

Commission Regulation (EC) No 793/2006 of 12 April 2006 laying down certain detailed rules for applying Council Regulation (EC) 247/2006 laying down specific measures for agriculture in the outermost regions of the Union (repealed)

TITLE IV

ACCOMPANYING MEASURES

CHAPTER I

Graphic symbol

Article 38

Use of the graphic symbol

1 The graphic symbol provided for in Article 14 of Regulation (EC) No 247/2006 shall be used only with a view to increasing awareness and consumption of processed or unprocessed agricultural products specific to the outermost regions which satisfy requirements laid down on the initiative of trade organisations representative of operators in the abovementioned regions.

The graphic symbol shall consist of the symbol appearing in Annex VII to this Regulation.

2 The requirements referred to in the first subparagraph of paragraph 1 shall concern quality standards or compliance with cultivation, production or manufacturing techniques, and presentation and packaging standards.

These requirements shall be defined by reference to Community rules or, in the absence of such rules, to international standards or, where necessary, shall be adopted specifically in respect of products from the outermost regions on a proposal from the representative trade organisations.

Article 39

Right to use the graphic symbol

1 The right to use the graphic symbol shall be granted by the competent authorities in the Member States of production, or by a body authorised by them for this purpose, in respect of each product for which the requirements referred to in Article 38 have been adopted, depending on the nature of the product, to operators in one of the following categories:

- a individual producers or producer organisations or groups;
- b traders who package the product with the intention of marketing it;
- c manufacturers of processed products who are established in the territory of their outermost region.

2 The right laid down in paragraph 1 shall be conferred by the grant of approval in respect of one or more marketing years.

Article 40

Approval

1 The approval provided for in Article 39(2) shall be granted, on request, to the operators referred to in paragraph 1 of that Article who, if need be, have the plant or technical equipment required to produce or manufacture the product in question, in compliance with the requirements laid down in Article 38, and who undertake:

- a as relevant, to produce, package or manufacture products which meet those requirements;
- b to keep accounts which will make it possible to monitor, in particular, the production, packaging or manufacture of the product which is eligible for the graphic symbol,
- c to comply with all checks and verifications requested by the competent authorities.

2 Approval shall be withdrawn where the competent authority establishes that the approved operator has failed to fulfil the requirements relating to the product or an obligation arising from the undertakings provided for in paragraph 1. Withdrawal of approval shall be temporary or permanent depending on the seriousness of the failure established.

Article 41

Checking of conditions for use of graphic symbol

The competent authorities shall regularly check that the approved operators fulfil the conditions for the use of the graphic symbol and the undertakings provided for in Article 40.

The competent authorities may delegate the performance of those checks to qualified bodies possessing the requisite technical competence and impartiality. In such cases, the bodies shall report regularly to them on the performance of their inspections.

Article 42

National measures

1 The competent authorities shall adopt any additional administrative measures necessary to manage the graphic symbol scheme. These measures may include, in particular, charging approved operators a fee to cover printing of the graphic symbol, and administrative and inspection costs.

2 The competent authorities shall inform the Commission forthwith of the services or, as appropriate, bodies responsible for granting the approval provided for in Article 39(2) and for carrying out the inspections required under this Chapter. No later than three months after the entry into force of this Regulation, they shall also notify, prior to adopting them, the draft additional measures referred to in paragraph 1 of this Article.

Article 43

Misuse of and publicity for the graphic symbol

Member States shall apply the relevant existing national provisions to prevent and, where necessary, penalise cases of misuse of the graphic symbol or adopt the measures required to that end. They shall notify the Commission of the measures applicable within six months of the entry into force of this Regulation.

Member States shall provide appropriate publicity for the graphic symbol and for the products for which it may be used.

Article 44

Conditions for reproduction and use

The graphic symbol shall be reproduced and used in compliance with the technical rules laid down in Annex VII.