



European Commission

# PDO AND PGI PRODUCTS: MARKET, SUPPLY CHAINS AND INSTITUTIONS

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*Final Report*

PROTECTED DESIGNATIONS OF ORIGIN AND  
PROTECTED GEOGRAPHICAL INDICATIONS IN EUROPE :  
REGULATION OR POLICY ?

**RECOMMENDATIONS**

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## Foreword

This report was undertaken under the FAIR research programme entitled "PDO-PGI : Market, Supply Chains and Institutions"<sup>1</sup> and contains final recommendations for the European Commission. Individual reports of recommendations for national institutions have been sent directly by the research teams of each country.

This report only reflects the opinions of the authors<sup>2</sup> as it proved difficult to achieve a consensus among the research participants concerning the recommendations to be made to community institutions. The report is based on the work of seven research groups in six different countries who followed similar guidelines for the acquisition presentation of results<sup>3</sup>. The primary aim of the research was to understand and analyse mechanisms of market positioning, consumer attitude and value attributable to the origin of products recognised as possessing a specific quality linked to their geographical origin and validated by PDO or PGI registration. A consensus was reached among the different research teams concerning these analyses.

Reports	Title	Number of reports
R1	<i>Guidelines for the common methodology for supply chain analysis</i>	Two guidelines
R2	<i>Empirical analysis - production and marketing &amp; supply chain</i>	Twenty one reports
R2B	<i>National food quality policy and distribution system (not contractual)</i>	One report
R3	<i>Consumer survey - qualitative research</i>	Six reports
R4	<i>Consumer survey - quantitative survey</i>	One report
R5	<i>Evaluation of the performance for each case study</i>	Twenty one reports
R6	<i>Synthesis by type of product</i>	Six reports
R7	<i>Global comparison</i>	One report
R8/R9	<i>Institutional analysis - Recommendations</i>	Six reports
R10	<i>Synthesis and recommendations to EU</i>	One report

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<sup>1</sup> FAIR contract n° CT95 - 0306. The project participants were : Fearne A. & Wilson, N., *Wye College* (GB), De Roest K & al, *CRPA* (IT), Galanopoulos K. & Mattas, *University of Thessaloniki*, Fotopoulos C., Vakrou A. & al, *MAGREF* (GR), Sylvander B. & Lassaut B., *INRA-UREQUA*, Leusie M., *Chrysalide* (F), Van Ittersum K. & al., *Wageningen* (NL), Barjolle D, Chappuis JM, Dufour M, *IER-EPFZ* (CH).

<sup>2</sup> We would particularly like to thank Martine Dufour for her help with the analysis of the communications carried out by the European community concerning PDO and PGI (see Chapter 43 and Dufour, 1999).

<sup>3</sup> Two Spanish products were also studied, as well as this country's institutions, which increases the number of countries to seven.

## Summary

On completion of the research project, the main theme of this final report is that the European Commission has not decided between simple legal protection of geographical names and a policy of product quality and origin.

On reading the preamble to regulation 2081/92 (see table 1), it appears that justification of the regulation is based on general outcomes that relate to various policies: agricultural and rural policy, competition policy and consumer policy. The regulation is justified by a unified vision that seeks to reconcile these different policies.

However, research carried out both within and beyond the framework of this project<sup>4</sup> shows that a quality policy must coherently bring together several highly inter-related factors such as technical definition of production methods, the specificity (or typicality) of a product compared to potential substitutes, and consumer understanding of these factors. The Official Labels of Quality are based on such factors. In contrast, the protection of geographical names only requires the establishment of institutional mechanisms ensuring effective legal protection and does not need a broad consensus on policy.

The terms of future debate concerning European AOC and PGI policy will be based on :

- ~~M~~Maintaining a broad quality policy with a major effort to agree on its principles, interpretation and implementation throughout the European community. Once quality is a technical and objective reality of products and there are similar institutional mechanisms for achieving it, such a policy will improve the credibility of consumer information.
- ~~R~~Restricting policy to the simple legal protection for geographical names. The subsidiarity principle will continue to ensure that each member state maintains a certain freedom of interpretation of the regulation according to national history and context<sup>5</sup>. In this case the official " PDO " and " PGI " labels have a much more limited signification. In so far as there is no harmonised implementation of the regulation these labels cannot act as an indication to consumers that the quality of the product is related to its origin. In such conditions, the provisions provided by article having been implemented in different ways and a single, general message on product characteristics (whether this concerns the quality, age or traditional nature of the product) will tend to mislead consumers.

These alternatives are clearly not compatible with one another. The analyses carried out within the framework of our research on twenty-one PDO and PGI supply chains, as well as analyses of institutions at both a national and European level, shows that diverse approaches had been adopted according to the country and product even while the Commission was financing a major communication programme aimed at promoting the idea of a unique concept among consumers.

The role of interprofessional bodies and of the strategic capacity of PDO-PGI product supply chains were clearly identified among the conclusions of our research programme. The competency of PDO-PGI interprofessional bodies should be recognised by a particular regulation.

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<sup>4</sup> See Sylvander & Barjolles (1999), Sylvander, Mainsant & Porin (1998), Valceschini (1999), Lagrange & Trognon (1999)

<sup>5</sup> This approach is similar to that developed by C. Béchet, in Sylvander, Barjolles & Arfini (2000)

## Introduction and methodology

This report is based on the national analyses of the implementation of regulation 2081/92, presented in the R8 reports for each country. Institutional reports sought to identify the objectives and constraints for implementation of regulation 2081/92, according to the specific context of the supply chains, regions and countries. They also aimed to present and explain converging and diverging interpretations of the regulation in relation to the economic analysis and legal traditions of different countries, especially the legal protection of trademarks.

On this basis, this report makes comparisons between countries in order to formulate guiding principles and assessment criteria for the different policies, according to the economics of supply chains, regions and countries. The recommendations for the European Commission and the institutions involved seek to contribute to the long term success of the quality policy for PDO-PGI products.

Given the research objectives, this report does not pretend to be an exhaustive appraisal of PDO-PGI policy at a community level. By means of methodologies used for the assessment of public policy, it tries to establish relevant comparative criteria in order to formulate recommendations. We have been particularly inspired by Daucé (1998, p. 383) who distinguishes between three methods of assessment<sup>6</sup>: relative, normative and explanatory. We have adopted the first and third approaches because, as emphasised by Daucé, it is still difficult to define a methodology to calculate welfare gains due to public intervention (second approach).

The second chapter retraces the legal and institutional context of quality policy in Europe as well as the objectives of European regulation 2081/92. The chapter examines the legal scope of international accords concerning the protection of geographical names for agricultural and food products.

The third chapter concerns institutional procedures and organisation. This "procedural" assessment, to make the link with "procedural" rationality, emphasises according to Simon (1976) the rationality of the method rather than of the results. This approach can therefore be used to define good policy principles and methods. This type of assessment tries to evaluate whether the results were obtained by optimal use of the chosen methods.

The fourth chapter of our appraisal concerns the effectiveness of PDO-PGI policy by comparing the initial objectives with the results obtained. We have called this part the "substantial" assessment (cf. substantial rationality, Simon 1976).

We conclude with a fifth chapter of recommendations concerning the development of a European policy on quality and origin.

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<sup>6</sup> " The first approach refers to an examination of declared objectives allowing one to associate the assessment and measure of efficiency by the comparison of initial objectives and the results achieved...A second scenario concerns the gain in social welfare resulting from public intervention. A third approach consists of comparing the conception of the programme with the conception one has of what should be the **implemented policy** ".

# 1. Questions concerning the European and International legal framework

## 1.1. *Legitimacy of regulation 2081/92*

There is a fairly general consensus among EU member states on the need to establish a common policy to promote particular qualities of agricultural and food products. However, the development of common policies on this issue has been clearly impeded by the difficulty of defining what is meant by "quality".

Throughout our research programme we encountered the difficulty of interpreting the regulation even among our group of researchers. This leads us to propose the establishment of a common terminology for use within the community.

The main issues of debate concerning the meaning of the term "quality" are as follows:

1. Does quality refer to a minimum standard of health and safety that must be achieved? If so, the only legitimate question concerns the health and safety information of a product. This is a "vertical" approach to quality.
2. Does quality refer to a factor differentiating between products? This is a "horizontal" approach to quality.
3. Does quality relate to the geographical origin? How is this relationship to be understood? Does this allow for imitation and/or appropriation of a geographic name, or does it imply the need for legal protection?
4. Is product differentiation exclusively the affair of individual private enterprises or should it be based on a collective approach? How can quality management and communication be integrated in a collective approach?
5. Is it simply a question of legal protection or of "official labels of quality"?

Two opposing types of response to these questions lead to very different understandings of the role of consumers and business in the market economy and the role of public authorities in issues of agricultural, competition and consumer information policies.

~~The~~ The first understanding of the term "quality" is that it refers to a minimum standard that acts as a health guarantee for consumers. In this perspective, product differentiation is the responsibility of individual businesses. This fundamentally questions the justification of public intervention in policies that differentiate products according to qualities relating to their method of agricultural production, their origin or any other distinguishing factor. According to this understanding, the *market plays a regulatory role*. The viability of businesses depends on their ability to adopt to consumer demand which, with suitable information, is able to assess product quality. The role of the state is limited to intervening *only* in respect to health and safety matters. Official labels of quality, like other protectionist measures, are highly suspect.

~~The~~ The second understanding of "quality" is based on a wider conception of the term. The quality of agricultural and food products is considered to be more complex with health quality being only one aspect. Superior qualities which cannot be appreciated before purchase, notably the sensorial quality, require specific regulations in order to protect consumers against unverified claims and to protect business against unfair competition. The various aspects of superior quality allow the differentiation of marketed products. It has long been accepted that the

protective measures of several European Union member states are appropriate in many cases such as organic production and the specialised production of particular regions. The imitation or appropriation of designated names exploits the reputation of products produced under costly conditions without being subject to these same conditions and hence at lower cost. This practice is perceived as unfair competition. In this second understanding, the collective dimension of the production of distinctive regional specialities is considered obvious.

In regards to the legitimacy of PDO-GPI regulation 2081/92, these two different conceptions lead to misunderstandings between countries of North and South Europe. In Latin countries (including Switzerland) wide-ranging national legislation on the protection of geographical names for agricultural and food products has historically led to judicial decrees or rulings<sup>7</sup> based on established jurisprudence. The legitimacy of the community regulation, therefore, appears evident to these southern European countries.

Despite the opinion of certain analysts in northern European countries, the protection of geographical names is not an attempt to establish restrictive and protectionist trade legislation. Justification for the adoption of regulation 2081/92 is the result of several factors, legal as well as economic:

?From the point of view of the law concerning the protection of provenance, systematic PDO and PGI registration is necessary at the level of the European Union in a similar way to the protection of intellectual property. The proliferation of jurisprudence and the existing bases of bi or multilateral international agreements required a harmonisation on the borders of the Union. This is an important point given the increased trade both within the EU and between the EU and other countries.

?From the point of view of competition, the protection of businesses against abusive use of geographical names of established reputation became a priority upon creation of the single market. With frontier controls disappearing between different EU countries, there is a need for controls within each country and a call for protection ex officio of geographical names (cf. infra).

?From the point of view of consumer protection, there is a strong demand for the harmonisation of requirements which respect the provenance of established geographical names. The consumer has become more demanding in regards to labelling and the respect of good agricultural and industrial practices following the various food quality problems having health implications. Transparency and traceability are of increasing importance.

## **1.2. Objectives and procedures relating to regulation EU 2081/92**

For the procedural and substantial analysis of the policy for protecting geographical names, we will begin by the analysis of the preambles to the regulation. The regulation is the result of negotiation involving diverse national and cultural interests (Romain-Prot, 2000) but also interest groups of different economic sectors organised on the basis of shared international concerns (solidarity between producers, artisans or industries).

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<sup>7</sup> In all countries the protection of geographical names began with wines and spirits and this intensifies the strength of feeling in southern countries concerning the issue of PDO and PGI protection



The issues needing to be reconciled concern different policies according to historical distinctions made between agricultural, regional development, consumer protection and competition policies. The attempts at reconciliation can be identified in the preambles to the regulation which are good indications of the settlements negotiated between the different parties. In addition to a contextual element, serving as a general justification of the regulation ([preamble 1: "*the production, fabrication and distribution of agricultural products and derived food products has a major place in the Community's economy*"), we can identify several objectives and a collection of procedures among the preambles.

### **1.2..1. Objectives of regulation 2081/92**

The objectives of the regulation can be classified according to three categories:

- ?A. An agricultural and rural policy objective which can be broken down into three sub-objectives:
  - ?A1. Encourage the diversification of agricultural production (agricultural policy)
  - ?A2. Achieve a better balance between supply and demand (market policy)
  - ?A3. Promote the value of products for the development of remote or less-favoured regions, with the secondary aim of stabilising populations and improving farm incomes (rural development policy)
- ?B. A competition policy objective:
  - ?B1. Guarantee equal competition between the producers of products benefiting from these designations
- ?C. A consumer policy objective with two sub-objectives:
  - ?C1. Clarity (" consumers must, in order to be able to make the best choice, be given clear and succinct information regarding the origin of the product")
  - ?C2. Credibility ("to enhance the credibility of these products in the eyes of the consumer")

### **1.2.2. Implementation procedures**

To achieve these objectives, the regulation defines procedures and rules while leaving it to each member state to appoint suitable institutions.

- ?Harmonisation of the regulatory framework
- ?Fields of application (exclusion of wines and spirits, agreements with third-party countries)
- ?Conformity with the general framework of Community law (respect of the rights of all individual or legal entities)
- ?Equal competition between producers

The text of these preambles is as follows:

**Table 1 : Analysis of the preambles to regulation 2081/92**

<b>Substantial</b>	
Objective 1 : Agricultural policy	2. Whereas, as part of the adjustment of the common agricultural policy the diversification of agricultural production should be encouraged so as to achieve a better balance between supply and demand on the markets; whereas the promotion of products having certain characteristics could be of considerable benefit to the rural economy, in particular to less-favoured or remote areas, by improving the incomes of farmers and by retaining the rural population in these areas;
Objective 2 : Competition policy	7. Whereas, however, there is diversity in the national practices for implementing registered designations or origin and geographical indications; whereas a Community approach should be envisaged; whereas a framework of Community rules on protection will permit the development of geographical indications and designations of origin since, by providing a more uniform approach, such a framework will ensure fair competition between the producers of products bearing such indications and enhance the credibility of the products in the consumers' eyes;
Objective 3 : Consumer policy	4. Whereas in view of the wide variety of products marketed and of the abundance of information concerning them provided, consumers must, in order to be able to make the best choice, be given clear and succinct information regarding the origin of the product;
<b>Procedural</b>	
Harmonisation of the regulation's framework	5. Whereas the labelling of agricultural products and foodstuffs is subject to the general rules laid down in Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs (4); whereas, in view of their specific nature, additional special provisions should be adopted for agricultural products and foodstuffs from a specified geographical area;  7. Whereas, however, there is diversity in the national practices for implementing registered designations or origin and geographical indications; whereas a Community approach should be envisaged; whereas a framework of Community rules on protection will permit the development of geographical indications and designations of origin since, by providing a more uniform approach, such a framework will ensure fair competition between the producers of products bearing such indications and enhance the credibility of the products in the consumers' eyes;  16. Whereas provision should be made for a procedure establishing close co-operation between the Member States and the Commission through a Regulatory Committee set up for that purpose,
Scope of the regulation	8. Whereas the planned rules should take account of existing Community legislation on wines and spirit drinks, which provide for a higher level of protection;  9. Whereas the scope of this Regulation is limited to certain agricultural products and foodstuffs for which a link between product or foodstuff characteristics and geographical origin exists; whereas, however, this scope could be enlarged to encompass other products or foodstuffs;
Conformity with the overall legal framework	15. Whereas provision should be made for trade with third countries offering equivalent guarantees for the issue and inspection of geographical indications or designations of origin granted on their territory;
Fair competition	7. Whereas, however, there is diversity in the national practices for implementing registered designations or origin and geographical indications; whereas a Community approach should be envisaged; whereas a framework of Community rules on protection will permit the development of geographical indications and designations of origin since, by providing a more uniform approach, such a framework will ensure fair competition between the producers of products bearing such indications and enhance the credibility of the products in the consumers' eyes;

This analysis justifies our approach as one can clearly see the concerns of the legislator to both fix the objectives of the regulation (in respect to agricultural, competition, and consumer policies) and to define appropriate procedures and processes to allow their realisation (harmonisation of approaches, fields of application and internal coherence).

### **1.3. Community and international legal context**

The protection of geographical names designating agricultural products has existed since the end of the 19th century both in the national legislation of certain countries and in multilateral agreements. The problem is that certain agricultural products and foodstuffs are traditionally identified in every-day language by the geographical name of their region or place of manufacture. From the point of view of intellectual property, the name of these products does not fall within the law on trademarks. In principle, registration of a geographical name as a trademark reserved for the exclusive use of a private enterprise or company is not possible. The geographical name distinguishes itself from an imaginary name in being a public good and this aspect prevents it from being attributed in a restrictive manner to a single enterprise as this would be a monopolisation of a public good. The registration of geographical names as trademarks can however be achieved indirectly according to varying principals in different countries:

? In certain countries, the registration of geographical names in any form is ruled out by law and this is also the position defended by the Community Directive on trademarks which should take precedence in the countries of the European Union.

? In other countries, geographical names can be registered in the form of graphical trademarks. In this case, several logos bearing the geographical name may coexist among registered trademarks.

? In some countries, geographical names can be legally registered as "verbal" trademarks (and not simply in the form of a logo) allowing their exclusive use by the holder on condition that it be a "certified trademark". This is notably the case in Australia, Canada and the United States.

? Finally, several countries often unknowingly accept registration of geographical names as verbal trademarks because they are unaware that the mark is a geographical name. The authorities responsible for registration can easily identify the nature of a geographical name referring to a region or locality of the same country, but when a name refers to a region of a distant country it is almost impossible for them to do so.

With increased trade and globalisation, it is increasingly common to find in the shops products that have been manufactured outside of their region of origin and according to very different processes. These products closely resemble genuine products, but do not possess the same characteristics and mislead the consumer about their true origin when the manufacturer identifies the product using a geographical name. This is a particularly important problem when the imitation is present in the country or region of origin of the genuine product.

The problem needing to be resolved is above all a question of fraud and requires a similar international approach as that concerning the protection of intellectual property (trademarks, patents and inventions). The fight against fraud has two aims: that of protecting business against unfair competition and that of protecting consumers against misleading information. These two aspects (unfair competition and consumer protection) are regulated at the national, community and international level by numerous complementary arrangements. We will examine here only the protection of geographical names used to designate agricultural products and foodstuffs.

## Principal agreements and their scope

The Convention d'Union de Paris (1883) was the first multilateral agreement concerning protected designations and geographical indications and has been managed since 1970 by WIPO (World Intellectual Property Organisation). Unfortunately this agreement does not respond to all of the problems concerning geographical indications and in particular to neither the "degeneration" of geographical names (which through abuse become the equivalent of common names) nor the use of false indications such as the attribution of a geographical name to a product that has no ties whatsoever with the region or locality.

The first general multilateral agreement was the TRIPS<sup>8</sup> agreement that was reached during the last round of the WTO negotiations.

Previous multilateral agreements, involving only a relatively small number of countries, were as follows:

??The Madrid Agreement (1891) : signed by 31 pays, it established a protection against fraudulent and misleading indications of provenance. The mechanism for protection is based on confiscation by customs of imported goods. This agreement has two weak points. Firstly the signatories do not include either the North American or New World countries. Secondly, the abusive use of indications of provenance accompanied by such terms as "type" or "kind" is allowed if the true origin is also indicated.

??The Stresa Convention (1951) : signed by 8 pays, including Switzerland and France, this agreement concerns a limited number of protected designations of origin and denominations of cheese (two countries recently withdrew from the convention). The protected designations of origin are registered according to the national regulations and can then be listed in Annexe A of the convention. Annexe B is reserved for cheese denominations for which the use is subject to certain succinct specifications. The scope of protection is greater than that offered by the Madrid Settlement since it prohibits the use of terms like "type" or "kind".

??The Lisbon Agreement (1958) : this agreement was ratified by only 17 countries. Appellations of origin are registered initially with their country of origin and then with the World Intellectual Property Organisation (WIPO) in Geneva. The registered names are thereby protected against imitation including products marketed using terms like "type", "kind" or "style" etc. The protection is wide-ranging and accompanied by a strict definition of a protected designation of origin.<sup>9</sup>

??The Olive Oil Agreement (1963) : signed by 13 olive oil producing countries to ensure fair competition between olive oil exporting countries, whether producers or not, and to guarantee importing countries a supply that conforms with the terms of agreed contracts.

Several bilateral agreements also exist, although having a more restrictive scope:

?? EU-Australian " wine agreement : established reciprocal protection for wine appellations of origin. Australia signed on the 24th January 1994 a bilateral agreement with the European Union. Access to the community's market for Australian wines was granted in return for the recognition

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<sup>8</sup> Trade Related to Intellectual Property Rights. In French: ADPIC (Accord relatif aux aspects des Droits de Propriété Intellectuelle qui touchent au Commerce).

<sup>9</sup> A equivalent definition to that of the European regulation (2081/92).

and respect of appellations already registered in the European Union. Previously, the Australian protection of indications of provenance was based on a conception characteristic of English-speaking nations whereby damages due the "passing-off" of product for another must be proved by the plaintiff.

? Switzerland-EU free trade agreement: established the principle of mutual recognition of appellations of origin and geographical indications. The legal basis for PDO and PGI definition and protection are comparable.

? World trade and development agreement between the EU and South Africa.

The TRIPS agreements open up the possibility of wider and more general protection given the 135 states that have ratified the agreement. Geographical indications have a place in an agreement on the protection of intellectual property that is clearly distinct from that of trademarks. The definition of geographical indications is also clarified<sup>10</sup>. However, the current weakness of the agreement is that protection is accorded under the understanding that the plaintiff is responsible for proving damages (according to the principles of Common Law). In the case of abuse, it is the injured party or business that must supply proof of damage<sup>11</sup> and obtain compensation by means of a judicial trial and judgement. This type of protection is greatly inferior to the protection *ex officio* accorded to designations of origin and geographical indications throughout the community by regulation EC 2081/92 and in countries having ratified the Lisbon Agreement or the Strasa Convention.

### **The distinction between protection *ex officio* (the conception of PDO and PGI protection held by Latin countries) and private law protection (the conception of protection for indications of provenance in Anglo-Saxon countries)**

The difference in the scope of protection accorded by the TRIPS agreements and that accorded by regulation EC 2081/92 is important.

The different protection accorded derives from two types of rule. The reason rule applies under the conception of the TRIPS agreements. The principles established by the international agreement open up the possibility of lodging a complaint against national and international jurisdictions. The court rules after a trial during which the two parties present their case. The plaintiff obtains damages on the basis of the damages suffered.

The rule *per se* would be a stronger basis for the protection of the injured party. The rule *per se* allows for different scenarios and permits the state to sue for damages in the absence of any complaint from the injured party. Certain anti-trust measures in the United States come under the rule *per se* and allow the FTC (*Federal Trade Commission*) to intervene in order to prevent monopolies or dominant market positions. For wines and spirits the TRIPS agreement permits the operation of the rule *per se* for the protection of PDO and PGI designations of these products.

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<sup>10</sup> The TRIPS agreement gives the following definition of geographical indications: "indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin". This wide-ranging definition covers both designations of origin and geographical indications as they are understood by regulation 2081/92, including traditional names that are not strictly geographical designations.

<sup>11</sup> The plaintiff must supply three types of proof: deception of the consumer, consumer awareness of product reputation and damage suffered.

The current position in the United States is the result of the systematisation of intellectual property law. In fact, the protection of trademarks and patents is left to the discretion of the courts. The national and international registration of trademarks never corresponds with a protection *ex officio*. In the absence of any kind of administrative intervention or process, the owners of trademarks or patents must lodge a complaint themselves. In this sense, the current declared European intention of greater protection of AO and GI runs counter to the systematisation of intellectual property law.

Nevertheless, the European position is justified by two important factors:

? Appellations of origin and geographical indications are separate notions from simple indications of provenance. The AO and GI designations apply to goods whose characteristics are tied to and inseparable from their geographic provenance. This designation does not apply to any product whose geographical provenance is indicated if they do not possess any specificity relating to this place of origin. It is a question of requiring respect for accepted and established local customs (commercial practices) of products whose origin is synonymous in the eyes of consumers to a certain quality and established characteristics.

? AO and GI products are a collective property. In this respect they are public goods whose management is delegated to their users. The intellectual property, both of the name used and the intrinsic properties of the goods, includes a patrimonial aspect which justifies public intervention against misuse.

### **The special case of wines and spirits in the TRIPS agreement**

Greater protection is accorded by the TRIPS agreement to AO wines and spirits. This additional protection (art. 23 TRIPS) allows for:

? WTO member states to establish (by WTO recommendation) a national system to prevent fraudulent use of a GI even if the true origin is indicated on the labelling.

? the registration of a trademark for wines or spirits to be refused or invalidated *ex officio* if the domestic legislation so permits or by request of a third party.

? In the case of homonymous indications for wines, the member states must ensure that domestic legislation ensures equitable treatment of identical geographical indications so that consumers are not misled about the true origin of the product.

Beyond the protection of intellectual property, AO and GI protection raises two major questions that have not yet been resolved in international law:

? In so far as the geographical nature of a name designating a product confers on this name a collective and public aspect, to what extent does this justify special treatment for the protection of intellectual property (application of a rule *per se* rather than reason rule)?

? Does the difficulty of member states to identify those geographical names which merit protection, due to the truly specific nature and long recognised reputation of the product, justify the systematic registration of these names at an international level in order to avoid misappropriation through their abusive registration as commercial trademarks?

The attitude of the WTO member states is inevitably influenced by different conceptions of how to prevent unfair competition and of general competition policy.

## 2. Evaluation of institutional mechanisms and procedures for the implementation of regulation 2081/92

The institutions and procedures adopted for the application of the regulation vary greatly among different countries.

### 2.1. Diversity of institutions and national legal bases

#### 2.1.1. The institutions responsible for quality policy in different countries

Our research project studied seven countries (France, Italy, Spain, Great Britain, Netherlands, Greece, and Switzerland)<sup>12</sup>. Report 2B<sup>13</sup>, submitted after the first year, showed that those countries (Great Britain, Netherlands, Greece, Switzerland) which do not traditionally possess a quality policy based on specific references (such as notions of superior, traditional or specific quality) possess only general institutions. Their objectives are to define a standard quality (largely in terms of health) and to ensure that product labelling informs and protects consumers. In these countries no specific institution is responsible for the application regulation 2081/92. Those countries having a broader understanding of quality (Italy, France, Spain, Portugal) also possess specific institutions largely responsible for the application of the regulation<sup>14</sup>.

These institutional differences have without doubt important consequences for the application of the regulation. The general problem is to resolve conflicts between health, agricultural, industrial and consumer information policies. Different authorities are generally responsible for the control of labelling, product analysis and commercial aspects which allows for the resolution of conflicts. As consumer protection and competition policy may conflict with the protection of designations of origin, one imagines that the resolution of such a conflict would be more problematic if it did not involve separate institutions. The conflict will be resolved within the same institution or between different intuitions according to the case.

Finally, one observes that particular institutions, or even particular groups within non-specialised institutions, tend to develop their own particular interpretation of regulations and jurisprudence which can limit the emergence or strengthening of a specific policy.

#### 2.1.2. Specialised institutions responsible for PDO and PGI affairs

The countries of southern Europe have accorded greater importance and means for the support of products of certified origin (France, Italy, Spain et and to a lesser extent Portugal), while northern countries have neither accorded specific aid nor appointed institutions, being happy to act as simple administrative intermediaries between the concerned professions and the European Community.

In France, a protection by recourse to justice (through the lodging of a complaint by the injured party) subsequently led in the 1930's<sup>15</sup> to the regulation of designations of origin (*Appellations*

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<sup>12</sup> These national analyses were all contractual obligations except for Spain which we added on own initiative.

<sup>13</sup> General report on the food quality policies and the food marketing systems, 1997.

<sup>14</sup> Greece, however, is currently developing specialised institutions.

<sup>15</sup> cf. protection of Roquefort (1922), Comté (1952) and Cantal (1956).

*d'Origine*) firstly for cheeses and then for other agricultural products and foodstuffs<sup>16</sup>. Designations of origin are managed by a public institution (INAO - *Institut National des Appellations d'Origine*) whose annual budget reached 92 million French francs in 1997 and who employs over 200 people of which about 150 are based in 26 regional offices. INAO, which is responsible for the investigation and approval of designations, requires applications to be made by local, representative professional bodies who play a key institutional role.

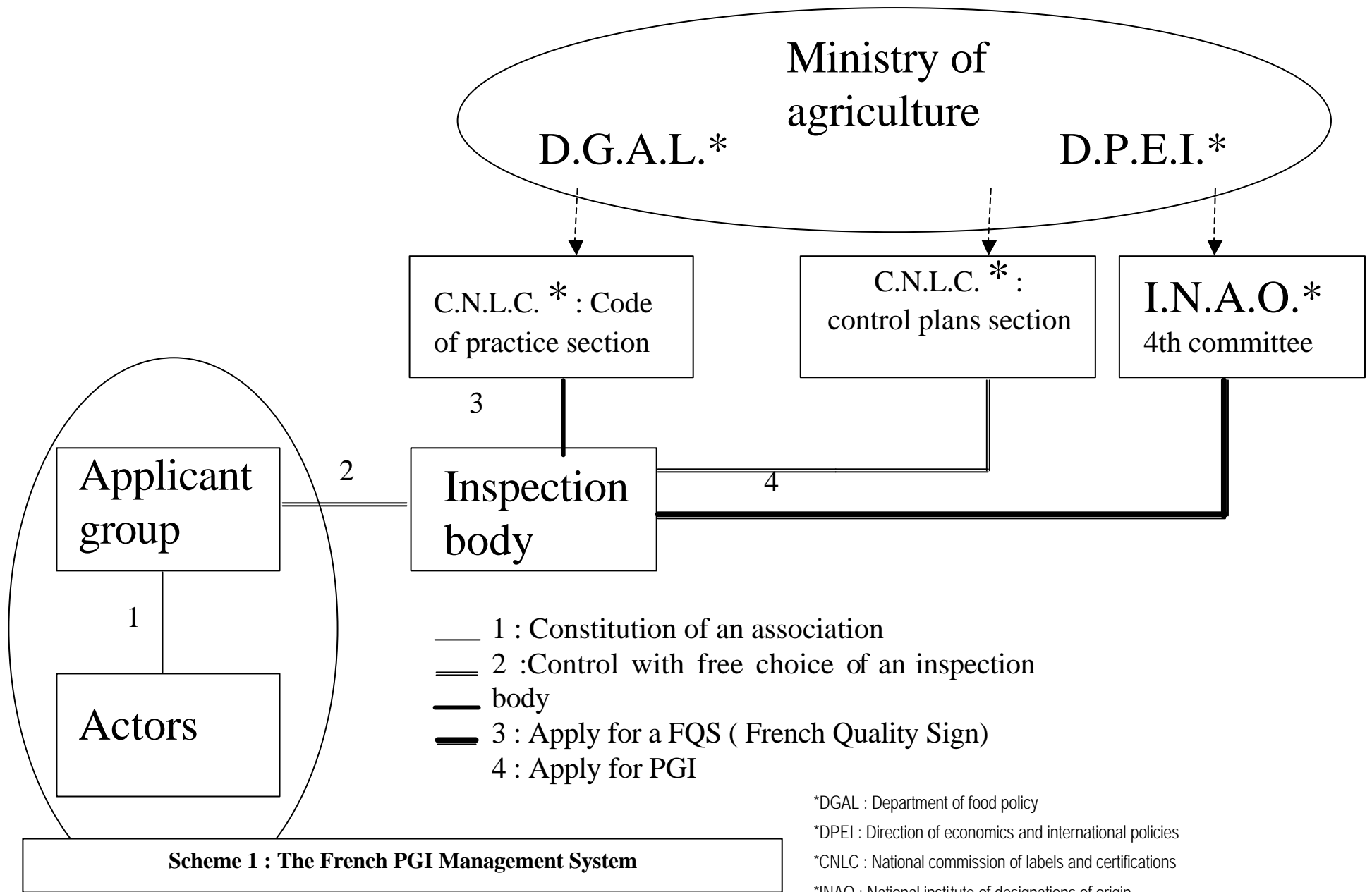
Following the law of 3/01/1994, PGI applications were investigated by a joint committee of representatives of the Ministry of Agriculture, INAO and private certified bodies. However, since the agricultural law of 1/01/1999, applications have been handled by INAO alone in respect to the process of PGI recognition and the definition of production zones, and by certified bodies in respect to the control of production conditions

Demands for PGI recognition can only be made by applicants already possessing a *Label Rouge* or *Certificat de Conformité Produit* French quality sign, according to the law of 4/01/1994 and revised by the agricultural law of 01/07/1999. In institutional terms this can be problematic as the first must be collective initiatives (due to the definition of the applicant group) while the second may be individuals.

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<sup>16</sup> Decree of 1935 which created the AOC designations and the public organisation responsible for managing the system (INAO). The law of 28 November 1955 defined more precisely the conditions of AOC recognition of cheeses (*Appellations d'Origine Fromagères* or AOF).





**Scheme 1 : The French PGI Management System**

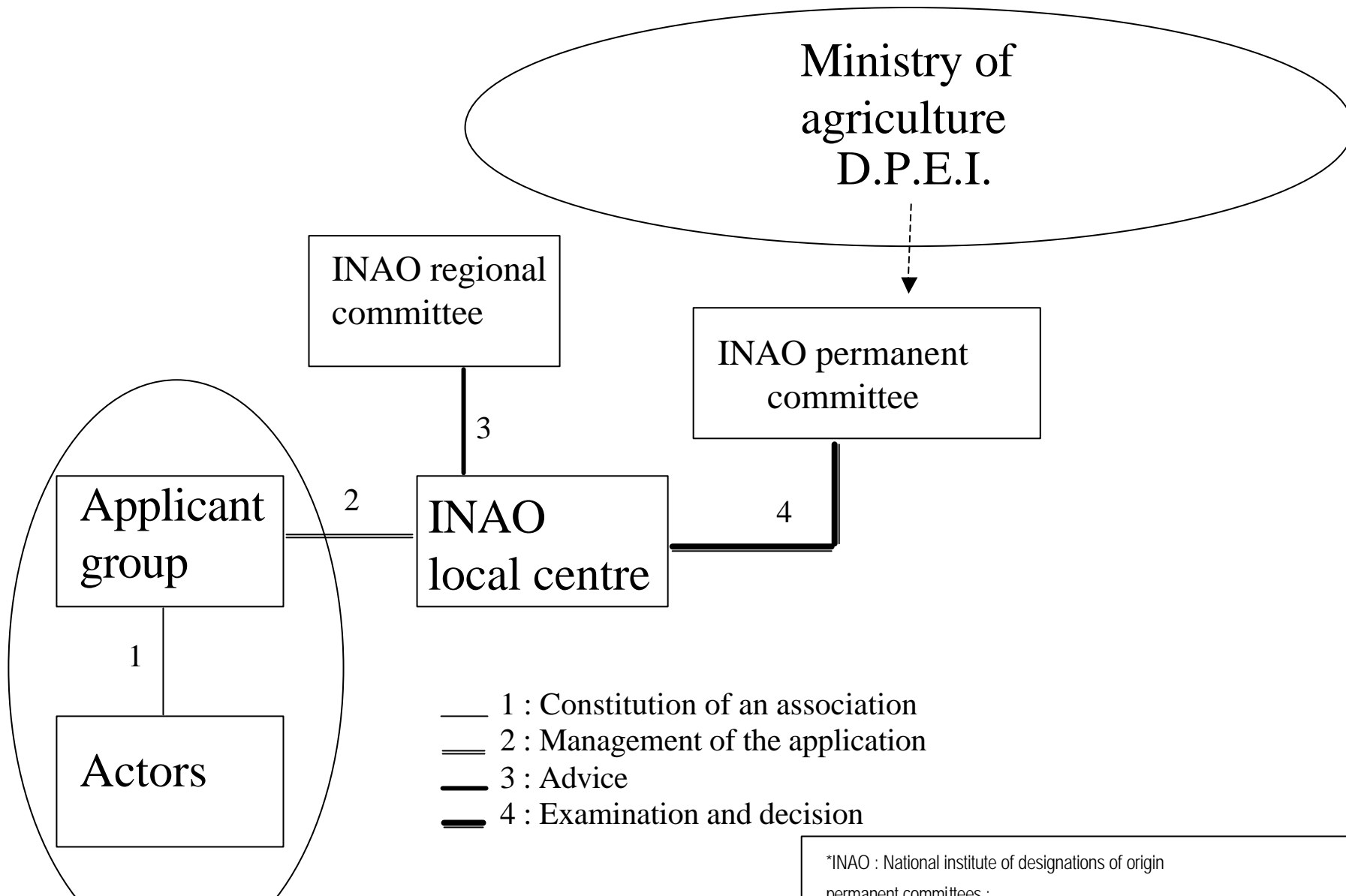
\*DGAL : Department of food policy

\*DPEI : Direction of economics and international policies

\*CNLC : National commission of labels and certifications

\*INAO : National institute of designations of origin

\*DGCCRF : Department of competition, quality control and repression of frauds

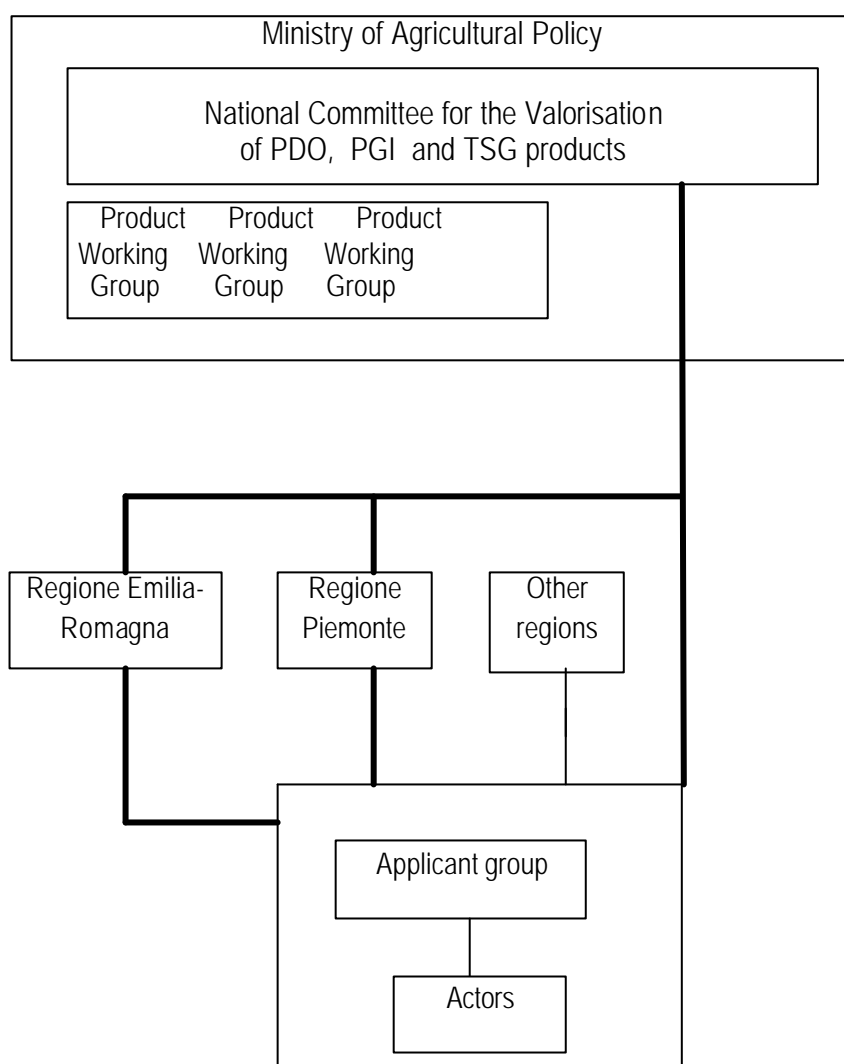


**Scheme 2 : The French PDO management system**

- 1 : Constitution of an association
- == 2 : Management of the application
- 3 : Advice
- == 4 : Examination and decision

\*INAO : National institute of designations of origin  
 permanent committees :  
 1st C. : for wines and alcohols  
 2nd C. : for cheese and dairy products  
 3rd C. : for other agricultural products and foodstuffs

In Italy, the law of 1954 fixed the fundamental rules governing the attribution and protection of designations of cheese origin or specificity<sup>17</sup>. The PDO system for Italian cheeses is still based on this law. This legislation also established a National Committee for the protection of cheeses of designated origin and specificity. This committee is the highest national body advising and supporting a public administration faced by the various interests of the sector. The law charges Consortiums with the responsibility for effecting mandatory cheese quality controls. These voluntary Consortiums, formed with the approval of the producers themselves, function in a self-regulatory manner while performing a public service of monitoring products and repressing fraud. The Ministry of Agriculture renders these same Consortiums responsible for the management of the PDO mark. In Italy there is an equal involvement of the state and the region. The region of Emillie-Romagne, for example, finances laboratories and data collection on the biochemical quality of milk used for the production of Parmigiano-Reggiano cheese (Antonello., De Roest, Corradini, 1997). The autonomous region of Vallée d'Aoste finances, among others, the construction of new warehouses as well as a network of paths allowing access to alpine pastures (Antonello, De Roest, Corradini, 1997).



<sup>17</sup> Law n° 125 of the 10 April 1954.

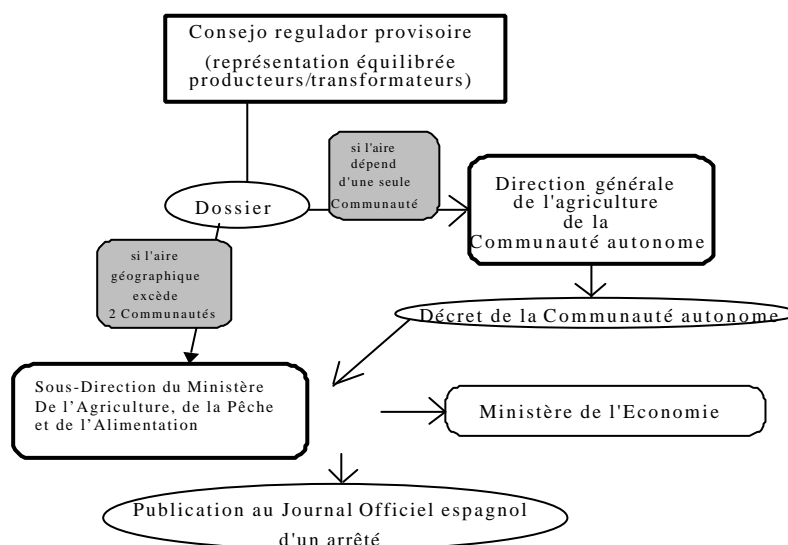
In Switzerland, the PDO and PGI designations are the responsibility of the Ministry of Agriculture. A PDO and PGI federal commission was established to examine applications. Composed of about twenty professional representatives and a few independent experts, this commission is the sole specialised PDO and PGI institution. The professional bodies involved in PDO and PGI production can receive official recognition granting them the authority to supervise supply chain participants (essentially in respect to tax collection for product promotion and the definition of minimum quality criteria). Sales promotion of PDO and PGI products is ensured by a voluntary body that regroups similar products for promotion. Promotion receives a 50% subsidy on condition that an equivalent sum is provided by interprofessional bodies. Certification is the responsibility of private organisations and a public body under the administrative authority of the cantons.

In Spain, the Sub-Directorate General of Quality Designations (responsible to the Directorate General of Food which is in turn responsible to the General Secretariat of Food and Agriculture of the Ministry of Agriculture, Fisheries and Food) is the institution charged with the implementation of Spanish policy concerning national designations of origin and geographical indications. The registration of Spanish designations takes place at two levels:

- ?the Autonomous Communities (Directorate General of Agriculture) approve the establishment of the *Consejo Regulador* and the regulation of the designation which is protected throughout the territory of the Autonomous Community (AC);
- ?the Autonomous Community seeks ratification of the application from the Ministry of Agriculture (Madrid). This ratification is published in the Spain's official government journal and thereby receives protection throughout the whole of Spain.

European PGI-PDO products are subject to the same procedures as Spanish designations with the following additional step (Royal Decree of 22/10/99) :

- ?the Autonomous Community supplies the Ministry of Agriculture with the documents required under regulation 2081/92 (cf. Article 3 of the decree) justifying the registration of the PGI/PDO.
- ?the Ministry (Madrid) ensures that the application conforms with the requirements of regulation 2081/92 and forwards it to Brussels.



**Scheme 3 : The Spanish PDO – PGI Management System**

To conclude, our analysis can be extended to identify the differences in PDO and PGI management among the countries studied (Table 2 below). Only two countries, France and Spain, have established entire specialised administrations. Three countries, Italy, Greece and Switzerland, possess specialised commissions established within more general institutions. These five countries are often counted among the "Latin" or southern European countries. In contrast, Great Britain and the Netherlands do not (yet ?) have any particular system.

The presentation of the situation in the different countries shows that implementation of regulation 2081/92 does not show any signs of convergence. In the following section we examine whether the interpretation of the fundamental nature of a protected designation of origin or geographical indication follows similar lines for the different countries and products studied.

**Table 12 : The institutions responsible for PDO and PGI within the countries studied**

	<b>France</b>	<b>GB</b>	<b>Italy</b>	<b>NL</b>	<b>Greece</b>	<b>Spain</b>	<b>CH</b>
Specific Domestic Institutions	Yes : INAO	No : Ministry of Agriculture and Food Market competition division	No : Committee for Safeguarding and valorisation of national PDO-PGI	No : Central Commodity Board for Agricultural Products	No : Committee for PDO-PGI	Yes (INDO)	No (Federal Commission)
Private or public Inspection Body ?	PGI : Private (Certification bodies) PDO : Public institution (INAO)	Private	Larges volumes : private Small volumes : public	Private	Public so far Private body coming	Public	Public and private
Specialised for PDO – PGI Inspection Body?	PGI : Yes PDO : No	No : generic institution	Yes	No : generic institutions (RVV, COKZ, KCB)	Not until now but will come		Yes
Institutions in charge of legal actions	INAO for both PGI and PDO	Private lawyers ?	?	?	?		Ministry of Justice

## **2.2. Disparities in the registration procedures and the implementation of the regulation**

### **2.2.1. Simplified procedure: historical disparities**

Most PDO-PGI products registered during the first few years followed what was called a "**simplified procedure**" (article 17 of the regulation) for denominations that were already subject to national protection or, in the absence of a legal base for PDO-PGI, whose use clearly justified registration. This procedure had the advantage of respecting rights acquired before the application *stricto sensu* of the regulation.

In total, 422 products have benefited from this procedure and these are listed in the following regulations:

**Table 13 : Registrations under the simplified procedure**

Regulation number	Date	Number of Applications
1107/96	12/6/96	317
1263/96	1/07/96	64
123/97	23/01/97	16
2325/97	24/11/97	25

Annexe 1 lists the applications by product that have benefited from article 17. The main products concerned are cheeses (129 registrations), fruit and vegetables (81 registrations), fresh meats (76 registrations) and olive oils (42 registrations).

This procedure, which was intended to be for a transitory period only, is still in use due to conflicting procedures, conflicts between member states and judgements of the court of justice. The most controversial cases are Bayerische Bier (Germany), Avoine (Austria), Cacciatore (Italy) and 300 German mineral waters (of which the removal from the system is currently being negotiated due to incompatibility with the directive on "mineral waters"). The Feta cheese affair (the application of which was quashed by the European Court of Justice due to opposition from France and Denmark) is still on-going as a new demand is expected from Greece.

In regards to Central and Eastern European Countries, 140 requests from the Czech Republic are currently being processed through the simplified procedure. One clear problem concerns Budweiser beer which is claimed as an PDO by the Czech Republic while being a registered as a trademark in the USA.

The study of this simplified procedure and its working proves interesting. Firstly, even if the procedure is presented as an exception, its application will certainly influence future registrations within the framework of the normal procedure. Secondly, the products reflect by definition the pre-existing impediments and history of national policies which will also be the cause of divergent applications of subsequent regulation<sup>18</sup>.

In so far as concerns our research project, the products studied were as follows:

**Table 14 : The 21 PDO-PGI supply chains studied**

Country	Product
France	Cantal, Agneau du Quercy, Comté, Pommes de terre de Merville, Huile d'olive de Nyons
Greece	Feta, Zagora Mèla, Peza Olive Oil
Italy	Prosciutto di Parma, Parmigiano Reggiano, Fontina
Netherlands	Noord-Hollandse Edammer, Boeren-Leidse met Sleutels (cheese), Opperdoezer Ronde (potatoes)
UK	West Country Farmhouse Cheddar Cheese, Scotch Lamb, Jersey Royal Potatoes
Spain	Jamón de Terruel, Ternasco de Aragon
Switzerland	Gruyère, Abricot Luizet du Valais

<sup>18</sup> It's without doubt the reason for which the commission's experts insisted that the 21 supply chains studied by our project should include only those products registered before 1996 (as they could only have been the result of the simplified procedure of the time).

The diversity of products registered under the simplified procedure results from the fact that the products have been the object of national procedures before harmonisation. Within the framework of the simplified procedure<sup>19</sup>, the demands transmitted to the Commission were very varied. As a consequence the registrations themselves correspond to products possessing very varied characteristics.

### **2.2.2.. Normal procedure**

By the end of 1999, there were 88 existing PDO applications, 29 PGI demands and 26 requests for modification to the Official Specifications.

Within each member state, the implementation of the regulations continues at several levels. The regulations are for direct application and do not require a national legal base for their implementation. Nonetheless, and in accord with the principle of subsidiarity which prevails within the Union, the power of the member states remains important. In that which concerns the protected designations of origin and geographical indications, the autonomy of member states is important within the following domains:

- ? Professional information and the establishment of specialised information centres and resources at a national and regional level.
- ? Verification and approval of applications and their transmission to Brussels.
- ? Supervision of certification and control of products.
- ? Enforcement of protected names by both diplomatic and legal channels.

Each member state should have developed their own procedures, mostly via pre-existing institutions, but as we have seen in the preceding section these have generally been little prepared for the treatment of applications. Our analysis demonstrates the great disparity in the application procedures of the regulation.

Our analysis is presented under five headings:

- ~~A~~ Interpretation of general principles
- ~~A~~ Application procedures : applicant group legitimacy
- ~~A~~ Application processing procedures
- ~~I~~ Institutions
- ~~I~~ Inspection bodies
- ~~P~~ Protection of PDO and PGI against usurpation by third parties

The following table shows the differences in member state approaches under each of these five headings. Each of these issues is then examined in more detail.

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<sup>19</sup> European regulation 2081/92 foresaw as a initial step a "simplified" registration procedure for designations benefiting from a national protection before the 26 January 1994, the date on which the member states would notify the Commission of those designations: (1) that were the object of protection within a national system or (2) whose use justified their protection should such a system not exist. 4549 products (306 PDO and 153 PGI) were registered under this simplified procedure. The simplified procedure implied that the Commission reached a decision without any formal procedure for opposition.

**Table 15 : Comparative table of the procedures of each member state**

		France	GB	Italy	NL	Greece	Spain	CH
Interpretation of the regulation	Interpretation of quality, typicality & specificity	PDO : + PGI : under discussion	Weak	PDO : + PGI : industrial	Weak	Weak		AOC : + PGI : weaker
	Interpretation of quality - region link	PDO & PGI :strict	Weak	Weak	Weak	Weak		Strict
	Interpretation of zoning	Strict	Weak	Average	Weak	PDO : tight PGI : larger		For both criteria the ties to the <i>terroir</i> and rights are accepted
Application	Control of existence? Applicant classification	Yes	?	Yes	No	No	Yes appointed	Yes
	Control of representativeness?	Yes	?	Yes	No	Yes		Yes
	Application guidelines?	No	Yes	No	No	No		Yes
Application file processing	Different PDO and PGI procedures ?	PDO : INAO PGI : INAO & Certification Bodies	No	No	No	No		No
	Application file guidelines?	No	No	No	No	No		Yes
	Specific national institutions	Yes. INAO	No : Ministry of Agriculture and Food Market competition division	No : Committee for Safeguarding and valorisation of national PDO-PGI	No : Central Commodity Board for Agricultural Products	No : Committee for PDO-PGI		Yes
	Regional decision-making institutions and level?	No Local consultation INAO	No	Yes Regional government Special procedures in Emilia Romagna and Piemonte	No	No	Yes	No
	Public inquiry and level?	PDO : at regional level PGI : Yes	No	Yes : at regional level	Yes	No		No
	Management of opposition							
	Internal or external expert consultation?	PDO : external PGI : external	Yes internal	Yes	Yes : internal (CCBAP)	Yes : Internal		<i>External expert consultation but only on the form and not the detail</i>



	Guideline appraisal	PGI : Yes PDO : No	No	No	No	No		No
	N° of appraisals Technical Zoning	PGI : 1 PDO : 2 (technical and zoning)	1	1	1	1		None
Institutions	Public or private control body?	PGI : Private PDO : Public	Private	Larges volumes : private Small volumes : public	Private	Public so far Private body coming	Public	Public et private
Inspection	Specialised control body?	Yes	No	Yes	No : generic (RVV, COKZ, KCB)	Yes (to come)		Yes
	Independent accreditation?	PGI : Yes (COFRAC) PDO : No	Yes	Sincert	Yes	Yes		Yes
	Control of production conditions?	PGI : Yes PDO : + or -	Yes	Yes ?	Yes	No		Yes
	Control of PDO-PGI product specificity?	PGI : No PDO : Yes (AS)	No	Yes ++	No	No		Yes
PDO-PGI protection	Legal protection?	INAO in both cases	No	No	No	No		Ministry

### 2.2.2.1. Interpretation of general principles

#### 1. Field of application (article 1)

The field of application is currently the object of divergent opinions. For certain, the field of "agricultural products" is to be strictly interpreted in so far as annexes I and II list exceptions which include beer and mineral water. Under such an interpretation, highly processed products (such as cooked and flavoured dishes) are excluded. For others, this type of product is included and such highly industrialised products are reason for which the PGI system was conceived. The legal process must therefore treat each case individually by analysing the treaty of Rome which defines in annexe II those agricultural products destined for human consumption.

#### 2. How are notions of Quality, Origin and Protection dealt with by the member states?

Let us go back to the regulation itself (article 2).

*For the purposes of this regulation :*

- (a) *Designation of origin: means 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, and*
  - *the quality or characteristics of which are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors, and the production, processing and preparation of which take place in the defined geographical area;*

- (b) *Geographical indication: means 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, and,*
  - *which possesses a specific quality, reputation or other characteristics attributable to that geographical origin and the production and/or processing and/or preparation of which take place in the defined geographical area.*
- a. *The first question concerns the meaning of the term "quality" in different countries. It is common to raise the different conceptions held by the countries of North and South Europe. For northern countries quality is understood by public authorities to refer to health and hygiene aspects, and occasionally nutritional properties, which become public norms. For private enterprise, the term refers to a general approach to quality control based on European and international norms (CEN and ISO). In this latter case, the essential question is whether a product conforms with the explicit or implicit needs of consumers. The term therefore covers not only commercial quality but also hygiene quality which must be enforced by the public authorities. In the southern, so called "Latin" countries, quality is understood in a much wider sense, referring to the sensorial quality which in turn is related to the geographical and human environment (or *terroir*), and/or the specificity/typicity of the product. These are in turn considered to be determined by the method of production and origin of the product. The divide that separates North and South is all too evident.*
- b. *The second question is related to "protection" : why are some geographically labelled products protected by national and/or EU regulations? Through international negotiations of recent years, and beyond the great North-South divide, two conceptions can be seen to oppose one another. On the one hand the Anglo-Saxon liberal rationale characterises any attempts to limit trade or abusively limit the use of a denomination relating to origin as protectionism and prevention of competition (cf. the United States' unrestricted use of the Chablis denomination for wine). Other countries consider, on the contrary, that such usage is tantamount to 'passing off' and results in unfair competition as it consists of gaining undue advantage from a product's reputation built up by substantial, long-term, collective and individual investment. The European Community came down in favour of this latter view in 1992 by introducing the policy described in EC regulation 2081/92. However, and this is an important point, the EC sought to justify this policy by assigning a central place to the link between product quality and the region whose name is protected. We shall now look at how this was done in a series of stages so as to get the language straight.*
- c. *"Origin Labelled Products" must be different from standard products on the same market since the regulation refers explicitly to their qualities or characteristics. Here we can usefully bring in the idea of *differentiation* from industrial economics, which is like the original meaning of *specificity* : the product is said to be *differentiated* if it has *specific characteristics* (measurable in the sense of substantial or intrinsic) *and if consumers perceive it as such*. At this point we need to call in the idea of the relevant economic market delimiting products that consumers see as substitutes for each other.*
- d. *Moreover, the quality policies of various countries have sought to justify the protection of names and/or collective brands by arguing that differentiation is based on specific modes of production (Allaire and Sylvander, 1996). This is true of say organic farming, defined on the basis of specifications in various countries, and at European and soon world level in the Codex*

Alimentarius standards. Consequently, in the spirit of the European regulation and that of other national policies on quality (such as the French policy) so-called 'horizontal' differentiation is not enough. Yes, the product to be protected must be different but that difference must be attributable above all to the mode of production.

- e. In the case of "Origin Labelled Products" reference to the mode of production is further reinforced by the fact that quality is '*due to a particular geographical environment with its inherent natural and human factors*' (for PDOs) or that '*a specific quality, reputation or other characteristics [are] attributable to that geographical origin*' (for PGIs) (Reg (EC) 2081/92). This text forms a basis for distinguishing between '*Origin*', as defined above and '*Provenance*', taken as the place of production of a good without going into its specific mode of production. It can be seen in this respect that the distinction between '*biens d'origine*', meaning goods for which there is a 'summary of shared knowledge' between producers and consumers (Ruffieux and Valceschini, 1996) is not restrictive enough, since in principle it does not entail any codification of production processes. However, it is true as we shall see that an essential condition for 'Origin Labelled Products' to be successful is that they must be well-perceived and even culturally close to consumers. When these components are officially acknowledged in the context of a regulation aimed at protecting their geographical denomination, such products are said to be of '*Protected Origin*'.
- f. *France and Italy have gone a step further by referring to the typicity* (Scheffer, 2000). Different institutions and countries attribute greater or lesser importance to this notion. Two approaches to typicity have been proposed : '*typicity 1*' is horizontal meaning that the good is *both specific (different) and unique* and therefore specifies a given region (*typical of...*); '*typicity 2*' is vertical and supplements the former by emphasising the determinants of typicity 1, i.e. the combination of natural and human production factors in its making (Salette, 1997). The fact that these latter factors are related to *human know-how*, and not readily separable from natural factors (Bertrand, 1975) might suggest that they cannot be readily reproduced : while knowledge may be passed on (in time) under certain circumstances, it is not easily transferable (in space) (Casabianca and De Sainte Marie, 1997). In this sense, the idea takes on a certain cultural content. *Terroir* can then be defined as a homogeneous and bounded zone where conditions for '*typicity 2*' are met.
- g. *Such a definition of 'Origin Labelled Products' presupposes a two-level agreement* for the good to be fully characterised, that is :
- a local agreement between firms responsible for specificity and typicity which are mobilised together in a project,
  - a global agreement, validated in a clear and well applied quality and origin policy.

The need for generality in the definition of a good, as advanced by Thévenot (1995) and supported by Allaire (1995a and 1995b) makes these two stages inseparable. Of course, generality can be achieved by a forceful, long-term brand policy applied by a large company. However, 'Origin Labelled Products' are often produced in less-favoured regions by networks of small firms. These possess little in the way of resources to have their efforts generally validated without the backing of public policy, allowing a compromise between industry and small independent producers (Sylvander and Marty, 1999) and to be protected internationally.

### 3. Consequences on the interpretation of the regulation

The different understandings of the essential concepts, which are part of the culture of each country, lead to important differences in the manner in which applications are interpreted particularly terms of article 2 like "region", "specific place", "originating", "quality", "characters", "characteristics", "reputation", "owing to", "possibly attributed to", "geographical environment", "natural and human factors" etc. Applications are not generally founded on a scientific basis as the commission principally judges on formal terms the interpretation of which will have been dependant on national administrations. The type of arguments and evidence put forward in support of an application are therefore very diverse. The link between quality and environment can for example be simply cited or be based on scientific data, while the "specific place" can be either an administrative region, a cartographic area or a zone determined on the basis of geography, soil and climate.

**Table 16 : Evaluation of the Specificity for the 21 products studied**

Products	Specificity					Score	Comments
	C	Q	F	D			
Parmiggiano Reggiano	+		+			2	Product of daily use; technologically specific but not often perceived as such by consumers.
Fontina	+	+	+			2	Very specific and perceived as such by the Italian consumers (premium price product).
Cantal				+		1	Product with a strong denomination (very positive image of the region) but with very variable characteristics and a weak typicity. Not perceived by the consumers as a premium price product.
Comté	+	+	+	+		2	Very specific with an current tendency to standardisation.
Feta	+		+	+		2	Daily consumption in Greece, problem with the generic aspect of the denomination (a lot of imitations all over Europe).
Noord Hollandse Edammer		+				1	Very little difference from standard Edammer cheese, but Polder cheese image for the NL-consumers
Boeren-Leidse met Sleutels	+	+		+		2	Perceived as different by consumers: farm identity. Other components of specificity are weak, because the characteristics and the technology are not different, and the denomination is not known outside the area.
West Country Farmhouse Cheddar			+			2	"Handmade" and "farmhouse-made" are the main specificity, unless the product is little known as such by the consumers. The denomination is partly generic (Cheddar cheese).
Gruyère	+	+	+			2	Very specific: characteristics are variable due to different <i>terroirs</i> , simple craft technology and the denomination is very specific in Switzerland and perceived by consumers as a premium price product.
Jersey Royal	+	+	+	+		2	Very specific.
Opperdoezer Ronde	+	+	+	+		2	Perceived as specific with norms of quality
Pomme de terre de Merville						1	Standard product but not very regular. The denomination is the only factor of specificity seen by consumers.
Abricots Luizet du Valais	+	+	+			2	Weak appearance, but norms of quality and well perceived by consumers.
Zagora Mèla		+	+	+		2	Norms (altitude): good quality, well perceived.
Agneau du Quercy			+	+		2	Perceived as particular: norms of quality.
Ternasco de Aragon		+	+	(+)		2	Not very different from its substitutes.
Scotch Lamb						1	Not very different from its substitutes but well perceived in Scotland.
Prosciutto di Parma				+		1	Not specific.
Jamon de Teruel	+	+	+	+		2	Specific.
Huile d'olive de Nyons	+	+	+			2	Specific variety, well-known zone.
Peza Olive Oil		+		+		1	Not very specific: common variety.

#### 2.2.2.2. Examination and approval procedures

The lack of agreement concerning the general principles on which the regulation is based leads to weak PDO and PGI policies. These two protective designations are most often poorly differentiated and considered as an ensemble, the responsibility of the same institution and subject to the same procedures. Whether the PGI should apply to more highly processed products, and PDO be restricted to less processed "farmhouse" products, has not been explicitly addressed outside of France and Italy. Similarly, there has been little discussion of questions about the interpretation of criteria such as the reputation (within what geographical or historical limits?) or the unique place, or otherwise, of production and processing. Nonetheless, the responses to such questions, whether explicit or implicit, lead to different definitions of the rapport between PGI and PDO. This has been clearly confirmed by our study.

#### **Initial application procedure**

The first objective must be to verify the legitimacy of the applicant group, such as whether it is a representative body or a private business. We observed major differences among different countries and products, without doubt due to the lack of previous experience of certain countries and the differences in the interpretation of the aims and content of the regulation. This situation could lead to a distortion of competition and unequal treatment of applications both within and between member states.

A suitable policy could be reached if member states adopted procedures that allowed opposition to an application (see below). In particular, it is important to resolve questions concerning the representativeness of the applicant group. Should this be based on the number of participants or the volume of production? Should previous usurpations of a denomination be addressed or not? How should objections be dealt with from operators outside of the region?

#### **Expert consultation**

We observed that in certain countries particular aspects of an application receive expert examination in order to judge the geographical coherence of the production zone, justify the criteria chosen as official specifications and assess the link between the human and natural environment. In other countries, such expert examination is very rudimentary and where such consultation exists it is often limited to internal experts of the institution concerned which thereby restricts the scope of examination. Even within countries such as France, where there is external consultation of experts for both the official specifications and the delimitation of the production zone, experts do not possess any guidelines for their activity and have neither any real status, training or opportunity to meet-up.

Nonetheless, such expert consultation is important in the eyes of applicants and other professionals to ensure equal and impartial treatment of their applications. A lack of expert advice has made it difficult to establish official methods for the assessment of causal links between quality and natural or human regional factors. Such an issue is largely determined by the different interpretations previously discussed of the principle notions involved. The lack of any real debate about opposition to applications or about expert consultation prevents the development of a pertinent policy or jurisprudence.

Finally, the procedures and conditions for naming experts and the qualifications required are inadequately defined and there is still a need to establish suitable training of experts.

### **Public inquiries**

The aim of public inquiries is to record and respond to any potential opposition no matter the source and reason for this opposition. In France, the PGI inquiry procedure consists of the publication of official specifications with mention of the applicants, the recording of opposition and their transmission to the applicants, the obligatory response of the applicants and of the administration to each opponent and the response of opponents. All records are made available to experts. In contrast, the PDO procedure is not yet very transparent. While there is a local or regional inquiry, directed by the inquiry commission, there is no national public inquiry. This system of public inquiry is not in current use among the other countries studied.

Finally, it should be noted that the impartiality of the entire public inquiry procedure is put into question if it is run by a regional political body, as is the case in Spain, Italy and Germany, which could be more accommodating towards an application in order to assist regional development. In this case, what should be entirely impartial body is both judge and party in the inquiry.

#### *2.2.2.3. Certification, control and sanctions*

The European regulation specified the need of controls by impartial and independent certified bodies to ensure that the official specifications are respected by all participants in PDO and PGI supply chains.

Concerned with harmonising the controls on enterprises and products, and in a similar way to that adopted for the control of organic produce, the community required in regulation 2081/92 that the certified bodies (CB) themselves meet a recognised international standard: EN 45011. This standard refers to the official recognition of CB technical expertise and impartiality by the recognised authorities responsible for accreditation. In principle, the CB is accredited by the relevant national authority<sup>20</sup>. The CB recognition procedure is both costly and demanding. Two problems remain unresolved concerning CB accreditation:

??The CB accrediting procedure is not completely harmonised in regards to PDO and PGI certification. The requirements for the inspection of businesses and the final control of products differs from one Union country to another.

??The regulation allows for accreditation to be optional. What is obligatory is that all CB must respect the requirements of standard EN 45011. In contrast, accreditation (by an recognised accrediting authority such as COFRAQ in France) is itself optional. The member state has the right to recognise CB that have not followed the "classic" accreditation procedure. This right of member states has its origin in the existence of national or semi-national bodies responsible for the enforcing of PDO and PGI requirements in the member states before the adoption of regulation 2081/92. This leads to differences in certification requirements within the same member state.

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<sup>20</sup> The European accreditation authorities are: France (COFRAQ), Germany (DAR), Austria (BMWA), Belgium (CNAC, BELCERT), Denmark (DANAK), Spain (ENAC), Finland (FINAS), Greece (ESYD), Ireland (INAB), Island (ISAC), Italy (SINCERT), Norway (Norsk Accreditering), Netherlands (RVA), Portugal (IPO), United Kingdom (UKAS), Sweden (SWEDAC), Switzerland (SAS). See the European Commission Report on the systems of quality in the European Union.

The credibility of the system depends on certification, particularly in the eyes of consumers, but also in respect to wholesalers and foreign operators.

PDO and PGI certification comprises of three distinct aspects:

- ? verification of the origin of raw materials and that final manufacture occurs in the defined region requires a comprehensive and reliable system of traceability,
- ? inspection of businesses to verify that the installations and processes defined by the official specifications are respected,
- ? final evaluation of products and control of their physical, chemical and organoleptic (sensorial) properties. These controls of the finished product are in principle (according to standard EN 45011) the exclusive responsibility of control bodies accredited according to standards EN 45001 and 2.

Three major disparities were identified by our analyses:

- ? the costs of control vary greatly according to the country, type of CB (public or private) and product. The principle reasons for these differences are the very different requirements in respect to the frequency of inspections or testing of products, the separation of materials, and automatic controls within businesses. The cost of certification and control can discourage PDO and PGI applications from supply chains composed of small businesses or producers with low volumes of production.
- ? the attention given to controls carried out by PDO and PGI administrative bodies differs between countries due to different national interpretation guidelines for standard EN 45011. Certain countries accept or even advocate PDO or PGI administrative bodies to monitor and ensure the conformity of businesses (meaning of the term "supplier" in EN 45011). This is not the systematically the case throughout Europe.
- ? the very different degrees of involvement of national authorities in the control of foodstuffs (such as in the repression of fraud) results in unequal enforcement of the protection ex officio provided by regulation 2081/92. A harmonisation of fraud repression among different member states is clearly an indispensable condition to ensure that the objectives of the regulation are met.

#### *2.2.2.4. Enforcement*

Finally the enforcement of protected designations remains the responsibility of national authorities, with no common strategy to guarantee a protection ex officio throughout the whole of the community. Only France has a specialised and effective institution for the legal enforcement of designations. Given the current international conventions concerning the use of geographical names for agricultural products (see chapter 2 above), there is still no active international enforcement of protected designations.

#### *Conclusion*

To conclude we would emphasise that the topics covered in this chapter can be regrouped according to the basic requirements of standard EN 45011, namely impartiality (independence), expertise and efficiency. The elements of our analysis can be re-classified according to these terms and will be returned to in the recommendations

**Table 17 : Analysis of the registration procedure by criteria of impartiality, expert advice and efficiency**

	<b>Impartiality Independence</b>	<b>Expert advice</b>	<b>Efficiency</b>
<b>Application procedure</b>	Evaluation of the representativeness of applicant groups	Quality of PDO and PGI advice and support	Evaluation of the outcome Regional centres Role of CB ?
<b>Approval Procedure</b>	Type of responsible administration? National public inquiry Impartiality at a regional level	Specialised Administration Quality of advice Accreditation Training	Expert advice Procedures
<b>Control &amp; sanctions</b>	Administration expertise	Approval of control methods	Monitoring of controls Accreditation
<b>Enforcement</b>		Responsible Administration	Active Administration

### 3. Evaluation of results

Our evaluation will compare results with the objectives and anticipated effects mentioned previously. We have already seen in the Introduction that the regulation can be evaluated on the basis of the objectives described in its preamble. Three distinct objectives can be identified:

- ~~A~~ **Agricultural and rural policy objective**
- ~~C~~ **Competition policy objective**
- ~~C~~ **Consumer policy objective**

#### **3.1. Agricultural and rural policy objective**

This objective can be broken down into three sub-objectives:

- A1. Encourage diversification of agricultural production (agricultural policy)
- A2. Achieve a better balance between supply and demand (market policy)
- A3. Promote products for the development of remote or less-favoured regions, with the secondary aims of stabilising populations and improving farm incomes (rural development policy)

Diversification implies the availability of varied products rather than the massive production of standardised products through industrial processes. This objective can be met by the use of small-scale (craft or farm) structures and techniques. The balance between supply and demand refers to the shortage of structural funds which seriously affected the European Community



during the years 1970-80. Promotion (or valorisation) of products for the development of less-favoured regions is based on the hypothesis that the specificity of a product is strongly linked to special production conditions defined by the official specifications and that these conditions characterise less-favoured regions where the regulation seeks to assist development.

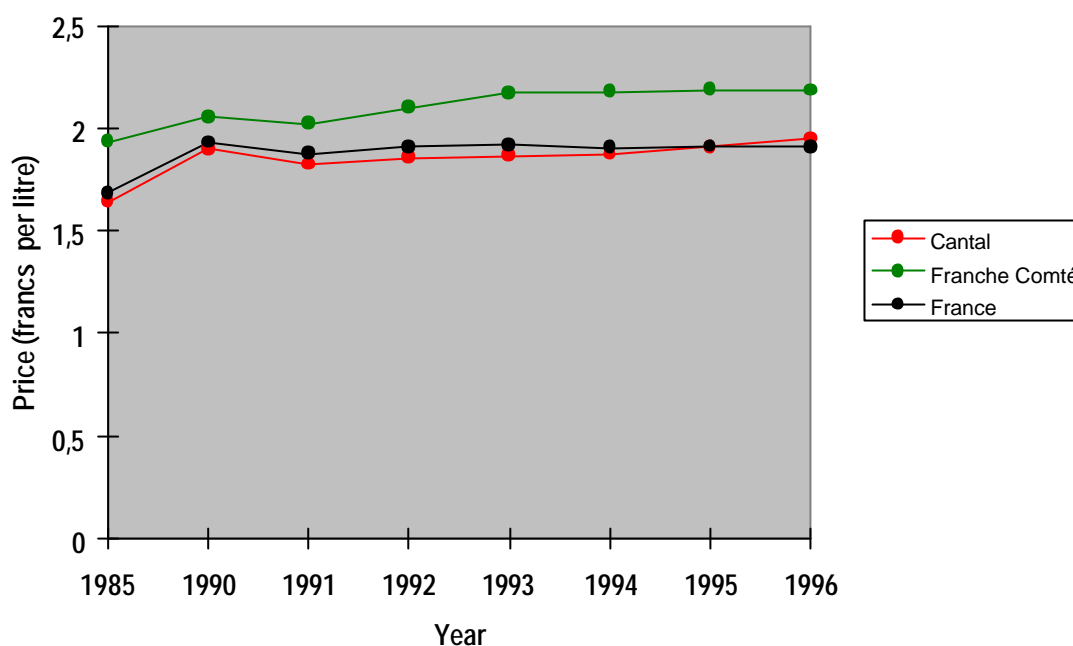
Because of the number and complexity of influencing factors, it is difficult to estimate to what extent, if any, the regulation has had the anticipated effects. For example, farm income can be targeted by agricultural policies (support to farming in mountainous zones) and countryside protection can be supported by specific measures (regional parks, habitation classification, territorial zoning). The obvious conclusion is that those products contributing most to the desired effects will be produced by small-scale, more labour intensive, farm or craft enterprises.

Several products do derive from less-favoured zones and due to their higher sales price offer better remuneration to farmers (a higher price for milk) and small-scale cheese makers. Such products (like Parmigiano, Comté, Gruyère, Fontina, Feta, Agneaux du Quercy and Huile d'Olive de Nyons) allow the development of an efficient economy based on a larger workforce and a higher level of employment per production unit. The remuneration due to the higher commercial value improves the viability of farms and therefore helps protect both a way of life and a countryside till then threatened by the competitive economic conditions. The contrasting circumstances of other products, however, make it difficult to reach any general conclusions.

Three products clearly do not meet the declared objectives. The limited official specifications for Cantal have allowed cheese production to become increasingly concentrated within a few production units. This has led to a very low price for milk and the decline of farms located in less-favoured zones. The Noord-Hollandse Edamer is manufactured from milk produced by intensive milk farms and is produced by a single industrial cheese production unit. Production of Boeren-Leidse met Sleutels involves only a small number of producers for whom alternative products have almost equal value.

To take only a single example, the comparison of the price of milk used for the production of Comté cheese, recognised as paying its milk suppliers well, with that used for Cantal, whose suppliers are on average much less well paid, shows the effect of a coherent PDO policy. For Comté, the production conditions are based on local practices and ensure the specificity of the product (see table 16) while production conditions for Cantal remained for a long-time based on intensified standard production. The efforts undertaken over recent years to bring Cantal production more in line with PDO principles (use of unpasturised milk, prohibition of ensilage) may lead to an improved value in the future.

Figure 1 : Changes in milk price expressed as francs per litre



### 3.2. Competition policy objective

The principle aim was to :

B1. Guarantee equal conditions of competition between the producers of products benefiting from these designations.

The evaluation of the conditions of competition will depend on numerous factors analysed during the course of our research and which may affect the supply chains in several ways.

Even under identical production conditions, one may distinguish competition concerning the product and the more unusual competition concerning the use of its name. This is a type of external competition. One may also examine the production conditions and the competition between production methods. This type of competition is more important as it most often leads to lower production costs. Finally, one may examine the equality of groups subject to the obligatory controls established by the regulation.

The importance of name protection (against the risk of the name degenerating) depends on the attractiveness of the name for widespread use beyond the traditional area of origin. Products like Parmigiano-Reggiano, Feta and Gruyère have a very high risk of degenerating. Due to their age and their recognition outside of their production region or even abroad, the name of these products is very coveted by less scrupulous businesses<sup>21</sup>. For these products the regulation is a real necessity.

<sup>21</sup> in the same way that the most famous trademarks are those most effected by counterfeiting.

For a second group of products (Fontina, Cantal, Comté, Cheddar, Scottish Lamb, Prociutto du Parma, Peza Olive Oil), their reputation is mostly limited to a national or regional level. The major risk incurred by these products is the appearance of imitations within their region of production, such as by modification of traditional methods to reduce costs or abusive use of the name for products manufactured in adjacent zones. For these products the regulation is useful even if the risks and consequences are not as important as those of products belonging to the first group.

Finally, a last group of products are much less, or not at all, threatened by the degeneration of their names. Often these are products bearing a "composed" name (a generic name possessing a geographical qualifier such as Jersey Potatoes, Luizet Abricot, Zagora Apples, Jamon de Teruel, Huile d'Olive de Nyons). For these products the protection of the name is not of importance.

Concerning conditions of control, it is clear that there is great disparity between member states and products which leads to unequal control costs.

The disparities derive from differences

~~due~~ due to the national decision to opt for public or private control through Certified Bodies. In France for example, INAO offers a public service that is free for beneficiaries of a PDO, while beneficiaries of a PGI must pay private certified bodies.

~~due~~ due to the size and specialisation of the certified bodies, with more specialised bodies able to make greater economies and hence set lower prices.

~~due~~ due to the production volume as a larger denomination has greater means to meet control costs.

~~due~~ due to product value. Control costs are the same for a highly valued product as for a less specific and lower valued protected product.

~~due~~ due to the choice of a certified body: there is not always adequate competition operating against a CB whose high-cost service is imposed.

### **3.3. Consumer policy objective**

The sub-objectives of this policy are:

C1. Clarity (" consumers must, in order to be able to make the best choice, be given clear and succinct information regarding the origin of the product")

C2. Credibility (" to enhance the credibility of these products in the eyes of the consumer")

#### **Product clarity**

Consumer protection (against the risk of confusing designated products with similar substitutes) is all the more important for products where there are similar substitutes on the same markets. The precise identification of these products allows consumers to be certain about the nature and the exact provenance of the product. The need for this regulation is therefore very important for those products bearing names that are composed of a generic name and a geographical qualifier as they allow the differentiation of products by consumers who would otherwise be ignorant of the exact origin of the product. Consumers still have need of information that lets them select between the marketed products.

## Product credibility

In principle consumer information should refer directly to objective differences in quality that are perceptible to consumers and are the same across the whole of the European community. Information presented by means of a designated sign could therefore be meaningful. In fact, however, we have seen that such is not the case due to divergent interpretations of the regulation.

## How to evaluate the community's communication policy ?

The community's communication campaigns are based on regulation (EEC) n° 2037/93 of the Commission dating from 27 July 1993, concerning the application terms of regulation (EEC) 2081/92 and makes provision " for a period of five years following the date on which the current regulation<sup>22</sup> comes into effect, the Commission will take the necessary measures of communication, without the assistance of producers and/or manufacturers, in order to inform the public about the significance of "PDO", "PGI", "Protected Designation of Origin" and "Protected Geographical Indication" in the community languages." The PDO et PGI<sup>23</sup> logos are also defined.

The communication campaign launched by the European Commission (Directorate General of Agriculture DG VI) across the fifteen countries of the European Union on the theme of "*Products with a history*" lasted from June 1996 until March 1998, and cost about 8.8 million European Ecus. The aims were:

1. to initially encourage **producers** to adopt the protection systems for geographical denominations and traditional specialities<sup>24</sup>,
2. to subsequently heighten awareness among **distributors** so that they take note of these products,
3. to inform the 373 million European **consumers**. Journalists were also eventually considered as a separate target group to be informed and encouraged to pass on the information.

## ***The constraints***

The campaign was subject to the following constraints:

- ~~1.~~ No denomination had yet been registered at the start of the campaign. The indications and logo were not yet visible on the market.
- ~~2.~~ Not to promote any particular country or product more than any other as the campaign was to be a general promotion of the notion and acronyms.
- ~~3.~~ The campaign proved delicate since it was necessary to explain the notions in a balanced way across all fifteen member states without acting as publicity for any product.
- ~~4.~~ The campaign had to use a technical or legal vocabulary rather than promotional language.

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<sup>22</sup> This regulation came into effect on the 26 July 1993.

<sup>23</sup> This was based on the regulation of the 23 July 1993 modifying regulation (EEC) n° 2037/93, followed by Commission regulation (EEC) n° 1726/98 of the 22 July 1998 modifying regulation (EEC) n° 2037/93.

<sup>24</sup> European regulation n° 2081/92 allows the term "**Traditional Speciality Guaranteed**" (TSG) to be attributed to a product in order to promote the traditional composition or mode of production of a product. This term does not refer to the origin of a product. A product benefiting from this attestation may be manufactured anywhere within the Community.

The European Commission had meanwhile decided that it was important to create a strong opposition between PDO, PGI and TSG products and other existing products. It was also necessary to generally stimulate the imagination of consumers without entering into any detail concerning one product or another, or concerning the particularities of individual countries. A "business-like" approach was called for.

Various campaign methods and activities were used including the inserts in the professional press, the creation of brochures and small posters, a free European telephone number for producers giving information on the procedure of registering a product, a letter of information for applicant groups, conferences and press communications, information about the principle European distribution marks, an editorial publication, the setting up of a competition in each member state, the showing of twenty-six exclusive reports on a private T.V. channel, and a travelling exhibition.

Except the mention of "Protected Designation of Origin" or "Protected Geographical Indication" in the national language, the PDO and PGI logos are the identical and similar to the logo for "Traditional Speciality Guarantee" from which they differ only by the blue colour of the outside dots and the central motif (a graphical representation of a ploughed field in reference to the PDO and PGI place of origin).

### ***Campaign evaluation***

Initial evaluation of the communication campaign mounted by the European Commission concludes that the actions studied were of varying efficiency. Press relations were very good, while the free telephone number targeting producers proved less efficient. Overall however, most actions were very efficient. While it is not possible to give exact figures concerning the impact of the campaign on the number of registration demands, it appears that the European systems are today better known among producers.

Institutions responsible for PDO-PGI applications within each country have been fairly non-committal about the European campaign (Dufour, 1999?). In any case they have made few concrete criticisms.

After the campaign, the level of PDO and PGI recognition remains low among consumers. The campaign has only a very slightly, or not at all, improved awareness. In 1995 7% recognised the term "Protected Geographical Indication" and 5% the "PGI" abbreviation, compared with 7.5% and 3.6% in 1998. The term "Protected Designation of Origin" was known by 14% in 1995 and its abbreviation by 6% compared with 13.5% and 6.3% in 1998 (Eurobaromètres 44.1 and 50.1). It should be remembered that the campaign only targeted consumers during its latter stages since at the start of the campaign there were no registered products.

Awareness of these terms among citizens in 1995 varied between countries, with for example 20% of those asked in Portugal and Luxembourg knowing about the term "Protected Designation of Origin" compared with only 1% in Sweden and Denmark. However, the promotion strategy did not take into account this different awareness, which in our opinion was a weakness of the campaign. Those responsible for PDO-PGI policy within each member state were also little associated with the campaign.

The campaign should have taken into account not only differences in awareness among consumers but also among producers. Producers in North European countries were almost entirely unaware of the PDO-PGI system at the start of the campaign in 1995, while the system was already quite well known among producers in Southern Europe (Spain, Portugal, Greece, Italy and France). Campaign methods could have been better used to achieve more carefully defined aims such as heightened promotion among North European producers and increased promotion among consumers in Southern Europe where numerous AOC, PDO and PGI products were already on the market.

The communication campaign sought to focus exclusively on the system with hardly any reference to the products that lay behind it. This begs the question as to what degree consumers could understand the system if they could not associate it with products that they knew about.

The communication campaign was not able to contact consumers at the point of sale due to the absence of PDO and PGI products in the shops. Although such a promotion would have been possible in certain countries where there are already numerous PDO and PGI products, the desire for a common strategy for all member states did not allow this fact to be taken into account. It also seems that it was difficult to involve the major distribution chains in the campaign.

Since the end of the campaign, information on the European protection systems has only been available from the European Commission, responsible institutions in each member state and on the internet site <http://europa.eu.int/qualityfood><sup>25</sup>.

Future awareness will depend on how producers make use of their protected designation and the accompanying PDO and PGI labels and bgo, as well as on the information for obtaining protection that is made available by professional information centres *Bilan de Bruxelles Euro RSCG*.

### ***Evaluation of the logo***

The logo was clearly a "compromise" and judged by some to be a poor compromise. Representatives of the fifteen member states had to all agree and this was not easy. The decision of the European Community to adopt a similar logo for all European protection systems, in order to avoid the proliferation of symbols, was often considered a bad choice.

If the logo does not please everyone because it fails to differentiate between the different protection systems of the community, it does at least exist to increase awareness of the PDO and PGI labels among consumers. This common symbol should render the system more coherent and is indispensable for informing the general public.

It remains to be seen if the producers will use the logo in order for it to become a well-known symbol across the whole of the European Community. While most responsible authorities of member states have stated that they want to encourage producers to use the logo, they have yet to define any strategy to do so (Dufour, 1999).

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<sup>25</sup> This site should allow the consultation of all information on the European systems. It will be rendered more attractive and user-friendly in the future by including recipes, anecdotes and photos of the products.

### ***Comparison of the message with consumer expectations***

The Europanel opinion poll regularly informs us about the opinion of European consumers on quality, origin and their indicating labels. The principle lesson that can be drawn from these polls is that European consumer opinion reflects fairly well the national context of production organisation and regulatory tradition that was presented at the beginning of this report.

The differing definitions given by consumers of a quality foodstuff are particularly revealing. If there is a relative consensus about tasty (43.5 % of responses) and appetising aspects (37 %), other qualifiers are ranked very differently between countries. A "natural" character is on average in third place, but holds first place in Spain, second in France and Greece and third in Italy, with other countries all ranking it further down. This agrees with the national differences that we noted at the beginning of this report, with South European countries associating quality with methods of production that have been the least possibly industrialised.

In contrast, hygiene and control did not score very high as it appears that they are self-evident for such a survey and are considered standards that all foodstuffs must meet. Finally, reference to a region or to the region where the survey was carried out was not considered a criterion of quality.

As the understanding of quality varies among different countries, and cultural history being what it is, one would expect any reference to quality labels to receive different degrees of recognition. Thus only 16% of Europeans recognise the AOC acronym and 6% the PDO abbreviation with this percentage being very different in France (65 % for AOC), Italy (80 % for DOC) and Sweden (2 % for PDO).

The differences observed in the understanding of quality also apply for the notion of origin. If 37% of Europeans associate PDO with origin, 35% consider it a guarantee of quality. It is very significant, however, that certain countries consider it above all a guarantee of quality (France and Italy), others have similar scores for origin and quality (Portugal, Greece, Spain, Luxembourg, Finland) while others see it only as a guarantee of provenance (English-speaking and most North European countries).

### ***Conclusion***

As a general conclusion, one can affirm the need for a European regulation for all of the products studied. The objectives of the regulation in terms of protection and the effects resulting from this protection can be considered to have been achieved. The regulation fills a legal vacuum to prevent the degeneration of traditional names of regional foodstuffs and consumer confusion as to the provenance of these products.

It is, however, difficult to evaluate the regulation's contribution towards the long-term objectives outlined as possible consequences in the official texts. The sole conclusion from the examples studied is that for certain products of less-favoured regions market success allows remuneration of labour-intensive small-scale or farm production. Farms in these zones would be less viable without this revenue. It would require much larger direct payments to support such a large number of enterprises due to the natural handicaps which greatly reduce their competitiveness on a market where international competition is still very intense.

In contrast, the main conclusion concerning overall coherence is that the policy choice mentioned at the beginning of this report is fully confirmed by the attitude of European consumers.

There is therefore no consensus about:

- ~~the~~ application of the regulation, leading to very variable specifications of labelled products
- ~~the~~ understanding that consumers have of this type of product, its quality and the meaning of its designation

There is a fundamental ambiguity about whether it is a quality policy issue, which would require a convergence in the interpretation and mechanisms of implementation leading to a clear public message, or if it is a simple issue of a protective regulation which would be equally legitimate but which is not in agreement with the public message .

## Conclusion and Recommendations

European Community policy is based on the subsidiarity principle and the most important point needing to be underlined is the strategic choice to be made between either the construction of a real agricultural and rural development policy (within the framework of competition and consumer policy) or the simple protection of geographical names. If it is this last strategy that is chosen, then the current application of the regulation is satisfactory except in two respects.

Firstly, it is important to suspend all communication with consumers. Given the varying level of quality and specificity of registered products and their methods of production, the current information being communicated to consumers is misleading.

Secondly, the current positions held in respect to the WTO negotiations should be modified because it will be difficult to counter accusations of protectionism if there is no harmonisation of procedures leading to products clearly differentiated from the standard or if supply chains are not closely enough linked to regional issues.

In contrast, if the decision taken is for an agricultural and rural development policy<sup>26</sup>, PDO and PGI policy should be improved to ensure that member states reach common positions on the application of the regulation.

To do so , we suggest the publication of a number of guidelines.

### Policy terms:

We suggest that the Commission publish a simple brochure (4 pages) giving the definition of certain basic terms such as the quality of agricultural products and foodstuffs, hygiene quality, standards of food production and marketing to be respected, sensorial food quality, quality linked to agricultural production methods, quality linked to the geographical origin of products and European Union policy objectives on promoting quality.

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<sup>26</sup> See the opinion of the Economic and Social Committee of the European Communities CES 972/98



### **Information to applicant groups:**

We suggest a guideline treating in a positive way the steps to be followed, taking into account the difficulties encountered in different countries and for different products<sup>27</sup>. This would lead to a checklist of the principle points to be verified so that an application can be rapidly assessed.

### **Administrative procedures:**

We suggest that the Commission publish guidelines for the administrations concerned that clarifies the two essential issues of expert advice and public inquiries.

~~o~~ Expert advice must be independent of national and regional decision-making administrations. It must be provided by a body of competent and highly efficient recognised experts. Such a body would require the availability of guidelines, training and information on the different cases encountered across the European Union by means of an internet site, expert journal, specialised seminars etc.

~~o~~ The public inquiry must allow any participant, administration or citizen to ensure for himself that the entire procedure has been applied within the rules and that the decisions have been impartial. This mechanism will also assist the on-going training of experts. A well-founded inquiry system would also have the benefit of serving as a basis for negotiation within the framework of the WTO negotiations.

### **Certification:**

We suggest that the Commission publishes a detailed guide to the requirements to be met for PDO and PGI certification within the European Union in order to clearly differentiate between PDO and PGI protection while harmonising their respective certification procedures. This would lead to a better guarantee for consumers and a harmonisation of the requirements to be met by participants in PDO and PGI supply chains.

### **Control #1:**

Our first proposition is to clearly specify minimum requirements. The frequency of inspections, product evaluation (whether physical, chemical or sensorial), requirements for sensorial evaluation panels and the means of controlling traceability of exchanged goods all need to be defined and harmonised at a European level. This approach would have the advantage of improving the credibility of products on the market and of the PDO and PGI systems in international negotiations.

### **Control #2:**

Our second proposition is to reinforce national and international fraud repression. This is not a problem exclusive to PDO and PGI abuse and misuse. Fraud repression is the corner stone to resolving problems of labelling, and consumer deception but also problems of food safety (prohibited materials, storage prohibitions, monitoring of pathogenic microbes).

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<sup>27</sup> This would require the completion of the Vade mecum edited by the European Commission (1995)

### **PDO and PGI Enforcement:**

An institution of each member state should be responsible for litigation. When plaintiffs have not the means, a litigation service for participants could be provided by the Commission.

### **Consumer communication:**

We suggest waiting until policies begin to converge before launching a second campaign. It is imperative that this takes account of varying consumer attitudes according to country, region and product to ensure that the message is adapted to these differences. It may be necessary to specifically treat certain PDO and PGI market sectors separately.

## Annexes

### Annexe 1 : List of protected products by 28/03/00

Type of product	Cheeses	Fresh meat	Pork meat products	Fish, shellfish and crustaceans	Fruit, vegetables and cereals	Oil	Beer, mineral water and other products
<b>Country</b>							
<b>Germany</b>	<ul style="list-style-type: none"> <li>- Allgäuer Bergkäse PDO</li> <li>- Allgäuer Emmentaler PDO</li> <li>- Altenburger Ziegenkäse PDO</li> <li>- Odenwälder Frühstückskäse PDO</li> </ul>	<ul style="list-style-type: none"> <li>- Schwäbisch-Hällisches Qualitätsschweinefleisch PGI</li> </ul>	<ul style="list-style-type: none"> <li>- Diepholzer Moorschnucke PDO</li> <li>- Lüneburger Heidschnucke PDO</li> <li>- Ammerländer Dieienrauchschinken PGI</li> <li>- Ammerländer Katenschinken PGI</li> <li>- Ammerländer Knochenschinken PGI</li> <li>- Ammerländer Schinken PGI</li> <li>- Gressener Salami PGI</li> <li>- Schwarzwälder Schinken PGI</li> </ul>	<ul style="list-style-type: none"> <li>- Schwarzwaldforelle PGI</li> </ul>	<ul style="list-style-type: none"> <li>- Spreewälder Gurden PGI</li> <li>- Spreewälder Meerrettich PGI</li> </ul>	<ul style="list-style-type: none"> <li>- Lausitzer Leinöl PGI</li> </ul>	<ul style="list-style-type: none"> <li>- Bremer Bier PGI</li> <li>- Dortmunder Bier PGI</li> <li>- Gögginger Bier PGI</li> <li>- Hofer Bier PGI</li> <li>- Kölsch PGI</li> <li>- Kulmbacher Bier PGI</li> <li>- Mainfranken Bier PGI</li> <li>- Münchner Bier PGI</li> <li>- Reuther Bier PGI</li> <li>- Rieser Weizenbier PGI</li> <li>- Wernesgrüner Bier PGI</li> <li>- Bad Hersfelder Naturquelle PDO</li> <li>- Bad Pyrmont PDO</li> <li>- Birresborner PDO</li> <li>- Bissinger Auerquelle PDO</li> <li>- Caldener Mineralbrunnen PDO</li> <li>- Ensinger Mineralwasser PDO</li> <li>- Felsenquelle Beisefoerth PDO</li> <li>- Gemminger Mineralquelle PDO</li> <li>- Graf Meinhard Quelle Giessen PDO</li> <li>- Haaner Felsenquelle PDO</li> <li>- Hallertau-Quelle PDO</li> <li>- Katlenburger Burgbergquelle PDO</li> <li>- Kisslegger Mineralquelle PDO</li> <li>- Leisslinger Mineralbrunnen PDO</li> <li>- Löwensteiner Mineralquelle PDO</li> <li>- Rhenser Mineralbrunnen PDO</li> <li>- Rilchinger Amandus Quelle PDO</li> <li>- Rilchinger Gräfin Mariannen-Quelle PDO</li> <li>- Siegsdorfer Petrusquelle PDO</li> <li>- Teinacher Mineralquellen PDO</li> <li>- Uberkinger Mineralquellen PDO</li> <li>- Vesalia Quelle PDO</li> <li>- Bad Niedermayer Quelle PDO</li> <li>- Göppinger Quelle PDO</li> <li>- Höllen-Sprudel PDO</li> <li>- Lieler Quelle PDO</li> <li>- Schwöllener Sprudel PDO</li> <li>- Steinsieker Mineralwasser PDO</li> <li>- Blankenburger Wiesenquelle PDO</li> <li>- Wernigeröder Mineralbrunnen PDO</li> <li>- Wildenrath-Quelle PDO</li> <li>- Aachener Printen PGI</li> <li>- Lübecker Marzipan PGI</li> <li>- Nürnberger Lubkuchen PGI</li> </ul>
<b>Autriche</b>	<ul style="list-style-type: none"> <li>- Gailltaler Almkäse PDO</li> <li>- Tiroler Almkäse PDO</li> <li>- Tiroler Alpkäse PDO</li> <li>- Tiroler Bergkäse PDO</li> <li>- Tiroler Graukäse PDO</li> <li>- Vorarlberger Alpkäse PDO</li> </ul>		<ul style="list-style-type: none"> <li>- Tiroler Speck PGI</li> </ul>		<ul style="list-style-type: none"> <li>- Wachauer Marille PDO</li> <li>- Waldviertler Graumohn PDO</li> <li>- Marchfeldspargel PGI</li> </ul>	<ul style="list-style-type: none"> <li>- Steierisches Kürbiskernöl PGI ou huile ???</li> </ul>	

	- Vorarlberger Bergkäse PDO						
<b>Belgium</b>	- Fromage de Herve PDO		- Jambon d'Ardenne PGI			- Beurre d'Ardenne PDO	
<b>Denmark</b>	- Danablu PGI - Esrom PGI				- Lammefjord Carrot PGI		
<b>Spain</b>	- Cabrales PDO - Idiazabal PDO - Mahon PDO - Picon Bejes-Tresviso PDO - Queso de Cantabria PDO - Queso de La Serena PDO - Queso Majorero PDO - Queso Manchego PDO - Queso Tetillo PDO - Queso Zamorano PDO - Quesucos de Liébana PDO - Roncal PDO	- Carne de Avila PGI - Carne de Morucha de Salamanca PGI - Cordero Manchego PGI - Pollo y Capon del Prat PGI - Ternasco de Aragon PGI - Ternera Gallega PGI	- Dehesa de Extremadura PDO - Guijuelo PDO - Jamon de Huelva PDO - Jamon de Teruel PDO  - Cecina de Leon PGI - Sobrasada de Mallorca PGI		- Avellana de Reus PDO - Calasparra PDO - Chufa de Valencia PDO - Nisperos Callosa d'En Sarria PDO - Pimientos del Piquillo de Lodosa PDO - Uva de mesa embolsada 'Vinalopo' PDO  - Arroz del Delta del Ebro PGI - Berenjena de Almagro PGI - Cerezas de la Montaña de Alicante PGI - Esparrago de Navarra PGI - Faba Asturiana PGI - Judias de El Barco de Avila PGI - Lenteja de La Armuña PGI	- Olives de table Baena PDO - Olives de table Les Garrigues PDO - Olives de table Sierra de Segura PDO - Olives de table Siurana PDO	- Turrón de Alicante PGI - Turrón de Jijona PGI  - Miel de La Alcarria PDO
<b>France</b>	- Abondance PDO - Beaufort PDO - Bleu d'Auvergne PDO - Bleu des Causses PDO - Bleu du Haut-Jura, de Gex, de Septmoncel PDO - Brie de Meaux PDO - Brie de Melun PDO - Brocciu Corse ou brocciu PDO - Camembert de Normandie PDO - Cantal ou fourme de Cantal ou cantalet PDO - Chabichou du Poitou PDO - Chaource PDO - Comté PDO - Crottin de Chavignol ou chavignol PDO - Epoisses de Bourgogne PDO - Fourme d'Ambert ou Fourme de Montbrison PDO - Laguiole PDO - Langres PDO - Livarot PDO - Maroilles ou Marolles PDO - Mont d'Or ou Vacherin du Haut-Doubs PDO - Morbier PDO - Munster ou Munster-géromé PDO - Neufchâtel PDO - Ossau-Iraty PDO - Picodon de l'Ardeche ou Picodon de la Drôme PDO - Pont l'Evêque PDO - Pouligny Saint Pierre PDO	- Dinde de Bresse PDO - Volailles de Bresse PDO - Taureau de Camargue PDO  - Agneau de l'Aveyron PGI - Agneau du Bourbonnais PGI - Agneau du Quercy PGI - Boeuf charolais du Bourbonnais PGI - Boeuf de Chalosse PGI - Boeuf du Maine PGI - Porc du Limousin PGI - Porc de Normandie PGI - Porc de la Sarthe PGI - Porc de Vendee PGI - Veau de l'Aveyron et du Ségala PGI - Veau du Limousin PGI - Volailles d'Alsace PGI - Volailles d'Ancenis PGI - Volailles d'Augergne PGI - Volailles d'Auvergne PGI - Volailles de Bourgogne PGI - Volailles de Bretagne PGI - Volailles de Challans PGI - Volailles de Cholet PGI - Volailles de Gascogne PGI - Volailles de Houdan PGI - Volailles de Janzé PGI - Volailles de l'Ain PGI - Volailles de l'Orléanais PGI - Volailles de la Champagne PGI - Volailles de la Drôme PGI - Volailles de Licques PGI - Volailles de Loué PGI - Volailles de Normandie PGI - Volailles de Vendée PGI - Volailles des Landes PGI	- Jambon de Bayonne PGI - Saucisse de Morteau PGI	- Coquille Saint-Jacques des Cotes-D'Armor PGI	- Coco de Paimpol PDO - Chasselas de Moissac PDO - Lentille verte du Puy PDO - Muscat du Ventoux PDO - Noix de Grenoble PDO - Olives cassées de la Vallée des Baux de Provence PDO - Olives noires de Nyons PDO - Olives noires de la Vallée des Baux de Provence PDO - Pommes de terre de l'Île de Ré PDO  - Ail rose de Lautrec PGI - Lentille verte du Berry PGI - Melon du Haut-Poitou PGI - Mirabelles de Lorraine PGI - Pommes de terre de Merville PGI - Pommes et poires de Savoie PGI - Poireaux de Créances PGI	- Huile essentielle de lavande de Haute-Provence PDO - Beurre Charentes-Poitou PDO - Beurre d'Isigny PDO - Crème d'Isigny PDO - Beurre des Deux-Sèvres PDO  - Crème fraîche fluide d'Alsace PGI  - Huile d'olive de Nyons PDO - Huile d'olive des baux de Provence PDO	<b>Cidres</b> - Cornouaille PDO - Pays d'Auge PDO  - Bergamotes de Nancy PGI  - Foin de Crau PDO  - Miel de Sapin des Vosges PDO - Miel de Corse PDO

PDO and PGI in Europe : regulations or policy ?  
 Contrat Fair CT 95-306 : PDO and PGI Products

	<ul style="list-style-type: none"> <li>- Reblochon ou Reblochon de Savoie PDO</li> <li>- Rocamadour PDO</li> <li>- Roquefort PDO</li> <li>- Saint-Nectaire PDO</li> <li>- Saint Maure de Touraine PDO</li> <li>- Salers PDO</li> <li>- Selles-sur-Cher PDO</li> <li>- Valençay PDO</li> <li>- Emmental de Savoie PGI</li> <li>- Emmental français est-central PGI</li> <li>- Tomme de Savoie PGI</li> <li>- Tomme des Pyrénées PGI</li> </ul>	<ul style="list-style-type: none"> <li>- Volailles du Bearn PGI</li> <li>- Volailles du Berry PGI</li> <li>- Volailles du Charolais PGI</li> <li>- Volailles du Forez PGI</li> <li>- Volailles du Gatinais PGI</li> <li>- Volailles du Gers PGI</li> <li>- Volailles du Languedoc PGI</li> <li>- Volailles du Lauragais PGI</li> <li>- Volailles du Maine PGI</li> <li>- Volailles du plateau de Langres PGI</li> <li>- Volailles du Val de Sèvres PGI</li> <li>- Volailles du Velay PGI</li> </ul>					
Greece	<ul style="list-style-type: none"> <li>- Anevato PDO</li> <li>- Batzos PDO</li> <li>- Formaella Arachovas Parnassou PDO</li> <li>- Galotyri PDO</li> <li>- Graviera Agrafon PDO</li> <li>- Graviera Kritis PDO</li> <li>- Graviera Naxou PDO</li> <li>- Kalathaki Lymnou PDO</li> <li>- Kasserli PDO</li> <li>- Katiki Domokou PDO</li> <li>- Kefalograviera PDO</li> <li>- Kopanisti PDO</li> <li>- Ladotyri Mytilinis PDO</li> <li>- Manouri PDO</li> <li>- Metsovone PDO</li> <li>- Pichtogalo Chanion PDO</li> <li>- San Michali PDO</li> <li>- Sfela PDO</li> <li>- Xynomyzithra Kritis PDO</li> </ul>			<ul style="list-style-type: none"> <li>- Messolonghi Bolargo PDO</li> </ul>	<ul style="list-style-type: none"> <li>- Aubergine tsakonike de Léonidio PDO</li> <li>- Aegina pistachios PDO</li> <li>- Figs seches de Kimi PDO</li> <li>- Fthiotida pistachios PDO</li> <li>- Kerasia Tranaga Rodochoriou PDO</li> <li>- Kiwi Sperchiou PDO</li> <li>- Korinthiaki Stafida Vostitsa PDO</li> <li>- Maleme Khania Crete oranges PDO</li> <li>- Megaron pistachios PDO</li> <li>- Mila Delicious Pilafa de Tripoli PDO</li> <li>- Pistache de Phtiotida PDO</li> <li>- Pommes Zagoras Piliou PDO</li> <li>- Rodakina de Naoussa PDO</li> <li>- Fasolina Gigantes Elefantes Prespon Florinas PGI</li> <li>- Fasolina Plake-Megalos-perma (Prespon Florinas) PGI</li> <li>- Fassolia Gigantes Elefantes de Kato Nevrokopi PGI</li> <li>- Fassolia Koina Mesoperma de Kato Nevrokopi PGI</li> <li>- Kumquat de Corfou PGI</li> <li>- Vravronas Markopoulou Mesogion figs PGI</li> </ul>	<ul style="list-style-type: none"> <li>- Khios Mastic oil PDO</li> <li>- Archanes Iraklion Crete PDO</li> <li>- Apokoronas Hanion Crete PDO</li> <li>- Olives de table de Kalamata PDO</li> <li>- Olives de table Konservolia Amfissis PDO</li> <li>- Olives de table Konservolia Atalantis PDO</li> <li>- Olives de table Konservolia Piliou Volou PDO</li> <li>- Olives de table Konservolia Rovion PDO</li> <li>- Olives de table Konservolia Styliidas PDO</li> <li>- Kranidi Argolidas PDO</li> <li>- Krokees Lakonia PDO</li> <li>- Lygourio Asklipiou PDO</li> <li>- Petrina Lakonia PDO</li> <li>- Peza Iraklion Crete (kristis) PDO</li> <li>- Sitia Lasithi Crete PDO</li> <li>- Olives de table Throumba Thassou PDO</li> <li>- Olives de table Throumba Chiou PDO</li> <li>- Olives de table Throumba Abadias Rethymnis Crete PDO</li> <li>- Viannos Iraklion Crete PDO</li> <li>- Vorios Mylopotamos Rethymno Crete PDO</li> <li>- Chania Crete PGI</li> <li>- Hania Crete PGI</li> <li>- Kalamata PGI</li> <li>- Kefallonia PGI</li> <li>- Kolymvari Hanion Kritis PGI</li> <li>- Olives de table Konservolia Artas PGI</li> <li>- Lakonia PGI</li> <li>- Lesbos PGI</li> <li>- Preveza PGI</li> <li>- Olympia PGI</li> <li>- Rhodes PGI</li> <li>- Samos PGI</li> <li>- Thassos PGI</li> <li>- Zakynthos PGI</li> </ul>	<ul style="list-style-type: none"> <li>- Masticha Chiou PDO</li> <li>- Khios chewing gum PDO</li> <li>- Khios mastic PDO</li> <li>- Tsikla Chiou PDO</li> <li>- Tsikli Chiou PDO</li> <li>- Mastiha Chiou PDO</li> <li>- Cretan biscotte PGI</li> <li>- Menalou Vanilia fir honey PDO</li> <li>- Krokos Kozanis PDO</li> </ul>

<p><b>Italy</b></p>	<ul style="list-style-type: none"> <li>- Asiago PDO</li> <li>- Bitto PDO</li> <li>- Bra PDO</li> <li>- Caciocavallo Silano PDO</li> <li>- Caciotta d'Urbino PDO</li> <li>- Canestrato Pugliese PDO</li> <li>- Castelmagno PDO</li> <li>- Fiore Sardo PDO</li> <li>- Fontina PDO</li> <li>- Formai de Mut Dell'alta Valle Brembana PDO</li> <li>- Gorgonzola PDO</li> <li>- Grana Padano PDO</li> <li>- Monte Veronese PDO</li> <li>- Montasio PDO ???</li> <li>- Mozzarella di Bufala Campana PDO</li> <li>- Murazzano PDO</li> <li>- Parmigiano Reggiano PDO</li> <li>- Pecorino Romano PDO</li> <li>- Pecorino Sardo PDO</li> <li>- Pecorino Siciliano PDO</li> <li>- Pecorino Toscano PDO</li> <li>- Provolone Valpadana PDO</li> <li>- Quartirolo Lombardo PDO</li> <li>- Ragusano PDO</li> <li>- Raschera PDO</li> <li>- Robiola di Roccaverano PDO</li> <li>- Taleggio PDO</li> <li>- Toma Piemontese PDO</li> <li>- Valle d'Aosta Fromadzo PDO</li> <li>- Valtellina Casera PDO</li> </ul>	<ul style="list-style-type: none"> <li>- Cotechino Modena PGI viande ou charcuterie ??</li> <li>- Vitellone Bianco dell'Appennino Centrale PGI</li> <li>- Zampone Modena PGI viande ou charcuterie ??</li> </ul>	<ul style="list-style-type: none"> <li>- Capocollo di Calabria PDO</li> <li>- Coppa Piacentina PDO</li> <li>- Culatello di Zibello PDO</li> <li>- Mortadella Bologna PGI</li> <li>- Pancetta di Calabria PDO</li> <li>- Pancetta Piacentina PDO</li> <li>- Prosciutto di Carpegna PDO</li> <li>- Prosciutto di Parma PDO</li> <li>- Prosciutto di S. Daniele PDO</li> <li>- Prosciutto di Norcia PDO</li> <li>- Prosciutto Toscano PDO</li> <li>- Prosciutto di Modena PDO</li> <li>- Prosciutto Veneto Berico-Euganeo PDO</li> <li>- Salame Brianza PDO</li> <li>- Salame di Varzi PDO</li> <li>- Salame Piacentino PDO</li> <li>- Salsiccia di Calabria PDO</li> <li>- Soppressata di Calabria PDO</li> <li>- Valle d'Aosta Jambon de Bosses PDO</li> <li>- Valle d'Aosta Lard d'Arnad PDO</li> <li>- Bresaola della Valtellina PGI</li> <li>- Speck dell'Alto Adige PGI</li> </ul>		<ul style="list-style-type: none"> <li>- Nocellara del Belice PDO</li> <li>- Pomodoro S. Marzano dell'Agro Sarnese-Nocerino PDO</li> <li>- Arancia Rossa di Sicilia PGI</li> <li>- Capperi di Pantelleria PGI</li> <li>- Castagna di Montella PGI</li> <li>- Clementine di Calabria PGI</li> <li>- Fagiolo di Lamone della Vallata Bellunese PGI</li> <li>- Fagiolo di Sarconi PGI</li> <li>- Farro della Garfagnana PGI</li> <li>- Fungo di Borgotaro PGI</li> <li>- Lenticchia di Castelluccio di Norcia PGI</li> <li>- Marrone del Mugello PGI</li> <li>- Marrone di Castel del Rio PGI</li> <li>- Nocciola di Giffoni PGI</li> <li>- Nocciola del Piemonte PGI</li> <li>- Peperone di Senise PGI</li> <li>- Pera dell'Emilia Romagna PGI</li> <li>- Pera Montavana PGI</li> <li>- Pesca e Nettarina di Romagna PGI</li> <li>- Radicchio Rosso di Treviso PGI</li> <li>- Radicchio Variegato di Castel-franco PGI</li> <li>- Scalogno di Romagna PGI</li> <li>- Riso Nano Vialone Veronese PGI</li> <li>- Uva da Tavola di Canicatti PGI</li> </ul>	<ul style="list-style-type: none"> <li>-Aprutino Pescarese PDO</li> <li>-Brisighella PDO</li> <li>-Bruzio PDO</li> <li>-Canino PDO</li> <li>-Cilentano PDO</li> <li>-Collina di Brindisi PDO</li> <li>-Collina Salernitane PDO</li> <li>-Colline Teatine PDO</li> <li>-Dauno PDO</li> <li>-Garda PDO</li> <li>-Laghi Lombardi PDO</li> <li>-Monti Iblei PDO</li> <li>-Penisola Sorrentina PDO</li> <li>-Riviera Ligure PDO</li> <li>-Sabina PDO</li> <li>-Terra di Bari PDO</li> <li>-Terra d'Otranto PDO</li> <li>-Umbria PDO</li> <li>-Valli trapanesi PDO</li> <li>-Toscana PGI</li> </ul>	<ul style="list-style-type: none"> <li>- Pane casareccio di Genzano PGI</li> <li>-Bruzio PDO</li> <li>-Cilentano PDO</li> <li>-Colline Salemitane PDO</li> <li>-Penisola Sorrentina PDO</li> </ul>
<p><b>Netherlands</b></p>	<ul style="list-style-type: none"> <li>- Boeren-Leidse met sleutels PDO</li> <li>- Noord-Hollandse Edammer PDO</li> <li>- Noord-Hollandse Gouda PDO</li> </ul>				<ul style="list-style-type: none"> <li>- Opperdoezer Ronde PDO</li> </ul>		
<p><b>Portugal</b></p>	<ul style="list-style-type: none"> <li>- Queijo Amarelo da Beira Baixa PDO</li> <li>- Queijo de Azeitao PDO</li> <li>- Queijo da Beira Baixa PDO</li> <li>- Queijo de Cabra Transmontano PDO</li> <li>- Queijo de Castelo Branco PDO</li> <li>- Queijo de Evora PDO</li> <li>- Queijo de Nisa PDO</li> <li>- Queijo Picante da Beira Baixa PDO</li> <li>- Queijo do Pico PDO</li> <li>- Queijo Rabaçal PDO</li> <li>- Queijo de Sao Jorge PDO</li> <li>- Queijo Serpa PDO</li> <li>- Queijo Serra da Estrela PDO</li> <li>- Queijo Terrincho PDO</li> </ul>	<ul style="list-style-type: none"> <li>- Borrego da Serra da Estrela PDO</li> <li>- Borrego Terrincho PDO</li> <li>- Cabrito Transmontano PDO</li> <li>- Carne Alentejana PDO</li> <li>- Carne Arouquesa PDO</li> <li>- Carne Barrosa PDO</li> <li>- Carne Marinhoa PDO</li> <li>- Carne Maronesa PDO</li> <li>- Carne Mertolenga PDO</li> <li>- Carne Mirandesa PDO</li> <li>- Cordeiro Bragançano PDO</li> <li>- Borrego do Baixo Alentejo PGI</li> <li>- Borrego da Beira PGI</li> <li>- Borrego de Montemor-o-Novo PGI</li> <li>- Cabrito da Beira PGI</li> <li>- Cabrito da Gralheira PGI</li> <li>- Cabrito das Terras Altas do Minho PGI</li> <li>- Cabrito do Barroso PGI</li> <li>- Vitela de Lafões PGI</li> </ul>	<ul style="list-style-type: none"> <li>- Presento de Barrancos PDO</li> <li>- Presunto do Barroso PGI</li> <li>- Cacholeira de Portalegre PGI</li> <li>- Chourica de Carne de Vinhais PGI</li> <li>- Linguica de Vinhais PGI</li> <li>- Chourico Mouro de Portalegre PGI</li> <li>- Chourico de Portalegre PGI</li> <li>- Farinheira de Portalegre PGI</li> <li>- Linguica de Portalegre PGI</li> <li>- Lombo Branco de Portalegre PGI</li> <li>- Lomo Enguitado de Portalegre PGI</li> <li>- Morcela de Assar de Portalegre PGI</li> <li>- Morcela de Cozer de Portalegre PGI</li> <li>- Painho de Portalegre PGI</li> <li>- Salpicão de Vinhais PGI</li> </ul>		<ul style="list-style-type: none"> <li>- Amêndoa do Douro PDO</li> <li>- Ameixa d'Elvas PDO</li> <li>- Ananas dos Açores/Sao Miguel PDO</li> <li>- Azeitona de conserva Negrinha de Freixo PDO</li> <li>- Castanha dos Soutos da Lapa PDO</li> <li>- Castanha Marvão-Portalegre PDO</li> <li>- Castanha de Pradela PDO</li> <li>- Castanha da Terra Fria PDO</li> <li>- Cereja de Sao Juliao-Portalegre PDO</li> <li>- Maça Bravo de Esmolfe PDO</li> <li>- Maracuja de Sao Miguel/Açores PDO</li> <li>- Citrinos do Algarve PGI</li> <li>- Cereja da Cova da Beira PGI</li> <li>- Maça de Portalegre PGI</li> <li>- Maça da Beira Alta PGI</li> <li>- Maça da Cova da Beira PGI</li> <li>- Maça de Alcobaça PGI</li> <li>- Pêssego da Cova da Beira PGI</li> </ul>	<ul style="list-style-type: none"> <li>- Azeite da Beira Interior PDO</li> <li>- Azeite da Beira Alta PDO</li> <li>- Azeite da Beira Baixa PDO</li> <li>- Azeite de Moura PDO</li> <li>- Azeite de Trás-os-Montes PDO</li> <li>- Azeites do Norte Alentejano PDO</li> <li>- Azeite do Ribatejo PDO</li> </ul>	<ul style="list-style-type: none"> <li>- Mel da Serra da Lousa PDO</li> <li>- Mel da Serra de Monchique PDO</li> <li>- Mel da Terra Quente PDO</li> <li>- Mel das Terras Altas do Minho PDO</li> <li>- Mel do Alentejo PDO</li> <li>- Mel do Barroso PDO</li> <li>- Mel do Parque de Montezinho PDO</li> <li>- Mel do Ribatejo Norte (Serra d'Aire, Albufeira do Castelo do Bode, Bairro, Alto Nabao) PDO</li> <li>- Mel dos Açores PDO</li> </ul>

<b>United Kingdom</b>	<ul style="list-style-type: none"> <li>- Beacon Fell traditional Lancashire cheese PDO</li> <li>- Bonchester cheese PDO</li> <li>- Buxton blue PDO</li> <li>- Dovedale cheese PDO</li> <li>- Single Gloucester PDO</li> <li>- Swaledale cheese PDO</li> <li>- Teviotdale cheese PDO</li> <li>- White Stilton cheese PDO/Blue Stilton cheese PDO</li> <li>- West Country farmhouse Cheddar cheese PDO</li> <li>- Exmoor Blue Chesse PGI</li> </ul>	<ul style="list-style-type: none"> <li>- Orkney beef PDO</li> <li>- Orkney lamb PDO</li> <li>- Shetland lamb PDO</li> <li>- Scotch beef PGI</li> <li>- Scotch lamb PGI</li> </ul>		- Whitstable Oysters PGI	- Jersey Royal potatoes PDO		<ul style="list-style-type: none"> <li>- Newcastle brown ale PGI</li> <li>- Kentish ale and Kentish strong ale PGI</li> <li>- Rutland bitter PGI</li> <li>- Gloucestershire cider/perry PGI</li> <li>- Herefordshire cider/perry PGI</li> <li>- Worcestershire cider/perry PGI</li> </ul>
<b>Sweden</b>	- Svecia PDO						
<b>Luxem-bourg</b>		- Viande de porc, marque nationale grand-duché de Luxembourg PGI	- Salaisons fumées, marque nationale Grand-Duché de Luxembourg PGI			- Beurre rose de marque nationale grand-duché de Luxembourg PDO	- Miel luxembourgeois de marque nationale PDO



## Annexe 2 : Table of registrations up to 28/03/00

	Fresh meat and offal		Meat-based products		Cheese		Other animal products		Fatty products		Fruits, veg. & cereals		Fish, shellfish. & crustac.		Other Ann.II products		Foodstuffs in Annexe I of 2081/92 <sup>28</sup>								Prod. ann.II of 2081 <sup>29</sup>				TOTALS			
	PDO	PGI	PDO	PGI	PDO	PGI	PDO	PGI	PDO	PGI	PDO	PGI	PDO	PGI	PDO	PGI	PDO	PGI	Beers		Mineral water		Bakery products, patisseries		Natural gum & resin		Essential Oils		Hay		PDO	PGI
Austria				1	6				1	2	1																			8	3	11
Belgium				1	1			1																					2	1	3	
Germany	2	1		4	4				1		2		1					11	31			3							37	23	60	
Denmark						2					0+1																		2+1	3		
Spain		4+2	3+1	2	11+1		1		4		4+2	6+1									2							23+4	14+3	44		
Finland											1																	1		1		
France	2	43		0+1	33+1	4	2	1	3		4+3	5+2		0+1	0+2						1			1		1		46+6	54+4	110		
Greece					19		1		12	10	21	7	1		0+1						1	2		1				57+1	18	76		
Ireland																																
Italy		1	18	6	30				19	1	2	22									1							69	31	100		
Luxembourg		1		1			1		1																			2	2	4		
Netherlands					3						1																	4		4		
Portugal	11	7+1	0+1	1+12	10+1		9		5		11	7																46+2	15+13	76		
U.K.	3	2			8	1+2	0+1				1			1		3		3										12+1	10+2	25		
Sweden						1																							1	1		
Tot. art 17	18	59	21	16	125	8	14	1	45	13	47	50	1	2		3		14	31			8	2		2		1		307	174	483	
Tot. art 5		3	2	13	3	2	1				5	4		1	3													14	23	37		
TOTAL	18	62	23	29	128	10	15	1	45	13	52	54	1	3	3	3		14	31			8	2		2		1		321	197	518	

Legend :  
 1 = 1 denomination registered in art. 17  
 1+1 = 1 denomination registered in art. 17 and 1 in art. 5  
 0+1 = 0 denomination registered in art. 17 and 1 in art. 5

<sup>28</sup> Concerning foodstuffs of annexe I of 2081/92, drinks derived from plant extracts have not yet been registered.

<sup>29</sup> Concerning agricultural products of annexe II of 2081/92, cork and cochineal have not yet been registered.

### Annexe 3 : Table of applications accepted under article 17

	Fish	Meat	Meat-based products	Cheese	Other animal products	Fatty products	Olive oils	Fruits, vegetables and cereals	Cider	Beers and mineral water	Bakery products and patisseries	Total
Spain		4	5	11	1		4	10			2	37
France		45		37	2		3	8			1	96
Luxembourg	1	1			1	1						4
Portugal		18	1	10	9		5	18				61
United Kingdom	1	5		8				1	3	3		21
Belgium			1	1		1						3
Italy			16	30			14	19			1	80
Denmark				2								2
Greece	1			20	1		16	21			1	60
Netherlands				2				1				3
Austria				3		1		2				6
Germany	1	3		4		1				33	3	45
Finland										2	1	3
Sweden				1				1				1
Total	4	76	23	129	14	4	42	81	3	38	9	422



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