

chapter A-20.03, r. 2

Regulation respecting reserved designations

Act respecting reserved designations and added-value claims
(chapter A-20.03, s. 57).

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1. A reserved designation may be recognized where it designates products which, by reason of their special characteristics or method of production, are distinguishable from the other products in the same class and where the following criteria and requirements are met:

(1) in the case of a reserved designation relating to a method of production, the product must result from a comprehensive system of cultivation, breeding or processing, whose standards make it possible to achieve distinctive objectives;

(2) in the case of a reserved designation relating to a link with a terroir, the product must comply with the following:

(a) in the case of a protected geographical indication, the product must have a specific quality, a reputation or another characteristic attributable to its geographical origin. In addition, 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, the quality or features of the product must derive exclusively or essentially from its geographical site, comprising natural and human factors. In addition, 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;

(3) in the case of a reserved designation relating to a specificity, the product must have a characteristic or a group of characteristics that clearly distinguishes it from other similar products in the same class; in the case of a traditional specificity, the product must be 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.

In addition, a reserved designation relating to the method of production must designate or describe the method of production, a reserved designation relating to a link with a terroir must include a toponym related to the delimited geographical area and a reserved designation relating to a specificity must express the claimed specificity.

M.O. 2010-07-05, s. 1.

2. An application for the recognition of a reserved designation is made by a person or partnership directly involved in the production or processing of the product concerned, or by a group of such persons or partnerships. Other interested persons may join in the application.

The application includes at least the following information and documents:

(1) the identification of the applicant, the nature of its activities and, where applicable, its legal structure, constituting act and internal by-laws. In the case of a group of applicants, that information also includes a list of the group members and the nature of their activities;

(2) the scope of the reserved designation, a list or the class of products that may be certified, a description of the product bearing the designation, the characteristics that distinguish it from other products of the same category, the benefits of such a type of production, the economic data and opportunities, the distribution network and the problems related to product imitation or forgery;

(3) a specification manual compliant with section 3;

(4) 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.

M.O. 2010-07-05, s. 2.

3. The specification manual provided for in section 2 must include

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- (1) in the case of a reserved designation relating to a method of production,
 - (a) the reserved designation whose recognition is applied for;
 - (b) a description of the method of production and of the principles and objectives on which it relies and that make it distinguishable;
 - (c) a description of the specific practices involved in that method of production;
 - (d) control points and their assessment methods;
 - (e) references concerning the control structure;
 - (f) labelling requirements, if any;
- (2) in the case of a reserved designation relating to a link with a terroir,
 - (a) the reserved designation whose recognition is applied for;
 - (b) a description of the product, including any raw materials used, where applicable, and the main physical, chemical, microbiological or organoleptic characteristics of the product;
 - (c) the delimitation of the geographical area;
 - (d) the elements mentioned, as the case may be, in subparagraphs *a* or *b* of subparagraph 2 of the first paragraph of section 1 establishing that the product originates from that geographical area;
 - (e) a description of the method by which the product is obtained and, where applicable, the local, fair and constant methods;
 - (f) the elements mentioned, as the case may be, in subparagraphs *a* or *b* of subparagraph 2 of the first paragraph of section 1 establishing the link with the geographical origin or geographical site;
 - (g) control points and their assessment methods;
 - (h) references concerning the control structure;
 - (i) labelling requirements, if any;
- (3) in the case of a reserved designation relating to a specificity,
 - (a) the reserved designation whose recognition is applied for;
 - (b) 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;
 - (c) a description of the product's main physical, chemical, microbiological or organoleptic distinctive characteristics;
 - (d) in the case of a reserved designation relating to a traditional specificity, the elements that make it possible to assess the product's traditional character according to subparagraph 3 of the first paragraph of section 1;
 - (e) control points and their assessment methods;
 - (f) references concerning the control structure;

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(g) labelling requirements, if any.

M.O. 2010-07-05, s. 3.

4. *(Revoked).*

M.O. 2010-07-05, s. 4; M.O. 2016-09-27, s. 5.

5. This Regulation replaces the Regulation respecting reserved designations, (chapter A-20.03, r. 1).

M.O. 2010-07-05, s. 5.

6. *(Omitted).*

M.O. 2010-07-05, s. 6.

UPDATES

M.O. 2010-07-05, 2010 G.O. 2, 2262

M.O. 2016-09-27, 2016 G.O. 2, 3759