area, if PDO is in question.

k) Statement of the applicant that he undertakes the obligation to cooperate with the competent authorities of the Ministry of Agriculture and participate to the necessary controls.

3. The application must be submitted to the competent local service of the Ministry of Agriculture. If the zone, for which a recognition is requested, concerning designation of origin, covers an area where more than one local services are responsible, the application must be submitted to all the services covering the proposed zone.

The local service of the Ministry of Agriculture, examines the data of the application and transmits it to the competent central service, making its remarks, noting as well the points of view of the other interested parts of the area.

The Minister of Agriculture may institute special working groups responsible to give opinions on the submitted applications.

4. The recognition of a PDO or PGI on a specified agricultural product, is taking place after a decision of the Minister of Agriculture, that must be published on the Official Gazette.

Article 4

Terms and conditions for the recognition of the production of products of appellation of origin

1. Those intended to produce agricultural products of appellation of origin (PDO or PGI), are submitting, each production period, an application to the competent local service of the Ministry of Agriculture, at least fifteen (15) days before product delivery date. The application should at least include the producer's full name or the name of firm, its location or the location of the standardization-packaging or processing units, as well as the possible dates of starting and ending the delivery of raw material, providing that it will not start earlier and end later than these possible dates.

Those intended to produce agricultural products of appellation of origin for the first time, in addition to the application referred on the above paragraph, they should also submit the statement referred on the case (ia) of the paragraph 2 of article 3, as well as the necessary data confirming that they comply with the basic conditions of the Article 2 of this decree. The competent local service of the Ministry of Agriculture, presents its reasonable opinion on the submitted applications.

2. The producers of agricultural products of appellation of origin must keep full data concerning origin of raw material per producer.

On the documents concerning weight or on the invoices issued on raw material delivery, the raw material producer's identification elements (full name, address etc.), the raw material area of origin (community or municipality and area), the kind of products, variety or animal species, weight etc., should be noted. Their counter foils should be kept for five years and made available to the control authorities.

3. The producers of agricultural products of appellation of origin, natural or processed, must keep stock-books, recording every information element, which should permit control of the products in question, according to the technical instructions of the Ministry of Agriculture.

Similar stock-books should be kept by packaging-processing and bottling agents, for agricultural products of appellation of origin.

These stock-books are kept for five years and are made available to the control authorities.

4. Transportation of agricultural products of appellation of origin, to different installations, is allowed, provided permission is given by the Ministry of Agriculture and following the appropriate instructions.

5. Producers and packagers-processors of agricultural products of designation of origin must submit to the competent local service of the Ministry of Agriculture, a statement about the stocks of agricultural products of appellation of origin, of previous years, per category. This statement is submitted for the existing stocks, on the last day of the marketing period of every product or determined per case.

6. Producers (standardization-packaging-processing agents) of agricultural products of designation of origin must submit a production statement to the competent local service of the Ministry of agriculture. This production statement is submitted immediately after the end of the production period of each determined zone and on a date determined per product of designation of origin. This statement must include the quantities handled or processed per community or municipality area of origin, as well as the produced final products per category of designation of origin.

7. Without prejudice to the general and specific provisions concerning mentioned information on packages, labels or other packaging means of agricultural products of appellation of origin, either PDO or PGI, the following indications must also be noted.

- a) name of the agricultural product.
- b) Area geographical name.
- c) Category of appellation of origin.

The above information are written as a unique entity, using uniform letters. The height of letters indicating the category of appellation of origin must not exceed the size of the letters concerning information on the above cases a and b, neither can smaller of the 50% of their height.

The size of letters of any indication mentioned on packages, labels or other means, must be smaller of 50% of the size of letters of the cases b and c.

Indications of cases b and c are in the Greek language, at least.

- d) Full name and address of the packager-processor.
- e) Contents in weight or volume, according to provisions in force.
- f) Control data, consisting of the two first letters of the geographical name of appellation of origin, followed by the number of the package means and the two last numbers of the production year.

These control data are written under the packager responsibility after a written permission of the competent local service of the Ministry of Agriculture, that should keep special monitoring and control records per packager. The above mentioned indications are not obligatory written on packages, containing smaller packages that mention the relevant data.

g) Trade marks used for common agricultural products of the same type, are not allowed to be used for agricultural products of appellation of origin.

8. Data of cases a,b,c of paragraph 7 of this decree, must be mentioned on every supporting document (invoices, shipment reports, customs documents), for every transport of agricultural products of appellation of origin.

Article 5 General Provisions

1. Appellation of origin for agricultural products, are recognised and protected, provided they comply with the provisions of this decree.

2. Exported agricultural products of appellation of origin, must be accompanied by a specified document, issued by the competent services of the Ministry of Agriculture, following instructions of the Minister of Agriculture.

3. Use of the geographical name of an area of a place, recognised as appellation of origin of agricultural products, is not permitted for similar products of another origin, even if before or after the name of place, there are words as "genus", "type", "kind", "method", "way" or other similar ones.

4. Provisions of this decree are not applied on vine and wine products, being subject to provisions of Law 243/1969 "on improving and protecting viticultural products" (A' 144).

5. Exclusion of agricultural products from the categories PDO or POI, may be done only on production stage, or in exceptional cases, on marketing stage (deterioration of characteristics and composition, not allowed processing methods etc.).

6. For agricultural products of "protected designation of origin" or "protected geographical indication", general and specific provisions of legislation in force, apply, on matters not regulated under this decree.

7. Control and supervision on the application of this decree, is taking place by the competent authorities of the Ministry of Agriculture.

Article 6
End of Validity

The provisions of the present decree cease to be in force after the entry into force of the Council regulation (EEC) 2081/92 of 14/7/92 "concerning the protection of geographical indications and designations of origin of agricultural and food products" (L208).

The Minister of Agriculture should proceed to the publication and implementation of the present decree.

Athens, March 16, 1993

The President of the Hellenic Republic
Constantinos Karamanlis

The Minister of Agriculture
CHRISTOS Koskinas