GIs from the point of view of EU

Pavlos DIMITRIOU
EU legal instruments for GIs

- Spirits – Regulation (EC) No 110/2008
PDO and PGI – why?

- To enable promotion of products having certain characteristics due to the origin
- 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
PGI and PDO

COMMON POINTS
- Specific products
- Geographical names
- Products have to originate in the region of which they bear the name
- Procedure
- Protection level

DIFFERENCES
- Link to the geographical environment (stronger for PDO)
- Reputation (only PGI)
- Number of production steps to be realized in the region (one is enough)
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 practice liable to mislead consumer
- Protection is identical for PDO and PGI!
PDO/ PGI – valuable IP right

- The NAME is protected
- Collective right
- Any operator of product within, subject to control, respecting the specification can use it
- Protection indefinite
IP protection - Relation with trademarks

- Prior GI prevents the registration of a trademark → relation with TM offices.
- Prior trademark which has been applied or registered, or established by use, in good faith, before the date of protection in the country of origin, or before 1/1/1996 may continue to be used → coexistence
- Conflict with renown TM prevents GI registration - if registration is liable to mislead the consumer as to the true identity of the good.
Application from 3rd countries

- Specifications (in EU language)
- Proof of protection as a GI in the country of origin
- Details of the producer group: size, composition, legal status
- Single document.
- Send directly to the European Commission
OBJECTION

- the application does not meet the requirements set out in the Regulations
- the name is generic
- the name is wholly or partially homonymous with a GI already registered
- conflict with a prior TM
- conflicts with names of plant varieties, animal breeds
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
Register page

- Name
- PDO or PGI
- Product category
- Country of Origin
- Legal act of registration
Registration PDO / PGI per country
927 names
PDO/PGI Olive Oils in the EU

<table>
<thead>
<tr>
<th>Country</th>
<th>PDOS (PGIs)</th>
</tr>
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<tbody>
<tr>
<td>Italy</td>
<td>40 (1 PGI)</td>
</tr>
<tr>
<td>Greece</td>
<td>27 (11 PGI)</td>
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<tr>
<td>Spain</td>
<td>20+2</td>
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<td>France</td>
<td>7</td>
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<td>Portugal</td>
<td>6</td>
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<tr>
<td>Slovenia</td>
<td>1+1(PGI)</td>
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<tr>
<td><strong>TOTAL</strong></td>
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<tr>
<td>Country</td>
<td>Count</td>
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<td>-----------</td>
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</tr>
<tr>
<td>Greece</td>
<td>10 (1 PGI) + 1</td>
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<tr>
<td>France</td>
<td>4 + 1</td>
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<tr>
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</tr>
<tr>
<td>TOTAL</td>
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</table>
Number of PDOs and PGIs and their turnover per Member State (2007)

![Graph showing the number of PDOs and PGIs and their turnover per Member State (2007)]
% of PDO/PGI turnover by product group

- Cheeses: 37%
- Meat products: 16%
- Beers: 20%
- Fresh meat: 6%
- Fruit & vegetables: 4%
- Bakery products: 4%
- Others: 13%
Evolution of prices of some PDO and PGI EVOO from Italy compared to “other” EVOO olive oil, 2004-2007

Euro / Kg, VAT excluded, Bulk product, producer firm (farmer or miller)
Case studies

Toscano PGI: 30% price premium in comparison to a no PDO/PGI EVOO bottled by the same firm

Price difference between Baena PDO and a non PDO Industry: +10% bulk, +30% bottled
Retailers: +22%

Sita Lasithiou Kritis PDO: 1995, 150 tns bottled
2004, 4 500 tns bottled
Timetable for policy revision

- **2008**: Green Paper consultation
- **2009**: Communication
- **2010**: Impact assessments: *dialogue with stakeholders
- **2011-2012**: Legislative proposals
- **2009-2010**: Discussions in Council & EP

- **15 October**: Green Paper consultation
- **28 May**: Communication
- **July**: Impact assessments: *dialogue with stakeholders
- **8 Dec 2010**: Discussions in Council & EP
Main elements of EU quality policy

QUALITY PACKAGE

- Marketing Standards (including place of farming)
- EU schemes
- Private schemes
- General standard in sCMO
- Framework for optional reserved terms
- PDO/PGI
- TSG
- Organic farming
- Guidelines
Thank you for your attention

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Unit H.2

DG AGRI website on Quality: http://ec.europa.eu/agriculture/quality/index_en.htm