

***Workshop on "Regulations, procedures
for registration of products with
Protected Designation of Origin (PDO),
Protected Geographic Indication (PGI),
and Traditional Speciality Guaranteed
(TSG) – Opportunities for producers
from South Eastern European (SEE)
countries***

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EU Regulations on Geographical Indications, Designations of Origin and Traditional Specialities Guaranteed for agricultural products and foodstuff



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Summary

Introduction : Advantages of PDO, PGI and TSG

I – Legislation and procedure for registration of a PDO/PGI in the EU :

- Applicant
- Product specification
- Verification of compliance with specifications
- Example of the French system

II - Legislation and procedure for registration of a TSG



PDO and PGI : added value for producers

- They add value to the product, therefore increasing the income of the producers and rewarding the demanding approach adopted by producers
- **Added value in price terms:** all cheese covered by PDO/PGI : on average, price twice as much higher per kilo.
- Bresse chicken: sells at a price 4 times higher than ordinary chicken.
- French PDO wines are sold at a price 2,8 times higher than wines which are not AOC



Tool for rural development



- To maintain people in agricultural areas
- To revitalize durably the rural area
- To promote quality products made through traditional means
- To give value to the national agricultural and rural patrimony
- To develop biodiversity



Examples of French GIs

- **Spirits:** Cognac, Armagnac
- **Wines:** Champagne, Bordeaux, Bourgogne
- **Cheese:** Roquefort, Reblochon
- **Meat products:** Bayonne ham
- **Plant products:** Baux Valley olive oil, Camargue rice



Global figures in France

PDO Wines & Spirits

478 appellations
80 000 producers
57% of the viticultural area
49% of the French wine production
Wines : 11,7 billions euros turnover
Spirits : 2 billions euros turnover

PDO dairy products

49 Appellations
21 000 producers
1,5 billions euros turnover

PGI

91 dairy and foodstuffs product.
25 000 producers
1 billion € turnover

PDO foodstuffs

41 Appellations
11 000 producers
160 millions € turnover

140 wines
29% of the French wine production
2 ciders

(Données INAO 2007 et 2009)



I- Regulations and procedure for PDO and PGI





European regulations regarding PDO and PGI



⇒ Regulation for **agricultural products and foodstuffs**:

⇒ Council Regulation (EC) n° **510/2006** of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

⇒ Specific regulation for **wine-sector products** (except wine vinegars):

⇒ Council Regulation n° **1234/2007** on the common organisation of the market in wine (*Articles 118 ter to Article 118 septvicies ter*)

⇒ Specific regulation for **spirit drinks**:

⇒ Regulation (EC) n° **110/2008** of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) n° 1576/89





PDO

**PROTECTED DESIGNATION
OF ORIGIN**

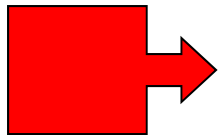


PGI

**PROTECTED GEOGRAPHICAL
INDICATION**

COMMON CHARACTERISTICS

■ the **name of a region**, a specific place or, in exceptional cases, a country, **used to describe** an agricultural product or a foodstuff **originating** in that region, specific place or country,



DIFFERENCE : THE LINK TO THE ORIGIN

- the **quality or characteristics** of the product are **essentially or exclusively** due to a particular geographical environment with its inherent **natural and human factors**
- the **production, processing and preparation** of the product take place in the **defined geographical area**
- The product presents a **specific quality, reputation or other characteristics** attributable to that geographical origin
- the **production and/or processing and/or preparation** of the product take place in the defined geographical area.



The principles

- Voluntary and collective action by a group of professionals (farmers, processors, distributors...), called defence and management bodies
- A strict product specification written by the producers with the help and check of the competent authority
- Procedures of control to check the respect of the product specification = guarantee of the quality and origin of the product



Requirements regarding the applicant

- The applicant has to be an organization representing the community of stakeholders.
 - Essential point regarding the consequences of the GI's registration as for the protection of the geographical name
 - A specific support from the administration or experts could be necessary especially on technical points
 - Role :
 - preparation of the application and precisely of the file (technical, historical and economic components)
 - After registration, the GI's follow-up, support to producers, protection



Content of the application

Content of the application at National level

- the name and address of the applicant group
- the **product specification**
- the **single document**

Content of the application to the European Commission

- the name and address of the applicant group
- the single document
- a declaration by the Member State that it considers that the application lodged by the group meets the conditions of the European Regulation and the provisions adopted for its implementation;
- the proof of the publication of the product specification.



Application from a third country

⇒ Content of the application :

- same elements as when application by a Member State.
- and also proof that the name in question is protected in its country of origin.

⇒ The application must be sent to the Commission, either directly or via the authorities of the third country concerned.

⇒ Ex : Café de Colombia



Product specification

- Name of the product
- A description of the product, and particularly its physical, chemical, microbiological or organoleptic characteristics
- The delimitation of the geographical area
- The documents proving the product originates from within the boundaries of the geographical area
- A description of the method of production
- The documents proving the product's link to the geographical area
- The name of the control bodies in charge of checking the compliance with the product specification
- The specific labelling rules



Single document = summary of the product specification

Sets out the following:

⇒ the main points of the product specification:

- *the name of the product,
- *a description of the product
- *a short description of the geographical area

⇒ a description of the link between the product
and the geographical environment or
geographical origin.



A focus on the link to the origin

- Specificity of the area
 - Natural and/or human factors
 - Criteria of definition of the geographical area
- Specificity of the product
 - Quality or characteristics
 - Reputation
- Causal link between the area and the specificity of the product
 - Impact of natural and human factors on the product



Procedure - First level : Scrutiny by the Member State

Scrutiny by the Member State that the application is justified and meets the conditions of the Regulation

=> In France : mission of INAO (a public body under the authority of the ministry of agriculture)

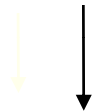
The competent institution must be able to judge the capacity to register a product as a PDO/PGI

- this means to get legal and technical skills along with a good knowledge of products : the administrative organization is adapted to this demanding nature
- Missions must be clearly defined : from scrutiny of the application to the controls of the PDO/PGI products



French institutional system

Ministry of Agriculture



INAO

(National Institute of
Origin and Quality)

**Geographical
indications**

Ministry of Economy



INPI

(National Institute of
Industrial Property)

**Patents, trademarks,
...**



Statute and organization of the INAO

- A governmental body related to the Ministry of Agriculture
- Head office in Paris
- regional offices which provide a support to the professionals
- 250 employees
- Budget 20 M €
(72% State, 28% professionals)



The active participation of representatives of the agricultural sector

■ National committee for wine, spirits and alcoholic beverages (PDO)



■ National committee for Wines and Ciders (PGI)

■ National committee for dairy products, foodstuffs and forestry products (PDO)



National committee for Label Rouge, Protected Geographical Indications (PGI) and Traditional Speciality Guaranteed (TSG)



■ National committee for Organic Farming



Council for Agreement and Controls



Procedure in France

Application by a group of producers

*drafting of a product specification and application for
recognition*



INAO

checking, national procedure of opposition then proposal



GOVERNMENT

decision of recognition and forwarding to the UE



EUROPEAN COMMISSION

*formal examination + publication and european procedure of opposition (2 months
for wine), then registration*



Procedure – Second level Scrutiny by the commission

- ⇒ Scrutiny by the Commission that the application is justified and meets the conditions of the Regulation.
- ⇒ This scrutiny should not exceed a period of 12 months.
- ⇒ If the Commission does not agree with the application, it rejects it, after opinion of the Standing Committee on PDO/PGI.
- ⇒ If the Commission agrees with the application, it publishes, in the *Official Journal of the European Union*, the single document and the reference of the publication of the product specification.



Opposition procedure at the European level

- ⇒ Within six months from the date of publication in the *Official Journal of the European Union (OJEU)*, can object to the proposed registration, by lodging a duly substantiated statement with the Commission:
- ⇒ Any Member State or third country
- ⇒ Any natural or legal person having a legitimate interest, established or resident :
- in another Member State : statement is lodged with that Member State
 - in a third country : statement is lodged with the Commission, either directly or via the authorities of the third country



Grounds for opposition

⇒ Bases of opposition :

- the product specification fails to meet the required conditions
- the name conflicts with a plant variety or an animal breed
- the name conflicts with an homonymous name, a trade mark or an agricultural product
- the name has become a generic name

⇒ Statements of objection must be admissible only if they are received by the Commission within the 6 months time-limit.



Registration

- Protection for an unlimited length
- Respect of the product specification



Verification of compliance with specifications

- ⇒ For PDO & PGI from the Community, verification of compliance with the specifications, before placing the product on the market, shall be ensured by:
 - ⇒ one or more competent authorities appointed by Member States and/or
 - ⇒ one or more control bodies operating as a product certification body.
- ⇒ For PDO & PGI from a third country, verification of compliance with the specifications, before placing the product on the market, shall be ensured by:
 - ⇒ one or more public authorities designated by the third country and/or
 - ⇒ one or more product certification bodies.



Requirements regarding the control system

- An organization must be responsible for the controls of the compliance with the specifications
 - Public : the competent authorities of the State is responsible for the control
 - Private : a certification body organizes and carries out the controls
- Principles : independence, competence and impartiality



Example of a PDO: Comté cheese

- A cheese that can be kept
- Adapted to local conditions
- Roots from the Middle-Ages
- PDO since 1958
- Produced in Franche-Comté



Product specification :rules governing production apply to all process stages

☐ Milk producers



☐ Cheese-makers

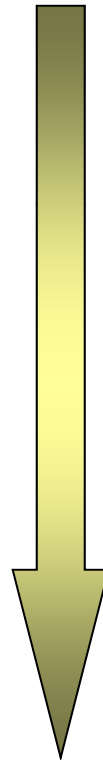


Maturing

- Montbéliarde cows
- 1 ha grassland per cow

- Processing within 24h
- Limited collect area

- 4 months minimum
- Spruce shelves



Comté vs Emmental : close origins but opposed developing strategies

Origins

- Geographical area
- Technical constraints to keep the milk

COMTE

P.D.O. strategy

Heritage protection and local development



EMMENTAL

Industrial strategy

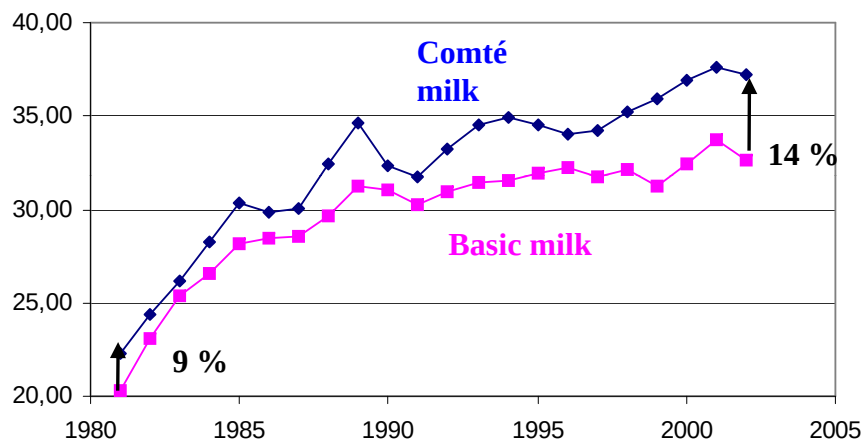
Generic product and production delocalization



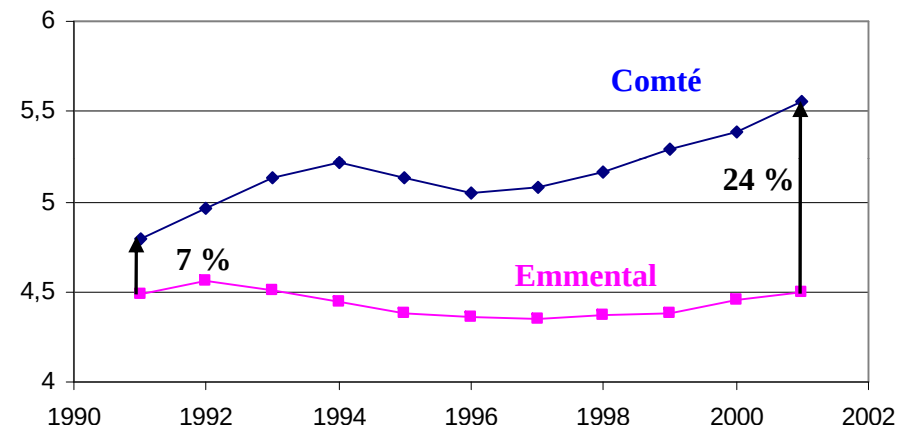
Economic impact

Comté up-market strategy has an impact at every stage of the production value with higher prices than those observed in the Emmental sector. Moreover, the gap is increasing.

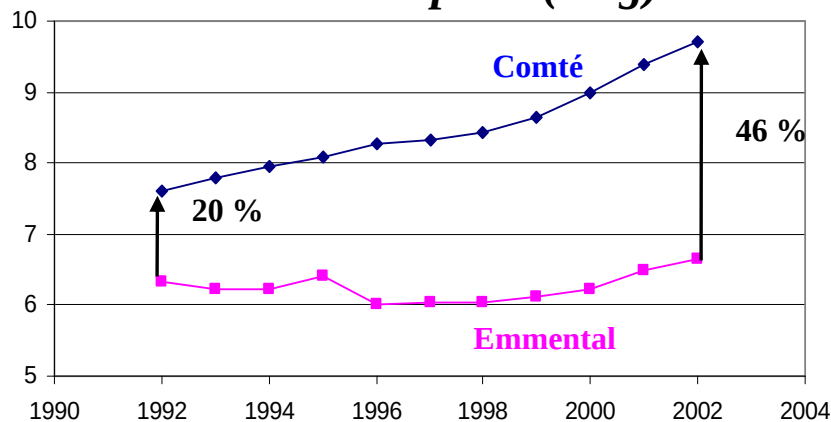
Milk price (€/hl)



Gross price - maturing (€/kg)



Consumer price (€/kg)



- Comté is in the up-market segment
- Emmental is considered more as a cooking ingredient rather than a cheese (55% grated cheese)



II- Regulations and procedure for TSG



Traditional speciality guaranteed



Council Regulation N° 509/2006 of 20 March 2006

The TSG is the recognition of the **Specific character** of a **Traditional** product **Guaranteed** by a control system

The product must be:

=> **TRADITIONAL** : 2 requirements:

1. Use on the Community market for a period showing transmission between generations, i.e. 25 years minimum.
2. Produced using traditional raw materials (ex : emmental with raw milk) or be characterised by a traditional composition (ex : old-fashioned jam) or a traditional type of production (ex : farm pork) and/or processing (ex : house bread).

=> **SPECIFIC** : the product must have a characteristic or set of characteristics which distinguish it from other similar products or foodstuffs of the same category.

Specificity = what distinguishes the product from standart products. It can be the shape or weight, the duration of preservation, a particular breeding, etc...

It cannot be a specificity based on a geographical origin.

The name must also be specific in itself = traditional (ex : Gueuze, Serrano)

OR

Express the specific character (ex : traditional farmfresh turkey)



The interest of TSG

The TSG does not refer to a geographical origin but provides protection for products of traditional nature which are not (or no longer) linked to their geographical origin.

1. The TSG does not aim at territorializing a production

Unlike PGIs and PDOs, the TSG does not restrict the production to a delimited geographical area.

Interest : any producer who respects the product specification can produce the TSG, even if he is established in another Member State than the MS of the applicant group, or in a third country.

2. The TSG provides protection to a traditional type of production or a traditional composition

The registration of a TSG allows to reserve the use of the name (with or without the symbol and indication TSG depending on the level of protection) to the producers who apply this traditional type of production, breeding, processing, etc ...

=> Allows products of high quality but not necessarily linked to a particular geographical area to differentiate themselves from other products and consequently benefit from a higher price on the market.



Procedure

Same Scheme as PDO/PGI:

- 1- application by a **group** of producers or processors, which must include :
name and address of the group, product specification, name and address of control bodies, documents proving the product's specific and traditional character
- 2- **Scrutiny by the Member State** that the application is justified and meets the conditions of the Regulation.
- 3- **National procedure of opposition**
- 4- **Transmission of the application to the European Commission**, which must include:
name and address of the group, product specification, name and address of control bodies, declaration by the Member State that it considers that the application meets the conditions of the Regulation
- 5- **Scrutiny by the Commission**. If OK, publication in the OJEU
- 6- **Opposition procedure in all Member States**
- 7- If OK, **registration**



Protection

2 levels of protection :

- ❖ **Strong protection : Reservation of the use of the name to the producers who respect the product specification.**

Example of product registered on this base : Jamon Serrano (Spanish ham),

All the products sold under the name must respect the product specification.

The choice of the level of protection is made by the applicant group.

- ❖ **Less strong protection : only protects the name associated with the indication 'traditional speciality guaranteed', the abbreviation 'TSG' or the associated Community symbol.**

The name can still be used by producers who do not respect the product specification = the sole name can be used freely.

The combination name + indication « TSG » or symbol is reserved to the producers who respect the product specification.

In order to associate the name to the indication or symbol, the products must respect the product specification.

Examples : Mozzarella, Vieille Kriek, Geuze (Belgium beer)



One example of a registered TSG: The beer « Vieille Gueuze Lambic »



History of the application as TSG

- Old tradition of brewing lambic in the region of Brussels
- Disappearing of the traditional breweries after the WWII (insolvency or taking over by large corporate groups) and considerable deterioration of quality
- The use of the name « lambic » corresponds to a particular method of production totally misused/disreputed by mass-market products resulting from a simplified and industrialised manufacturing process with fewer requirements (made from leftovers of other beers at the end of the 1960's)
- Application by a few artisanal breweries whose efforts to impose a national legal frame (product specification) have failed because of the lobbying of big breweries
- Result of a compromise between artisanal brewers and those big breweries : leads to 5 TSG



The TSG Vieille Gueuze Lambic

- Application lodged under the previous Regulation regarding TSG
- 5 beers registered at the same time
- Specificity of the product : the whole production process : spontaneous fermentation in ambient air, adding of wild yeast stains, but also the characteristics of the product resulting from that production process : feable amount of sugar
- Traditionnel aspect



Interest of the recognition as a TSG

A success story, the efforts on quality paid off:

- sales multiplied by 4
- prices have increased from 20 to 30%,
=> the TSG has saved the traditional gueuze (even a higher quality than before)
=> the consumers can tell the difference between industrial gueuze and the traditional TSG gueuze



Thank you for your attention



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