

# oriGIn Report



## Highlight of the month

### Study on the "value of agricultural production under PDOs and PGIs"

During the Consultative Committee on Quality which took place on 10 March, the European Commission presented a database produced by an external consultant on the economic weight of the registered GIs in the EU. The study covers the 820 registered GIs for agricultural products, as of 31st December 2008, for the years 2005-2008. Information has been gathered through national authorities in France, Italy, Portugal and Spain, and directly towards producers' groups in the other countries.

The value before the distribution point is estimated at 14.2 billion €. The value of PDO and PGI grew of 0.8% in 2006 and of 2.8% in 2007. PDO, which represent 57.8% of registered GIs, accounted for 53.8% of the value and 35.8% of the volume. The GI sector represents a bit more than organic farming (12 billion € in the EU, covering organic wines) and the same value as the fruit and vegetables sector and the turnover of a company like Danone.

In 2007, the sales in value show that 82% of GIs are sold in the Member state where they originate, 13% in other Member states, 5% in third countries' market (700 millions €), and 282 PDO and PGIs only sale in their Member States.

96% of the total value is produced by GIs coming first from Italy, then Germany (beers mainly), France, UK, Spain and Greece. There is no correlation between the number of registered GIs and the total value.

The three main sectors are cheeses, meat based products and beers, which represent 73% of the value in 2007 (37% for cheeses; 20% for beers;

16% for meat products & 6% for fresh meat). The 3 main GIs in the EU represent 21% of the total value; the 9 first, 41% and the 50 first, 80%. The total export value of the sector is 700 millions €.

The study did not focus on the repartition of the added-value along the production chain. DG Agriculture wants to update this database on a yearly basis and to include wines and spirits. The study will be available on the website of DG agriculture soon.

## International Affairs

### WTO: talks on intellectual property rights

At the beginning of March, WTO Director General Pascal Lamy summed-up the talks on GI extension he chaired with 20 delegations. Mr. Lamy said that the talks on GIs covered:

- the differences between the two levels of protection, the standard level of Article 22 of the TRIPS and the higher level of Article 23 which only covers wines and spirits;
- the effects of extending the higher protection for wines and spirits to other products;
- the experience of protecting GIs under present standards ;
- the comparison between the protection under GIs and under other types of intellectual property rights
- the exceptions and limitations which would apply under the extension of the protection for wines and spirits to other products.

Mr. Lamy explained that differences still exist among delegations and concern whether it is desirable and beneficial to broaden the scope of enforceable rights that surround a GI once it is protected, whether through the trademark system or otherwise, and how to deal with the implications for third country markets, including continued access for current products considered generics.

As to the Multilateral Register, during a meeting of the "special session" of the WTO TRIPS Council, Member States accepted the approach proposed by the new Chairperson, Darlington Mwape, Zambia's ambassador. This approach is based on a "three-four-five" process: three clusters of issues identified by previous chairs to be discussed (in particular the legal effects of

registration and participation in the register), four questions (mainly related to the weight national authorities should give to the information on the Register when making decisions regarding the registration and protection of trademarks and GIs) and five principles concerning the purposes of the Register that should inspire future discussions. For further information, please see: [http://www.wto.org/english/news\\_e/news10\\_e/trip\\_04mar10\\_e.htm](http://www.wto.org/english/news_e/news10_e/trip_04mar10_e.htm)

### **ACTA: The European Parliament asks for more transparency**

On 10 March, the European Parliament adopted a “resolution on transparency and the state of play of ACTA (Anti-Counterfeiting Trade Agreement) negotiations”. In this document, the Parliament asks the Commission and the Council to grant public access to the negotiations texts, and “reserves its right to take suitable action, including bringing a case before the Court of Justice in order to safeguard its prerogatives”. The Parliament however supports this initiative aiming at protecting intellectual property rights through an international anti-counterfeiting agreement, but asks the Commission to limit the negotiations to the existing European intellectual property rights enforcement system against counterfeiting. Finally, it voices concern over the fact that no parliamentary approval was sought for the negotiating mandate and recall that, since the entry into force of the Lisbon Treaty, the Commission has the legal obligation to inform the Parliament at all stages of international negotiations. The resolution is available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+MOTION+B7-2010-0154+0+DOC+XML+V0/EN>

On 22 March, during the third EU stakeholder meeting on the ACTA, the European Commission affirmed that it will request the publication of ACTA documents at the next ACTA negotiating meeting in New Zealand in April to stop rumours on the content of the negotiations.

### **EU – Peru and Colombia: Completion of the trade talks**

On 1 March, the European Union has completed negotiations of the free trade agreements with Peru and Colombia. The agreement provides for a complete liberalisation of trade in industrial products and fisheries. It also guarantees the

protection of more than 200 Geographical Indications (GIs). At the end of the negotiation, oriGIn has been informed that Peru and Colombia asked for the payment of fees concerning the examination of the protection requests for European GIs. oriGIn thus contacted its members in order to ensure that the required payments were made on time. Member States and the European Parliament’s approvals are now required in order for the agreement to enter into force.

### **EU – Georgia: Bilateral Agreement on GIs**

On 17 February, the European Commission published a list of the 18 wines with GIs for which Georgia seek protection within the EU (list available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:04:0:0018:0020:EN:PDF>) in order to open an opposition period (see oriGIn Report of February).

On 27 February, the Commission published a new information notice on the public consultation concerning the negotiations of the protection of geographical indications from Georgia. This new notice annuls and replaces the text published on 17 February. The text is available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:05:0:0006:0008:EN:PDF>. Modifications are made in the file on page 3, in the column regarding the “name as registered in Georgia”. The new document indicates the names in Georgian alphabet. The document opens a new period of opposition which will end on 27 April.

### **EU – Vietnam to launch Free Trade Agreement negotiations**

On 3 March, the EU and Vietnam agreed to launch bilateral Free Trade Agreement negotiations. Such an agreement will cover intellectual property rights, as GIs. No date has been decided for the formal launch of the negotiations as the European Commission will discuss next steps with the Council and the Parliament.

## EU Issues

### Policy Developments

#### GI Policy

##### Vote of the Scottà report on the quality policy

On 25 March, the European Parliament adopted the report of M. Scottà on the “agricultural product quality policy: what strategy to follow?”.

The report maintains the current system of GIs with the protected designation of origin (PDO) and the protected geographical indication (PGI). It also recognises the role of GI groups in managing PDOs and PGIs. Concerning WTO negotiations, the report calls for the extension of the protection under Article 23 of the TRIPS agreement to all GIs and the creation of a binding multilateral register of all GI products to fight usurpation and counterfeiting. Finally, it asks the Commission to provide GI groups with financial and technical support to tackle the most pressing challenges surrounding the sector.

The European Commission should publish legislative proposal at the end of the year.

##### Communication on quality policy: Preparation of impact assessments

DG agriculture is currently preparing impact assessments on GIs, Traditional Specialities Guaranteed and Products of Mountain Farming. These assessments will support political choice to be made in view of the legislative proposals on quality policy. Concerning GIs, the objectives are to study the application and visibility of PDO and PGI systems; study how to improve the information of consumers on the characteristics of the GI products and study some points left over after the adoption of Regulation 510/2006, notably genericity. The problems identified by DG Agriculture are the small knowledge of the system and of the logos the consumers have, the issue of rural development and producers' revenues, the articulation between the four systems (wines, flavoured wines, spirits and agricultural products), and the relations with the other intellectual property rights. DG Agriculture is working on the following 4 options:

- Option 1 - Improve status quo by clarifying the rules, notably the relations with other intellectual property rights, the criteria for the

generic characteristics of a name and the labelling of GI products' raw materials. DG agriculture contemplates other simplification elements such as harmonisation of the four systems with two possible routes with either (1) the creation of one legal framework that includes all the existing elements, or (2) maintaining the 4 systems with one single database or register. DG Agriculture also considers the possibility to merge the two concepts PDO and PGI, based on the GI definition included in the TRIPs agreement.

- Option B - Develop alternatives with regard to the registration by allowing the registration at the national level independently of the EU system, as well as a protection only at the national level.
- Option C – Give the competency to the Member States to examine the registration requests and decide at its level on whether to register or not. The registered names could then be notified to the Commission.
- Option D – Promote protection of GIs via the trademark system which provides for the protection of GIs via collective marks. This would pose some problems, in particular with regard to the level of protection that is not as high through collective marks.

The Commission also works on guidelines on the use of GIs as ingredients in processed products and the adoption by producers' groups of sustainable criteria in the specifications on a voluntary basis.

Calendar:

- June 2010: Finalisation of the impact assessments prepared by DG Agriculture
- End 2010: Legislative proposals and guidelines to be presented

#### European Agricultural Policy

##### EU 2020 Strategy: The Parliament asks for the CAP to be fully included

On 3 March, the European Parliament adopted a “resolution on the EU 2020 Strategy in view of the preparation of the European Spring Council” in which it expressed its disappointment with the fact that agriculture was not mentioned in the original EU 2020 proposals. The European Commission's EU 2020 Strategy is its vision for

the next decade and does not consider the CAP as a priority. The European Parliament considers that agriculture could have an important role to play in the Strategy and asked the Commission to review its proposal. You can consult the EU 2020 Strategy at <http://ec.europa.eu/eu2020/pdf/COMPLET%20EN%20BARROSO%20%20%20007%20-%20Europe%202020%20-%20EN%20version.pdf> and the Parliament Resolution at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+MOTION+B7-2010-0153+0+DOC+PDF+V0//EN>

### Reform of the EU food labelling rules

On 16 March, the Committee report on the provision of food information to consumers, drafted by Renate Sommer (EPP, DE), was adopted by the Environment, Public Health and Food Safety Committee of the European Parliament. The draft legislation aims to clarify food labelling within the EU. It makes minor changes to existing rules on information which is compulsory on labels, such as name, list of ingredients, "best before" or "use by" date, and specific conditions of use. Key nutritional information, such as energy content, and amounts of fat, saturated fat, carbohydrates, sugar and salt, as well as proteins, fibre and natural and artificial trans fats, will be mandatory for all foodstuffs across the EU. All mandatory nutrition information should be given on the front of the pack. The Committee added that showing the country of origin should also be mandatory for meat, poultry, dairy products, fresh fruit and vegetables and other single-ingredient products as well as for meat, poultry and fish when used as an ingredient in processed food. Furthermore food labels should give information on energy content and nutritional value. MEPs agree with the Commission that information on the energy and nutrients should be given in relation to 100g or per 100 ml, and possibly also per portion. However, the Committee voted against creating an EU-wide "traffic light" system to show important nutrient amounts. Furthermore the Committee did not vote in favour of the Commission's proposal to require that all information be given in a minimum font size of 3 mm. Instead, it asked the Commission to draw up guidelines to ensure clear legibility. The Parliament's first reading in plenary session is planned for the end of May. The Council will then

adopt its position, before the proposal is debated again in the Environment Committee.

## News on GI registrations

### GI Registration

- "Mela di Valtellina" (PGI) – 01/03  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:051:0009:0010:EN:PDF>
- "Prekmurska gibanica" (TSG) – 01/03  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:051:0011:0012:EN:PDF>
- "Belokranjska pogača" (STG) – 04/03  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:053:0001:0002:EN:PDF>
- "Irpinia — Colline dell'Ufita" (PDO) – 11/03  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:061:0029:0030:EN:PDF>
- "Sedano Bianco di Sperlonga" (PGI) – 18/03  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:068:0001:0002:EN:PDF>
- "Patata di Bologna" (PDO) – 19/03  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:069:0001:0002:EN:PDF>
- "Ricciarelli di Siena" (PGI) – 19/03  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:069:0003:0004:EN:PDF>
- "Chorizo Riojano" (PGI) – 25/03  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:079:0003:0004:EN:PDF>
- "Farine de Petit Épeautre de Haute Provence" (PGI) – 25/03  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:079:0005:0006:EN:PDF>
- "Yorkshire Forced Rhubarb" (PDO) – 25/03  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:079:0007:0008:EN:PDF>
- "Alubia de La Bañeza-León" (PGI) – 26/03

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:080:0017:0018:EN:PDF>

- “Colline Pontine” (PDO) – 26/03

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:080:0032:0033:EN:PDF>

- “Chirimoya de la Costa tropical de Granada-Málaga” (PDO) – 26/03

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:080:0034:0035:EN:PDF>

### **Amendments request**

- “Agnello di Sardegna” (PDO) – 19/02

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:070:0031:0038:EN:PDF>

- “Pomodoro S. Marzano Dell’agro Sarnese-Nocerino” (PDO) – 23/03

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:073:0042:0048:EN:PDF>

### **Registration request**

- “Castagna Del Monte Amiata” (PGI) – 11/03

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:060:0015:0019:EN:PDF>

- “Pancetta Piacentina” (PDO) – 16/03

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:064:0032:0040:EN:PDF>

- “Marrone Della Valle Di Susa” (PGI) – 18/03

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:067:0026:0028:EN:PDF>

- “Seggiano” (PDO) – 26/03

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:077:0006:0009:EN:PDF>

- “Горнооряховски суджук» (Gornooryahovski Sudzhuk)” (PGI) – 18/03

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:077:0010:0014:EN:PDF>