



Notification Number: 2008/289/F

## Decree on the use of the name "mountain" and amending Articles R.641-33 and R.641-44 of the Rural Code

Date received : 11/07/2008

End of Standstill : 13/10/2008

Issue of comments by : Commission

### Message

Message 002

Communication from the Commission - SG(2008) D/51308

Directive 98/34/EC

Translation of the message 001

Notification: 2008/0289/F

No abre el plazo - Nezhajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 200801308.EN)

#### 1. Structured Information Line

MSG 002 IND 2008 0289 F EN 13-10-2008 11-07-2008 F NOTIF 13-10-2008

#### 2. Member State

FR

#### 3. Department Responsible

Délégué interministériel aux normes – SQUALPI – DGE 6 – 12, Rue Villiot – 75572 PARIS Cedex 12  
d9834.france@industrie.gouv.fr  
tél : 01 53 44 97 04 – fax : 01 53 44 98 88

#### 3. Originating Department

Ministère de l'agriculture et de la pêche  
Direction générale des politiques agricole, agroalimentaire et des territoires  
Bureau de la gestion des signes de qualité et de l'agriculture biologique



3 rue Barbet de Jouy  
75349 Paris 07 SP

#### **4. Notification Number**

2008/0289/F - C50A

#### **5. Title**

Decree on the use of the name "mountain" and amending Articles R.641-33 and R.641-44 of the Rural Code

#### **6. Products Concerned**

Foodstuffs other than wines and non-food, unprocessed agricultural products.

#### **7. Notification Under Another Act**

-

#### **8. Main Content**

The terms and conditions of use of the name "mountain" were defined in 2000 by Decree and codified in the Rural Code (Articles R.641-32 to R.641-44). Article R.641-32 provides that use of the name "mountain" is permitted if the geographical area and the provenance of the raw materials used to feed livestock are situated in a mountain zone at each stage of preparation of the product. The draft amendments concern Article R.641-33, which lists the exceptions to the application of Article R.641-32 as far as the feeding of livestock is concerned:

- The initial intention is that, in cases of unpredictable climatic conditions for which the character of agricultural disaster is recognised, the obligation of provenance from a mountain zone does not apply to raw materials;
- When the technical conditions so require, the possibility of provenance from a zone other than a mountain zone is extended to lucerne and sugar beet and their derivatives and to nutritional complements for ruminants provided that the majority of the raw materials used to feed the ruminants comes from a mountain zone.

Article R. 641-44 stipulates that the conditions under which the raw materials coming from a mountain zone constitute the principal sources of feed for ruminants shall be defined by Order.

#### **9. Brief Statement of Grounds**

It is a question here of dealing with the practical difficulties encountered in the application of the "mountain" regulations. Indeed, during major droughts and in spite of the character of agricultural disaster, there is no legal base which permits the setting aside of the obligation of provenance from a mountain zone for livestock feed.

Likewise, sugar beet and lucerne are not produced in mountain zones whilst they are necessary for the feeding of livestock, whether they are used as food complements or as basic rations. For ruminants, food complements cannot be wholly sourced in a mountain zone. In spite of these exceptions, the principle according to which the most of the feed for ruminants must continue to come principally from a mountain zone is maintained.

These provisions make it possible to adapt to the technical difficulties encountered in feeding livestock (particularly ruminants) while maintaining the credibility of the word "mountain" and offering the guarantees necessary to the consumer.

#### **10. Reference Documents - Basic Texts**

The basic text has been notified (notification 99/435/F – draft Decree on the use of the term "mountain")



**11. Invocation of the Emergency Procedure**

NO.

**12. Grounds for the Emergency**

-

**13. Confidentiality**

NO

**14. Fiscal measures**

-

b) NO

**15. Impact assessment**

Not carried out

**16. TBT and SPS aspects**

TBT aspect

a) NO

b) iii) The draft does not have a significant effect on international trade.

SPS aspect

a) NO

b)

i) The draft is not a sanitary or phytosanitary measure in accordance with Annex A to the SPS agreement.

iii) The draft does not have a significant effect on international trade.

Catherine Day  
General Secretary  
European Commission

Point de contact Directive 98/34  
Fax: (32-2) 296 76 60  
email: [dir83-189-central@ec.europa.eu](mailto:dir83-189-central@ec.europa.eu)

-----  
sent to :

Bundesministerium für Wirtschaft und Arbeit - Abteilung C2/1  
Frau MARKL Iris



European Free Trade Association

.

Slovenian Institute for Standardization SIST

Mrs Vesna Stazisar

Service de l' Energie de l' Etat

M.Romain Nies

Ministerio de Asuntos Exteriores DG de Coordinación del Mercado Interior

Sra. De Lezcano-Mújica Núñez, Margarita

Représentation Permanente de la France

.

Ministerio dell'industria

Sr. CASTIGLIONI Enrico

Malta standards Authority

Dr Stephanie A Fenech

Ministry of Economy Dept for Economic Regulations

Mrs Barbara H. Kozłowska

Ministry of Economy and Commerce Division for Internal Market

Catalina Groza

Bundesministerium für Wirtschaft und Arbeit - Abteilung C2/1

Frau Brigitte WIKGOLM

Représentation Permanente de la Belgique auprès de l'Union européenne

.

Erhvervs- og Byggestyrelsen/ National Agency for Enterpr.& Construct.

Bjarne Bang Christensen

Min. of Economic Affairs & Communication

Mr. Karl Stern

ELOT

M.Mourtzanos K

Min. of Industry, Energy & Technology

Mr K. Polychronidis

CU N Lovseth Hanne Leen

.

Ministerie van Financiën Belastingdienst - Douane Noord / CDIU

De Heer IJ.G. van der Heide



Instituto Português da Qualidade  
Sra Eng<sup>a</sup>. Anete Freitas

Bundesministerium für Wirtschaft und Arbeit - Abteilung C2/1  
Franz BORTH

Institut Belge de Normalisation  
Mme F. Hombert

EU internal market coordination (Ministry of Economics)  
Mr. Dainis Matulis

Dept for Innovation Univ & Skills Innovation Unit  
Mr Philip Plumb

BELNotif (Qualité et Sécurité) SPF Economie, PME, Classes moyennes, Energ  
M. Paul Caruso

Cyprus org. for the promotion of quality Ministry of Commerce, Industry & Tourism  
M. Antonis Ioannou

Délégation Interministérielle aux Normes  
Mme Piau

NSAI  
Mr Tony Losty

Service de l'Energie de l'Etat (ILNAS)  
Mr Richard Berg

Lithuanian Standards Board  
Daiva Lesickiene

Kommerskollegium  
Ms Kerstin Carlsson

Undersecretariat of Foreign Trade General Directorate of Standardisation  
Mr Mehmet COMERT

Czech Office for Standards, Metrology and testing  
Mrs Lucie Ruzickova

EFTA Surveillance Authority  
Mr. Gunnar Thor PETURSSON

Työ- ja elinkeinoministeriö  
Ms. Leila Orava

Hungarian Notification Centre Ministry of economy & transport  
Mr Zsolt Fazekas

Bundesministerium für Wirtschaft und Arbeit - Abteilung C2/1



Ida CSISZAR

State Agency for Metrological and Technical Surveillance  
Violetta Veleva

SL

.

Bundesministerium für Wirtschaft und Technologie (Referat EA3)  
Frau Christina Jäckel

Ministero dello sviluppo economico Dipartimento per regolazione del mercato  
Mr. Vincenzo Correggia

Représentation Permanente du Luxembourg

.

Office of standards, metrology & Testing Director of the department of European I  
Mrs Kvetoslava STEINLOVA

-----  
sent to :

European Free Trade Association

.

Malta standards Authority  
Dr Stephanie A Fenech

Ministry of Economy and Commerce Division for Internal Market  
Catalina Groza

CU N Lovseth Hanne Leen

.

Dept for Innovation Univ & Skills Innovation Unit  
Mr Philip Plumb

NSAI  
Mr Tony Losty

Undersecretariat of Foreign Trade General Directorate of Standardisation  
Mr Mehmet COMERT

EFTA Surveillance Authority  
Mr. Gunnar Thor PETURSSON

Työ- ja elinkeinoministeriö  
Ms. Leila Orava



Représentation Permanente du Royaume-Uni

.

State Agency for Metrological and Technical Surveillance  
Violetta Veleva

SL

.

Hungarian Notification Centre Ministry of National Development and Eco  
Mr Zsolt Fazekas

Représentation Permanente de l'Irlande  
Denis Colfer