

# WORLDWIDE SYMPOSIUM ON GEOGRAPHICAL INDICATIONS

Managing GIs - Some administrative aspects

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# PLAN

- I. The factors which define a GI.
- II. The producer's group and the code of practices
- III. The legal framework.
- IV. The GI system in Italy.
- V. The management of a producer group: some examples.

## I. The factors which define a GI

# Local, Loyal and Constant rules

- Origin-based products result from a local identity and typicality (*terroir*): their identification as GI is justified by geographical and human factors and by the reputation from the consumers. The protection and promotion of their quality linked to geographical origin can create positive effects on economic, social and environmental aspects. Key elements: identification of local resources; producer's organization/group; product specification; protection and promotion
- The name: geography, not brand
- GI:
  - ✓ the need for a collective action to share a common approach
  - ✓ a mean to have access to the market

# Brand vs. Geographic names

## Protectable brand names

*It is important to choose brand names carefully. Brands should be distinctive in order that the public will immediately associate the brand with your business and products or services. Where your brand is not distinctive, it will be difficult to promote and difficult to protect. For these reasons, you should avoid:*

- *Generic names;*
- *Geographic names;*
- *Surnames;*
- *Descriptive names; and*
- *Laudatory terms (eg 'super').*

*Examples of good brand names include :*

- *Company or individual's names represented in a special manner;*
- *Invented words (eg. Kodak); and*
- *Signatures.*

## II. The producer's group and the code of practices

*Consorzio di tutela, Organisme de défense et de gestion, Consejo regulador*

A GROUP (Reg EU n.1151/2012) is entitled to:

(a) contribute to ensuring that the quality, reputation and authenticity of their products are guaranteed on the market by monitoring the use of the name in trade

(b) take action to ensure adequate legal protection of the protected designation of origin or protected geographical indication and of the intellectual property rights that are directly connected with them;

(c) develop information and promotion activities aiming at communicating the value-adding attributes of the product to consumers;

(d) develop activities related to ensuring compliance of a product with its specification;

(e) take action to improve the performance of the scheme, including developing economic expertise, carrying out economic analyses, disseminating economic information on the scheme and providing advice to producers;

(f) take measures to enhance the value of products and, where necessary, take steps to prevent or counter any measures which are, or risk being, detrimental to the image of those products

## II. The producer's group

### Sharing a common approach

- A collective action form local stakeholders (producers, traders and consumers) who share knowledge regarding production, processing, preservation and use of the origin-based product
- The need of an external supporting system to rise the awarness of producers
  - Food operators (traders, restaurateurs, consumer associations)
  - Public authorities (local and national governments)
  - Scientific/Technical support

## II. The product specification:

*The definition of the specific quality linked to geographical origin*

- Description of the product (physical aspects -min/max weight and size; sensory aspects –texture, flavour, colour; chemical composition; breed/variety; min. ageing)
- Ingredients and raw materials (breed/variety; agronomic/feeding practices; collection –time/conditions- and treatment – physical/chemical- of raw materials)
- Definition of the process (timings, temperatures/humidity, materials/equipment)
- Specificity of the geographical area: definition and link (administrative list of territories, historical anteriority)
- Specificity of the product and labelling rules (GI identification marks on the product –original, bottled/packed; conditioning/operations to be carried out in the geographical area)

### III. The legal framework

#### The evolution of the legislation on the Geographic Indications

- **Convention of Stresa, 1st June 1951** (denominations of cheeses)

Ratified by: Austria, Denmark, France, Italy, The Netherlands, Norway, Sweden, Switzerland

*Designations of origin (annex 1): Roquefort, Gorgonzola, Parmigiano-Reggiano, Pecorino Romano*



#### *The protection in Italy*

- Law 10 April 1954 n. 125 *protection of appellations **of origin** and **typical** of cheeses*

- Law 4 July 1970 *protection of hams (Parma, s. Daniele)*

- Bilateral agreements: France, Austria, Germany, Spain

#### 1992: the protection in the European Community

- Reg. (CEE) n. 2081/92;

Reg (CE) n.1107/96 First list of protected products in the EC

- Law 526/99 → the GI protection framework in Italy

- Reg. (EC) n. 510/06

- Reg (EU) 1151/2012 quality package... *ex officio protection*



## IV. The GI system in Italy - The Controls

National competent authority : *Ministry of agriculture*

-Private Control Body -art 10 reg (EEC) 2081/92- art 37 reg (EU) 1151/2012- art 2 Reg (EC) 882/04- standard EN 45011 of 26 June 1989- verification of compliance with product specification

The choice of the control body is done by:

- the group who has submitted the application for the GI -art. 5 reg (EEC) 2081/92 - Art 49 reg (EU) 1151/2012-
- the local administrations (regions/ autonomous provinces)

Compulsory. The same control body for each GI

The control body has to be accredited by the national accreditation system (Accredia)

The control plan: the key points of the product specification to be checked

The costs are paid by producers

Term of authorisation : 3 years

## IV. The GI system in Italy – The Group

National competent authority : *Ministry of agriculture*

Producer's group : Consorzio di tutela (*law n° 526 of 21.12. 1999 - Art.14*)

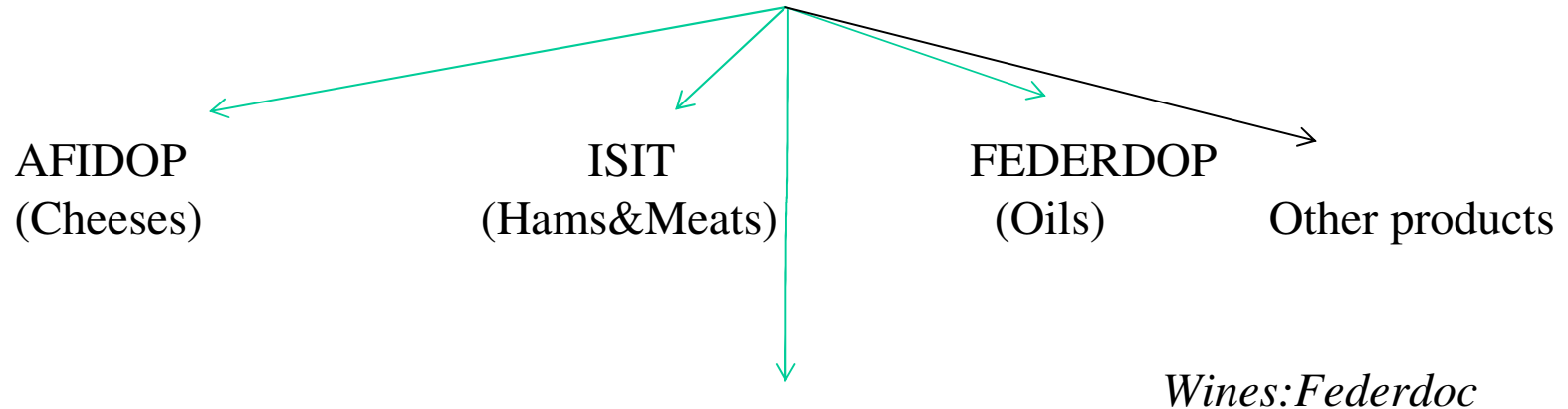
The « Consorzio di tutela » of the PDO/PGI/STG:

- Voluntary body, defined by the art. 2602 of the civil code
- Functions : protection, promotion, valorisation, information of consumers, defense of GI interests
- Actions : to present the proposition for amendments to product specification ; define programs to increase the quality of the product (security, safety, characteristics); cooperate with the Ministry for the action of vigilance (repression of fraudes); protection against misuse, imitation or evocation of the product along all phases from production to distribution; surveillance of the product on the market. The Consortiums may employ for these activities subjects with the qualification of public agents.

The costs are paid by the producers of the GI.

Term of authorization: 3 years

# Italian Consortia and their associations



*AICIG - Italian Association Consortia Geographic Indications*  
([www.aicig.it](http://www.aicig.it))

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International GI network

**ORIGIN**  
([www.origin-gi.com](http://www.origin-gi.com))



V. The management of a producer group: some examples

## Parmigiano Reggiano: the specification

*Hard cheese made from cow's raw milk, aged for minimum 12 months, granular texture; only calf rennet and natural starter culture, copper vats, no press, salting in brine; obtained in the geographic zone of the provinces of Parma, Reggio Emilia, Modena, Bologna on the left of the Reno river, Mantua on the right of the Po river; packaging must take place in the area of origin to safeguard quality and ensure control.*

*Its origin dates back to the 12<sup>th</sup> century*

- Parmigiano Reggiano since 1996 is a **Protected Designation of Origin** (PDO) in the European Union by virtue of the Regulation (EU) n.1151/2012 which has replaced Council Regulation (EC) n. 510/2006, of 20 March 2006 [which has replaced Council Regulation (EEC) n. 2081/92];
- Article 7 Regulation (EU) 1151/2012: the product specification as fundamental element to have right to the protection;
- Specification includes cheese standard, animal feeding and marking regulations.



V. The management of a producer group: some examples

# Parmigiano Reggiano

## The product specification

- Animal feeding regulation

Local fodder, ingredients admitted/forbidden, no silage or fermented feeds

- The process

Milk at min 18°C collected max 2hrs after each milking; only raw milk, partly skimmed by natural creaming; no additives; calf rennet and natural whey cultures. Modality of curd breaking and cooking (55°C). Saturated salt brine. Natural

- The product

Heel height 20-26cm; flat faces 35-45cm; min. weight 30 kg; thickness of rind approx 6mm; natural and straw coloured crust and body; flaky texture; min 32% fat on dry matter

- The marking

At origin (casein plate, pin dots on rind); the PDO mark (oval marking) after the minimum 12 months ageing. 2 quality categories. The marks on the cheese packages (portions and grated)

Packaging in the area of origin



V. The management of a producer group: some examples

## International Convention of Stresa, 1st June 1951

*Law 10 april 1954 n. 125:* The protection of denominations of origin and typical names of cheeses

*DPR 30 October 1955 n.1269:*Recognition of the standards for Parmigiano-Reggiano

*DPR 17 June 1957:* Attribution to the Consortium for the inspection of the production and sale of Parmigiano-Reggiano

*DPR 28 March 1958:* Attribution of the qualification as agents of Public Safety to the inspection agents of the Consorzio

*DPR 22 September 1981:* Extension of the denomination of P-R from the entire cheese to parts of the product sold in pre-packaged form

*DPR 4 November 1991:* Extension of the denomination of P-R to grated types

Reg (CE) n.1107/96: Protected Designation of Origin

Reg. (EEC) 692/03 - packaging in the area of production-demand of amendment to product specification

Reg EU n. 1159/2010: protection ex officio

## V. The management of a producer group: some examples

### The Consorzio Parmigiano Reggiano: common interest & strategy

- 1934 Consorzio Grana Tipico
- 1951/1954 Int. Convention of Stresa / Italian law on the protection of cheeses
- 1955: Product specification
- 1964: Marking regulation of cheese
- 1979: Feeding regulation of the animals
- 1983: Production year long (and not from 1.04 to 11.11)
- 1987: Marking regulation of cheese
- 1990: Minimum ageing of 12 months
- 1991: Extension of the designation to the grated form
- 1996: PDO/PGI/STG in Europe (Reg. 1106/96)
- 2001: Modification of product specification (standard, feeding, marking)
- 2002: New statute
- 14/12/2003: Request by Gen. Assembly of consortium of amendment to prod.specification
- 2005: Amendment to the statute
- 16/4/2009: Publication single document OJEU C/87
- 2010: Amendment to the statute
- 8/8/2011: Regulation EU 794 for the modification of product specification (conditioning in the area of production)
- 2012: Amendment to the statute
- 24/5/2012: Decree of temporary modification of product specification (earthquake)

## V. The management of a producer group: some examples

### The amendment to the Specification

- 2003 Dec. 19: General assembly approves the amendment to the Specification (under Reg. 2081/92)
- 2004: request sent to the Ministry and to the Regions of the geographic area Emilia-Romagna and Lombardy. Problem from Lombardy: conditioning in the area of origin
- **11 March 2005 O.J. n. 58:** Publication of proposed amendment
- 13 April 2005: the Ministry sends oppositions to the Consorzio
- 31 October 2005: the ministry sends the request to the EC Commission
- 2 February 2006 O.J. N. 27: decree on the transitory protection
- July 2007: amendment sent to the EC under the Reg 510/06
- January 2008: EC Commission send to the Ministry a list of request of explanations. The Ministry has 6 months to answer
- April 2009 Publication on EC Official Journal
- October 2009: 2 Oppositions (Belgium & Danemark)
- April 2010: only Belgium opposes
- December 2010: EC Regulatory Committee
- August 8, 2011: Regulation EU 794 for the modification of product specification (conditioning in the area of production-transitional period of 1 year)





## V. The management of a producer group: some examples



1. The Custodian of the PDO: **CONSORZIO DI TUTELA**  
*Voluntary association of PDO producers representing at least 3/4 of the PDO*



2. The Inspection system of the PDO: **OCQ PR**  
*Independent organisation responsible for auditing the adherence to the PDO's Code of Practice*

The cost of the system: 6 Euro per cheese (550 litres of milk)  
Paid by the producers



V. The management of a producer group: some examples

## The “**Consorzio del Formaggio Parmigiano Reggiano**”

Voluntary non-for-profit body

Can be members of the Consorzio, on the condition that they are established in the area of origin (Law 526/99):

-Milk producing farmers directed to the production of Parmesan (max 17%);

**-Dairies producers of Parmigiano Reggiano (min 66%);**

-Companies maturing and/or grating P.R

In charge with the protection, safeguard and promotion of the PDO Parmigiano Reggiano, towards every one;

Responsible to apply for changes to the product specification

During the production, especially:

-establishes the modalities/conditions for the use of the marks of origin and their correct use by the producers, in respect of the specification;

-applies the PDO mark, after verification by the inspection structure, at the end of the minimum ageing period of 12 months.

During the commercialisation is in charge with the protection of the Designation of Origin against any exploitation of its reputation, against imitation, misuse, etc

In Italy, its supervisory agents which have the qualification of policemen.

<http://www.parmigianoreggiano.it>

V. The management of a producer group: some exemples.

Actions and activities to administer a GI

Definition and development of the:

1. Articles of Association to regulate functions and operations (of the Consortium)
2. Branding to identify the GI
3. Legal actions to protect the GI
4. Communication activity
5. R&D

# The composition and structure of the Consorzio

- General Assembly (all cheese producers -383-)
- Board of Administration (28 + 4 members))
- Executive Committee (10 members). It includes the president and 2 vice presidents
- Term: 4 years
- Members: legal representatives of the cheese plants

## The administrative structure:

- Direction
- Administration
- Institutional services (marking and vigilance)
- Communication (Internal, International, Public Relation)
- Technical unit
- Provincial sections (Parma, Reggio Emilia, Modena, Bologna, Mantova)

V. The management of a producer group: some examples

-The Consorzio authorizes, by written agreements, the use of the collective mark exclusively to distinguish the pre-packaged/bottled GI product, grated/sliced or in portions

-Since 1 May 2009: the use of the indication ‘Protected Designation of Origin’ (or PDO) or the Community logo is compulsory (Regulation 510/06)



The enforcement of the GI. European Court of Justice:

■Case C-87/97PDO Gorgonzola vs Cambozola (trademark)ECJ, Judgment of 4.03.1999 “*it is possible for a protected designation to be evoked where there is no likelihood of confusion between the products concerned and even where no Community protection extends to the parts of that designation which are echoed in the term or terms at issue*”.

■Case C-132/05 European Commission vs Federal Republic of Germany ECJ (Grand Chamber), Judgment of 26 February 2008, “*the use of the name ‘Parmesan’ must be regarded, in the sense of Article 13(1)(b) of Regulation No 2081/92, as an evocation of the PDO ‘Parmigiano Reggiano’*”

*Take action to improve the performance, to enhance the value of products...*

The consequences of the earthquake of May 20 and 29 on the Parmigiano Reggiano and the actions of the Consorzio

598.700 cheeses produced in 37 cheese plants collapsed in 13 ageing facilities; 604 dairy farms affected Losses : 60 m€ in cheese; 40 m€ in equipment

298.700 recuperated to continue ageing for the PDO; 200.000 used prepacked in portions / grated; 90.000 processed; 10.000 industrial waste

Actions:

- list of damages
- amendment to specification
- with health authorities: conditions and terms to store the damaged cheese
- organise cheese owners for a common selling of damaged product; organise shipment
- increase control activities
- development of new scaffoldings
- communication: solidarity campaign



TO HELP PARMIGIANO REGGIANO PRODUCERS HIT BY THE EARTHQUAKE, YOU CAN BUY CHEESE FROM DAIRIES THAT HAVE BEEN DAMAGED BY THE EARTHQUAKE OR FROM THOSE PARTICIPATING IN THE SOLIDARITY SALE "THE TASTE OF SOLIDARITY"