



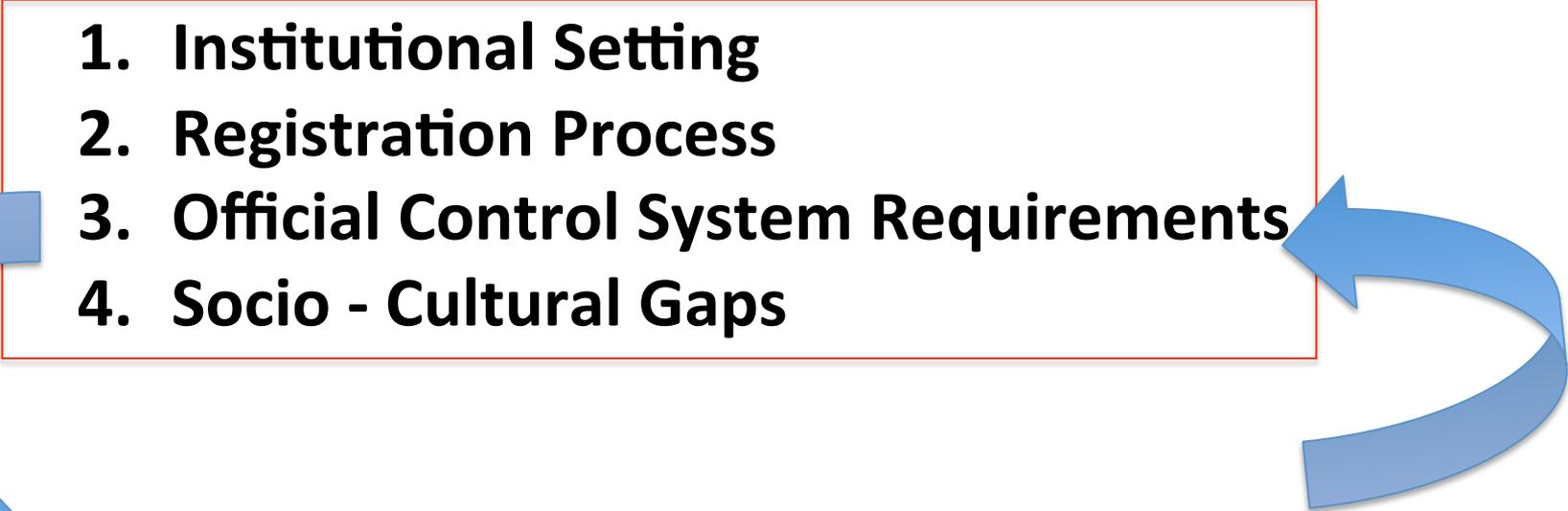
Quality Policy – Schemes of Geographical Indications and Traditional Specialties

International feedback and backstopping:
(considerations from the experts reports)

Dr. Paola Corsinovi

- a) Main steps and difficulties in implementing GIs (Discussion & feedback)**
- b) Identify potential opportunities**
- c) Discussion: advices, suggestions/
recommendations**

a) **Discussion: main steps and difficulties in implementing GIs**

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- 1. Institutional Setting**
 - 2. Registration Process**
 - 3. Official Control System Requirements**
 - 4. Socio - Cultural Gaps**

- 5. Juridical requirements and control**
- 6. Institutional & Administrative**
- 7. Food Safety Requirements**

According to the experts' reports:

“There are many agricultural products and foodstuffs which are protected on the national level by one of the geographical indications of origin **but without registered users”.**

1. Consequences in the WB context:

- **45 products** are registered in the **Republic of Serbia**
- **Several products** are in the final stage of documentation in **Bosnia and Herzegovina**
- **5 products are protected** in **Montenegro** and **22** was selected as **products with high potential to be registered**
- **Slow Food has been working in Republic of North of Macedonia**. 36 products from the RNM have been placed in the Ark of flavors, **and 5 Presidiums**, producer associations, which produce authentic products representing RNM at many international food fairs have been established.

2. Consequences in the WB context:

- The protected designation is assigned to one identity, and there are no registered users of the name. Also, **most of the registered producers no longer produce protected products.**
- **All this leads to the loss of some names of products that are traditionally recognizable on the RNM market.**

3. Consequences in the WB context:



PDO LABEL

КОНТРОЛНА МАРИЦИ ЗА ПОЉОПРИВРЕНЕ И ПРЕХРАМЕНЕ ПРОИЗВОДЕ
СА КОНТРОЛИСАНИМ ИМЕНОМ ПОРЕКЛА



PGI LABEL

КОНТРОЛНА МАРИЦИ ЗА ПОЉОПРИВРЕНЕ И ПРЕХРАМЕНЕ ПРОИЗВОДЕ
СА КОНТРОЛИСАНОМ ГЕОГРАФСКОМ ОЗНАКОМ



Protected designation
of origin - PDO



Protected geographical
indication - PGI



Traditional Specialty
Guaranteed - TSG



Picture 1. PDO mark

Picture 2. PGI mark

Picture 3. TSG mark

1) **Institutional setting: overlapping competencies / trade mark**

The geographical indications are under the responsibility of the **Intellectual Property Office**.

This is explain why for Intellectual Property Organisation, **the priority and greater emphasis is put on the name protection**.

The scope of GI protection is primarily **limited to intellectual property protection**; that is, protection of registered names from misuse and unauthorized use that would undermine the reputation of those products.

Overlapping and confusion among the procedure for registration a GIs (according to the aims & the EU requirements) and the registration process for registered the names

However in **Montenegro**: the protection of geographical indications for food products, grape and wine products and strong alcoholic beverages is **under the responsibility of the Ministry of Agriculture and Rural Development**.

“The MARD has made a major step towards the harmonization of the legal framework regulating the field of quality schemes with the relevant EU acquis.” (Montenegro – Reports)

The **Ministry of Agriculture, Forestry and Water Economy** is the competent institution for the implementation of the protection of the GIs and TSG of the agro-food products, in accordance with Chapter III of the Law on the Quality of Agricultural Products (**Macedonia– Reports**)

- *In Croatia, Hungary and Poland, national patent offices were responsible for the GI system before EU accession (Hungary and Poland have been members of the EU since 2004, and Croatia joined in 2013)*
- *Today, in all three countries, the Ministries of Agriculture have become the competent authority for protection of designations of origin and geographical indications for agricultural products and foodstuffs.*

(Source: FAO, <http://www.fao.org/3/CA0938EN/ca0938en.pdf>)

2) Registration process

- **Relevant gaps (aims & process requirements) - with the EU**
- **The marginal role of the producers in the registration process and the management of the GI system.**
- **Lack of interests and knowledge among producers**

2) Registration process

1) Top-down approach for registration a GIs seems to prevail over the collective approach (Bottom –up)



The marginal role of the producers in the registration process an the management of the GI system.

Individuals, private companies, chambers of commerce, the state or local authorities can submit an application for a geographic indication without specifying which organization will manage the geographic indication.

The procedure for registering a protected designation begins with the submission of a request for protection by an interested group of operators dealing with the production, processing or trade of the same agricultural product or foodstuff whose name is claimed to be protected.

3) Official Control System Requirements

- Lack of transparency of the control system/ institutions involved and their procedures
- The **absence or malfunctioning of the control and certification procedures** is a major problem, (not only for PDO/PGI but) for all types of quality signs and jeopardizes the credibility and further development of the protected products and quality sign labels.

According to the experts' reports:

- **For example (RNM):** *Two control bodies, received authorization from the Minister for verification and control of the production specification. They are not accredited, because of the costly accreditation process on one hand, but also because of the lack of interest from producers to protect products on the other.*
- **MONTENEGRO: MONTEORGANIC** is accredited according to the standard MEST EN ISO / IEC 17065 by the Accreditation Body of Montenegro.

4) Socio cultural /gaps

- a) Lack of interest and awareness among the supply chain stakeholders
- b) Market response: consumers feedback and their willingness to pay

Information asymmetries among the supply chain

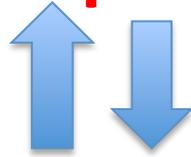
a) Lack of interest and awareness among the supply chain (stakeholders)

- **Farmers** have a limited knowledge about the system of GI as well as low interest in collective initiatives.
- Difficulty in differentiating PDO from PGI, and understanding the concept of GI as such
- Farmers more familiar to trade mark system
- **PDO/PGI scheme** is perceived as bureaucratic, costly (creation of an applicant group, drafting the specifications, evidence of the use of the name, burdens and cost of certification and controls) and time-consuming.

b) Lack of awareness among consumers

- Limited knowledge by consumers (difficulty in differentiating PDO from PGI, and understanding the concept of GI as such).
- If a consumer is faced with a lack of reliable information about a product (information asymmetry' theory) he may not be able to trust quality claims and thus be unable to optimise his choices.

5. Juridical requirements and control



6. Institutional & Administrative

Horizontal issues:

According to the experts' reports:

- Identifications and legalization of enterprises
- Lack of detailed urban plans and all types of database for collecting farms information
- Inadequate institutional capacities

7) **Food safety requirements:** this is a horizontal issue - which is common problem to WB countries and for all the food processing and NOT only for GIs

- “Most of the small farmers **have not introduced food safety requirements and their food businesses have not been officially registered by the authorities**, so they can not apply for the protection of traditional products, or for IPARD measures” (*from reports*) .
-  **The quality control system for GIs is crucial to the functioning (and credibility) of each food quality scheme, including the GI scheme.**
- Introducing certain level of flexibility for the GI products towards the registration of processing facilities

b) Identify potential opportunities for improvement GIs

- **Geographical indications and trade marks**
- **Registration process: groups activities and bottom up approach**
- **Controls procedures as a marketing tools**

Reg. 1151/2012 Application and registration processes for designations of origin, geographical indications, and traditional specialities guaranteed

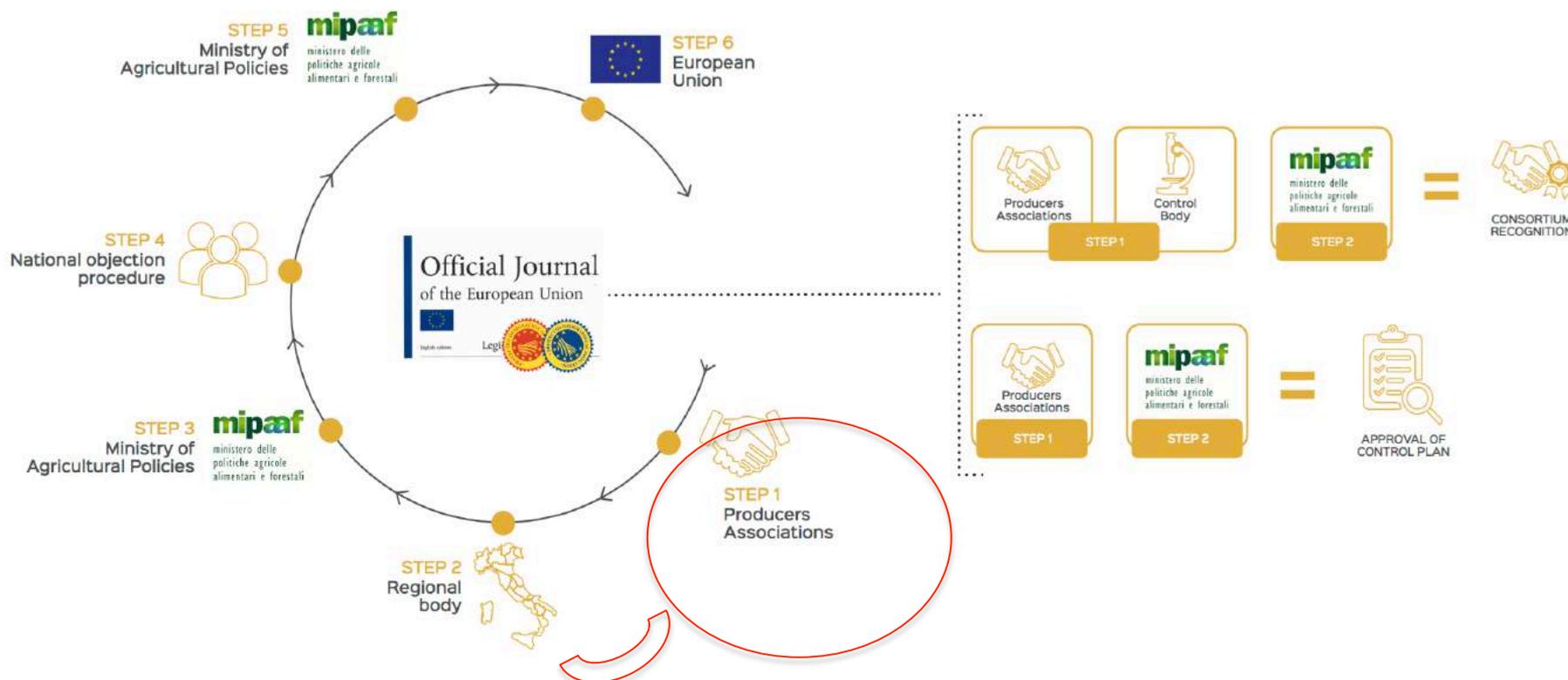
Article 49 provides:

Application for registration of names

1. Applications for registration of names under the quality schemes referred to in Article 48 may only be **submitted by groups who work with the products with the name to be registered.**
2. In the case of a 'PDO' or 'PGI' name that designates a trans-border geographical area or in the case of a 'TSG' name, **several groups from different Member States or third countries may lodge a joint application for registration**

Where: '**group**' means any association, irrespective of its legal form, mainly composed of producers or processors working with the same product;

Registration process: groups activities and bottom-up approach (Italian implementation)

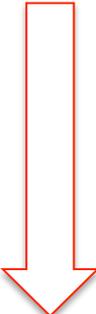


The registration application, which can be done by a **group – promotion committee, association, etc.** - **working with the products for which the name is to be registered.** The application is submitted to the national authority of the relevant Member State; in Italy it is submitted to both the regional body and the Ministry of Agricultural, Food and Forestry Policies.

Types of PRODUCER ASSOCIATION: possible solutions

- PRODUCER ORGANISATIONS (POs)
- INTER-BRANCH ORGANISATIONS

- **Italian Protection Consortia**

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- **Regulation (EU) n. 1151/2012 art.45** on **producers organisation** contemplates the effective recognition of the roles and responsibilities of producer groups. **Articles 157 and articles 161** provides specific information about milk and milk products.
 - **EU Regulations 1308/2013 (articles 152 to 165)** establish the rules for producer organisation, inter-branch organisations their rules and recognitions

- **PRODUCER ORGANISATIONS (POs)**

Recognised POs are groups of farmers and growers, **which have been formed by the initiatives of the producers and are controlled by them.**

Italian Producer organisations (which in Italian is called "**Organizzazioni dei produttori OP**") mainly implemented in the Fruits /Vegetables and Olive Oil sectors as a cooperatives pursue a specific aim which may include optimisations of production costs and returns on investments and stabilising producer prices

In Italy the most representative POs are cooperatives especially in the fruit sectors (and grouped only by growers) with different rules from Consortiums.

Consortiums are registered within the Ministry of Agricultural, Food and Forestry (MIPAAF).

Italian Ministry Decree of 14.10.2013 establish that Consortiums must demonstrate being part of the shareholder structure of the companies that represent at least 2/3 of production controlled by the inspection body and deemed suitable for certification.

For the **wine sector**, it must represent at least 40% of the winemakers and 66% of the certified product. **Italian Ministry Decree 18.07.2018**



FOOD

They include producers representing at least $\frac{3}{4}$ of the production of the GI.



WINE

They represent at least 40% of the wine producers and 66% of the certified product.

Source: http://www.ccpb.it/wp-content/uploads/documenti/Decreto_Ministeriale_14102013.pdf

Source: <https://www.qualivita.it/wp-content/uploads/2017/05/20170523-ENG-PAPER-IG-Qualivita-HQ.pdf>

The Consortia, following the Community and national rules, deal with the safeguard and promotion of the designations of origin ensuring (GIs) all the directives and regulations of production to be respected.

A recognised protection Consortium promotes, valorises, informs consumers and generally oversees Geographical Indications (Article 14 of Italian Law No. 526 of 21 December 1999).

Control activities: traceability as a marketing tool

Article 36 of Reg. (EU) No 1151/2012 provides:

- According Reg. 882/2004, Member States shall designate the competent authority or authorities responsible for official controls carried out to verify compliance with the legal requirements related to the quality schemes established by this Regulation.

Article 7 of Reg (EU) 1151/2012 provides:

- Product specification: contains information on the product's unique nature due its geographical environment and lays the basis for controls

- It must contain at least (**Art. 7 of Regulation (EU) No 1151/2012**):
 - i. The name of the PDO, PGI
 - ii. Description of the product
 - iii. Delimitation of the relevant geographical area
 - iv. Evidence that the product originates from such area
 - v. Description of the method of obtaining the product (as well as on packaging)
 - vi. Details on the link between the quality, characteristics or reputation of the product and the relevant geographical area
 - vii. The name and the address of the authorities or of bodies verifying compliance with the product specification
 - viii. Any specific labeling rules

Examples: How the system works in Italy ?

Quality & Safety Authorities



The Italian **Ministry of Agricultural, Food and Forestry Policies** (MiPAAF) heads the bodies responsible for the public supervision and control of products.

ICQRF : Central Inspectorate for Quality Safeguarding and Anti-fraud of foodstuffs and agricultural products

Competent to carry out controls along the production chain of GIs



DESIGNATED
AUTHORITIES

SURVEILLANCE

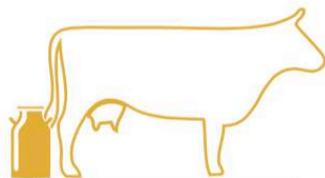


CERTIFICATION BODIES

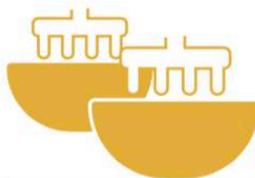


CONTROL BODIES

CONTROL



RAW MATERIALS



PRODUCTION FACILITIES



PACKAGING FACILITIES



RETAILER

ICQRF responsible for preventing and repressing any breach of European and Italian laws relating to:



- agri-foodstuffs productions, (from farming to food processing industries as well as at their wholesale and retail stage);
- farm supply products (seeds, feed, agricultural chemicals, fertilizers and plant growth products).

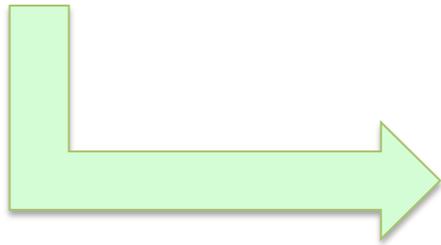
ICQRF carry out **Official Controls according to EU Reg. No. 882/2004 (by means Inspections, Chemical Analyses and, if the case, working as Police under the coordination of a Public Prosecutor).**

1. **Authorizing private or public control bodies** to the certification of food stuffs as PDO, PGI and Organic.
2. **Supervising the activities** of the aforementioned private or public control bodies.
3. **Imposing monetary or other sanctions** as result of inspection or analyses findings

Controlling about GIs are carried out by third party bodies.

Independent Control Bodies: accredited by the single national accreditation body - ACCREDIA or Public and private: **Authorized by MIPAAF).**

MIPAAF authorizes the control bodies to carry out the inspections



► Independent Control Bodies

- Accredited by Accredia (Private bodies)
- Authorised by Mipaaf (Public and Private bodies)

► Control activities:

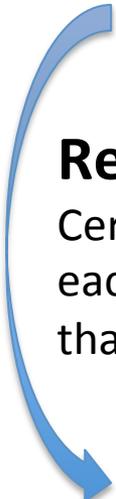
- Verification of compliance with GIs product specification requirements
- On-site inspections
- Product controls
- Preparation of GIs “control plan”

Since January 26, 2010 **Accredia is the unique body of accreditation for Italy.** Accredia, controls and validate the third-control body.

Accredia has direct connection with the European cooperation for Accreditation (EA) EA and with calibration services in other countries, with which it has sealed bilateral agreements of mutual recognition of certifications.

Source: <https://www.centroditaratura.it/en/certifications/accredia-2/>

Regarding control process: it's a random check among the different people and enterprises involved in the GI system. Controls carries out the validation of production rules through the application of a Control Plan.



Regarding certification process:

Certification represents the verification of conformity to the Disciplinary Production in each stage of production, processing and preparation of the food product. Producers that want to sell own product as GI are obliged to require the certification.

This control and certification processes highly regulated represents a traceability at all the stages of productions.

- inside the geographical area of production
- covering each producer, processor and other actors of the production chain
- assuring traceability

c. Discussion: advices, suggestions /recommendations

- Institutional setting**
- Producer/Farmers**
- Training and promotion: from
producers to consumers**

List of References

- Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs.
- Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules
- Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007
- Decreto Ministeriale del 14/10/2013 Disposizioni nazionali per l'attuazione del regolamento (UE) n. 1151/2012 del Parlamento europeo e del Consiglio del 21 novembre 2012, sui regimi di qualità dei prodotti agricoli e alimentari in materia di DOP, IGP e STG.

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Thanks

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