

“(3) the drum hoist must be equipped with a device continuously monitoring the condition of the rope, which must be able to detect a sudden loss of the rope section and stop the drum hoist if the loss exceeds 10%.”;

(3) by striking out the third paragraph.

12. Section 305 is amended by adding the following at the end:

“Despite the foregoing, an electromagnetic monitoring system of the rope may replace the examination referred to in subparagraph 1 of the first paragraph and an electromagnetic examination may replace the examination referred to in subparagraph 3 of the first paragraph.”.

13. Section 358 is amended by replacing “or X-ray examination” by “examination and fluorescent magnetic particle testing”.

14. Section 415.1 is amended by striking out “, unless the site has an automatic fire extinguishing system” in the second paragraph.

15. Section 423 is amended by replacing “loading area” in paragraphs 4 and 5 by “place of loading”.

16. Section 433 is amended by adding the following at the end:

“The conveyance itself is considered to be a container for the purpose of transporting explosives if the inside surfaces are made of non-sparking material.”.

17. Section 460 is amended by adding the following after paragraph 5:

“(6) be checked to ensure its conductivity and for that purpose, the use of an electric detonator is prohibited.”.

18. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Draft Regulation

An Act respecting reserved designations and added-value claims
(R.S.Q., c. A-20.03)

Reserved designations

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting reserved designations, appearing below, may be made by the Minister of Agriculture, Fisheries and Food on the expiry of 45 days following this publication.

The draft Regulation replaces the Regulation respecting reserved designations, made by Minister's Order dated 10 September 1997 (1997, *G.O.* 2, 5043) under the Act respecting reserved designations (R.S.Q., c. A-20.02). That Act was replaced by the Act respecting reserved designations and added-value claims (R.S.Q., c. A-20.03), assented to on 19 April 2006, which gradually came into force.

The purpose of the draft Regulation is to update the regulatory provisions respecting the recognition of a reserved designation to take into account the new legislation. The draft Regulation also makes changes and adds details which will foster the development and recognition of reserved designations.

To date, study of the matter has shown no negative financial impact, particularly on small and medium-sized businesses, since the proposed changes do not entail new formalities or additional costs.

Further information may be obtained by contacting Jean-Paul Lussiaà-Berdou, Assistant Director, Direction de l'amélioration de la compétitivité, Transformation Alimentaire Québec (TRANSAQ), 200, chemin Sainte-Foy, 12^e étage, Québec (Québec) G1R 4X6.

Any person wishing to comment on the matter is requested to submit written comments before the expiry of the 45-day period to the Minister of Agriculture, Fisheries and Food, 200, chemin Sainte-Foy, 12^e étage, Québec (Québec) G1R 4X6.

CLAUDE BÉCHARD,
Minister of Agriculture, Fisheries and Food

Regulation respecting reserved designations

An Act respecting reserved designations and added-value claims
(R.S.Q., c. A-20.03, s. 57)

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, processing or marketing, 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 and features of the product must derive essentially from its geographical site, comprising natural and human factors. In addition, its development, processing or production must take place in the geographical area delimited on the basis of the link between the quality and features of the product and its geographical origin;

(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 the past and passed from generation to 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 be specific in itself or express the claimed specificity.

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 of the 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.

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

(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 and organoleptic characteristics of the product;

(c) the delimitation of the geographical area;

(d) the elements mentioned in subparagraphs *a* and *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 and fair methods constantly used;

(f) the elements mentioned in subparagraphs *a* and *b* of subparagraph 1 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 main physical, chemical, microbiological and organoleptic characteristics associated with the product's specificity;

(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;

(g) labelling requirements, if any.

4. Except in case of inconsistency, the requirements of the international standard ISO/CEI 17011 – General requirements for accreditation bodies accrediting conformity assessment bodies – apply to the Conseil des appellations réservées et des termes valorisants with respect to the accreditation of a certification body.

The criteria and requirements that an accreditation manual prepared by the Board must set out and that certification bodies must meet in order to obtain accreditation are those set out in the international standard ISO/CEI Guide 65 – General requirements for bodies operating product certification systems.

Where the International Organization for Standardization (ISO) amends or replaces a standard referred to in this section, the amended or replaced standard applies 6 months after it is published by the Organization.

Upon request, the Board provides the accreditation manual that a certification body must meet in order to obtain accreditation. The ISO/CEI standards referred to in this section may be obtained from the International Organization for Standardization at the following website:

“<http://www.iso.org>”.

5. This Regulation replaces the Regulation respecting reserved designations, made by Minister's Order 1997 of the Minister of Agriculture, Fisheries and Food, dated 10 September 1997.

6. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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