

PDO and PGI schemes in the EU – present and future legal framework

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Outline

- GIs within EU agricultural products quality measures
- Administrative and legal framework
- Dissemination and usage of PDO and PGI labelling
- Future policy developments



The EU framework for agricultural product quality policy

- Quality = fulfilling consumer expectations
- EU farmers:
 - respect some of the most stringent farming requirements in the world.;
 - use their expertise and imagination to give their products other, individual qualities valued by consumers.
- Quality can sustain competitiveness and profitability of the EU's agri-food sector
- For farmers as for food producers, doing this means two things:
 - offering products with the qualities that customers want
 - informing customers clearly about the qualities of their products.



Goals of EU agri-quality policy

- Close information gaps between actors in the food chain
- Improve coherence of measures
- Reduce complexity of legislation

=> Improved information for consumers about product characteristics and farming attributes

=> Better markets for agricultural quality products



Main instruments at EU level

- Farming requirements
- Marketing standards
- EU quality schemes (geographical indications; traditional specialities; organic farming)



PDO and PGI – what?

- Community designations for “Geographical indications” (place names used to identify the origin and quality, reputation or other characteristics of products)
- PDO – protected designation of origin
- PGI – protected geographical indication
- Difference? Later!



PDO and PGI – why?

- To enable promotion of products having certain characteristics
- To encourage the diversification of agricultural production
- To improve income opportunities of farmers, particularly in less-favoured or remote rural areas
- To protect the intellectual property of farmers and producers



Legal instruments

- Agricultural products and foodstuffs – Regulation (EC) No 510/2006
- Wines – Regulation (EC) No 479/2008
- Aromatised wines – Regulation (EC) No 1601/1991
- Spirits – Regulation (EC) No 110/2008

For this presentation: focus on agricultural products and foodstuffs!



EC Regulation 510/2006 covers...

- agricultural products intended for human consumption listed in Annex I to the Treaty of Rome (e.g., meat; fish; fruit; vegetables)
- foodstuffs (not necessarily agricultural products) referred to in Annex I of the Regulation such as : beer, bread, pastry, salt etc.
- agricultural products (not in Annex I of the Treaty) listed in Annex II of the Regulation such as : essential oils, hay, cotton



Protection

- Against use of the registered name on products not covered by the registration
- Against misuse, imitation or evocation (even if accompanied by 'style', 'type', 'method', etc.)
- Against any other practice liable to mislead the consumer
- Protection is identical for PDO and PGI!



Logos – Community symbols

- Differences in colour... but not in black and white
- 10% EU consumer recognition (50% in Greece), but low appreciation of difference
- Use of logo or indication compulsory since 1 May 2009



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PDO 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*



PGI 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*



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Comparison PDO / PGI

COMMON POINTS

- *Types of products covered*
- *Geographical names*
- *Originating in the region of which they bear the name*
- *Registration procedure*
- *Protection level*

DIFFERENCES

- *Nature of the link to the geographical environment (PDO: essentially or exclusively; PGI: attributable)*
- *PGI can be based on reputation*
- *Number of production steps to be realized in the region*



Examples PDO / PGI:

PDO

- *Prosciutto di Parma (Italy)*
- *Volaille de Bresse (France)*
- *Sitia Lasithi Kritis (Greece)*
- *Szegedi Salami (Hungary)*
- *Queso Manchego (Spain)*

PGI

- *Arbroath Smokies (UK)*
- *Lübecker Marzipan (Germany)*
- *Westlandse Druif (Netherlands)*
- *Jambon d'Ardenne (Belgium)*
- *Marchfeldspargel (Austria)*



Application procedure for EU Member States

- Development of a product specification (by producers)
- Submission of the specification to the MS authorities
- Examination of the application in the MS
- Publication and national objection procedure
- Decision by MS authorities
- Transmission of the decision and application to the European Commission.
- Scrutiny of the application by Commission services
- Publication in the Official Journal of the EU
- 6 month objection period
- Registration

At national level

At EU level



Application procedure for non-EU countries

- Development of a product specification (by producers)
- Application comprises: name and address of the applicant group; the specification; the single document; *proof that the name in question is protected in its country of origin*
- Submission of the application to the Commission either directly or via the authorities of the non-EU country concerned (*no national level procedure required*)
- Scrutiny of the application by Commission services
- Publication in the Official Journal of the EU
- 6 month objection period
- Registration

At national level

At EU level



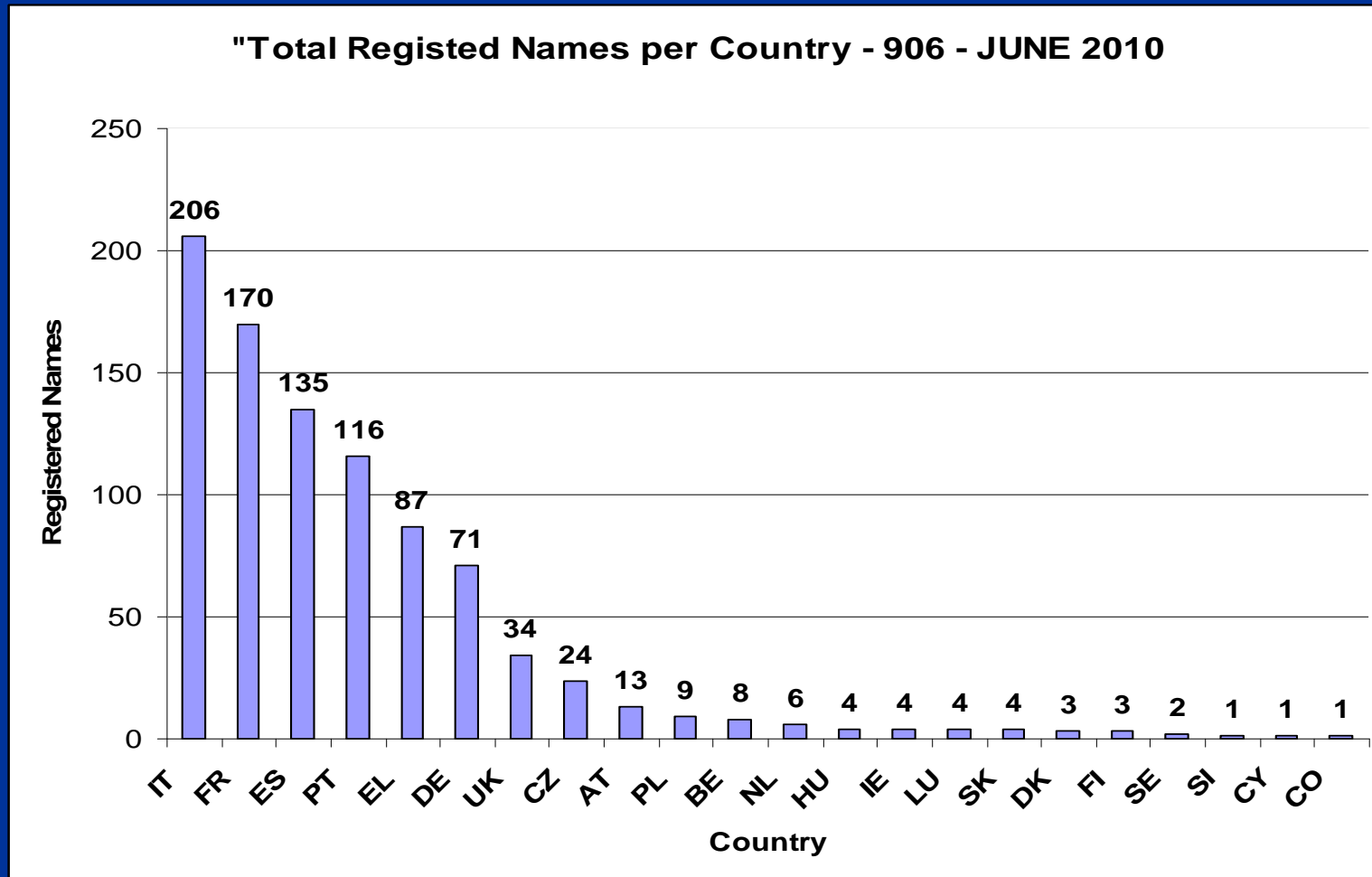
What's in it for the consumer?

- Products linked to a geographical area by way of their specific quality or reputation;
- Product attributes laid down in a specification (publicly available);
- Protection against misuse assures “authentic” products

⇒ consumers know what they're getting!

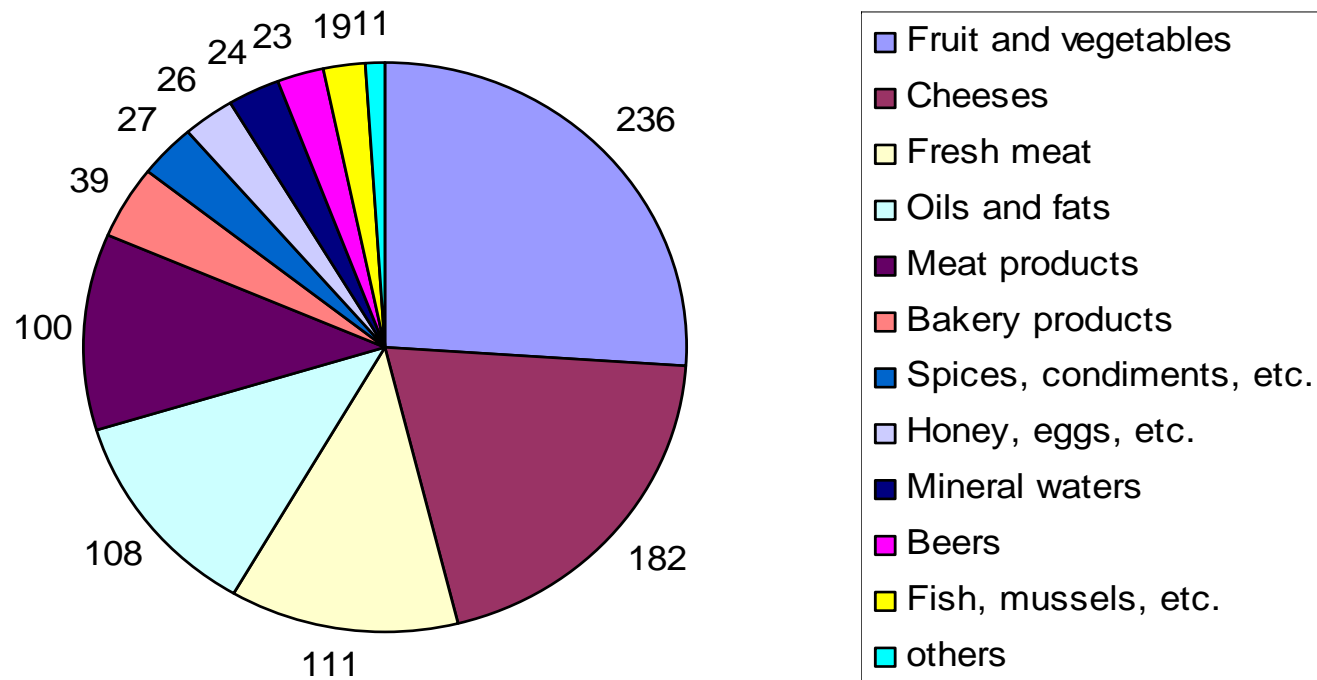


Registered Names to date: 906



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Registered names by product group



Production value of PDO and PGI (2007)

- 14.2 billion Euro turnover in total (at wholesale level)
- Estimated 21 billion Euro at retail level
- Excluding wines and spirit drinks
- Slightly higher than the value of the EU organic food sector (12 billion Euro at wholesale level, including wines and spirit drinks)
- Equivalent to the fresh fruit and vegetables sector in the EU, or to the turnover of Danone



Trade of PDO / PGI

- 82% of total turnover at national level
 - 13,4% in another EU Member State
 - 5% (700 million €) of turnover realised in non-EU countries
 - Natural gums and fisheries products have the highest levels of exports outside their national boundaries (54% et 37%).
- 282 PDO/PGI products are sold exclusively in their country of origin

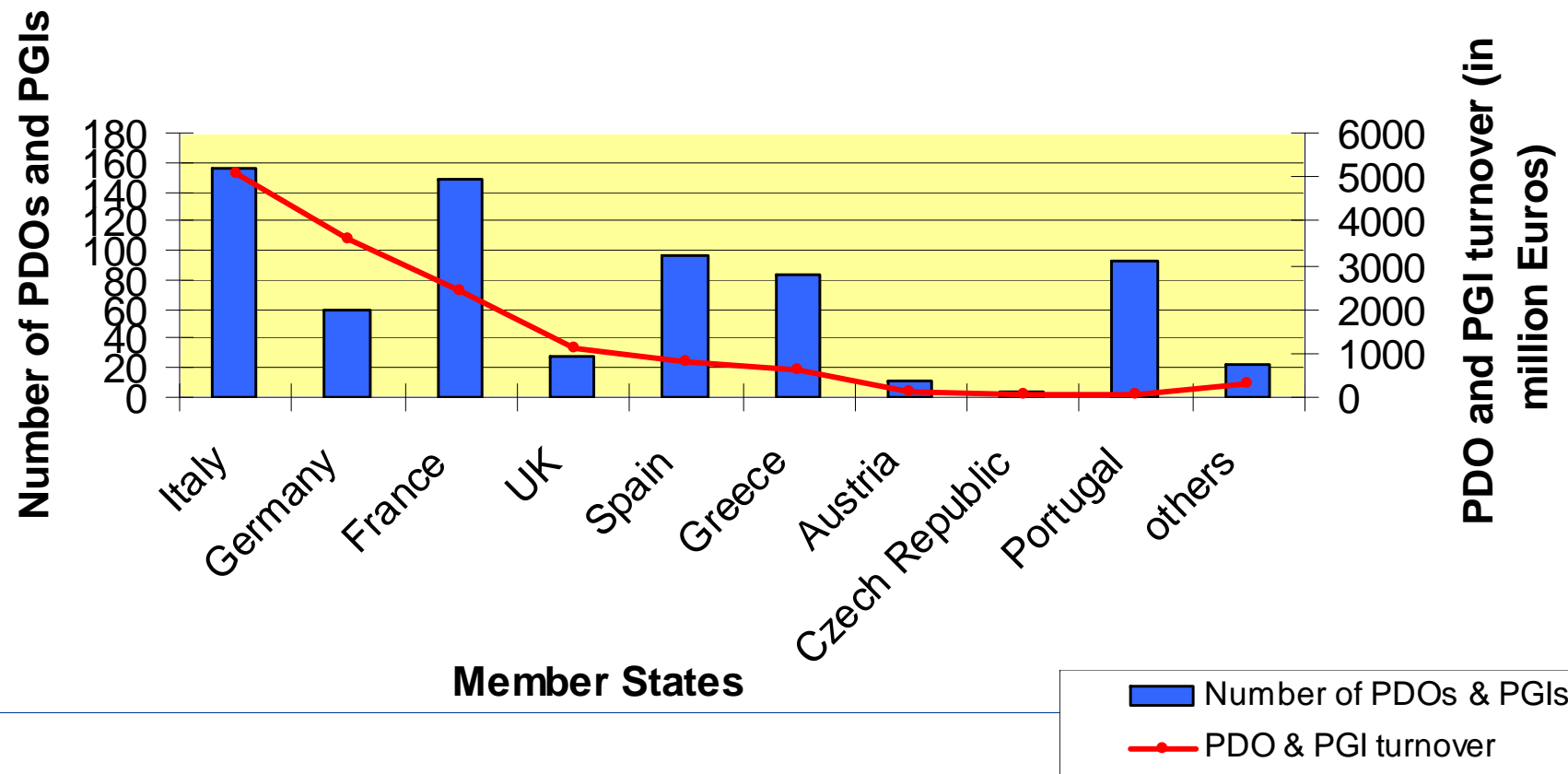


Value of production by Member State

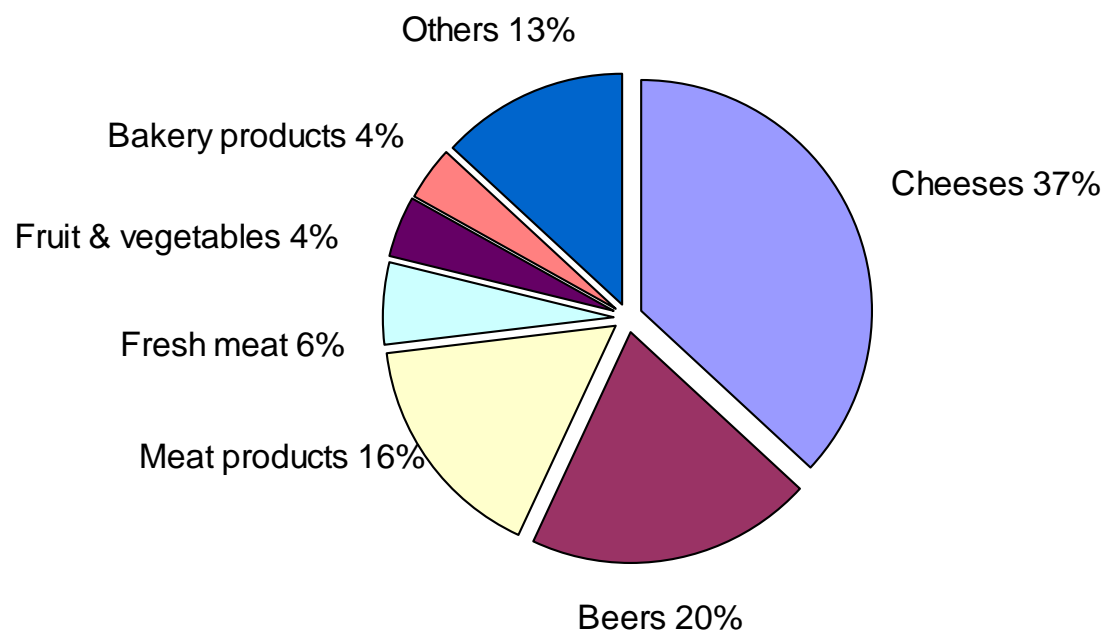
- Important differences among Member States; 96% of the value is shared by 6 Member States: Italy, Germany, France, UK, Spain and Greece.
- These countries represent 81 % of the registered PDO/PGI
- The number of registered names is not linked with the overall production value.



Number of PDOs and PGIs and their turnover per Member State (2007)



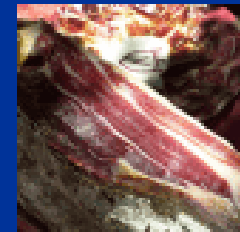
% of PDO/PGI turnover by product group



Traditional speciality guaranteed (TSG)

Products with special characteristics (traditional ingredients/traditional production method), e.g.

- Jamón Serrano (ES)
- Mozzarella (IT)
- Traditional farm-fresh turkey (UK)
- Lambic, Kriek, Gueuze (BE)



**Only 27 names registered in 28 years –
a failed scheme?**

Database of origin and registration: DOOR

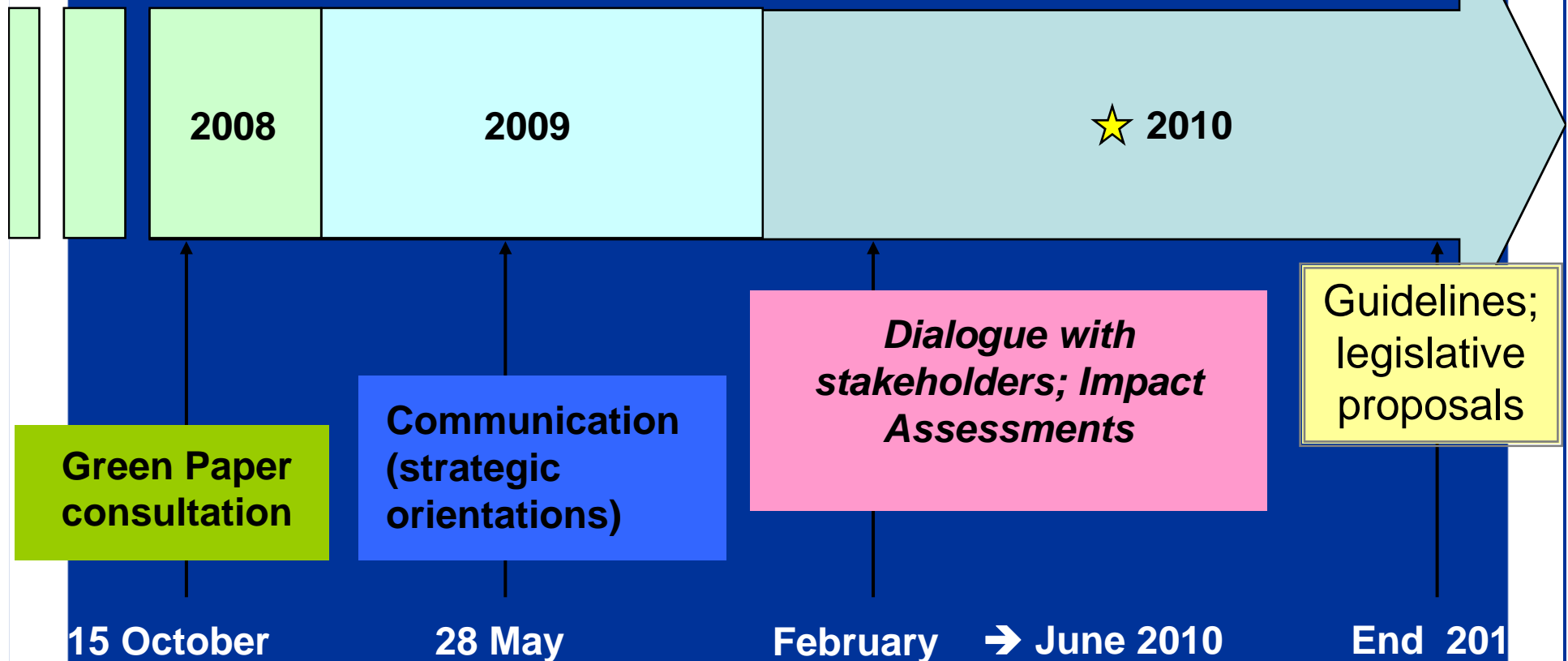
- Full data
- Date of submission
- Links to summaries and specifications
- Links to official publications
- Links to control body
- For non-EU persons and bodies:
 - On-line applications
 - On-line objections

The screenshot displays the DOOR website interface. At the top, there is a navigation bar with the DOOR logo, a language dropdown menu set to 'English (en)', and links for 'Legal notice', 'FAQ', 'Search', 'Contact', and 'Login 3C/3CG'. Below the navigation bar, a breadcrumb trail reads: 'European Commission > Agriculture and Rural Development > Agriculture and food > DOOR > Denomination Information'. The main content area is divided into several sections:

- Product Information:** A table-like layout showing:
 - Name:** Bryndza Podhalańska
 - Countries of Origin:** PL
 - Dossier Number:** PL/PDO/0005/0450
 - Status:** Registered
 - Application Type:** PDO
 - Date of Submission:** 18.02.2005
 - Type of Product:** Class 1.3. Cheeses
- Authority/Control Body:**
 - Name:** Główny Inspektor Jakości Handlowej Artykułów Rolno-Spożywczych
 - Address:** ul. Wspólna 30; 00-930 Warszawa
 - URL:** sekretariat@ihars.gov.pl
- Official Journal Publications:** Links to 'Official Journal L150 12.06.2007' and 'Official Journal C230 23.09.2006'.
- Other Documents:** Links to 'PL_0005_0450_SPE_PL_O.pdf' and '(PL_0005_0450_SPE_PL_O.pdf)'.

A 'Close' button is located at the bottom right of the main content area. Below the content, a disclaimer states: 'Disclaimer: Please note that it cannot be guaranteed that a document available on-line exactly reproduces an officially adopted text. Only European Union legislation published in paper editions of the Official Journal of the European Union is deemed authentic.' At the very bottom, there is a 'Top of the page' link.

Towards a coherent EU quality policy for agricultural products and foodstuffs



Communication on agricultural product quality policy (May 2009)

Three main themes:

- **Information:** Improving communication between farmers, buyers and consumers on the quality of agricultural products;
- **Coherence:** Increasing coherence among EU measures on agricultural product quality policy;
- **Complexity:** Simplifying the application of different measures and improving their understanding among farmers, producers and consumers.



Strategic orientations for PDO/PGI

- Clarification of certain issues (e.g., relations with other types of Intellectual Property)
- Simplification (e.g., merging the four schemes for agricultural products, wines, aromatised wines and spirit drinks)
- Seek enhanced protection at international level (bilateral, ACTA)
- Guidelines (non legislative) on use of PDO-PGI as ingredients; and sustainability rules



Next steps

- Continued stakeholder consultations
- Impact assessment of policy options ongoing
- Development of legislative proposals or guidelines
- Adoption by the Commission foreseen for end-2010
- Then: normal legislative procedure (with Council and Parliament)





Thank you for your attention!



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