



Study on the Functioning of the EU GI System

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Introduction

1. The EU GI System – History and Current Features

1.1. Legal Background and Developments

Protection of geographical indications (GIs) against misleading and abusive practices is an important feature of the international intellectual property system, as set forth already in the Paris Convention (see Art 1(2) and Art 10 of the Paris Convention). The importance of such protection is particularly high not only in the wine sector, but also in the agricultural and food producing sector, where the natural conditions of climate and soil together with traditional methods and know-how can engender unique product specialties, the authenticity of which is guaranteed to the consumer by the designation attached to them.

Protection of GIs therefore constitutes a deeply rooted element of national policy in European countries with strong agricultural and gastronomic traditions such as Italy, Spain¹ and in particular France. In France, sui generis legislation on geographical indications (appellations d'origine, AO) and qualified geographical indications (appellations d'origine contrôlées, AOC) was passed in the 1930s,² together with the establishment of the INAO (then: CNAO) as a special institution handling the registration and monitoring of such designations.³ In the framework of that legislation and the debates preceding it, the notion of “terroir” was developed as a blend of natural conditions and the skills and traditions existing within a geographic area, which together account for a product’s uniqueness. Different from that, countries like Germany,⁴ the UK⁵ or the Nordic countries⁶ historically did not consider it necessary to provide

¹ While protection of national designations of origin has been an important national policy feature in Italy and Spain, legislation was more fragmented than in France. See for example Italian law of 10 April 1954 n. 125 regarding cheeses http://www.edizioneuropee.it/law/html/25/zn4_08_004.html#_ART0004; for Spain, see Real Decreto 728/1988 de 8 de julio <https://www.boe.es/buscar/doc.php?id=BOE-A-1988-17468>.

² An earlier law dating from 1919 had already sought to protect geographical indications, but was considered insufficient. For the complex history of French GI legislation see Andrea Zappalagio, *The Transformation of EU Geographical Indications Law: The Present, Past, and Future of the Origin Link* (Routledge 2021), p. 36 et seq.

³ France is the only Member State in the EU where such a specialised body exists.

⁴ Protection against misleading use of geographical indications was available under Sec. 3 Act Against Unfair Competition (UWG 1904). See for instance Federal Court of Justice (BGH) 29 April 1982, I ZR 111/80 - Elsässer Nudeln). In addition, special legislation was passed for non-agricultural products with a special tradition and reputation (Act to protect the name “Solingen” for blades of 25 July 1938). Furthermore, the former German Democratic Republic (GDR) provided for registration-based protection of geographical indications; the option was however abolished after reunification in 1990.

⁵ Protection could be granted on the basis of passing off; see *Chocosuisse Union des Fabricants der Chocolate Suisse v Cadbury* (Swiss Chalet” for chocolate), [1997] EWHC 360 (Pat); *Fage UK v Chobani*, [2013] EWHC 360; but see *Taittinger and others v Allbev* (“Elderberry Champagne”), [1993] 1 CMLR 597.

⁶ The relevant provisions were anchored in the respective Marketing Acts, with violations being subject to monitoring and sanctioning by consumer ombudspersons and consumer authorities.

for GI protection other than by a robust system of safeguards against unfair and misleading marketing practices.

On the EU level geographical indications became topical for the first time in 1974 in connection with the basic principle of the free movement of goods under EU law. The Case *Dassonville*⁷ referred by a Belgian Court to the European Court of Justice (ECJ) concerned the import of Scotch Whisky from France into Belgium. According to Belgian law, products under such designations could only be marketed if they were accompanied by an official certificate of the country of origin; in France, the country of first import into the EEC, no such certificate was required. The ECJ found that the import restriction resulting from Belgian law amounted to a measure having equivalent effect in the meaning of Art. 30 EEC Treaty. Considering that it concerned a formality that the importer in Belgium as the country of second import could only comply with under serious difficulties, this measure was liable to disrupt the free movement of goods in the internal market. Later, in Case *Exportur*⁸, the ECJ acknowledged that impediments to the free movement of goods resulting from protection of geographical indications under bilateral agreements between Member States are capable of being justified under Art. 36 EEC Treaty, if and as long as the indication enjoys protection under the law of the exporting country and is recognized by the public in that country as an indication of origin. Both decisions indicated that national diversities in the modalities of protection were likely to produce obstacles to intra-Community trade, creating a need for a uniform protection instrument.

This led to enactment of Council Regulation No. 2081/92⁹ on the protection of geographical indications (PGIs) and designations of origin (PDOs) for agricultural products and foodstuffs¹⁰. Protection under the Regulation is based on registration. After the system went into force on 23 July 1993, an option was granted for Member States to present within six months to the European Commission lists of eligible GIs protected under their national law, which, after

⁷ ECJ Case 8/74, 11 July 1974, *Procureur du Roi v Benoît and Gustave Dassonville*, [1974] E.C.R. 837.

⁸ ECJ Case C-3/91, 10 November 1992, *Exportur SA v LOR SA and Confiserie du Tech SA* (“*Touron de Alicante*”), [1992] E.C.R. I-05529.

⁹ Council Regulation 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs, as amended by Council Regulation 535/97 of 17 March 1997 and Council Regulation 692/2003 of 8 April 2003.

¹⁰ Geographical indications for wines and spirits are regulated in different Regulations. For spirits see Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the Definition, Description, Presentation, Labeling and the Protection of Geographical Indications of Spirit Drinks; for aromatised wines see Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products; see also Council Regulation No 1234/2007 of 22 October 2007 Establishing a Common Organization of Agricultural Markets and on Specific Provisions for Certain Agricultural Products, which contains rules on designations of origin, geographical indications, and traditional terms in the wine sector that run largely parallel to those in the (current) EU GI Regulation.

examination by the Commission as to compliance with the substantive requirements under Regulation 2081/92, were subject to registration under the Simplified Procedure (Art. 17 Regulation 2081/92). In practice, that option was easier to comply with for GIs from Member States with an intellectual property-like GI registration system.

Under Regulation 2081/92 GIs from non-Community countries could be registered under the condition that a system for examination and control existed in the country of origin, and provided that Community GIs were protected there on the basis of reciprocity (Art. 12 Regulation 2081/92). In Dispute Settlement proceedings instigated by the US before the WTO it was found that this provision violated the principle of national treatment in Art. 2 Paris Convention and Art. 3 TRIPS.¹¹ Regulation 2081/92 was therefore repealed and replaced by Regulation 510/2006,¹² which provided an option for third-country GIs to be filed directly with the European Commission, without further preconditions. Furthermore, Regulation 510/2006 aimed at rendering the registration criteria more transparent by requesting that the main points of the specification and a concise description of the link between the locality and the product specifics are set forth in a Single Document (Art. 5 (3) (c) Regulation 510/2006).

In 2012, Regulation 510/2006 was replaced by Regulation 1151/2012 on quality schemes for agricultural products and foodstuffs.¹³ In addition to indications of geographical origin, Regulation 1151/2012 also encompasses so-called traditional specialities guaranteed (TSG)¹⁴, with a common framework of rules on controls and procedures.

While Regulation 1151/2012 thereby has taken steps towards consolidating EU legislation on GIs and adjacent forms of labelling, the area remains somewhat fragmented due to the fact that GI protection for wines, spirits and aromatised wines is still subject to separate legislation. At least in the longer run common legislation comprising GIs in other fields than those addressed by Regulation 1151/2012 could be envisaged. In addition, plans by the European Commission to enlarge the area of protected GIs to non-agricultural (“non-agri”) products have

¹¹ European Communities - Protection of Trademarks and Geographical Indications for Agricultural Products and Foodstuffs – Complaint by the United States - Report of the Panel, WT/DS/174 (15 March 2005).

¹² Council Regulation 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs, as amended by Council Regulation 1791/2006 of 20 November 2006 adapting certain Regulations and Decisions in the fields of free movement of goods, with detailed implementation rules in Commission Regulation 1898/2006.

¹³ Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs.

¹⁴ Title III, Art. 17 et seq. Regulation 1151/2012. TSGs designate products made according to traditional customs and technique, without that being linked to a specific geographical area.

been launched for consultation and are currently under discussion,¹⁵ without a legislative proposal having been tabled so far.

Meanwhile the EU is also active on the international level.¹⁶ In particular, protection of GIs regularly forms an integral part of bilateral or regional trade agreements,¹⁷ of which 30 agreements the EU has concluded by now¹⁸. This may result in mutual obligations by the trading partners to protect a comprehensive amount of GIs for specific products, such as in the agreement concluded with China, or it may oblige the other party to revise their domestic laws in order to accommodate the rights and duties assumed in the trade agreement, such as in the case of Australia.¹⁹

1.2. Economic and social importance

GI protection is of crucial relevance for the EU not least because of the economic value represented by such designations. According to figures presented in a Study conducted on behalf of the European Commission²⁰, the overall value of EU *sui generis* GIs²¹ amounts to approximately 75 billion €, with registered agricultural products being worth 27 billion €²². Products sold under a GI (including GIs for wines and spirits) are able to achieve a clear premium, with the sales value being double on average in comparison to similar products sold without certification.²³ Furthermore, around 20% of this income is generated by exports to third countries. The economic success reflected in those figures is partly due to conscious marketing: The European Commission invests an annual budget of around 50 million € to promote GI products in the EU and worldwide²⁴.

¹⁵ For details see https://ec.europa.eu/growth/industry/policy/intellectual-property/geographical-indications/non-agricultural-products_en.

¹⁶ The EU – or, at that time, the EC – was also an active promoter of GI protection in the TRIPS negotiations, and it supported the activities by WIPO to revise the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, resulting in the adoption of the Geneva Act of the Agreement (2015), which entered into force on 26 February 2020.

¹⁷ For more information on this point, see EU Commission, ‘Food & Drink – EU Geographical Indications Scheme (revision)’ < https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12664-Food-&-drink-EU-geographical-indications-scheme-revision-_en>.

¹⁸ <https://ec.europa.eu/trade/policy/accessing-markets/intellectual-property/geographical-indications/>.

¹⁹ <https://www.dfat.gov.au/trade/agreements/negotiations/aeufta/public-objections-gis/Pages/list-of-european-union-geographic-indications-gis>.

²⁰ European Commission, *Study on Economic Value of EU Quality Schemes, Geographical Indications (GIs) and Traditional Specialities Guaranteed (TSGs): Final Report (2020)* <<https://data.europa.eu/doi/10.2762/396490>>.

²¹ European Union also protects Traditional Specialities Guaranteed (TSG), The sales value of agricultural products and foodstuffs labelled as TSG are worth €2.3 billion.

²² The EU Study (fn. 20) was based on all 3,207 product names protected across the 28 EU Member States at the end of 2017 (by the end of March 2020, the total number of protected names increased to 3,322). It concludes that the sales value of a product with a protected name is on average double than that for similar products without a certification.

²³ For the products covered by the EU Study (fn. 20), the value premium rate was 2.85 for wines, 2.52 for spirits and 1.5 for agricultural products and foodstuffs.

²⁴ https://ec.europa.eu/commission/presscorner/detail/en/IP_20_683.

Apart from the economic relevance, GIs also have a social, cultural and political impact. They contribute to shaping the daily life of the producers and to preserving the culture and traditions that were developed in, and have left an imprint on, specific localities and regions. They are a cause of pride for those who engage in the production of goods, and enable consumers to recognize and appreciate the different nuances and flavours that characterize traditional food production with its regional and local specialties. For all of that, GIs have played and continue to play an essential role in the development of EU agricultural policy as well as in the strategies for rural development and, more recently, sustainability and green development.²⁵

2. Aims and structure of the Study

Despite the importance of the GI quality schemes in the EU, an in-depth analysis of their nature and of the elements upon which registrations are granted and specifications are drafted is currently lacking. In order to better understand the implications of the EU *sui generis* GI system²⁶ the assessment undertaken in this Study aims to provide more insight into the practical nature, functioning and foundations of the EU *sui generis* GI regime for the protection of agricultural products and foodstuffs.

This will help answering a number of research questions:

- a) What is the nature of EU GIs and has it changed over time?
- b) How do EU GIs perform their origin functions today?
- c) What role has the simplified procedure played?
- d) What function has the PDO played in the evolution of the EU GI regime?
- e) What is the relationship between PGIs and PDOs today? Are there any indications for changes in that relationship which might affect the system?
- f) What are the specific features and differences between the national systems involved in the registration of GIs under the EU GI system?
- g) How does the approach to the drafting of the specifications differ among the Member States?

²⁵ For instance, *sui generis* GIs are explicitly mentioned as part of the EU 'Farm to Fork Strategy' which stands at the core of the broader European Green Deal. See, European Commission, 'Farm to Fork Strategy: For a Fair, Healthy and Environmentally-Friendly Food System' (2020) https://ec.europa.eu/food/sites/food/files/safety/docs/f2f_action-plan_2020_strategy-info_en.pdf.

²⁶ For an earlier attempt see Andrea Zappalaglio, *The Transformation of EU Geographical Indications Law: The Present, Past, and Future of the Origin Link* (Routledge 2021). The approach taken in this MPI Study is somewhat more comprehensive, as (a) the sample is more updated, (b) the number of variables included in the analysis is much higher, (c) account is taken not only of the Single Document, but also of the full specifications (d) the criteria for assessment were applied in a slightly different way, for instance regarding the assessment of the 'qualitative' versus 'reputational' link (see for more details below, Chapter 1.7.1). Furthermore, as the research team consisted of several persons, the spectrum of views was somewhat broader, which may have impacted some of the results. In spite of those differences, the analysis undertaken in this Study confirms the general tendencies already highlighted in Andrea Zappalaglio's earlier efforts (above, fn 27).

- h)** To what extent do the specifications differ from the summaries and, most importantly, the single documents?
- i)** What are the points of, and reasons for, amendments of specifications and how do they impact the criteria originally selected for the specification?

Before this background the Study is structured as follows:

Its central part – presented in *Chapter 1* – consists of a quantitative analysis of the DOOR database, which until 1st January 2021 contained all registrations filed and accepted under Regulation 1151/2012 or its predecessors. The sample presented in Chapter 1 is complete until 31 May 2019. It should be noted here that after 31 December 2020 the DOOR database is no longer maintained; designations protected under Regulation 1151/2012 as well as under the special legislation on wines, spirits and aromatised wines are now found in the eAmbrosia database.²⁷

Chapter 2 undertakes a comparative analysis of national rules and practices concerning procedures related to GIs filed or registered under the EU GI protection system.

In *Chapter 3*, selected product samples (Potatoes, bakery products) are analysed as to the specifics set forth in the specification and the changes occurring in that regard over time.

Finally, *Chapter 4* takes an in-depth look at the kind, reasons for, and impact of amendments made to product specifications related to Class 1.2 GI products (meat products).

²⁷ European Commission, 'eAmbrosia - the EU Geographical Indications Register' <https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/geographical-indications-register/>.

Chapter 1

Quantitative analysis of GI registrations in the DOOR database

Andrea Zappalaglio

Part I. Preliminaries

1. Introduction

This chapter presents the results of a complete quantitative assessment of the contents of the specifications of EU *sui generis* GIs registered for agricultural products and foodstuffs from the inception of the system after it became operational in 1994, until 31 May 2019.²⁸

2. Methodology

2.1. Sample

The sample collected for the assessment included every document retrievable via the DOOR database²⁹ concerning all PDOs and PGIs registered until 31 May 2019. Overall, this included 1390 specifications, 641 PDOs and 749 PGIs, plus other sources of information such as Single Documents, where available, annexes and others.

2.2. The organisation of the analysis and the methodological approach

The abovementioned sample has been analysed using a questionnaire composed of 76 parameters reflecting the fundamental elements required for the registration of an agrifood GI as they emerge from key documents such as: (a) Regulation 1151/2012; (b) Implementing Regulation 668/2014³⁰; (c) the structure of the Single Document³¹; (d) the most important

²⁸ The methodology used in this Study differs from the approach used in Andrea Zappalaglio's book; for details see above, fn. 27.

²⁹ This used to be the EU database of agrifood GIs. It was discontinued in January 2021 and its contents were included in the unified eAmbrosia register that also includes wines, fortified wines and spirits GIs; see above.

³⁰ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs.

³¹ Annex I to Implementing Regulation No 668/2014. The template of the Single Document for the registration of an EU agrifood GI can be found here: https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/registration-name-quality-product/applications-food-and-agricultural-products_en.

applicants' guides and other authoritative documents.³² More specifically, the parameters were organised in four different sections:

- a) **General information** refers to the production's area size; rules on slicing, grating cutting and packaging with/without limiting effect.
- b) **Description of the product** deals with form, size, weight, and other product characteristics in general.
- c) **Link and evidence of the link**, focusing on critical issues like climate, nature and know-how.
- d) **Amendments to the specification** refer to the single document sections, including the product or production method's description, for example.

Once the parameters were defined, they were translated into a spreadsheet format. The coding used to register the answer to the parameters was binary in the majority of the cases. A five-people research team³³ analysed the contents of the collected materials and filled the spreadsheet from which the relevant data were eventually extracted and expressed in the form of tables.³⁴ Throughout the analysis, crosschecks and uniformity tests were run to ensure the uniformity of the assessment.

In this chapter, the key results of the analysis are presented in the following way:

- a) Per **quality scheme**, as indicated by PDO and PGI registrations respectively;
- b) Per **time-periods**, which are indicated by the Regulation in force at the application time:
 - Regulation 2081/1992 (Simplified procedure) from 26 July 1993 to 26 January³⁵ 1994.
 - Regulation 2081/1992, 27 January 1994 to 30 March 2006.
 - Regulation 510/2006, 31 March 2006 to 2 January 2013.³⁶
 - Regulation 1151/2012, 3 January 2013 to 31 May 2019.

³² Such as the European and French applicant's guide. See, European Commission, 'Guide to Applicants: How to Compile the Single Document' <https://ec.europa.eu/info/sites/info/files/food-farming-fisheries/food_safety_and_quality/documents/guide-to-applicants-of-single-document_en.pdf>; INAO, 'Guide Du Demandeur' (2017).

³³ Consisting of Andrea Zappalaglio (post-doc, project coordinator), Suelen Carls (post-doc), Flavia Guerrieri (doctoral student, law), Alessandro Gocci (doctoral student, economics) and Natale Rampazzo (guest professor).

³⁴ Lukas Kleinert (research assistant) supported the organization of the data collection, edited the data and took care of the layout.

³⁵ See Opinion AG Jacobs in Case C-269/99 – Kühne, para 39.

³⁶ Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs.

- c) Per **sample countries**, in particular regarding the following countries: Germany, France, Italy, Spain, Portugal, Greece, and the UK;
- d) Per **sample products**, in particular the following:
 - Class 1.1: *Fresh meat* (and offal).
 - Class 1.2: *Meat products* (e.g., cooked, salted, smoked).
 - Class 1.3: *Cheeses*.
 - Class 1.4: *Other products of animal origin* (e.g., eggs, honey, various dairy products, except butter).
 - Class 1.5: *Oils and fats* (e.g., butter, margarine, oil).
 - Class 1.6: *Fruit, vegetables and cereals* fresh or processed.
 - Class 1.7: *Fresh fish, molluscs, and crustaceans* and products derived therefrom.
 - Class 1.8: Other products of Annex I of the Treaty (e.g., spices).
 - Class 2.4: Bread, pasta, cakes, confectionery and other *baker's wares*.

Following that scheme, each of the sections provides, when applicable and/or relevant: an overview of the relevant rules of Regulation 1151/2012, one or more illustrations that show the findings related to the section theme and the correspondent analysis of those findings followed by one or more examples when expedient. Finally, the analysis is divided into two main parts: the first dedicated to a general overview of the EU sui generis GI regime for the protection of agricultural products and foodstuffs and the second focusing on specific selected issues.

Part II. Overview

1. General trends

1.1. EU GIs

For an application to be successful, as anticipated earlier, it must comply with some legal requirements. Regulation 1151/2012 provides the most elementary of them under Art. 5(1) and (2), which read as follows:

1. For the purpose of this Regulation, 'designation of origin' is a name which identifies a product:
 - (a) originating in a specific place, region or, in exceptional cases, a country;
 - (b) whose quality or characteristics are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors; and
 - (c) the production steps of which all take place in the defined geographical area.
2. For the purpose of this Regulation, 'geographical indication' is a name which identifies a product:
 - (a) originating in a specific place, region or country;
 - (b) whose given quality, reputation or other characteristic is essentially attributable to its geographical origin; and
 - (c) at least one of the production steps of which take place in the defined geographical area.

On this legal basis, at the time of completion of the present analysis, 1385 names were successfully registered under the EU system, 641 PDOs and 744 PGIs. An overview on the number and percentages of PGI/PDO registrations per product class is given in *Table 1*.

Table 1. Registrations per product class: overall and per quality scheme

Product Class	Overall		PDO		PGI	
	1385	100%	641	100%	744	100%
Total	1385	100%	641	100%	744	100%
Class 1.1 (Fresh meat)	171	12,35%	44	6,86%	127	17,07%
Class 1.2 (Meat products)	176	12,71%	37	5,77%	139	18,68%
Class 1.3 (Cheeses)	233	16,82%	186	29,02%	47	6,32%
Class 1.4 (Other products of animal origin)	45	3,25%	33	5,15%	12	1,61%
Class 1.5 (Oils and fats)	134	9,68%	116	18,10%	18	2,42%
Class 1.6 (Fruit, vegetables and cereals fresh or processed)	385	27,80%	160	24,96%	225	30,24%
Class 1.7 (Fresh fish, molluscs, and crustaceans and products derived therefrom)	50	3,61%	14	2,18%	36	4,84%
Class 1.8 (Other products of Annex I of the Treaty³⁷)	67	4,84%	39	6,08%	28	3,76%
Class 2.1 (Beers)	21	1,52%	0	0,00%	21	2,82%
Class 2.2 (Natural mineral waters and spring waters [discontinued])	0	0,00%	0	0,00%	0	0,00%
Class 2.3 (Beverages made from plant extracts)	6	0,43%	0	0,00%	6	0,81%
Class 2.4 (Bakery products)	72	5,20%	4	0,62%	68	9,14%
Class 2.5 (Natural gums and resins)	3	0,22%	2	0,31%	1	0,13%
Class 2.6 (Mustard paste)	2	0,14%	0	0,00%	2	0,27%
Class 2.7 (Pasta)	10	0,72%	0	0,00%	10	1,34%
Class 3.1 (Hay)	1	0,07%	1	0,16%	0	0,00%
Class 3.2 (Essential oils)	3	0,22%	2	0,31%	1	0,13%
Class 3.3 (Cork)	0	0,00%	0	0,00%	0	0,00%
Class 3.4 (Cochineal [raw product of animal origin])	2	0,14%	2	0,31%	0	0,00%
Class 3.5 (Flowers and ornamental plants)	3	0,22%	0	0,00%	3	0,40%
Class 3.6 (Wool)	1	0,07%	1	0,16%	0	0,00%
Class 3.7 (Wicker)	0	0,00%	0	0,00%	0	0,00%
Class 3.8 (Scutched flax)	0	0,00%	0	0,00%	0	0,00%

³⁷ E.g. tea, spices, vinegar.

Among other things, the table above shows that:

- a) Class 1.6, encompassing fruits, vegetables and cereals is by far the largest and includes 30% of all PGIs.
- b) Class 1.3 referring to cheeses, comes at second place, representing almost 17% of the overall registered GIs. However, this class includes most PDOs, amounting to slightly under 30% of the total.
- c) Finally, Class 1.5 for oils and fats, also represents a meaningful share of PDO products (18%).

Table 2 below completes the overall picture by presenting the number of PDOs and PGIs registered per EU Member State. The figures show that the seven countries Germany, Greece, Spain, France, United Kingdom (UK), Italy and Portugal selected as ‘sample countries’ for the Study (see above, I. 2.2) are the most active in regards to GI registration.

Table 2. Number of PDOs and PGIs per Country (EU and non-EU)

Country	Overall		PDO	PGI
Total	1390	100%	641	749
Austria	16	1,15%	10	6
Belgium	15	1,08%	4	11
Bulgaria	2	0,14%	0	2
Cyprus	5	0,36%	1	4
Czechia	29	2,09%	6	23
Germany	91	6,55%	12	79
Denmark	7	0,50%	0	7
Greece	107	7,70%	76	31
Spain	192	13,81%	103	89
Finland	7	0,50%	5	2
France	247	17,77%	105	142
United Kingdom	68	4,89%	27	41
Croatia	21	1,51%	11	10
Hungary	14	1,01%	6	8
Ireland	7	0,50%	3	4
Italy	299	21,51%	167	132
Lithuania	5	0,36%	1	4
Luxembourg	4	0,29%	2	2
Latvia	3	0,22%	1	2

Netherlands	11	0,79%	6	5
Poland	31	2,23%	8	23
Portugal	138	9,93%	64	74
Romania	5	0,36%	1	4
Sweden	6	0,43%	3	3
Slovenia	21	1,51%	8	13
Slovakia	12	0,86%	2	10
Non-EU countries	27	1,94%	9	18

In particular, the figures for Italy, France, Spain, Portugal and Greece all range above hundred, while 91 registrations originated from Germany and 68 from the UK (which at the relevant time was still a member of the EU). More specifically, nearly 22% of registrations for agrifood products pertained to Italy,³⁸ followed by France with almost 18% and Spain with slightly under 14%. Furthermore, the highest number of PDOs derives from Italy (167), while France is leading the field in regard to PGIs (142).

A further analysis of PDOs and PGIs per selected product classes registered by Greece, Spain, France, Italy and Portugal in *Table 3* indicates different focal product sectors for each one of these countries.

Table 3. Registrations per countries, quality schemes and product classes

		Class 1.1 (Fresh meat)	Class 1.2 (Meat products)	Class 1.3 (Cheeses)	Class 1.5 (Oils, fats)	Class 1.6 (Fruits, vegetables)
Greece	PDO	2	0	21	19	27
		2,63%	0,00%	27,63%	25,00%	35,53%
	PGI	0	0	0	11	18
		0,00%	0,00%	0,00%	35,48%	58,06%
Spain	PDO	0	6	25	31	26
		0,00%	5,83%	24,27%	30,10%	25,24%
	PGI	20	11	2	0	36
		22,47%	12,36%	2,25%	0,00%	40,45%
France	PDO	13	4	43	10	23
		12,38%	3,81%	40,95%	9,52%	21,90%
	PGI	66	14	10	0	32
		46,48%	9,86%	7,04%	0,00%	22,54%

³⁸ In particular, most Italian GIs refer to the region 'Emilia-Romagna': 26 PDOs and 18 PGIs.

Italy	PDO	0	21	50	42	38
		0,00%	12,57%	29,94%	25,15%	22,75%
	PGI	9	21	2	4	71
		6,82%	15,91%	1,52%	3,03%	53,79%
Portugal	PDO	17	2	11	6	15
		26,56%	3,13%	17,19%	9,38%	23,44%
	PGI	15	38	1	0	12
		20,27%	51,35%	1,35%	0,00%	16,22%

41% of French PDOs are registered for cheeses and 46% of French PGIs concern meat. PDO registrations from Spain range at 30 % in product Class 1.5 for oils; a large percentage of Spanish PGI registrations (40%) concern Class 1.6 (fruits and vegetables). Among the registrations from Italy, cheeses dominate as PDOs (30%), while 54% of the Italian PGIs are registered for fruits and vegetables. For Portugal, meat covered by Class 1.1 presents the highest figure for PDOs (27%), and 51% of the Portuguese PGIs relate to meat products in Class 1.2. Fruits and vegetables dominate the Greek registrations with 36% for PDOs and 58% for PGIs.

1.2. Non-EU GIs

Table 4 shows the distribution per country of Non-EU GIs found in the DOOR database.

Table 4. Number of GIs per non-EU Country

Country	Overall	PDO	PGI
Andorra	1	0	1
China	10	4	6
Columbia	1	0	1
Dominican Republic	1	1	0
Indonesia	1	0	1
India	1	0	1
Cambodia	1	0	1
Norway	2	0	2
Thailand	4	0	4
Turkey	3	2	1
Vietnam	1	1	0
Others	1	1	0
Non-EU countries	27	9	18

It must be added, however, that the picture resulting from the data in the DOOR database is somewhat incomplete. In particular, it does not render a full picture of third-country GIs that are protected on the basis of bilateral agreements. For instance, while the figures above only show 10 GIs for China, an additional number of 100 Chinese GIs enjoys protection in the EU on the basis of the Agreement between the EU and China about the protection of GIs.³⁹ Those GIs were entered into the eAmbrosia database on 1 March 2021, the date of entering into force of the Agreement.⁴⁰

In addition to eAmbrosia, information about non-EU GIs protected on the basis of bilateral Agreements is also available in the new database Glview⁴¹ launched by the EUIPO in November 2020. This database covers all GIs for agricultural products and foodstuffs as well as for wines, spirits and aromatised wines protected in the EU either by registration in the GI registers or by Agreements with third countries. Thus, all GIs of non-EU countries protected in the EU are included in Glview, with links to the relevant publications of EU provisions in the Official Journal.

The relatively few entries of non-EU GIs found in the DOOR database – 9 PDOs and 18 PGIs – solely relate to GIs directly filed under Regulation 1151/2012. This is of primary interest for GIs from countries where protection based on bilateral agreements is not available. Inter alia this concerns non-EU Member States of the EEA agreement, as the latter does not include a GI chapter. For example, Norway has registered the PGIs ‘Fenalor fra Norge’ for meat products and ‘Torrfish fra Lafoten’ for fish. Furthermore, applicants from non-EU countries may seek to complete GI protection under agreements with the EU by protection according to the applicable EU Regulation. For instance, the GI ‘Sevani Ishkhan’ (Sevan Trout) from Armenia which is already protected under the bilateral Agreement between the EU and Armenia, has been applied by Armenia for protection as a PDO under Regulation 1151/2012.

2. Chronological assessment

As indicated above, the time periods since enactment of the first GI Regulation were divided in four segments: the Simplified Procedure under Art. 17 Regulation 2081/92 from 26 July 1993 to 26 January 1994, the ‘normal’ application procedure under Regulation 2081/92 from 27 January 1994 to 30 March 2006, and the subsequent application procedures under Regulation

³⁹ Agreement between the EU and the Government of the People’s Republic of China on cooperation on, and protection of, geographical indications, OJ L 408 I, 04.12.2020. Based on the Agreement, the same number of EU GIs is protected in China. Furthermore the Agreement stipulates that an additional number of 174 GIs from each contracting party will be protected in the other one until 2025.

⁴⁰ Notice concerning the entry into force of the Agreement between the EU and the Government of the People’s Republic of China on cooperation on, and protection of, geographical indications, OJ L 45, 09.02.2021, p. 1.

⁴¹ See <https://www.tmdn.org/giview/>.

510/2006 from 31 March 2006 to 2 January 2013 and under Regulation 1151/2012 from 3 January 2013 to 31 May 2019.

2.1. Per sample products

Table 5 presents the absolute number of registrations per product class during each of the four sample periods. Most of the nine classes that compose the product sample presented above (Part I 2.2) are listed in the upper half of the table (classes 1.1 to 1.8); class 2.4 is found on rank 12. Registrations in the remaining product classes are rather rare, sometimes even amounting to zero.

Table 5. Registrations per product class and application period

Product Class	Regulation 2081/1992 (Art. 17)		Regulation 2081/1992		Regulation 510/2006		Regulation 1151/2012		Overall
	Count	%	Count	%	Count	%	Count	%	
Class 1.1 (Fresh meat)	76	44,44%	27	15,79%	32	18,71%	36	21,05%	171
Class 1.2 (Meat products)	37	21,02%	35	19,89%	49	27,84%	55	31,25%	176
Class 1.3 (Cheeses)	134	57,76%	20	8,62%	48	20,69%	30	12,93%	232
Class 1.4 (Other products of animal origin)	12	27,27%	8	18,18%	10	22,73%	14	31,82%	44
Class 1.5 (Oils and fats)	55	41,04%	40	29,85%	22	16,42%	17	12,69%	134
Class 1.6 (Fruit, vegetables and cereals fresh or processed)	93	24,16%	60	15,58%	148	38,44%	84	21,82%	385
Class 1.7 (Fresh fish, molluscs, and crustaceans and products derived therefrom)	3	6,00%	5	10,00%	22	44,00%	20	40,00%	50
Class 1.8 (Other products of Annex I of the Treaty⁴²)	7	10,45%	13	19,40%	23	34,33%	24	35,82%	67
Class 2.1 (Beers)	11	52,38%	3	14,29%	7	33,33%	0	0,00%	21
Class 2.2 (Natural mineral waters and spring waters [discontinued])	0	-	0	-	0	-	0	-	0
Class 2.3 (Beverages made from plant extracts)	0	0,00%	0	0,00%	0	0,00%	6	100%	6
Class 2.4 (Bakery products)	8	11,11%	10	13,89%	30	41,67%	24	33,33%	72
Class 2.5 (Natural gums and resins)	2	66,67%	0	0,00%	1	33,33%	0	0,00%	3
Class 2.6 (Mustard paste)	0	0,00%	0	0,00%	2	100%	0	0,00%	2

⁴² E.g. tea, spices, vinegar.

Class 2.7 (Pasta)	0	0,00%	1	10,00%	4	40,00%	5	50,00%	10
Class 3.1 (Hay)	1	100%	0	0,00%	0	0,00%	0	0,00%	1
Class 3.2 (Essential oils)	1	33,33%	1	33,33%	0	0,00%	1	33,33%	3
Class 3.3 (Cork)	0	-	0	-	0	-	0	-	0
Class 3.4 (Cochineal [raw product of animal origin])	1	50,00%	0	0,00%	0	0,00%	1	50,00%	2
Class 3.5 (Flowers and ornamental plants)	0	0,00%	0	0,00%	2	66,67%	1	33,33%	3
Class 3.6 (Wool)	0	0,00%	0	0,00%	1	100%	0	0,00%	1
Class 3.7 (Wicker)	0	-	0	-	0	-	0	-	0
Class 3.8 (Scutched flax)	0	-	0	-	0	-	0	-	0
Total overall	441		223		401		318		1383

Apart from showing the (in)frequency of registrations in individual product classes, the figures illustrate the impact that the Simplified Procedure had on the EU *sui generis* GI regime for agricultural products and foodstuffs. As explained in the Introduction under 1.1, this procedure consisted in a special fast track that used to be provided under Art. 17 Regulation 2081/92. It allowed the registration of geographical names, legally protected or established by use at the national level and specifically communicated by the Member States to the European Commission within six months from the entry into force of the Regulation until 26 January 1994. In particular, these rules stipulated that other Member States could not object to these special applications which, nonetheless, had to comply with the general rules for the granting of a GI as well as with those concerning the contents of the application file.

The data analysis shows that the Simplified Procedure constituted a real 'gateway' that in 1994 transposed into the EU *sui generis* GI system various names that were already protected at national level. In particular, it is interesting to observe that nearly 45% of all fresh meat GIs were registered through this procedure. The figure is even higher for cheeses in Class 1.3, showing that almost 60% of the protected names were added to the register in this phase. Class 1.5, referring to oils and fats, also has a significant share, with 41% of the total.

2.2. Per quality schemes

Regarding the overall chronological evolution of the different quality schemes for agricultural products and foodstuffs, *Table 6* shows that under the simplified procedure provided in Art. 17 of Regulation 2081/92, 62% of the registered GIs were PDOs and 38 % PGIs.

Table 6. Registrations per quality scheme under Art. 17 of Regulation 2081/92

	Total	Registrations under Art. 17	% Registrations under Art. 17	% Total Registrations
PDO/PGI	1390	441	100%	31,73%
PDO	641	275	62,36%	19,78%
PGI	749	166	37,64%	11,94%

The situation has changed since then. *Table 7* shows that PGIs have gradually become the preferred quality scheme by the EU agrifood producers.

Table 7. Registrations per quality scheme and application period

	Regulation 2081/92 (Art. 17)		Regulation 2081/92		Regulation 510/2006		Regulation 1151/2012	
PDO/PGI	441		223		402		322	
PDO	275	62,36%	107	47,98%	152	37,81%	105	33,61%
PGI	166	37,64%	116	52,02%	250	62,19%	217	67,39%

In particular, it clearly emerges how PDOs dominated the Simplified Procedure whereas PGIs became dominant in the periods from the end of the Simplified Procedure on 27 January 1994 onwards.

Table 8 highlights more important points related to the evolution of the EU GI regime per country and, in particular, the relevance of the Simplified Procedure.

Table 8. Registrations per country and application period

Country	Overall	Regulation 2081/92 (Art. 17)	Regulation 2081/92	Regulation 510/2006	Regulation 1151/2012
Germany	91	29,67%	6,59%	35,16%	28,57%
Greece	107	70,09%	8,41%	12,15%	9,35%
Spain	192	17,71%	31,25%	32,81%	18,23%
France	247	40,82%	17,96%	18,78%	22,45%
United Kingdom	68	32,35%	8,82%	23,53%	35,29%
Italy	299	33,11%	18,73%	30,10%	18,06%
Portugal	138	42,03%	21,74%	17,39%	18,84%

The data show that 70% of all Greek GIs were registered under this special procedure, followed by 42% of the Portuguese GIs and 41% of the French GIs. Spain, instead, is the country that, without using the simplified procedure, registered most of its products under Regulation 2081/92 and Regulation 510/2006. These findings cannot be explained by the different situation of the countries in terms of the international GI protection under the Lisbon Agreement.⁴³ It is true that, contrary to France, Italy and Portugal, Spain was not a contracting party of the Lisbon system and thus more distant from the new EU GI system.⁴⁴ But the same applies to Greece, which among all Member States most heavily used the Simplified Procedure. The UK as one of the Northern EU countries without GI tradition, has been the most active sample country under Regulation 1151/2012, with around 35% of its products having been registered during that time period. It must be recalled, however, that the overall number of registrations from the UK is significantly lower compared to those from the other sample countries.⁴⁵

Part III. Special Issues

1. Rules on labelling/slicing, cutting, grating and packaging and limiting effect

Regulation 1151/2012 stipulates in Art. 8 (1) that

[a]n application for registration of a designation of origin or geographical indication pursuant to Article 49(2) or (5) shall include at least:

(...)

(c) a single document setting out the following:

(i) the main points of the product specification: the name, a description of the product, including, where appropriate, specific rules concerning packaging and labelling, and a concise definition of the geographical area;

(...)

Different from packaging and labelling which are expressly mentioned in the provision, nothing is said therein about specific conditions for the cutting, slicing or grating of the relevant product; nevertheless, such rules as well may form part of specifications. The issue became relevant in the landmark decision of the European Court of Justice (ECJ) in the 'Parma Ham' case⁴⁶. In that decision given in 2003, the ECJ held that the fact that the specification made the use of the PDO 'Prosciutto di Parma' for ham marketed in slices subject to the condition that slicing and packaging were carried out in the region of the production constituted a measure having equivalent effect to a quantitative restriction on exports in the meaning of (then) Art. 29 TEC

⁴³ Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (1979).

⁴⁴ In its original version, the Lisbon Agreement largely corresponded to French legislation on appellations of origin which also had a major influence on the sui generis system in the EU. See Introduction, I.1.1.

⁴⁵ See *Table 2* above.

⁴⁶ Case C-108/01, *Consorzio del Prosciutto di Parma and Salumificio S. Rita SpA v Asda Stores Ltd and Hygrade Foods Ltd* [2003] ECR I-5121; see also Case C-469/00, *Ravil v Bellon* [2003] ECR I-5053, concerning the grating of Grana Padano cheese.

(now Art. 35 TFEU). However, this was justified under Art. 30 TEC (now Art. 36 TFEU) by the fact that, according to the Court, these are delicate operations which might harm the quality and hence the reputation of the PDO if they were carried out in conditions that resulted in a product not possessing the expected qualities.⁴⁷

Hence, with this decision, the ECJ allowed the rules on slicing and cutting as well as those on packaging to exercise a limiting effect in case they prevent these operations from being carried out outside the area of production of the good. This was an extremely relevant development, especially considering that these activities are not considered steps of the manufacturing process.⁴⁸

Before this background, *Table 9* is particularly important as it empirically shows the effect on the Parma Ham decision, especially with regard to the rules on packaging that explicitly require the operation to be carried out within the area of production.

Table 9. Rules on labelling/slicing, cutting, grating and packaging and their limiting effect per period

Period	Regulation 2081/1992 (Art. 17)	Regulation 2081/1992	Regulation 510/2006	Regulation 1151/2012
Overall	441	223	402	324
Rules on slicing, cutting, grating	6,80%	9,87%	11,44%	17,08%
Limiting effect	16,67%	50,00%	56,52%	41,82%
Rules on packaging	13,15%	38,57%	58,96%	52,17%
Limiting effect	44,83%	44,19%	57,81%	61,31%

In fact, while there was a moderate rise in rules on slicing, cutting and grating (from 7% initially to 17% in the last time period), the percentage of rules on packaging increased considerably (from 13% to 52%) together with their limiting effect.

⁴⁷ Concerning packaging, the Court (now: Court of Justice of the European Union, CJEU) held in the more recent decision “Schwarzwälder Schinken” (Case C-367/17 – *Schwarzwälder Schinken*, 19 December 2018) that the requirement to package a product in its geographical area of production is justified if it constitutes a necessary and proportionate means to safeguard the quality of the product, to guarantee its origin or to ensure the verification of the specification of the protected geographical indication, leaving the ultimate decision to the national court. The German Federal Supreme Court (BGH) in its final decision on the amendment of the specification held that the conditions for justifying such geographical restrictions were not fulfilled (BGH decision of 3 September 2020 - I ZB 72/19).

⁴⁸ In fact, under the relevant rules, the manufacturing process encompasses all the steps of the production from the sourcing of the raw materials until the completion of the end product, thus excluding these additional and non-mandatory operations. See European Commission, ‘Guide to Applicants: How to Compile the Single Document’ (n 12) [3.4].

2. Geographical area and local production

Regulation 1151/2012 provides in Art. 7 (1) (c) that the product specification for a protected designation of origin or a protected geographical indication shall include at least the definition of the geographical area delimited with regard to the quality or reputational link between the product and its origin.

2.1. Size of the geographical areas identified in the specifications

The Study has analysed how large on average the designated areas for the production of a GI product are. *Table 10* demonstrates that the large majority of the specifications describes geographical areas larger than 1000 km². This applies to PDOs as well as to PGIs.

Table 10. Size of the geographical area per quality scheme

Category	PDO		PGI		Overall	
	All	% of all PDOs	All	% of all PGIs	All	% of all GIs
1 - 100 km ²	45	7,02%	80	10,68%	125	8,99%
101 - 500 km ²	99	15,44%	131	17,49%	230	16,55%
501 - 1000 km ²	80	12,48%	86	11,48%	166	11,94%
> 1000 km ²	416	64,90%	446	59,55%	862	62,01%

Table 11 shows that the distribution pattern indicated in *Table 10* – the highest percentage of protected indications pertains to areas larger than 1000 km² – also applies to all seven sample countries regarded separately. The percentage of such designations is particularly high for French and Portuguese designations (France: 77% PDOs and 86% PGIs; Portugal: 81% PDOs and 74% PGIs) followed by Spain (67% PDOs and 63%), whereas the percentages for the other sample countries vary around 50%. In the category of the smallest area (0 – 100 km²) no designations from Portugal are found whereas in most other sample countries the percentage ranges in the single-digit area (or slightly more). An exemption from that scheme is shown for Germany, where PGIs indicating an area of less than hundred km² are listed with 20%.

Table 11. Correlation between size and quality scheme per country

		1 - 100 km ²	101 - 500 km ²	501 - 1000 km ²	> 1000 km ²
Germany	PDO	8,33%	25,00%	8,33%	58,33%
	PGI	20,25%	24,05%	6,33%	49,37%
Greece	PDO	11,84%	23,68%	11,84%	51,32%
	PGI	3,23%	25,81%	19,35%	48,39%
Spain	PDO	6,80%	12,62%	12,62%	67,96%
	PGI	3,37%	23,60%	10,11%	62,92%
France	PDO	7,62%	4,76%	10,48%	77,14%
	PGI	5,63%	2,82%	4,23%	85,92%
Great Britain	PDO	7,41%	7,41%	18,52%	66,67%
	PGI	9,76%	21,95%	7,32%	60,98%
Italy	PDO	1,80%	19,76%	18,56%	59,88%
	PGI	8,33%	15,91%	26,52%	49,24%
Portugal	PDO	0,00%	7,81%	10,94%	81,25%
	PGI	0,00%	13,51%	12,16%	74,32%

As to the question to what extent congruency exists between the area defined by the geographical name of the product and the area identified in the product specification, and to what extent the area identified in the specification is larger or smaller than the area identified by the geographical name, *Table 12* shows that 46% of the registered PDOs and 47% of PGIs incorporating a geographical name identify an area in the product specification that is larger than that defined by the geographical name of the product. Congruency between the geographical name and the area defined in the specification exists in 37% of the PDOs and 41% of PGIs while the area identified in the specification is smaller in case of 17% of the PDOs and 12% of PGIs.

Table 12. Congruency between the geographical name and the area

	PDO	PGI
Number of PDO and PGI incorporating a geographical name	594	734
Congruent definition of identified geographical area with name of geographical area	220 37,0%	301 41,0%
Identified geographical area is larger than the geographical name	272 45,8%	345 47,0%
Identified geographical area is smaller than geographical name	102 17,2%	88 12,0%

To give a few examples: in case of the Portuguese PDO Maçã Bravo de Esmolfe⁴⁹ for apples the identified area is larger than the area covered by the geographical name. Esmolfe refers (only) to a Portuguese parish in the municipality of Penalva do Castelo, with an area of 10,70 km². While this variety of apples originally stems from that parish, the production area today comprehends several municipalities⁵⁰ around Penalva do Castelo,⁵¹ making it much bigger than the place indicated by the name.

The French PDO Camembert de Normandie⁵² for cheese is an example where the identified area is congruent with the geographical name, as the specification indicates that the area of production comprehends the Low and High Normandie, which together form the Normandie region⁵³.

Finally, in case of the PGI London Cure Smoked Salmon⁵⁴ for fish, the identified area is narrower than the geographical name. Although the geographical name refers to London, the production is restricted to the London Boroughs of Tower Hamlets, Hackney & Newham.

2.2. Locality requirement

GI products must be manufactured, to a larger or lesser extent, in the area described in the specification. 'Locality requirement' is the element within a *sui generis* GI protection scheme that indicates 'how much' of a given product must be made in the geographical area in order to comply with the specification. In that regard, Regulation 1151/2012 marks a difference between PDOs and PGIs by stipulating stricter locality requirements for the former. The details are set forth in Art. 5(1) and (2) of Regulation 1151/2012:

Article 5. Requirements for designations of origin and geographical indications.

1. For the purpose of this Regulation, '*designation of origin*' is a name which identifies a product:

(...)

(c) *the production steps* of which *all* take place in the defined geographical area.

2. For the purpose of this Regulation, '*geographical indication*' is a name which identifies a product:

(...)

⁴⁹ <https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/geographical-indications-register/includes/showSpecification.cfm?attachmentId=61233>.

⁵⁰ The production takes place in all the following municipalities: Aguiar da Beira, Celorico da Beira, Fornos de Algodres, Gouveia, Guarda, Manteigas, Pinhel, Seia, Trancoso do distrito da Guarda; Covilhã, Belmonte, Fundão, do distrito de Castelo Branco; Arganil, Tábua, Oliveira do Hospital, do distrito de Coimbra; Tondela, Santa Comba Dão, Carregal do Sal, Nelas, Mangualde, Penalva do Castelo, Sátão, Aguiar da Beira, Viseu, S. Pedro do Sul, Vila Nova de Paiva, Castro Daire, Sernancelhe, Penedono, Moimenta da Beira, Tarouca, Lamego e Armamar, do Distrito de Viseu.

⁵¹ https://tradicional.dgadr.gov.pt/images/prod_imagens/mapas/frutos/MacaBravoEsmolfe.png.

⁵² <https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/geographical-indications-register/includes/showSpecification.cfm?attachmentId=60586>.

⁵³ The region is the result of the merger of the old regions of Upper Normandy and Lower Normandy after the territorial reform of 2014. The new region came into existence on the 1st of January 2016, after regional elections in December 2015.

⁵⁴ <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52016XC1217%2803%29>.

(c) *at least one of the production steps* of which take place in the defined geographical area.

The term “production steps” is defined in Art. 3(7) of Regulation 1151/2012 as meaning “production, processing or preparation”.

A deviation from the requirements for designations of origin under Art. 5(1) may apply pursuant to Art. 5(3) under the following conditions:

3. Notwithstanding paragraph 1, certain names shall be treated as designations of origin even though the raw materials for the products concerned come from a geographical area *larger than, or different from,* the defined geographical area, provided that:

- (a) the production area of the raw materials is defined;
- (b) *special conditions* for the production of the raw materials exist;
- (...)

Table 13 indicates the percentage of PDOs and PGIs (per sample product classes) which, according to the specification, require all production steps to be taken out in the relevant geographical area. As can be expected based on the legal requirements, the percentage of PDO products that are entirely made in the designated area is very high, though certain goods like meat products (Class 1.2) seem to have benefited from the exceptions under Art. 5(3) Regulation 1151/2012 regarding the geographical origin of raw materials⁵⁵.

Table 13. Locality requirement per product class and quality scheme

Product Class	PDO		PGI	
	Overall	% whole production in the area	Overall	% whole production in the area
Class 1.1 (Fresh meat)	44	100%	127	46,46%
Class 1.2 (Meat products)	37	72,97%	139	35,97%
Class 1.3 (Cheeses)	186	97,85%	47	68,09%
Class 1.4 (Other products of animal origin)	33	100%	12	83,33%
Class 1.5 (Oils and fats)	116	99,14%	18	77,78%
Class 1.6 (Fruit, vegetables and cereals fresh or processed)	160	97,50%	225	79,11%
Class 1.7 (Fresh fish, molluscs, and crustaceans and products derived therefrom)	14	100,00%	36	58,33%
Class 1.8 (Other products of Annex I of the Treaty⁵⁶)	39	97,44%	28	82,14%

⁵⁵ Prosciutto di Parma is an example.

⁵⁶ E.g. tea, spices, vinegar.

More surprising than that is the finding that although the requirements for PGIs are satisfied when only one step of the production process is carried out in the designated area, there is a rather high percentage of PGIs stipulating in the specification that 100% of the production steps must be carried out in the relevant locality. One must consider, however, that most of the product classes where this figure appears to be particularly high (Classes 1.3, 1.4, 1.5, 1.7, 1.8) are those with only few PGI registrations (see *Table 1* above). A notable exception are fruits and vegetables (Class 1.6) for which PGIs appear to be the preferred quality scheme. In this case, the high figure of specifications featuring a locality requirement of 100% is plausible in view of the very nature of these goods, which are directly related to a specific area. It is therefore frequent that all production steps take place immediately in the place where they have been picked.

Table 14 shows the locality requirement for PDOs and PGIs in the sample countries. The highest figures for PGIs indicating 100% production in the defined geographical area are shown for Greece and the UK.

Table 14. Locality requirement per country and quality scheme

Country	PDO		PGI	
	Overall	% whole production in the area	Overall	% whole production in the area
Germany	12	100%	79	72,15%
Greece	76	97,37%	31	96,77%
Spain	103	96,12%	89	44,94%
France	105	100%	142	63,38%
United Kingdom	27	85,19%	41	92,68%
Italy	167	93,41%	132	60,61%
Portugal	64	100%	74	10,81%

Another remarkable finding concerns Portuguese PGIs that are characterised by a very low locality requirement. This finding is particularly notable as the figures concerning the size of the designated area show that almost 75% of Portuguese PGIs are listed in the highest category of more than 1.000 km². (see *Table 11* above; a higher figure – 86% – was only found for French PGIs).

To conclude this section, two examples can be mentioned: The first one, representing a weak locality requirement, concerns the British PGI Traditional Grimsby Smoked Fish.⁵⁷ In that case the production is entirely dependent on external raw material sourcing. To make the smoked fish, the fresh "whole fish are usually sourced from Iceland, Faroe and Norway but can be sourced from other areas. Skilled filleters fillet the whole fish by hand". Opposite to that, the French PGI Pruneaux d'Agen⁵⁸ for dried fruits provides an example of how detailed and accurate the geographical delimitation, and therefore the locality requirement, can be. In this case, the producers' area definition (where the whole production takes place) is based on sunshine patterns and adequate soil, which must be clay-calcareous soil that benefits the production⁵⁹.

3. The Link and its elements

3.1. General remarks and methodological issues

Art. 5 (1) and (2) of Regulation 1151/2012 define the requirements for PDOs and PGIs:

Article 5⁶⁰

For the purpose of this Regulation 'designation of origin' is a name which identifies a product:

originating in a specific place, region or

whose *quality or characteristics* are essentially or exclusively due to a particular geographical environment *with its inherent natural and human factors*;

(...)

2. For the purpose of this Regulation 'geographical indication' is a name which identifies a product:

originating in a specific place, region or

whose given *quality, reputation or other characteristics* is essentially attributable to its geographical origin;

(...)

⁵⁷ <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52009XC0228%2803%29>.

⁵⁸ <https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/geographical-indications-register/includes/showSpecification.cfm?attachmentId=59765>.

⁵⁹ This includes the whole of the "Lot-et-Garonne" department with the exception of the cantons of Houeilles, and parts of its neighbouring departments, namely the cantons of Auros, Branne, Carbon-Blanc, Castillon La Bataille, Cenon, Créon, La Réole, Lussac, Monségur, Pellegrue, Pujols, Sauveterre de Guyenne, Sainte-Foy-La-Grande in the department of "la Gironde", the cantons of Beaumont, Belves, Bergerac, Domme, Eymet, Issigeac, La Force, Le Bugue, Le Buisson de Cadouin, Monpazier, Montpon Menesterol, Sigoules, Velines, Villefranche de Lonchapt, Villefranche du Périgord in the department of "la Dordogne", the cantons of Bretenoux, Castelnau Montratier, Catus, Cazals, Figeac, Gourdon, Iacapelle Marival, Lalbenque, Livernon, Luzech, Montcuq, Puy L'Evêque, Saint-Cere, Saint Germain du Bel Air, Salviac in the department of "du Lot", the cantons of Condom, Eauze, Fleurance, Jegun, Lectoure, Mauvezin, Miradoux, Montréal, Saint-Clar, Valence sur Baïse, Vic Fezensac in the department of Gers, and the whole of the "Tarn-et-Garonne" department with the exception of the cantons of Caylus, Saint Antonin Noble Val and Villebrumier.

⁶⁰ Emphasis in paragraph 1(b) and paragraph 2(b) added.

In addition, Art. 7 (1) of Regulation 1151/2012 stipulates that the specification for a PDO or PGI must include at least

- (...)
- (c) the definition of the geographical area delimited with regard to the link referred to in point (f)(i) or (ii) of this paragraph, and, where appropriate, details indicating compliance with the requirements of Article 5(3);
- (...)
- (f) details establishing the following:
 - (i) the link between the quality or characteristics of the product and the geographical environment referred to in Article 5(1); or
 - (ii) where appropriate, the link between a given quality, the reputation or other characteristic of the product and the geographical origin referred to in Article 5(2);
- (...)

Furthermore, Art. 8 (1) sets forth that an application for registration of a PDO or PGI shall contain at least

- (...)
- (c) a single document setting out the following:
 - (...)
 - (ii) a description of the link between the product and the geographical environment or geographical origin referred to in Article 5(1) or (2), as the case may be, including, where appropriate, the specific elements of the product description or production method justifying the link.

As follows from these provisions, applications for PDOs must indicate and establish a link between the given territory and the quality or characteristics of the product, whereas in case of PGIs, it is sufficient if the link either concerns the quality or other characteristics or the reputation of the product. The link section of the application and the indications included therein are therefore crucial for justifying the grant of protection under the respective quality schemes.

Given its central role, the link description in the relevant GI documentation should be objective and easy to understand. However, the description is sometimes full of nuances, and demands much attention to capture what the producers meant when they wrote it. Furthermore, while today the EU Guidelines provide non-binding examples of good drafting practices, neither Regulation 1151/2012 nor its historical predecessors clarify how the presence of a specific link must be described in the practice. The coding of elements claimed to sustain the link was therefore not an easy task for the Study team. For the analysis two main groups (quality and reputation) were distinguished to which the link could be allocated, plus a third and residual category (other characteristics) for those GIs that did not match one of the two main categories.

This categorization was rendered difficult by the close vicinity between the two types of links. Under legal aspects a distinction applies between the natural environment and/or the specific local know-how as a human factor impacting the product's quality or characteristics on the one hand, and influences or factors deriving from local customs, long-standing production and marketing traditions or other non-*terroir* related elements on the other. Aspects of the latter

type are able to establish a link between a place or region and a product's reputation, but they do not fulfil the conditions for a quality-related link, and thus for a designation to be registered as a PDO. While the legal requirements are unequivocal in that respect, it is not easy to tell the difference in practice. In particular where a product's quality or characteristics are due to human factors – that is, the specific skills and know-how developed by agricultural producers or other groups within the designated place or region – the narrative likewise emphasizes the reputational elements of the goods. Vice versa, where the accent of the link lies on reputation, the specification regularly highlights the local traditions and how they have impacted the development of relevant artisanship in the region concerned, thereby linking to factors that also relate to quality. The close relationship between both types of links therefore tends to make them indistinguishable in practice.

The coding of these link elements tried to avoid ambiguities by applying a strictly formalistic approach. A GI was classified as having a quality-based link *only* when a relationship was expressly indicated between a given characteristic of the product and the *natural environment* or a human element, in particular *local know-how* existing in the relevant geographical region. That is, other references to human skills or traditions in the manufacturing were regularly allocated to “reputation” rather than to quality based on human factors. If, as frequently happened, the specification refers to both the natural environment and the local tradition or other historical or reputational aspects, the link was coded in both categories simultaneously. If reference was solely made to marketing practices or the product's renown as attested by consumer surveys, awards, or bibliographic references, it was listed under “reputation”. The GIs that could not be placed in one of these two groups account for the residual category.⁶¹

It must be added that in spite of the efforts made,⁶² a *caveat* applies due to the complexity of the descriptions and the difficulties of categorizing them in a clear and objective manner. This part of the research can only give a first and necessarily rather rudimentary overview on the issue.⁶³ For a more in-depth insight, readers are referred to additional sources.⁶⁴

⁶¹ This category included, for example, the PDO “Miel de sapin des Vosges”, which was described as a “very characteristic honey” without further information about its organoleptic qualities; the PGI “Ravioles du Dauphinés”, where reference was made to a judgment of the Cour d'Appel de Grenoble, 14 February 1989, without further explaining the backgrounds for the qualification.

⁶² The group regularly met in order to discuss the coding in doubtful cases.

⁶³ In spite of frequent meetings of the research team where problematic cases were discussed and resolved so as to provide for a homogeneous approach to categorization issues, it cannot be excluded that the results are impacted by personal attitudes and impressions of the individual team members.

⁶⁴ Reference is made in particular to Andrea Zappalaglio's book (above, fn 27), where the evaluation is based on a somewhat different methodology (on the differences see above, fn 27) and is put in a historic and evolutionary context. While some of the data presented here and in A. Zappalaglio's book may deviate due to the methodology used, the overall results of both studies confirm each other. See also further information in Chapter 3 of this Study.

3.2. Quality and reputation

The link between the product and its geographical origin, either by natural, environmental, human, economic, political or cultural factors, is meant to explain why a given product is unique. Characteristics of the geographical area can be traced to climate conditions, physical or natural elements of the region, local know-how acquired by the producers, local ways of production or processing, or other features inherent to a particular region. These characteristics can result in a specific quality of the product as well as in a specific reputation enjoyed by the product. Once these criteria are homogenous within the designated area, allowing to distinguish the product from similar products, they impart on the product its genuine identity and form the substance of the link.

3.2.1. Quality and reputation per quality scheme

As indicated above, the description of the link very often accumulates elements concerning quality as well as reputation. Such indications claiming a “double link” are found in more than half of all designations in both quality schemes.

Table 15. Quality and reputation per quality scheme

	PDO		PGI	
	Total	% of PDOs	Total	% of PGIs
Quality	285	44,46%	103	13,75%
Quality and Reputation	356	55,54%	436	58,21%
Reputation	0	0,00%	205	27,37%

Regarding PDOs, 56% of the specifications claimed a reputational link in addition to a quality-based link, while 44% of the PDOs were based exclusively on a quality-related link. Regarding PGIs, 58% of the specifications based the link on quality features in addition to reputational elements while 14% claimed a quality-based link without any reference to reputation. And just 27% of the PGIs were based exclusively on a reputational link.

3.2.2. Quality schemes per product class and per country

As said above, PDOs must derive their quality or special characteristics from natural or human factors due to the place or region designated by them. *Table 16* shows that, as a rule, specifications of PDOs in all product classes comply with that requirement by referring to quality-based aspects for describing the link. More remarkable than that, a quality-based link is invoked also in a majority of specifications for PGIs in all selected product classes, ranging

between two thirds (67%) for oils and fats and 92% in Class 1.4 for other products of animal origin. Somewhat lower, but still remarkably high, are the figures for PDOs invoking a reputational link, ranging between 51% for oils and fats and 68% for fresh meat.

Table 16. Type of link per product and quality scheme

Product Class	Quality		Reputation		Other characteristics	
	PDO	PGI	PDO	PGI	PDO	PGI
Class 1.1 (fresh meat)	100%	71,65%	68,18%	89,76%	6,82%	0,79%
Class 1.2 (meat products)	100%	69,06%	62,16%	82,01%	0,00%	2,16%
Class 1.3 (cheeses)	100%	68,09%	56,99%	93,62%	15,59%	23,40%
Class 1.4 (other products of animal origin)	100%	91,67%	60,61%	91,67%	6,06%	0,00%
Class 1.5 (oils and fats)	100%	66,67%	50,86%	50,00%	2,59%	0,00%
Class 1.6 (fruit and veg.)	100%	82,22%	52,50%	80,89%	3,13%	0,44%
Class 1.8 (other)	100%	82,14%	53,85%	82,14%	0,00%	3,57%

Those findings confirm the clear tendency that the specifications for PDOs and PGIs invoke a second type of link in addition to the one required by law. PDOs are frequently specified by references to reputation in addition to quality, whereas PGIs are related to quality instead of, or in addition to, reputation. The conceptual separation between the two quality schemes is thereby narrowed in practice.⁶⁵

The same tendency is also reflected in the findings concerning the type of link per quality scheme and country presented in *Table 17*.

⁶⁵ This result coincides with the findings on the locality requirement in Table 13, that PGIs remarkably frequently comply with locality standards which, from a legal perspective, are only required for PDOs.

Table 17. Type of link per country and per quality scheme

Country	Quality		Reputation		Other characteristics	
	PDO	PGI	PDO	PGI	PDO	PGI
Germany	100,00%	91,14%	33,33%	92,41%	0,00%	0,00%
Greece	100,00%	80,65%	42,11%	54,84%	0,00%	0,00%
Spain	100,00%	50,56%	15,53%	75,28%	0,97%	0,00%
France	100,00%	78,87%	80,95%	97,89%	35,24%	2,11%
United Kingdom	100,00%	87,80%	59,26%	82,93%	0,00%	0,00%
Italy	100,00%	65,91%	74,25%	86,36%	0,00%	0,00%
Portugal	100,00%	78,38%	81,25%	72,97%	0,00%	0,00%

Here as well, PDO specifications from most Member States refer, in addition to the legally required natural and human factors due to the geographical area, to the reputation of the product, and vice versa, PGI specifications rely on quality-based elements of the product, even though this feature is not a legal requirement for the registration of PGIs. The differences between countries are however somewhat more accentuated than in regard to product classes:⁶⁶ The clear majority of PGI specifications from most of the sample countries (Germany 91%, France 79%, United Kingdom 88% and Portugal 78%) included quality-based elements. Regarding PDOs, only 16 % of designations from Spain and 33% of German designations referred to reputation, while France (81%), Italy (74%) and Portugal (81%) show a high percentage of reputational links for PDOs.

Regarding “other characteristics” as a requirement for a PDO or PGI according to Art. 5 (1) and (2) of Regulation No 1151/2012, this feature was mostly coded in cases of French PDOs and PGIs which were recognized by French Courts as designations of origin protected under French law prior to enactment of the EU quality schemes. For instance, the French PDO “Miel de sapin des Vosges” was, according to the registered specification, recognized as an *Appellation d’Origine*, first by a judgment of the Tribunal de Grande Instance de Nancy dated 25 April 1952 concerning the appellation “Miel des Vosges-Montagne” and then transformed into the *Appellation d’Origine Controlée (AOC)* “Miel de sapin des Vosges” on 30 July 1996. Similarly, the specification of the French PGI “Raviole du Dauphiné” for pasta refers in the description of the link to a decision of the Cour d’Appel de Grenoble of 14 February 1989 that recognized “Raviole du Dauphiné” as an *Appellation d’Origine*.

⁶⁶ See Table 16 and the remarks made above.

3.2.3. Examples for link descriptions of PDOs and PGIs

In accordance with their legal nature, PDOs put quality elements and the conditions on which they are based in the foreground of the specification. Furthermore, emphasis is regularly placed on the history of the product. Those central elements may be complemented by references to commercial attractiveness or other reputational aspects. An example of that is the Spanish PDO “Fesols de Santa Pau”. In the first place, the link is substantiated with the pedo-climatic conditions, the soil resulting from volcanic activities and the amount and seasonal distribution of rainfall that account for the specific texture and flavour of this particular kind of beans. In addition, reference is made to the traditions evolving around this local specialty, like the development of gastronomic tourism and the annual festival celebrating the beans. Another example from Spain is the PDO “Mejillón de Galicia”, where ample reference is made to the history of culturing and harvesting this specialty in the rias (fjords) of Galicia in addition to indicating how and why the climatic and aquatic conditions in the area impact the taste and quality of this kind of mussels. An example from Germany is the PDO “Weißlacker / Allgäuer Weißlacker⁶⁷ for cheese. The quality link is motivated by the specific know-how for making this kind of cheese, which has been handed down from generation to generation of the local cheesemakers and never left the designated region of Suebia,⁶⁸ and by the feed of the cows, which is based on alpine flora.

The specification of the French PGI “Boudin blanc de Rethel”⁶⁹ for meat products provides an example of a link solely based on reputation. However, as said above, many other PGI links are based on quality. Examples are the Italian PGI “Fagiolo di Lamon della Vallata Bellunese”⁷⁰ registered in 1996 for beans, the Italian PGI “Lucanica di Picerno” registered in 2018 for a prepared meat product, or the French PGI “Brillat-Savarin” registered in 2017 for a cheese made in an area extending to five French départements. The specification for “Brillat-Savarin” states: “The link between “Brillat-Savarin” and its geographical area is based on its quality and reputation. This quality is linked to skills that are particularly difficult to implement on a large

⁶⁷ [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52014XC1015\(02\)&from=FR](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52014XC1015(02)&from=FR).

⁶⁸ ‘Weißlacker’ was produced for the first time by the Kramer brothers in Wertach (Allgäu) in 1874. In 1876 they were even awarded a royal patent for ‘Weißlacker’, making it the world’s first patented cheese. ‘Weißlacker’ is made based on the particular psychrophilic lactic acid bacteria cultures which have been cultivated for centuries and are to this day used only in the geographical area. The knowledge of how to cultivate these cultures was developed in Allgäu and is still limited to the region of Swabia in Bavaria and the neighbouring rural districts in Baden-Württemberg. Moreover, the long storage period entails particular production requirements which have been handed down from one generation of cheesemakers in Allgäu to another. For this reason the knowledge of how to make the cheese has never left the geographical area.

⁶⁹ <https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/geographical-indications-register/includes/showSpecification.cfm?attachmentId=59416>.

⁷⁰ <https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/geographical-indications-register/includes/showSpecification.cfm?attachmentId=61343>.

scale. ... The production of this cheese requires special know-how. ... The reputation of “Brillat-Savarin” is the result of its commercial success in the early 1930s.”

3.3. Link-related aspects per period

In *Table 18*, findings concerning different aspects of the link are presented according to their development over the different application periods. The presentation summarizes the attributes of the geographical regions highlighted in the specification (nature, climate, breeding, raw materials, local know-how and tradition in production), the main specificities of the product (aroma, taste, colour, consistency, specific production techniques and other specificities) and the type of link (quality, reputation and other characteristics).

Table 18. Specificities of region, product and link per period

	Regulation 2081/92 (Art. 17)	Regulation 2081/92	Regulation 510/2006	Regulation 1151/2012
	Specificity of region			
Nature	63,95%	81,61%	82,34%	78,88%
Climate	58,28%	80,72%	78,86%	72,05%
Breeding	38,32%	20,18%	24,88%	28,57%
Raw materials	62,13%	49,78%	47,76%	53,73%
Local know-how	76,42%	66,37%	74,63%	82,61%
Tradition in production	79,37%	83,41%	88,56%	88,20%
	Product features			
Aroma	15,19%	0,00%	34,83%	53,11%
Taste	19,27%	28,25%	51,24%	65,84%
Colour	14,74%	21,08%	39,80%	53,42%
Consistency	14,29%	17,94%	39,30%	49,69%
Specific production techniques	57,60%	39,01%	50,00%	59,32%
Other specificities	8,62%	23,77%	48,76%	49,07%
	Type of Link			
Quality	89,80%	86,55%	81,84%	80,75%
Reputation	64,40%	69,06%	75,12%	79,19%
Other characteristics	8,39%	0,00%	3,48%	4,35%

For the first group of link-related aspects (attributes of the region) the figures have remained relatively stable over time, while a significant increase of references to specific product features - except for production techniques – appears to have occurred over the application periods. This could indicate an improvement of the quality and accuracy of information provided in the specifications, in particular about the elements of the link. Finally, concerning the type of link, the figures show a constant growth of the reputational link, from 64% under the Simplified Procedure to 79% under Regulation 1151/2012. This finding is in line with other indications showing that PDOs are losing ground vis-à-vis PGIs. There appears to be a gradual switch from the *terroir*-based approach prominently represented by the French system of *Appellation d' Origine*, which dominated the early phase especially during the Simplified Procedure, to the PGI system which provides for the same scope of protection, but offers more flexibility.⁷¹

3.4. Tradition in the production & local know-how

As stated before, emphasis is regularly placed in the specifications for PDOs and PGIs on the historical background for the production of local or regional food and agricultural specialties. Being able to claim that the product in question is part of local tradition and cultural heritage is an important reputational factor. Furthermore, where such traditions have resulted in the development of specific skills and know-how that are key to the production and can only be found in the region concerned, this establishes a quality link on which a PDO registration can be based.

3.4.1. Frequency of claims

The following tables present the figures related to the parameters of tradition and history. As the data available through the DOOR database only reflect the references made in the specifications, they do not necessarily represent a historically correct and complete picture of local skills and production traditions. For instance, the image presented by the data analysed here may be tainted by national customs and practices; some national authorities may be more actively encouraging applicants to include details regarding the historical developments and their influence on local skills than others.

Table 19 shows the frequency of explicit references to local skills or production traditions per product classes. Concerning local know-how, Classes 1.2 (meat products) and 1.3 (cheeses) show the highest figures, both for PDOs and PGIs. Meat products and cheeses also rank high

⁷¹ The process is described in more detail in Andrea Zappalaglio's book (above, fn 27).

regarding references to local production traditions; in addition, very high figures were indicated for Classes 1.4 (other products of animal origin, such as honey, eggs) and 1.5 (oil and fat).⁷²

Table 19. Local know-how and tradition in the production per product class and quality scheme

Product Class	Local Know-how		Tradition in the production	
	PDO	PGI	PDO	PGI
Class 1.1 (fresh meat)	56,82%	71,65%	56,82%	82,68%
Class 1.2 (meat products)	83,78%	89,93%	89,19%	92,81%
Class 1.3 (cheeses)	81,18%	89,36%	88,71%	97,87%
Class 1.4 (other products of animal origin)	60,61%	75,00%	57,58%	100%
Class 1.5 (oils and fats)	62,07%	77,78%	73,28%	94,44%
Class 1.6 (fruit and veg.)	69,38%	67,56%	79,38%	84,44%
Class 1.8 (other)	71,79%	89,29%	79,49%	96,43%

Concerning the numbers by country in *Table 20*, PGI and PDO specifications from Germany refer to local know-how and tradition in the production in almost 100% of all registrations. The figures are somewhat lower, but still very high for Greece and France.

Table 20. Local know-how and tradition in the production per country and quality scheme

Country	Local Know-how		Tradition in the production	
	PDO	PGI	PDO	PGI
Germany	100%	98,73%	100%	98,73%
Greece	96,05%	96,77%	96,05%	96,77%
Spain	42,72%	46,07%	56,31%	64,04%
France	94,29%	88,03%	98,10%	97,18%
United Kingdom	85,19%	97,56%	85,19%	97,56%
Italy	71,26%	67,42%	93,41%	93,18%
Portugal	14,06%	62,16%	3,13%	63,51%

⁷² The high figure in Class 1.5 for PGIs is mainly due to the strong presence of Greel olive oil.

An unusual result was found for Portugal, where only a very low percentage is found for PDOs referring in the specifications to local know-how (15%) and production traditions (3%).

3.4.2. Length of local tradition and know-how

3.4.2.1. The findings

With history being one of the the key factors around the GI protection, it is of interest to investigate the length of the time periods claimed with regard to specific local traditions or local know-how. For that purpose, four different time periods were distinguished (1 – 30 years; 31 – 100 years; 100 – 200 years; < 200 years).

Table 21 shows how often each of the four age categories is indicated in the specifications of PDOs and PGIs per type of link..

Table 21. Length of local tradition and know-how per quality scheme and type of link

	PDO				PGI			
	Quality		Reputation		Quality		Reputation	
	All	% of PDOs	All	% of PDOs	All	% of PGIs	All	% of PGIs
1 - 30 years	0	0,00%	0	0,00%	2	0,27%	1	0,13%
31 - 100 years	26	4,06%	9	1,40%	49	6,54%	51	6,81%
101 - 200 years	36	5,62%	22	3,43%	49	6,54%	63	8,41%
> 200 years	280	43,68%	121	18,88%	254	33,91%	274	36,58%
Overall	342	53,35%	152	23,71%	354	47,26%	389	51,94%

With regard to the time period of more than 200 years, 44% of the PDO specifications refer in the context of a quality link to a local tradition and know-how of more than 200 years, while 19% of the PDO specifications claim that length of time with regard to the reputational link. As for PGIs, 34% of the specifications make reference to a quality link that is substantiated by a local tradition or local know-how of more than 200 years, and 37% of PGI specifications base the reputational link on a local tradition or local know-how of more than 200 years.

These figures show that the large majority of both PDOs and PGIs claim to have a tradition or local know-how dating back more than 200 years, whereas the shortest of the four categories (1 – 30 years) is hardly ever invoked. The most significant difference between PDOs and PGIs is found in the category between 31 and 100 years, where the accumulated figure for quality and reputation indicated for PDOs is less than half of that for PGIs.

3.4.2.2. Examples

3.4.2.2.1. Time period: 200 years and older

The Portuguese PGI “Pastel de Tentúgal” offers a very rich and detailed product specification that focuses on the know-how as a central pillar of the production. It emphasizes how much the product relies on the tradition and the know-how specific from that area. This is expressed in sentences like "Since the late 16th century, it was at the Convent where the knowledge and expertise were acquired which has given rise to a unique product, something which has been attested in many sources found in a wide range of publications." Furthermore: "It should be noted that the know-how relating to the production of the 'Pastel de Tentúgal' has never left the confines of the town of Tentúgal."

In the specification of the French PDO “Comté”⁷³ for cheese, the long tradition of the know-how is described as follows:

The production of so-called large-size cheeses goes back to time immemorial in this region, which was the province of Franche-Comté. Authors have referred to this cheese in ancient times (Pliny), in the 15th century and again in the 19th century (Victor Hugo). Its fame is attested by the bulletin of price quotations for the central food market (Les Halles) in Paris, since the price quoted for Comté was different to that of the other cheeses of the same type. The Appellation was awarded by a judgment of the Dijon Court on 22 July 1952.⁷⁴
(...)

The traditional methods of making this cheese live on and are maintained, on the one hand, in the way the animals are bred using a specific system for the management of pastures and the drying of mowed grass and, on the other, in the way the cheese is made by carefully timing the cutting of the curd, its stirring and heating, the extraction and pressing and then the salting, prerefining and refining.⁷⁵

The Greek PDO “Feta”⁷⁶ is also classified in the oldest category, as the know-how is claimed to be “centuries” (= more than 200 years) old:

The superior quality of Feta compared with other cheeses in brine is mainly due to the quality of the milk used to make the cheese, the conditions under which the cheese is produced and the experience of Greek cheese-makers. This experience in the production of Feta has been acquired over centuries and has been passed down from generation to generation up to the present day.

⁷³ <https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/geographical-indications-register/includes/showSpecification.cfm?attachmentId=59549>.

⁷⁴ <https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/geographical-indications-register/includes/showSpecification.cfm?attachmentId=60900>.

⁷⁵ [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52018XC0601\(02\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52018XC0601(02)&from=EN).

⁷⁶ <https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/geographical-indications-register/includes/showSpecification.cfm?attachmentId=59999>.

3.4.2.2.2. Time period: 31 to 100 years

In the specification of the Italian PGI “Ciliegia di Vignola”, the producers affirm that the geographical area is "one of the oldest fruit and vegetable markets in Italy [which] has been operating since 1928, later followed by other processing and marketing structures."

Besides the specific soil and climatic conditions in the area and the special microclimate described above, other factors that contribute to the quality of 'Ciliegia di Vignola' are the knowledge and skills of the producers. These have been handed down from father to son over generations and consist in techniques relating to crop production, harvesting and packaging of the product, carried out exclusively by hand. This makes it possible to offer consumers a product with excellent commercial properties.

The specification of the German PGI “Walbecker Spargel”⁷⁷ explains that the "first attempts at growing asparagus around Walbeck castle in 1923 during the period of inflation. (...) In autumn 1927, 33 farmers from Walbeck agreed to start growing asparagus in spring 1928." And, more importantly:

The local producers have special skills in producing asparagus which, with proper preparation of the soil and planting and the decision when to harvest, ensures that 'Walbecker Spargel' grows particularly well and straight and is of good consistency.

(...)

The asparagus producers' skills have been acquired over several generations, in particular as regards the right time to start planting and to start and stop picking, the covering materials to be used and how extensively to use them, how to construct the earth mound properly and keep it free of root balls and stones and making sure the right amount of fertiliser is used by taking soil samples; these skills are factors which contribute to the special quality of 'Walbecker Spargel'.

For the Spanish PDO “Alcachofa de Benicarló” or “Carxofa de Benicarló”⁷⁸ it is pointed out that

Current production and marketing of the artichoke started about 50 years ago, at the end of the forties, when farmers who were accustomed to growing the plant moved to large-scale cultivation with the expansion of trade and the nearness of markets brought about by the development of transport.

Cultivation is labour intensive and requires great care, from the selection of the shoots by the grower to the day-by-day harvesting of the artichokes when they attain optimum ripeness. Growers undertake these different stages with great precision, the outcome of a professionalism and tradition going back several generations.

The British PGI “Stornoway Black Pudding”⁷⁹ is another example for a regional specialty developed less than 100 years ago. The specification informs that "[s]ome of the Stornoway butchers who form the 'Stornoway Black Puddings' Producers' Association have been making and selling their puddings since 1931". It also reads that the production in questions demands several specific manual skills, and: "The skills involved have been developed locally and

⁷⁷ <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52012XC0925%2805%29>.

⁷⁸ <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52003XC0219%2802%29>.

⁷⁹ <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52012XC0615%2802%29>.

passed down through generations which have resulted in the maintenance of the traditional characteristics of 'Stornoway Black Puddings'".

4. Amendments

Art. 53(1) Regulation 1151/2012 states that every 'group having a legitimate interest may apply for approval of an amendment to a product specification'. The complex topic of amendments will be tackled more in depth in Chapter 4. Here are presented the results of the quantitative assessment conducted to identify the areas of the specifications that are more often subject to amendments.

Table 22 shows that PDO specifications underwent more amendments than PGI. This is understandable because, as shown above, most PDOs are older than PGIs. Hence, it is highly likely that this is why they were amended more frequently. Furthermore, it emerges from the chart that 'description of the product', 'method of production' and 'rules on labelling' are the three sections of the specifications that are more often amended. Indeed, these are the sections that more than any other need to be regularly updated in order to embody the most recent production techniques, introduce new variants of the good, adopt labelling practices capable of providing information to consumers while promoting the products and their producers and so on. In the last analysis, these findings confirm the idea of GIs as evolving systems in which the specifications are regularly updated whenever the producers and/or the market need it.

Table 22. Sections and frequency of amended specifications

Overall	PDO		PGI	
	All	% of PDOs	All	% of PGIs
Name of product	13	2,03%	5	0,67%
Description of the product	132	20,59%	106	14,15%
Definition of the geographical area	62	9,67%	31	4,14%
Proof of origin	87	13,57%	50	6,68%
Method of production	134	20,90%	92	12,28%
Link	35	5,46%	31	4,14%
Rules on slicing, cutting, grating	10	1,56%	2	0,27%
Rules on packaging	21	3,28%	15	2,00%
Rules on labeling of the product	115	17,94%	69	9,21%

5. Oppositions

Regulation 1151/2012, on the possibility to oppose an application that has reached the EU level, i.e. the second level of examination after the domestic one, reads as follows:

Article 10 Grounds for opposition

1. A reasoned statement of opposition as referred to in Article 51(2) shall be admissible only if it is received by the Commission within the time limit set out in that paragraph and if it:

(a) shows that the conditions referred to in Article 5 and Article 7(1) are not complied with;
 (b) shows that the registration of the name proposed would be contrary to Article 6(2), (3) or (4);

(c) shows that the registration of the name proposed would jeopardise the existence of an entirely or partly identical name or of a trade mark or the existence of products which have been legally on the market for at least five years preceding the date of the publication provided for in point (a) of Article 50(2); or

(d) gives details from which it can be concluded that the name for which registration is requested is a generic term.

2. The grounds for opposition shall be assessed in relation to the territory of the Union.

The analysis shows that oppositions at EU level are quite rare. As shown in *Table 23*, only 85 oppositions were detected: 33 related to PDO and 52 to PGI applications. These numbers can be explained by the fact that most of the oppositions are probably filed by national producers during the domestic examination phase and are settled there. Disputes between Member States concerning the validity of an application submitted to the EU Commission by one of them are understandably lower because the products that can truly raise concerns at regional level are rarer.

Table 23. Oppositions at the EU level by scheme

PDO		PGI		Overall	
All	% of PDOs	All	% of PGIs	All	% of GIs
33	5,15%	52	6,94%	85	6,12%

Table 24 presents the number of oppositions against an application submitted from each sample country.

Table 24. Oppositions at the EU level per country

Germany	Greece	Spain	France	Italy	UK	Portugal
8	4	6	23	8	4	1

The figures indicate France as the country whose GIs were opposed the most, while Portugal registers only one opposition. To illustrate the findings, a look at the French PDO Chevrotin⁸⁰ for cheese is worth it. The registration was opposed by Italy⁸¹, based on the argument ‘that registration would be detrimental to other products on the market in Italy, in particular those called “caprine”, and that the translation in Italian of the name in question (caprino) was generic’. The EU Commission proposed a compromise between the two countries but this was never accepted. In the meantime, France presented justifications⁸² as to why the country believed that there were no linguistic issues concerning the registration. Italy did not provide evidence in response to that, which eventually led to the registration of the PDO.

Part IV. Conclusions

Chapter 1 presents the results of the first quantitative analysis of the contents of all the specifications of all the EU GIs registered until 31 May 2019 in the EU DOOR database, later replaced by eAmbrosia. The assessment, based on a large variety of parameters, led to an unprecedented picture of this area of EU Law. The findings and conclusions to be drawn therefrom can be summarized as follows:

1. The system increasingly tends towards the Protected Geographical Indication (PGI) scheme. The Study has demonstrated that this trend must be explained not only through the intuitive observation that this quality scheme is less demanding than the Protected Designation of Origin (PDO), but also by the fact that the latter scheme has been the instrument through which the Appellations of Origin that were already protected in the EU Member States have been transposed into the EU system when it was introduced in 1992. Indeed, 43% of the PDOs were registered in the early days of the EU regime through the Simplified Procedure. This quality scheme has therefore been employed as a ‘bridge’ between the previous and the latter regimes. After the transition phase, the PGI has become the preferred quality scheme in almost all the EU Member States. Nevertheless, of course, PDOs retain their importance, as many of them, not least those registered in the early phase of Simplified Procedure, are particularly well-known and commercially relevant.

⁸⁰ <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32005R1357>.

⁸¹ “Italy opposed the registration under Art. 7 of Regulation (EEC) No 2081/92 on the grounds that the conditions laid down in Art. 2 of Regulation (EEC) No 2081/92 were not complied with, that registration would be detrimental to other products on the market in Italy, in particular those called ‘caprino’, and that the translation in Italian of the name in question (caprino) was generic.”

⁸² “France officially argued that registration of the name ‘Chevrotin’ would not lead to a ban on the use of the expression ‘de chèvre’ (goat) or ‘fromage de chèvre’ (goat cheese) to denominate cheese made from goat’s milk or, by the same token, use of the translation of these terms (in Italian, ‘caprino’ and ‘formaggio di capra’).”

2. The research for the first time presented empirical evidence for the effects of the famous Parma Ham decision of the European Court of Justice. In this case, the Court held that the specification of a GI product can legitimately stipulate that optional operations such as packaging, cutting, slicing, grating and alike must be carried out mandatorily in the area of production of the good to preserve its quality and characteristics. The Study was able to show that the number of specifications embodying rules with a limiting effect, especially concerning packaging, has risen significantly after 2003, i.e. the date of the abovementioned ECJ Judgement.
3. The analysis has revealed that the designated areas where GI products are made are on average relatively large (more than 1000 m²). Furthermore, it was shown that a significant number of GIs are entirely produced in the designated area. This is particularly remarkable for PGIs, considering that in order to fulfil the legal requirements, only one step of the production must mandatorily take place in the relevant locality. On the basis of the methodology applied, it could however not be clarified whether this result can be explained by the fact that, as mentioned earlier, the areas of production are generally rather large.
4. Regarding the origin link, the research has shown that the distinction between two quality schemes, PDO and PGI, is partially blurred. In particular, the physical/environmental link that characterises PDO can often be found in PGI specifications instead or in addition to a reputational link, although the requirements for the PGI scheme would be satisfied by evidence of a reputational link alone. In turn, reputational elements, such as the history of the product, its socio-economic impact and the market renown of the goods can often be found in the specifications of PDO products in addition to evidence of a connection based on physical/environmental elements or on local know-how accounting for a quality link. The merger of quality and reputational elements is particularly evident where reference is made to local traditions and other historical aspects: Whether this translates into local know-how and thereby into a quality-based link or merely presents evidence of long-standing appreciation and market customs can be a matter of semantics rather than substance.
5. Fifth and final, this Chapter presents figures concerning amendments and oppositions concerning GI registrations. The results are self-explanatory, with amendments being subject to a closer look in Chapter 3.

Chapter 2

Cross-national comparative analysis of procedural laws and practices in the EU Member States

Flavia Guerrieri

1. Introduction

The EU GI *sui generis* system is crafted on specific objectives. Regulation 1151/2012 ('Regulation') mentions the need to achieve 'overall coherence and consistency of agricultural product quality policy' (Recital 9). Moreover, the 'uniform respect of intellectual property rights related to names protected in the Union' is explicitly defined as 'a priority that can be achieved more effectively at the Union level' (Recital 19). A uniform approach to the protection of geographical names ensures, from the producers' perspective, fair competition among those entitled to use the indication and, from the consumer perspective, the enhancement of the credibility of origin-based products (Recital 20).

While the specific regime provided at the EU level has been conceived to ensure uniform (and more effective) protection against imitation and misuse within the territory of the EU, a first scrutiny carried out at national level is still a mandatory and essential part of the application process. In particular, Member States have the responsibility to 'examine applications at the national level, in compliance with minimum common provisions, including a national opposition procedure' (Recital 58). However, each member state is responsible for providing protection to registered GIs in its jurisdiction and a harmonized, EU-wide approach to monitoring and enforcement is still lacking.⁸³

Thus, from a top-down perspective, the role of the Union in facilitating the development of GIs as intellectual property instruments is identified as crucial for the fulfilment of the already mentioned objectives. From a bottom-up perspective, cooperation between the Member States and the EU Commission and between the Member States themselves is essential for ensuring the functioning of the system. This cooperation would entail, in countries where the GI protection is traditionally well-established, the harmonization of already existing national laws and practices; in countries where the GI protection is more recent, the identification of adequate instruments to complement the Regulation where the competence is left to the

⁸³ EUIPO, *Protection and Control of Geographical Indications for Agricultural Products in the EU Member States* (2017) <<https://doi.org/10.2814/910533>> accessed 5 November 2018.

Member States. Hence, the heterogeneous national legal traditions, expertise and interests in GI protection can explain different levels of engagement and complexity at the national level and the efficiencies and/or inefficiencies occurring at the EU level. All these elements need to be taken into account while assessing the efficiency and effectiveness of the general functioning of the system.

Building upon this background, the present section will show that, despite the overall convergence of national systems into a uniform EU system of protection of GIs, significant discrepancies both at the legislative and implementing level, describe a complex and nuanced scenario.

In particular, the aim of this part of the research is to detect the discrepancies between the procedural rules at the national level and the relationships between the rules at the national and EU level. This analysis will allow to assess whether the degree of divergence between national rules of procedure, their implementation, and the Regulation could (or could not) jeopardize the uniform approach at the core of EU policy objectives.

The description of the empirical tools used in the different phases of the research (Section 2) is followed by 6 sections (Section 3-8) organized per theme, corresponding to the main contents of the Regulation. Each section deals with the analysis of the relevant rules of the Regulation and an overview of the most relevant national rules of procedure. The aim of this analysis is to identify where the rules of the Regulation, through more flexible and general formulations, leave more margin of manoeuvre to Member States; in addition, it has as the objective to understand how Member States have so far implemented the EU requirements in their national legal systems and if any discrepancy exists.

Case studies (Section 9) are aimed to give specific insights on selected national experiences and identify informal practices complementing the formal rules of procedure. Finally, Section 10 and 11 and 12 are respectively focused on the discussion of the results, conclusions and annexes.

For the purposes of this chapter of the Study, 'formal rules' identify those rules that have been codified in official legal texts. 'Informal practices' identify non-codified behaviours, repeatedly enacted by stakeholders formally involved in the procedure, for achieving specific purposes (e.g., simplifying the procedure, supporting producer groups, ensuring that the use of the GI serves specific institutional goals, such as local development).

2. Methodology

The data collection involved the use of different tools. A first-hand analysis of the formal rules governing the activity of the national authorities, has been followed by requests for feedback to the competent offices and, only in specific cases, by synchronous and asynchronous semi-structured interviews.

Collection and first-hand analysis of national sources: the formal rules of procedure are embedded in heterogeneous legal sources (e.g., laws, regulations, decrees, guidelines codifying well-established practices). They have been analysed according to a specific grid of assessment. The grid has been considered as the most appropriate tool to allow the comparative analysis of the EU national systems and to identify the differences (if any) between the national rules and the Regulation. It has been designed after a test-phase on the formal rules of procedure pertaining to the French, German, Italian, and Spanish legal systems. Here below the relevant parameters:

- a) General data (country name, identification of the competent authority, number of registered GIs, relevant collected documents);
- b) Procedure and requirements (contents of the specification, contents of the application, specific provisions concerning trademarks or generic names);
- c) Applicants (nature of the applicants and formal requirements, specific provisions on multiple domestic applications);
- d) Proceedings (public administrations involved, private stakeholders involved apart from the applicants, impulse for modifications to the draft specifications, requirements for national opposition, brief description of the national application processes, time span between the beginning of the proceedings and the publication of the specification/opening of the opposition phase);
- e) Lodging of the application to the EU authorities (contents of the application file, transnational protection at the national level, conditions and/or limitations);
- f) Amendments to registered GIs (subjects entitled to propose an amendment, specific limitations to the possibility to propose an amendment, procedural rules);
- g) Cancellation (subjects entitled to initiate cancellation procedure, cases for cancellation, procedural rules);
- h) General comments/notes.

This part of the research is focused on the rules governing the national phase of application in 27 Member States (UK was not included). This analysis started in November 2019 and ended in June 2020. Therefore, it does not take into account any legislative reform occurred after that date. All the national authorities have been contacted for a feedback on the collected data.

Given the high heterogeneity and complexity of the rules of procedure, they have been analysed in two steps, both involving the use of the grid of assessment. Firstly, each researcher has collected and mapped the relevant sources and proceeded to a preliminary analysis. Secondly, the research team discussed the results on a regular basis to avoid discrepancies. Meetings were equally crucial to overcome the difficulties on the lack of information in the available sources (e.g., data on time schedule, powers of the competent authority, phases of the assessment of the application, subjects involved were sometimes difficult to retrieve) as well as to overcome the language barrier and to gather a significant number of responses from national authorities.

Asynchronous request for feedback: a database of all EU national authorities has been created to keep track of the contacts. The request for feedback was aimed to confirm the completeness and correctness of the assessment carried out through the grid. Out of the 27 national authorities, 19 participated in the study (Belgium – Flanders, Bulgaria, Croatia, Cyprus, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Poland, Portugal, Romania, Slovenia, Spain); 8 national authorities did not answer to the queries (Austria, Belgium – Bruxelles Capitale and Wallonia -, Czech Republic, Denmark, Greece, Malta, The Netherlands, Slovakia).

Synchronous qualitative interviews. A set of national authorities' representatives has been selected for participating in semi-structured interviews (carried out by phone or video call). The aim of the questions was to understand how the national formal or informal practices integrate the formal rules of procedure. The use of qualitative assessment in addition to the comparative analysis of the rules has been fundamental to gather complete and exhaustive data and answer to the research questions. More information in this regard can be found in the section related to case studies.⁸⁴

The analysis of the legal framework provided by the Regulation will focus on the following aspects:

- a) contents of the specification (Art. 7);
- b) contents of the application file (Art. 8 and 49);
- c) requirements for applicants (Art. 49);
- d) players involved (i.e., designation of the national authority according to Art. 36);
- e) average length of the procedure;
- f) national opposition (Art. 10 and 49 Para 3) and cancellation procedure.

⁸⁴ See *infra* 10.

In particular, the analysis will cover the European and national rules governing the application, amendment, opposition and cancellation phase. It will identify the stakeholders involved as well as their interaction and role in the phases of the procedure. In particular, the analysis of the rules of the Regulation will highlight to what extent and for which aspects Member States enjoy a margin of manoeuvre in the procedure. This approach will identify if and how national rules and practices supplement or complement the framework identified by the Regulation.

3. Contents of the specification

The product specification is the core document required by the national authorities for the application. By showing that the name can convey to consumers the link between the designated product and the geographical origin, this document identifies the boundaries of protection granted by the GI, defining the rules that producers must observe to use the registered name.

Even though the requirements identified by Art. 7 Regulation are considered as a baseline (being possible for the Member States to set additional rules), para 2 of the same article provides that the EU Commission is entitled to adopt delegated acts to limit the content of product specifications (Art. 56 Regulation.). This principle is coherent with the exigency of avoiding ‘unnecessary voluminous applications for registration’. Protected Designations of Origin (PDOs) or Protected Geographical Indications (PGIs) shall comply with a product specification which ‘shall include *at least* (emphasis added):

- a)** the name to be protected as a designation of origin or geographical indication, as it is used, whether in trade or in common language and only in the languages which are or were historically used to describe the specific product in the defined geographical area;
- b)** a description of the product, including the raw materials, if appropriate, as well as the principal physical, chemical, microbiological or organoleptic characteristics of the product;
- c)** the definition of the geographical area delimited with regard to the link referred to in point (f)(i) or (ii) of this paragraph, and, where appropriate, details indicating compliance with the requirements of Art. 5(3);
- d)** evidence that the product originates in the defined geographical area referred to in Art. 5(1) or (2);
- e)** a description of the method of obtaining the product and, where appropriate, the authentic and unvarying local methods as well as information concerning packaging, if the applicant group so determines and gives sufficient product-specific justification as to why the packaging must take place in the defined geographical area to safeguard quality, to ensure the origin or to ensure control,

taking into account Union law, in particular that on the free movement of goods and the free provision of services;

- f) details establishing the following:
- the link between the quality or characteristics of the product and the geographical environment referred to in Art. 5(1); or
 - where appropriate, the link between a given quality, the reputation or other characteristic of the product and the geographical origin referred to in Art. 5(2);
 - the name and address of the authorities or, if available, the name and address of bodies verifying compliance with the provisions of the product specification pursuant to Art. 37 and their specific tasks;
 - any specific labelling rule for the product in question’.

According to what is provided by Art. 49(2) of the Regulation, ‘the Member State shall scrutinise the application by appropriate means in order to check that it is justified and meets the conditions of the respective scheme.’

While the national authorities examine, in the first instance, the content of the product specification, the EU Commission’s scrutiny is mainly focused on the single document, a short version of the product specification that must be included by the applicants in the application file and transmitted by the competent national authority at the end of the national phase (Art. 8(1)(c) Regulation). Depending on the compliance of the single document to the standards provided by the Regulation and the EU Applicant’s Guide, the EU Commission can indirectly ask the applicants, assisted by national authorities, to make additional changes.

3.1. Overview on the collected data

The analysis of the national rules on the content of the product specifications show that the approach adopted by the Member States is overall homogeneous. Indeed, most countries directly apply Art. 7 Regulation. Nonetheless, Chapter 3 will show that from a cross-national and time perspective the contents of the product specifications and application dossiers are sensibly affected by national rules and practices. Interestingly, whereas the national rules concerning the requirements for product specifications are generally homogeneous, in practice, the template used by producers can be quite diverse and it evolves over time. This is a relevant issue, especially in relation to the effort undertaken by the EU Commission of ensuring an EU-wide uniform approach, despite heterogeneous traditions in the national GI protection.

For example, Art. 4 of Implementing Regulation 668/2014 explicitly states:

1. the product specification shall identify the procedures which operators must have in place as regards the proof of origin concerning the product, raw materials, feed and other items that, according to the product specification, are required to come from the defined geographical area.
2. Operators shall be able to identify: (a) the supplier, quantity and origin of all batches of raw material and/or products received; (b) the recipient, quantity and destination of products supplied; (c) the correlation between each batch of inputs referred to in point (a) and each batch of outputs referred to in point (b).

It is not specifically stated that information on the proof of origin should be the object of an independent section of the product specification and this is confirmed by Art. 7 Regulation. Nor Art. 8 Regulation includes it in the content required for the single document. Nonetheless, this caused ambiguities that led to inconsistent interpretations by producers' groups over time. Sometimes, it is conceived as a specific section focused on rules on traceability, sometimes as a section including information on the history of the product and the long-standing reputation attached to the name. Moreover, it gradually disappears as a separate section in the single documents starting from 2008.

3.2. Content of the application file

Art. 8 Regulation is focused on the content of the application file. It follows the same structure of Art. 7: as for the content of the product specifications, the identified requirements represent a minimum standard that may be complemented by additional conditions defined by national rules:

'An application for registration of a designation of origin or geographical indication pursuant to Art. 49(2) or (5) shall include *at least* (emphasis added):

- (a) the name and address of the applicant group and of the authorities or, if available, bodies verifying compliance with the provisions of the product specification;
- (b) the product specification provided for in Article 7;
- (c) a single document setting out the following:
 - (i) the main points of the product specification: the name, a description of the product, including, where appropriate, specific rules concerning packaging and labelling, and a concise definition of the geographical area;
 - (ii) a description of the link between the product and the geographical environment or geographical origin referred to in Article 5(1) or (2), as the case may be, including, where appropriate, the specific elements of the product description or production method justifying the link.

An application as referred to in Article 49(5) shall, in addition, include proof that the name of the product is protected in its country of origin.

2. An application dossier referred to in Article 49(4) shall comprise:

- (a) the name and address of the applicant group;
- (b) the single document referred to in point (c) of paragraph 1 of this Article;
- (c) a declaration by the Member State that it considers that the application lodged by the applicant group and qualifying for the favorable decision meets the conditions of this Regulation and the provisions adopted pursuant thereto;
- (d) the publication reference of the product specification.'

As mentioned earlier, the purpose of the single document is to summarise the content of the product specification. Differently from the structure of product specifications, deliberately left open to the applicant's initiative and the national authority's assessment, except for the minimum content required by Art. 7, the single document is organized in a limited number of non-modifiable headings and it encourages the applicants to give precise information on specific points. As for the product specifications, the content of the single document can evolve during the application process due to the exchange between the applicant, the national authorities, and the EU Commission.

The domestic procedural rules and practices on the content of the application dossier reveal some differences among the Member States. For example, some countries require additional information concerning the historical link and socio-economic information. In some cases, these requirements should be included in one or more separate reports.

3.3. Overview of the collected data

In **Italy**, in addition to the elements detailed in the Regulation, the applicant must file **(1)** an historical report, accompanied by bibliographical references, able to prove that the production has been produced in the area for at least twenty-five years and the established use of the name, in trade or commerce as well as in the common language; **(2)** socio-economic report containing details on the quantity of product produced in the previous three years, the number of companies (current and potential) involved in each segment of the supply chain; **(3)** a technical report showing the link with the territory,⁸⁵ supported by technical-scientific evidence.⁸⁶ Moreover, the report highlights the relationship between homogeneous factors determining the link and the identified geographical (or administrative) boundaries. It must also explicitly mention the distinctive qualities of the designated products (compared to products of the same kind).

In **France**, the applicant must include a document describing the grounds for the application, including its technical and economic impact on the market of the registration of the name as a PDO or PGI, as well as a document describing the rules on traceability and the control plan.⁸⁷ Moreover, the applicant must include a report explaining the motivations behind the application. An evaluation concerning products of the same kind and the economic effects of the registration on the marketplace should equally be included. In addition, the applicants need

⁸⁵ The link should be understood 'as causal link between the geographical area and the quality or characteristics of the product (in the case of a PDO) or a specific quality or reputation or other characteristic of the product (in the case of a PGI).' (Art. 6 of the Ministerial Decree 14 October 2013).

⁸⁶ Art. 6 of the Ministerial Decree 14 October 2013.

⁸⁷ Directive INAO, 31 March 2015, 5; INAO, *Guide du Demandeur*, 10. The French Applicant's Guide is a detailed codification of the practices followed by the INAO. It is one of the rare examples of national authorities' informal practices, codified and having authoritative character.

to prove the compliance to the legal requirements to file the application as *Organisme de Défense et de Gestion*.⁸⁸

In **Romania**, the applicant must include: **(1)** a separate historical report (supported by specific evidence); **(2)** a socio-economic report. In addition, a copy of a contract concluded with a private control body must be attached.⁸⁹

In **Belgium (Flanders)**, applicants are required to file a report on the history and reputation of the product, including a description of the ancient and present notoriety of the denomination.

In **Spain** the applicant must include: **(1)** the accreditation of the use and notoriety of the name in relation to the commercialization of the product; **(2)** the justification that the name is sufficiently precise and is related to the geographical area to be delimited; **(3)** the report of the Spanish Patent and Trademark Office (*Oficina Española de Patentes y Marcas-OEPM*) and **(4)** a report based on the records of the European Intellectual Property Office (EUIPO), on the existence or not of registered trademarks related to the name of the PDO or PGI.

In **Bulgaria**, the applicant must file the application through the portal of the Patent Office of the Republic of Bulgaria. The product class (or classes) of the corresponding goods should be indicated, as well as a description of the boundaries of the geographical area. Moreover, description of the specific qualities and characteristics of the goods and of the link must be included, as well as a certificate from the municipality confirming that the applicant carries out its production activity in the defined geographical area. In addition, a document certifying the paid fees shall be attached to the application.⁹⁰

A similar rule is provided in **Czech Republic**, where the application file must include the records kept by the administration competent for the territory in which the production and processing of goods takes place to certify that the applicant's establishment is located in that territory and that the applicant produces or processes goods.⁹¹

4. Requirements for applicants

According to Art. 49(1) Regulation, are entitled to file an application for registration groups 'who work with the products with the name to be registered'. Joint applications are allowed in case the name designates a trans-border geographical area. The majority of applications are filed

⁸⁸ See *infra* 5.

⁸⁹ Art. 2(3)(g)(h)(j) Ordin 1762.

⁹⁰ Art. 95 Law on trademarks and geographical indications, Prom. DV. no. 98 of 13 December 2019, amended and ext. DV. no. 92 of 27 October 2020 available at <<https://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=143373>>

⁹¹ Section 5(4) ACT No. 452/2001 Coll. of 29 November 2001 on the Protection of Designations of Origin and Geographical Indications and on the Amendment to the Act on Consumer Protection available at <<https://www.wipo.int/edocs/lexdocs/laws/en/cz/cz033en.pdf>>

by collective institutions (e.g., producers' association or organizations) because of the strong involvement of communities in the commercial use of the name having geographical connotation. Nevertheless, Art. 49 allows the possibility for a single natural or legal person to apply, if it is shown that specific conditions are fulfilled. In particular:

- (a) the person concerned is the only producer willing to submit an application;
- (b) with regard to protected designations of origin and protected geographical indications, the defined geographical area possesses characteristics which differ appreciably from those of neighbouring areas or the characteristics of the product are different from those produced in neighbouring areas.

Moreover, Art. 49(7) provides that:

The Commission may adopt implementing acts laying down detailed rules on procedures, form and presentation of applications, including for applications concerning more than one national territory.

The Regulation does not require specific formalities, other than the qualification of the applicant as a group of individuals established in the geographical area. However, some national authorities set forth additional requirements, mainly related to the formal recognition of the applicants' group as legitimated to apply for registration. In some cases, the applicant needs to undertake an independent administrative procedure aimed at verifying the compliance with specific requirements defined by national laws.

5. Overview of the collected data

In **France**, the application is always made by a group, formally recognized as organization for defence and product management (*Organisme de Defense et Gestion*, ODG).⁹² The ODG is recognized with a decision of the director of the INAO, after having consulted the INAO national committee.

Articles L642-17 et seq and R642-33 et seq *Code rural de la pêche maritime* (CPM) define the procedure for the recognition. The application for recognition as ODG is made in conjunction with the application for the recognition of a PDO or PGI and it requires the submission of a specific dossier.⁹³ The procedure is aimed to verify that the candidate group is representative of all the actors of the production chain and that all the activities of the group are regulated by clear objectives and rules.⁹⁴

⁹² Art. L721-4 Code Propriété Intellectuelle.

⁹³ INAO, *Guide du demandeur pour la reconnaissance en qualité d'organisme de défense et gestion*, 2017, available at http://www.inao.gouv.fr/content/download/1569/15884/version/1/file/Guide_ODG_01_2016.pdf

⁹⁴ These rules are usually included in the statute of the producers' organization/association. They consist, for instance, in rules on the decision-making process, rules qualifying possible kinds of membership, rules aimed to ensure representativeness and democratic mechanisms for the decision-making process, etc.

The membership to the producers' organization is mandatory. However, all the stakeholders of the production chain must be allowed to join the producers' association or organization. This means that the ODG cannot establish arbitrary conditions for acquiring or losing membership. The fact that an operator is not effectively involved in the specification (because he is not authorized - or has lost his authorization - for the production concerned after the implementation of official controls), is the only possible ground for refusal of (or exclusion from) membership.⁹⁵

The most important document of the application file for the formal recognition as ODG is the statute which have to be consistent with the overarching principles and goals defined by the law. In particular, Art. L642-22 CPM provides that, once the ODG is formally recognized by the INAO, it can perform the following functions: **(1)** elaboration of the draft specification and implementation of the control plan; **(2)** administration of the list of the operators of the production chain and transmission to the control body of the INAO; **(3)** participation to the valorisation, defence and protection of the registered name; **(4)** implementation of the decisions of the national committee.⁹⁶ The ODG is also in charge of choosing the control body and drafting the control plan in collaboration with the control body.⁹⁷ In the same vein, in **Italy** specific national rules concerning the domestic registration of producer associations are established. The association must list in its statutory goals the registration of the PDO or PGI and that the statute must stipulate that the association cannot be terminated before such goal is achieved.⁹⁸ In case of more than one application for the same geographical name, the Ministry of Agriculture and the competent Region must identify the applicant that represents the largest number of producers.⁹⁹

In **Portugal**, the Portuguese Applicant's Guide¹⁰⁰ and Artt. 299 and 300 of the Portuguese Intellectual Property Code define the legal framework governing the application for registration of the name as a PDO or PGI.

Applicants are producers' group resident or established in the locality, region, or territory of the PDO or PGI. They may (or may not) have legal personality and, once the PDO or PGI is registered, they can authorize the use of the name by new members, if they are established in

⁹⁵ INAO (fn. 93) 8.

⁹⁶ Ibid 13.

⁹⁷ In the EU, inspection and certification are always attributed to private certification bodies accredited by the state. For more information on this topic and a detailed comparative assessment involving EU and non-EU countries see Delphine Marie-Vivien and Estelle Biénabe, 'The Multifaceted Role of the State in the Protection of Geographical Indications: A Worldwide Review' (2017) 98 *World Development* 1 <<https://linkinghub.elsevier.com/retrieve/pii/S0305750X17301584>> accessed 23 October 2018.

⁹⁸ Art. 4 Ministerial Decree 14 October 2013. For additional information see *infra*, 10.3

⁹⁹ Ibid, Art. 5. For additional information see *infra* 10.3.

¹⁰⁰ PO-IG001 – Pedido de registo de uma DOP, IGP, ETG ou IG de bebida espirituosa, 8.

the identified geographical area.¹⁰¹ When applying for the registration of the name, the applicants as a group have to provide: **(1)** a list of members of the producers' group, identifying those who have deliberative power and those who are producers of the product whose name is to be registered; **(2)** a document proving that the producers' group has been constituted (if applicable); **(3)** the statute (if applicable); **(4)** a document proving the signatory's powers to oblige the applicant and submit the application (if applicable). The applicant can also apply for recognition as a PDO or PGI management body. When they are organized as external consortia, they may propose to perform the functions related to the management of the name listed respectively in Art. 45 of the Regulation, in Legislative Order No 32/2000 and in Annex I of the Portuguese Applicant's Guide. Annex II of the Guide provides a list of the documents that the applicants need to file when they apply to perform the functions related to the management of the name. In particular: **(1)** an action plan; **(2)** a document proving the powers of the applicant to submit the application.

After a documental and technical analysis of the application, the *Direção-Geral de Agricultura e Desenvolvimento Rural* shall issue an opinion on the applicant's capacity to perform the functions stated in the application.

In **Cyprus**, the applicant needs to provide evidence that the group is open to new members by reference to the rights and responsibilities towards new users.

In other countries, e.g., **Germany**, any *ad hoc* provisions concerning the nature and status of the applicants is featured. Thus, the requirements set forth by the Regulation directly apply.¹⁰²

Interestingly, in **Bulgaria** there is no reference to groups. The right to file an application belongs to any person who carries out its production activity in the geographical area.¹⁰³ Moreover, the person is registered as a 'user',¹⁰⁴ entitled to use the GI for the mentioned product classes.¹⁰⁵ If the decision of the Office is positive, the applicant is issued with a certificate for the use of the GI.

¹⁰¹ Art. 299 Portuguese Intellectual Property Code.

¹⁰² For additional information see *infra* 6.1.

¹⁰³ See Law on trademarks and geographical indications *supra* fn.90) Art. 89. Interestingly, the same article states that the boundaries of the geographical area and the specific characteristics of the products (including the link between those characteristics and the geographical origin) shall be established by the 'respective central administration by order of its head'. The law does not explicitly define if the term 'central administration' refers to the Intellectual Property Office or to a territorial department (e.g., Region or Municipality). However, for our purposes, it is relevant that the public administration is directly involved in the delimitation of the geographical area.

¹⁰⁴ *Ibid.*, Art. 90.

¹⁰⁵ *Ibid.*

6. Players involved in the registration, opposition, amendment, and cancellation procedure

Artt. 49-52 Regulation deal with the different stages of the procedure and describe the interactions between the actors involved and their role in the application for registration, amendment, and cancellation procedures. The application phase follows a multi-level structure, which starts on the input of the applicants (producers' groups or a single natural or legal person, provided that the conditions laid down in Art. 49 Regulation are met). *Table 1* shows the different phases preceding and following the registration of a PDO or PGI under the Regulation. It briefly describes each phase and the players involved, as well as their respective roles in the procedure. For the purposes of this table, only the content of the Regulation has been considered.

Table 1. Synopsis of the multi-step procedure as described in the Regulation, with a specific focus on the players involved and their main task

Phase		Description	Players involved
National	Application	The application file is scrutinized	Producers groups (or a single natural or legal person complying with the requirements of Art. 49); national authority.
	Scrutiny	Check, 'by appropriate means', that the application is justified and meets the conditions of the respective scheme (Art. 48(2)).	National authority ¹⁰⁶
	Publication	'adequate publication' of the application is ensured (Art. 48(3))	National authority
	Opposition	Opening of the opposition procedure, examination of the opposition (including the assessment on admissibility), publication for appeal (Art. 49)	Any natural or legal person having legitimate interest, established or resident in the territory of the Member State (opposition file); national authority (opening, management of the opposition including examination on admissibility, decision, and publication for appeal)

¹⁰⁶ The Regulation refers to the 'Member State'. In practice, this concerns the National Authority, however. This is why this terminology has been employed.

	Submission of the dossier	The submission takes place after a favourable decision on oppositions (if any) is taken.	National authority (submission); EU Commission (reception)
EU level	Scrutiny	Check, by appropriate means, that the application is justified and that it meets the conditions of the respective scheme (Art. 50)	EU Commission
	Publication	Provided that the legal requirements are fulfilled, publication in the Official Journal of the European Union (Art. 50)	EU Commission
	Opposition	Notice and reasoned statement of opposition; consultations, and (eventually) agreement between the parties (Art. 51).	Authorities of a third country (notice and reasoned statement of opposition); any natural or legal person having legitimate interest, established or resident in a member state other than that from which the application was submitted (notice and reasoned statement of opposition); EU Commission (reception and admissibility check; invitation of the opponent to engage in appropriate consultations); the opponent (starts consultations; provide additional information); the applicant (starts consultations; provide additional information)
	Registration	Acts of registration and decisions on rejection shall be published in the Official Journal of the European Union (Art. 52)	EU Commission
	Amendment	Approval or rejection of the application for amendment, procedure laid down in Artt. 49-52 in case of not minor or multiple amendments, publication in the Official Journal of the European Union in case of modifications of the elements referred to in Art. 50(2).	A group having legitimate interest (application) EU Commission (approval/rejection of the amendment; publication)

	Cancellation	Verification noncompliance to conditions of the PS; non-marketed products (Art. 54)	EU Commission, on its own initiative or at the request of a natural or legal person having legitimate interest (verification)
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As shown in the table above, various stakeholders are involved in the procedure. In particular:

6.1. Producers' groups (or single natural or legal persons as provided under Art. 49 Regulation)

Groups of producers are entitled to apply for registration.¹⁰⁷ Producer groups file the application dossier, including the product specifications, to the national authority, that 'shall scrutinise the application by appropriate means to check if it is justified and meets the conditions of the respective scheme' (Art. 49 Regulation). In practice, this allows Member States a consistent margin of manoeuvre in adopting (or maintaining) national formal rules and informal practices. These national rules and practices complement the rules set forth by the Regulation, but they can also give rise to national rule-systems that differ, to various extents, from one another. This is relevant, especially when national rules set complex procedures and additional requirements to assess the completeness and correctness of the application.

6.2. Competent authorities for controls and control bodies

According to Art. 36 Regulation, Member States shall designate the national authority competent to verify the compliance to the legal requirements for each of the quality schemes.

The national authorities are the main interlocutors of the EU Commission and the applicant, and the intermediaries between the applicants and the EU Commission. The nature of the national authority can reveal relevant information on the heterogeneity of the national approaches to GI protection, emerging from the adopted procedure. It can equally show important elements on the types of interactions between the national and the European authorities during the product specification design.

Art. 36 Regulation states that competent national authorities shall be 'impartial and effective' and that they should 'meet a number of operational criteria', including having qualified staff and resources to carry out their functions.¹⁰⁸ National competent authorities can also be responsible for controls on the compliance to the product specification and the use of registered names in the marketplace. One or more external control body can assist or replace

¹⁰⁷ See *supra* 7..

¹⁰⁸ For more information see EUIPO (fn 83).

the designated competent authority in pursuing controls related to the compliance to the product specification.

6.3. Opponents

At the national level, ‘any natural or legal person having legitimate interest and established or resident in the territory of the member state’ (Art. 49 Regulation) can file an opposition to the registration of a PDO or PGI.¹⁰⁹ Art. 10(1) Regulation sets the contents required for an opposition to be admissible. The decision on admissibility is taken by the national authority. At the EU level, ‘any natural or legal person having a legitimate interest, established or resident in a member state other than that from which the application was submitted’ can file an opposition (Art. 50 Regulation). The admissibility of the opposition is assessed according to the criteria referred to in Art. 10(1) Regulation. The final decision on the matter is taken by the EU Commission.

6.4. The EU Commission

It coordinates the application, opposition at, amendment and cancellation procedure the EU level. The Regulation describes the interactions between the Commission and the actors involved. For the purposes of this study, two main clusters of interactions are taken into account: the interaction between **EU Commission-national authority** and between the **EU Commission-national authorities-applicants-opponents** (or other persons having legitimate interest).

The EU Commission is the main actor in the procedure at the EU level, involved in the phases of application, opposition, and amendment.

During the national phase of the application process (in particular, the product specification design and scrutiny for registration) the EU Commission does not directly interact with producers’ groups, being this stage of the procedure exclusively handled by the competent national authorities.

The interaction between the EU Commission related to the product specification design and scrutiny at the EU level generally involve national authorities. During the opposition and amendment procedure, applicants and opponents directly interact with the Commission.

6.5. Overview of the collected data: players involved

For the purposes of this study, the expression ‘**players involved**’ identifies the main stakeholders, other than the applicants, involved in the application, cancellation, and

¹⁰⁹ This should be done in a reasonable time from the publication of the application by the national authority.

amendment procedure. It includes the competent national authority and other institutional actors involved in the examination of the application, the opposition, and the cancellation procedure as well as producers or producers' associations different from the applicant. Not included are public authorities or private third-party accreditation bodies involved in the monitoring and control, as well as the opponents giving the input to the opposition procedure at the national and EU level.

The purpose of this parameter is to observe and compare the various choices made by each Member State in designating the competent national authority in charge of the application, amendment, and cancellation procedure. As mentioned before, each Member State is free to designate the national authority, provided that the specific criteria are respected.

Consequently, Member States adopted heterogeneous solutions. Some countries put in place complex systems, involving several steps and specialized internal (or external) bodies. Other Member States, instead, designated the national intellectual property office (i.e., often the national trademark office) as competent authority for GI registration. These choices (in combination with other specific variables) can reveal some patterns in the requirements and evaluation of the product specifications and application files. Ultimately, they can denote heterogeneous approaches to GI protection at the national level, involving different forms and degrees of state intervention.¹¹⁰

Table 2 is aimed to give an overview of the actors involved in the GI registration procedure at the national level. This overview is based on a preliminary search whose results have been, in the majority of the cases, confirmed by the national authorities concerned.

Table 2. Overview of the main stakeholders, other than the applicants, involved in the national phase of the GI application¹¹¹

Country	Competent national Authorities	Other public institutional actors (or other bodies) directly involved in the procedure	Other actors involved different from public institutions or bodies
Austria ^{*112}	Austrian Intellectual Property Office (Österreichisches Patentamt)		

¹¹⁰ See *infra* 11.

¹¹¹ When relevant and available, specific information on the stakeholders legitimated to file oppositions at the national level has been added.

^{112*} No feedback has been received by the competent national authorities.

Belgium (Flanders) ¹¹³	Flemish Government Department of Agriculture and Fishery (under the Ministry of Agriculture)	The Regional products Centre of the Flemish Centre for Agri-Fisheries Marketing – VLAM	Not given
Belgium (Bruxelles)*	Ministry of Agriculture Region 'Bruxelles Capitale'		Not given
Belgium (Wallonia)*	Ministry of Agriculture Region Wallonia		Experts appointed upon request (evaluation of the opposition)
Bulgaria	Patent Office of the Republic of Bulgaria		Not given
Croatia*	Ministry of Agriculture		Other producers, producers' associations
Cyprus	Ministry of Agriculture, Rural Development and Environment	Advisory Committee (receives the application) and Technical Committee can be appointed to examine the technical issues related to the content of the application)	Other producers, producers' associations
Czech Republic*	Industrial Property Office of the Czech Republic	Ministry of Agriculture ¹¹⁴	Other producers, producers' associations
Denmark*	Danish Veterinary and Food Administration		
Estonia	Ministry of Rural Affairs		Not given
Finland	Ministry of Agriculture (Finnish Food Authority)		If needed, feedback from experts
France	The National Institute of origin and quality (Institut National de l'Origine et de la qualité – INAO, under the	Different regional bodies of the INAO (CRINAO, Standing Committee, National Committee) or bodies nominated	Other producers, producers' associations

¹¹³ In Belgium, the procedure is managed at the regional level. The competence of the national authority is determined by the place where the product is produced. In case of cross-regional applications, there is a coordination between the three competent authorities.

¹¹⁴ According to the available sources, the procedure is handled by the Industrial Property Office. The Ministry of Agriculture defines, by decree, the list of agricultural products and foodstuffs the name of which can be registered as a GI (Section 5 and 26 ACT No. 452/2001 Coll of 29 November 2001) and is mainly involved in the promotion of local development and in monitoring activities see EUIPO (fn. 83) 44.

	Ministry of Agriculture, food and forestry)	by the INAO (Commission of Inquiry)	
Germany	Trademark Office (DPMA, Deutsches Patent und Markenamt)	Ministry of Justice, Federal Ministry for Agriculture and Nutrition, Ministry of the Competent region (Laender), the Max Rubner Institute (competent for food security issues), Cities and/or municipalities	Public corporations having a legitimate interest, associations and industry organisations
Greece*	Ministry of rural development and food, directorate of quality systems, organic farming and GIs (Unit of PDOs, PGIs and TSGs)		
Hungary	Hungarian Intellectual Property Office and Ministry of Agriculture	Hungarian Council for Origin Protection (governmental body including representatives from the Ministry of Agriculture, the Intellectual property Office, consumers' protection institutions and other bodies representing the 'civil society')	Stakeholders, experts in the agricultural sector
Ireland	Ministry of Agriculture, Food and the Marine		Stakeholders (during the National Consultation Phase); agents acting on behalf of the producer/producer group may be involved
Italy	Ministry of Agriculture (Ministero delle politiche agricole alimentari, forestali e del turismo, MIPAAF)	Regions where the production takes place provide an opinion on the application and are informed about the opposition and participate in the final decision; municipalities are invited by the applicant to take part in the	Other producers, producer's associations, other stakeholders who participate in the registration procedure must be summoned by the applicant

		assessment of the application	
Latvia	Registration Division of Food Products of Food Surveillance Department of the Ministry of Agriculture of Republic of Latvia	The Patent Office of the Republic of Latvia can be informed regarding the transitional national protection	Not given
Luxembourg**115	Ministry of Agriculture, of viticulture and rural development		Not given
Lithuania	Ministry of Agriculture	Committee of experts	Not given
Malta*	No info available		
Netherlands	The Netherlands Enterprise Agency (RVO) belonging to the Ministry of Economic Affairs and Climate Policy	Advisory Committee on Geographical Indications, Designations of Origin and Specificity Certification (AGOS)	Not given
Poland	Ministry of Agriculture and Rural Development	Agricultural and Food Quality Inspection (AFQI); Council for Traditional and Regional Names of Agricultural Products and Foodstuffs (Advisory Board); Council for Traditional and Geographical Names (oppositions)	Producers' associations, consortia, syndicates
Portugal	Ministry of Agriculture (Direção Regional de Agricultura e Pescam DRAP; Direção-Geral de Agricultura e Desenvolvimento Rural, DGADR)	Consultive Commissions	Not given

¹¹⁵ **The authority replied to our queries and explained GIs are not so relevant for Luxembourg. Currently, a process of deregistration of their registered names is ongoing. The registered PDOs and PGIs all coincide with pre-existing national trademarks (*Marque Nationale*), a system that still seems to be privileged at the national level.

Romania	Ministry of Agriculture and Rural Development		Any interested party (opposition)
Slovakia	Industrial Property Office of the Slovak Republic (Trademark Office)	Ministry of Agriculture	Other producers, producer's associations/consortia, third parties approved by the Ministry.
Slovenia	Ministry of Agriculture (Directorate for Food and Fishery)	Commission of Experts appointed by the Ministry of Agriculture	Producers' associations, consortia, syndicates
Spain	Ministry of Environment, and Rural and Marine Affairs (Ministerio de Medio Ambiente, y Medio Rural y Marino)	Autonomous communities, Origen España	Consejos Reguladores de las IGs; any natural or legal person established or legally residing in Spain, whose legitimate rights or interests deemed affected (opposition)
Sweden*	Swedish national food agency		

In many contexts, national authorities play an active role in the product specification design.¹¹⁶ As mentioned earlier, Art. 49(2) Reg. does not explicitly mention this possibility, providing that 'the Member State shall scrutinise the application by appropriate means in order to check that it is justified, and it meets the conditions of the respective scheme'.

Only in few cases this information was provided by the national rules. The collected data reveal that, in some systems, the input to modifications of the draft specifications can be given by various stakeholders. In *Cyprus*, for example, the national authority (in particular, the Advisory Committee) can actively participate in the product specification design. In *France*, amendments can be requested by the Board of Inquiry and by the National Committee before and after the national opposition procedure.¹¹⁷ In *Italy*, the Ministry and the Region involved can ask for clarifications and propose corrections to the application file. In *Slovakia*, this role is played by the Trademark Office or the Ministry; in *Slovenia*, by the Ministry of Agriculture and the Commission of Experts.¹¹⁸ In *Czech Republic*, the Intellectual Property Office should invite

¹¹⁶ Marie-Vivien and Biénabe (fn. 97).

¹¹⁷ See *infra* 8.

¹¹⁸ According to Art. 7 of the Rules on quality schemes for agricultural products and foodstuffs (Official Gazette of the Republic of Slovenia, Nos. 23/15 and 43/15), the Commission of Experts is constituted by experts from different fields of production and processing of agricultural products and foodstuffs, according to the type of agricultural product or foodstuff; representatives of designated control and certification organizations and representatives of the Ministries responsible for the environment, agriculture and food safety. The tasks of the Commission of Experts are: (1) specification review; (2) review and assess the merits of the comments on the specifications received at the time of the national

the applicant to complete the application if any modification has to be made after the first scrutiny.

More information on *France, Germany, Italy, Spain, and Poland* can be found in the section dedicated to case studies.¹¹⁹

7. Conditions for opposition, amendment of registered GIs and cancellation procedure

The aim of the **opposition** procedure, both at the EU and national level is ‘securing’ the registration of a PDO or PGI. Through the opposition procedure enacted by the legitimate stakeholders, the product specification can further evolve. At the EU level, the grounds for opposition are listed in Art. 10 Regulation. In particular, the opposition is valid if filed in due time and if it:

- (a) shows that the conditions referred to in Article 5 and Article 7(1) Regulation are not complied with;
- (b) shows that the registration of the name proposed would be contrary to Article 6(2), (3) or (4) Regulation;
- (c) shows that the registration of the name proposed would jeopardise the existence of an entirely or partly identical name or of a trademark or the existence of products which have been legally on the market for at least five years preceding the date of the publication provided for in point (a) of Article 50(2) Reg.;
- (d) gives details from which it can be concluded that the name for which registration is requested is a generic term.

The procedural rules regarding the EU phase of opposition are described in Art. 51 Regulation. At the national level, the national procedural rules complete the general rules contained in Art. 49 Regulation.

Art. 53 Regulation defines the conditions for **amendments**, a tool aimed to allow the beneficiaries of an already registered GI to redefine the content of product specifications when external or internal factors challenge the rule-system governing the use of the PDO or PGI. A group having legitimate interest may file an amendment (major or minor) and the request must be adequately justified. These provisions are completed by Art. 10 of the Implementing Regulation 688/2014.

The aim of the **cancellation** procedure to remove from the register those denominations that **(1)** are used in the marketplace despite the rules contained in the product specifications are not respected **(2)** are not used because any product is placed on the market (Art. 54 Regulation). This procedure is aimed to ensure that the collective rights to the use of the name are not kept in the absence of beneficiaries’ interest. This is relevant considering that GI

objection; (3) preparation of comments to supplement the specifications; (4) give an expert opinion on the specifications; (5) review to draft amendments and changes to the approved specifications and (6) other tasks related to the assessment of the application.

¹¹⁹ *Infra*, 10..

protection is not subjected to expiration or renewal. Moreover, it is an effective safeguard against those indications that have ceased to perform their functions (i.e., ensuring a reliable communication to consumers and sustaining public goods). As stated by Art. 54 Regulation, the input for cancellation is left to any natural or legal person having legitimate interest (including producers' groups and national authorities). In practice, this tool is scarcely used and at present a certain number of GIs continue to be registered, despite not being used in the market.

8. Overview of the collected data concerning additional national requirements for the opposition, amendments, and cancellation of registered GIs

The rules on the opposition procedure generally correspond to those contained in the Regulation. Only in few cases specific time limitations for filing the opposition are set. In the *Czech Republic*, the time frame to propose amendments is explicitly set to 60 days. In *Slovenia*, this time is reduced to 30 days and the possibility to file an opposition is open to everyone. During the national opposition phase, the Ministry requests the opinion on the product specifications to the Ministry responsible for health, the Chamber of Commerce of Slovenia, the Chamber of Agriculture and Forestry of Slovenia, the Association of Consumer Associations of Slovenia and other interested organizations. Key is also the role of the Commission of Experts.¹²⁰

As to the **amendments**, additional national requirements are explicitly provided only in a limited number of cases. They involve the stakeholders entitled to file the amendments and their respective roles in the procedure. For example, in *Belgium (Flanders)* national authorities and private stakeholders are entitled to file amendments. In *Czech Republic* Art. 18 Act. No. 452/2001 Coll. explicitly states the applicants are also eligible for filing amendments. This is similar to what happens in *France*, where the ODG can apply for registration and file amendments. In *Italy*, are entitled to file amendments producers' associations upon Ministry's assignment or the control bodies responsible for controls of more than the 51% of the production during the previous year.¹²¹ In *Germany*, the stakeholders entitled are control bodies. In *Spain*, producers' groups are entitled to file the request. In exceptional cases, the input can be given by a single natural or legal person seeking the protection of another quality scheme, equally linked to the geographical origin of the product. In *Slovenia*, amendments can be filed by groups that provide the evidence of a 'legal interest'. The proposed amendments as well as any comments received shall be examined by the Commission of Experts.¹²²

¹²⁰ See Rules on quality schemes for agricultural products and foodstuffs (fn. 120) Artt. 6 and 7(3).

¹²¹ Other majorities can be required in specific cases.

¹²² See Rules on quality schemes for agricultural products and foodstuffs (fn. 120) Art. 9.

As to the conditions for **cancellation**, national rules are generally homogeneous and complete the content of the regulation specifying that **public bodies** are entitled to file the request. Variations only occur as a consequence of the specific setting and stakeholders involved during the scrutiny at the national level. Thus, the request for cancellation can be filed by the competent Ministry or Region in *Belgium (Flanders)*; by the Office by its own initiative and/or based on the proposal from the person concerned or relevant inspection body in *Czech Republic*; by the Ministry of Agriculture in *Croatia*; by the Ministry in *Cyprus* and *Italy*; by the competent Ministry, by the Länder, Cities or Municipalities in *Germany*; by the Hungarian Intellectual Property Office in *Hungary*; by the INAO under the input of the Ministry of Agriculture in *France*.

The private stakeholders entitled to request the cancellation of a GI often coincide with the applicants or any stakeholder having legitimate interest. Additional rules can be found in *Italy*, where the applicants may file the request for cancellation upon approval of their Region. In *Lithuania*, a nationality requirement is explicitly included.¹²³

9. Average length of the procedure

Art. 49 Regulation states that the national authority conducts the scrutiny of the application ‘by appropriate means’ and that it ‘provides for a reasonable period’ within which any natural or legal person having legitimate interest may lodge an opposition. On the contrary, the rules of procedure become more detailed when it comes to the description of the EU phase. As it is evident from the wording, the Regulation does not specify the duration of the procedure at the national level (including the publication of the application and the opposition procedure). Therefore, each national authority is entitled to manage the domestic process within a margin of flexibility as to its time schedule. However, as it shown in *Table 3*, it gives detailed timeframes for the procedural steps handled at the EU level.

¹²³ Art. 36 of Order no. 3D-10 of 7 January 2015 states: ‘Any Lithuanian natural or legal person with a legitimate interest may apply to the Ministry to withdraw the registration of a PDO, PGI or TSG’.

Table 3. Overview of the timeframes for each procedural step described in the Regulation

Timeframe	Description	Art. Reg
Max. 6 Months (any delay must be justified in written form)	Scrutiny of the EU Commission and publication of the application in the Official Journal of the European Union	50(1) and 50(2)
3 months from the date of publication	Possibility to lodge a notice of opposition with the EU Commission	51(2)
2 months	Reasoned statement of opposition and admissibility check	51(2)
2 months	Invitation of the applicant and opponent to engage in consultations	51(3)
Max. 3 months	End consultation period	51(3)
Max. 3 months	Time limit for possible extension consultation period issued by the EU Commission.	51(3)

At the national level, the average length of the procedure may vary and often the primary sources do not provide details on the time schedule. Hence, *Table 4* collects the data retrieved from legal texts (when available), other online sources and from feedbacks provided by the competent national authorities.

Table 4. Overview on some approximate timeframes occurring from the publication of the specification and decision following oppositions at the national level

Country	Approximate time span between the publication of the specification and decision following oppositions
Belgium (Flanders)	150 days + time for the decision of the Minister + max 90 days for oppositions
Bulgaria	60 days for the examination + 60 days for opposition (only if the decision of the Office includes grounds for refusal)
Croatia	90+30 days for oppositions
Czech Republic	150+60 days for oppositions
Finland	Approx. 1 year (including oppositions)
France	from 2-4 years up to 10-15 years (including oppositions)
Germany	from 9-10 months to 2-3 years (time from publication to submission to the Commission, 60 days for oppositions)
Hungary	6-8 months (including oppositions)
Ireland	>1 year (including oppositions)
Italy	from 270 to 465 days (including oppositions)
Lithuania	from 210 to 310 days (including oppositions)
Netherlands	up to 2 years (including oppositions)

Poland	6 months if any complex issues arise from oppositions
Slovakia	150+60 days for oppositions
Spain	from 2-6 months (including oppositions)

10. Case studies

The use of quantitative research methods allowed to have an overview on Member States national rules of procedure. The study of the formal rules, however, does not offer a complete and in-depth view of how the procedure is handled in different national systems. Therefore, synchronous semi-structured interviews (by phone call or video call) have been used to gain further insights on specific procedural aspects, particularly those related to practices (and perceptions) at the national level.

The selected countries are Germany, Italy, France, Spain and Poland. The selection has been made taking into account the need of providing heterogeneous examples of experiences belonging to various EU regions, according to the national authorities' availability and one or more of the following parameters:

- a) Number of PDOs and PGIs registrations in the agri-food sector;
- b) National authorities involved (Intellectual property office and/or Ministry of Agriculture);
- c) The tradition in the protection of GIs;
- d) Date of accession in the EU.

The questions asked during the interviews touch upon three different cluster themes:

Cluster 1: the interaction national authority/applicants. This cluster is aimed to understand how and to what extent national authorities interact with producers' groups during the product specification design. This would show how different countries handle the procedure and modulate the nature and extent of state intervention during the application, registration, amendment, and cancellation process.

Cluster 2: the interaction national authority/EU Commission. This cluster is aimed to gather more information on the frequency and the nature of the interaction between the national authorities and the Commission after the end of the national opposition phase and the submission of the application dossier for the EU scrutiny.

Cluster 3: specific procedural questions. This theme cluster is aimed to understand if any additional informal or formal practice not retrievable from the traditional legal sources governs the national procedure. More specifically, the questions were focused on: (a) additional

requirements for the applicants/application file; (b) the opposition procedure; (c) stakeholders involved (apart from the applicants).

Cluster 4: additional remarks. This section refers to additional general comments (if any) of the national competent authorities on the effectiveness or ineffectiveness of current aspects of the registration, opposition, amendment, registration and cancellation procedure.

The cluster themes, as a rule, remained unchanged for all the selected countries. However, based on the data gathered through quantitative methods,¹²⁴ some questions have been adjusted on a case-by-case basis for obtaining more detailed information on specific issues.

10.1. France

The competent authority is the INAO, which belongs to the Ministry of Agriculture.

10.1.1. Cluster 1: the interaction national authority/applicants

The involvement of the INAO starts early (sometimes 2 or 3 years before the beginning of the formal application procedure). This interaction (*pre-inquiry*) has a direct (and/or indirect) impact on (a) the **product specification design**; (b) the **control plan**; (c) the formal rules governing the **organization of producers' associations** (ODG statute).

The French national authority intervenes at various stages of the procedure. However, the INAO plays a more 'active' role during the product specification design and the definition of the control plan (usually in collaboration with external control bodies); on the contrary, the ODG statute is left to the initiative of producers' groups. The role of the INAO, in this regard, is to ensure that the ODG is representative of all the stakeholders involved and that this representativeness is adequately translated in the product specifications.

The various degrees of involvement are modulated according to specific goals and a complex (formal and informal) rule system. The overarching principle is facilitating and promoting the recognition of already localized material and immaterial assets. This is done by helping the resolution of conflicts, supporting the knowledge exchange among producer groups, and providing technical assistance while minimizing the interferences with stakeholders' spontaneous decision-making processes.

When the project is mature and the application procedure is launched, the Commission of Inquiry¹²⁵ starts the formal administrative assessment. The *formal inquiry* can proceed relatively smoothly if all the heterogeneous actors have been cooperating for a considerable

¹²⁴ See *supra* 2.

¹²⁵ The Commission is composed by independent experts, nominated by the National Committee of the INAO.

amount of time before the formal application. The work of the Commission of Inquiry also involves national opponents. If oppositions are lodged,¹²⁶ they are included in the file and submitted, together with the GI project, to the National Committee. The Commission of Inquiry, together with the ODG and the other competent regional bodies of the INAO, work together stimulating the compromise between conflicting interests and giving input for amendments. This is aimed to solve in advance those issue that may give rise to oppositions.

The most controversial issues during the product specifications design are: (1) the formal description of the link supported by specific evidence (2) the description of the distinctive qualities of the product; (3) the delimitation of the geographical area; (4) the choice of the name, which should be justified, represent the producers' group and be easy to protect in the market.

10.1.2. Cluster 2: the interaction national authority/EU Commission

The Ministry of Agriculture is the main interlocutor of the EU Commission. The INAO sometimes exchanges with the Commission regarding foreign trade and international GI protection issues. Input from the EU Commission usually derive from the need of clarifications on specific application files. Most frequently, these requests involve the sections related to the link and the description of the product.

Once the request reaches the French national authorities, the INAO cooperates with the Ministry of Agriculture for providing adequate answers.

10.1.3. Cluster 3: specific procedural questions

10.1.3.1. Additional requirements for applicants/application file

The ODG needs to show the will to register, promote and protect a GI. Initially, this is often done by a mere declaration of intents and through adequate safeguards included in the formal recognition procedure. Additional requirements are identified in the Applicants' Guide.

10.1.3.2. Opposition procedure

The number of oppositions at the national level varies a lot depending on the specific case. The INAO rejects, as a filter, those qualified as inadmissible (e.g. because they are not sufficiently grounded). All the oppositions are discussed, and the questions of merit are raised. In the formal rules, the ODG is the subject entitled to react to the oppositions. In practice, however, the INAO services and the Commission of Inquiry play an important role. In particular,

¹²⁶ Issues raised through oppositions concern mostly the delimitation of the geographical area. However, they are not so frequent at this stage of the procedure.

the Commission can rule on the objection and, if it is adequately supported, it can modify the specifications.

10.1.3.3. Stakeholders involved (apart from the applicants)

Private stakeholders can take part in the *pre-inquiry*. Later, the stakeholders involved are the ODG, the INAO internal bodies, the Commission of Inquiry and the Food Services (it is a department placed under the Ministry of Economy, dealing with food security, market practices etc.).

10.1.4. Cluster 4: additional remarks

Any issue concerning the efficiency or inefficiency of the procedure has been reported or highlighted by the national authority.

10.2. Germany

The competent authority is the German Patent and Trademark Office ('DPMA').

10.2.1. Cluster 1: the interaction national authority/applicants

The DPMA supports the applicants before the formal application process starts. Even though any legal consulting is officially provided by the office, it is not infrequent that examples of already registered GIs are sent to the applicants to guide them in the process.

The applicants are generally assisted in the product specification design by an external consultant or companies (e.g., in some Länder, such as Bavaria but also in Baden-Württemberg). In these specific contexts, the number of PDOs and PGIs registrations is higher.¹²⁷ Notwithstanding the intervention of external specialists, the state involvement during this phase is quite strong. While the primary role is played by the DPMA, other public institutions (i.e., Federal Ministry of Food and Agriculture, of the competent specialist ministries of the Länder involved, of the interested public corporations as well as those of the interested associations and industry organisations¹²⁸) participate in the process, mainly providing technical support in assessing the completeness of the application and the compliance to the legal requirements. Therefore, the scrutiny carried out at the national level is not merely formal:

¹²⁷ The DOOR database reports 91 registered GI products in Germany till 6 November 2020. Out of these 91 products, 30 (6 PDOs and 24 PGIs) are registered in Bavaria and 17 (5 PDOs and 12 PGIs) in Baden Württemberg. The count includes cross-border denominations (7 products, PDOs and PGIs, are produced in both regions).

¹²⁸ §130 Act on the Protection of Trade Marks and other Signs of 25 October 1994 (Federal Law Gazette [BGBl.] Part I p. 3082, as last amended by Art. 11 of the Act of 17 July 2017, Federal Law Gazette (*Bundesgesetzblatt*)).

the DPMA can ask clarifications to the applicants and exchanges with control bodies to avoid future amendments.

The most recurring motivations for the DPMA to suggest amendments to the draft specifications are related to: (a) the description of the **link** (producers' groups rely a lot on historical arguments to prove the link between the product and the geographical area, but sometimes it is not considered to be sufficient to support the application); (b) the **delimitation of the geographical area** (generally, the first versions of the product specifications include large areas which, after further investigations, are substituted with smaller areas). Sometimes, the denominations are not used for a relevant period in the marketplace. In these cases, the producer group cannot proceed with the registration and, nevertheless, it bears the administrative costs of the applications.

10.2.2. Cluster 2: the interaction national authority/EU Commission

The DPMA never interacts with the Commission. The file is submitted to the Ministry of Justice which is in charge of the procedure at this stage.

10.2.3. Cluster 3: specific procedural questions

10.2.3.1. Additional requirements for applicants/application file

The applicants must qualify as *Schuetzgemeinschaft* ('association'). They do not need a statute (even though exceptions might apply to single applicants). The DPMA does not impose specific formal requirements. However, the registration procedure in Germany is normally carried out after the payment of 900 Euros. If the application requires major corrections an extra fee of 200 Euros applies.

10.2.3.2. Opposition procedure

Oppositions are raised within a period of 2 months (60 days). The DPMA decides whether the opposition is adequately justified. The opponent does not directly take part in the formal opposition procedure, but the decision can always be challenged before the Court.¹²⁹ As a practice, however, the DPMA tries to obtain all the amendments to the product specifications before the beginning of the formal opposition period, based on the discussions carried out during the preliminary hearing. The hearing involves all the stakeholders concerned and it is aimed to gather all the observations on the draft product specifications in advance. Public and private institutions may participate in the hearing. In particular: (a) the Ministry of Justice, (b) the Federal Ministry for Agriculture and Nutrition, (c) the Associations involved in the production, the Ministry of the Competent region, (d) the Max Rubner Institute (competent for

¹²⁹ Ibid.

food security issues) to ensure that the rules contained in the product specification are flexible enough to include all the stakeholders involved and the proposed formulation does not jeopardize fair competition.

10.2.3.3. Stakeholders involved (apart from the applicants)

The DPMA is not entitled to promote the cancellation procedure as it is not identified as a party having a legitimate interest.¹³⁰

10.2.4. Cluster 4: additional remarks

In some cases, the differences between the content of the product specification and the Single Document slow down the procedure.

10.3. Italy

The Ministry of Agriculture (“Ministero delle Politiche Agricole e Forestali”, MIPAAF) is the competent authority.

10.3.1. Cluster 1: the interaction national authority/applicants

In Italy, the drafting of the product specification and the preparation of the application file is, in most cases, entirely managed by the applicants (alone or assisted by external consultants, universities, research centres, Regions – especially for gathering the bibliographic and scientific data necessary for supporting the application). The national authority is involved in the product specification design, while ensuring the respect of the principle of sound administration. This overarching principle is converted in a supervising role, aimed at accompanying well-grounded applications (i.e., applications supported by evidence and with a strong legal basis) throughout the procedural steps until the registration.

As a general trend, the Italian competent authority registers an increased compliance and completeness of new applications (despite their overall number decreased). Nonetheless, the major issues related to drafting of the product specifications can be summarized as follows: (a) the **use of the geographical name** is sometimes not adequately supported by evidence and producer groups often base themselves on presumptions; (b) the **description of the link** often lacks adequate evidence as well. In particular, the Italian Ministry of Agriculture recommends a three-step approach when drafting the application: firstly, the applicants must describe the specific characteristics of the product, secondly they have to list the specificities of the area and thirdly they have to define the link between specific characteristics of the product and the specificities of the area and support the statement with adequate evidence;

¹³⁰ Ibid (§ 132).

(c) **the geographical area**, is often identified with a large area (sometimes coinciding with the borders of a whole region). This can be problematic and requires further investigations by the office, especially because this kind of assessment it would generate the presumption that, within a large geographical area, the climatic and geographical characteristics remain homogeneous.

10.3.2. Cluster 2: the interaction national authority/EU Commission

After the submission of the application file a formal correspondence takes place between the Italian national authority and the EU Commission. The EU Commission, generally, decides within 1 year after having verified that the application complies with the legal requirements and that the proposal for the single document is examined. The EU Commission can provide observations both on the form and substance of the application file. These observations are transmitted to the Ministry of Agriculture through the formal channel of the Italian diplomatic bodies in Brussels. Generally, the Ministry has 60 days to reply and the applicant is updated as the procedure evolves.

10.3.3. Cluster 3: specific procedural questions

10.3.3.1. Additional requirements for applicants/application file

Detailed information is contained in the formal rules of procedure.¹³¹ The only cost borne by the applicant is a tax of 15 Euros.

10.3.3.2. Opposition procedure

Detailed information is contained in the formal rules of procedure.¹³²

10.3.3.3. Stakeholders involved (apart from the applicants)

Detailed information is contained in formal rules of procedure.¹³³

10.3.4. Cluster 4: additional remarks

The translation of the product specification in one of the official languages of the Union (English or French) can create interpretative inaccuracies. For this reason, uniform guidelines and best practices could help to guide both the national authorities and the Commission towards a more homogeneous approach on product specification design and scrutiny.

¹³¹ Ministerial Decree, 14 October 2013, GU n. 251, 25 October 2013.

¹³² Ibid.

¹³³ Ibid.

10.4. Spain

The competent authority is the Ministry of Environment, and Rural and Marine Affairs (Ministerio de Medio Ambiente, y Medio Rural y Marino) or Autonomous Communities.

10.4.1. Cluster 1: the interaction national authority/applicants.

In Spain, the role played by the Autonomous Communities is central. If the product is produced only in a specific community, the Community itself is the authority competent for the application phase (in these cases, they are the main interlocutor of producers' groups and the role of the Ministry is to transmit the application file to the EU Commission). Instead, if the product is made in more than one autonomous community, the Ministry is the competent authority for the application, together with the competent autonomous communities.

Generally, the Ministry is not formally in charge of providing tailored consultancy. Even when the competent authority is the autonomous community, the Ministry is involved in the application procedure. It provides advice and recommendations, even before the official application is submitted, especially regarding the link and the related evidence. Often, producer groups hire private consultants. As a general practice, the Spanish competent authority avoids rejecting applications: therefore, informal consultations may occur with the applicants to find solutions to specific issues related to the product specification design.

The national authority's clarifications, suggestions, recommendations, and support are mainly related to: (a) the **link** (producer groups sometimes are not fully aware that it is important to prove that providing adequate information concerning the link is fundamental for characterizing the specificity of the product); (b) **the geographical area** (the national authority advises the producers to identify the most appropriate geographical area and provide adequate evidence to support the choice). The Spanish national authority can propose amendments to the draft specifications, giving a preliminary informal feedback on the conformity to the requirements and envisaging minor or major modifications.

If the Ministry is the competent authority for the application, it can equally promote the cancellation of the registered GI. If the autonomous community is the competent authority for the application and cancellation.

10.4.2. Cluster 2: the interaction national authority/EU Commission

The Commission can submit observations, on all the sections of the product specifications. The Ministry is the authority in charge to reply. Apart from the official correspondence through the formal channels, the Ministry can informally interact with the Commission. This interaction is always done personally and relies on the intermediation role played by the local coordinator of Spanish applications, based in Brussels.

10.4.3. Cluster 3: specific procedural questions.

10.4.3.1. Additional requirements for applicants/application file

The Spanish national authority requires an explanatory document (*Estudio Justificativo*) where the applicant explains why the product should be registered, with particular attention to the link (including reputational and historical elements), the distinctive characteristics of the product.

However, in practice, the opposition period can take longer. This happens on a case-by-case basis and it is difficult to predict the duration of the whole procedure. In comparison to other countries (i.e., France and Italy¹³⁴) a socio-economic report is not required. The main reason is that normally the applicants are small producers and the socio-economic impact of the production in the identified territory is not considered relevant for the GI application.

10.4.3.2. Opposition procedure

The procedure (from the application to the submission of the file to the EU Commission) lasts on average 8 months (including the opposition period, which usually lasts 2 months). After a first assessment on the admissibility of the application, there is an informal exchange between the authority and the applicant. During this phase, the authority can propose amendments to the draft specification. The Ministry decides on the oppositions.

10.4.3.3. Stakeholders involved (apart from the applicants)

Only the autonomous communities, the Ministry and the applicant are generally involved in the national phase of the procedure. Private stakeholders (e.g., professional associations) are involved only in the opposition procedure.

10.4.4. Cluster 4: additional remarks

The formal rules governing the national phase of the application are currently under a process of reform. The main goal is simplifying the two-layer system involving different regional scales (the community at the local level and the Ministry at the national level). At the national level, the officers' turnover during the scrutiny of the same application file, sometimes increases the risk of miscommunications.

10.5. Poland

The competent national authority is the Ministry of Agriculture and Rural Development.

¹³⁴ See *supra* 6.

10.5.1. Cluster 1: the interaction national authority/applicants

The Polish Ministry of Agriculture and Rural Development is strongly involved in offering producers' groups the necessary support during the application procedure. At the time of the accession of Poland to the European Union (16 April 2003), the national authority gave the first input to producer groups for the registration of a first selection of approximately 20 products. These products were identified according to the following criteria: (a) they had to be produced for more than 25 years; (b) they had to be part of the tradition of an area/region/community. Since producer associations were rare, the role played by the Ministry was key to encourage cooperation at the local level.

Still nowadays, the national authority interacts with producers' groups before the formal start of the application process. Since the involvement of external experts (i.e., universities, research centres) is scarce, the national authority is the main point of reference during the product specification design for the applicants. The underlying principle behind the national authority's strong involvement is to ensure that rules aimed to foster local development are included in the product specifications.

The support of the Ministry of Agriculture and Rural Development is particularly relevant for drafting the following sections of the product specifications: (a) the **description of the product**, in particular the identification of its distinctive characteristics to the place of origin; (b) the **link**, since the aim of the national authority is to make the applicants understand the importance of this section of the product specification, in particular the relationship between the link and concepts such as the traditional character of the production and the traditional method of production and the related evidence; (c) **the geographical area** which is often problematic because producers, in the majority of the cases, tend to propose small geographical areas. The main reason is that in Poland cooperation between producers has never been popular. Therefore, the Ministry supports producer groups in the assessment of the geographical area to avoid discriminations and encourage inclusive decision-making processes.

According to the formal rules of procedure, the Ministry can promote the cancellation of a registered GI. In practice this does not happen, and the initiative is left to producer groups.

10.5.2. Cluster 2: the interaction national authority/EU Commission

The exchange with the Commission is undertaken through a formal written correspondence. An important role is played by the local Polish coordinator in Brussels. In most of the cases, the Commission asks for amendments concerning the language used in the proposed single document.

10.5.3. Cluster 3: specific procedural questions.

10.5.3.1. Additional requirements for applicants/application file

There are no specific additional requirements. The applicants, however, need to present a plan on how they would like to manage the production identified by the GI.

10.5.3.2. Opposition procedure

The procedure does not last long (on average, less than 6 months if any opposition is lodged). However, the preparation of the application file is a long process (it can take up to two years). The opposition rate is almost 30%. The opposition is assessed by an expert Committee ('Council for Traditional and Geographical Names'), constituted by 7 members appointed by the Ministry.

10.5.3.3. Stakeholders involved (apart from the applicants)

The Ministry and the Council for traditional and geographical names normally takes part of the procedure. Some external experts can participate as well, if their support is considered necessary (this normally is assessed on a case-by-case basis).

10.5.4. Cluster 4: additional remarks

The valorisation of national cultural heritage is one of the overarching goals of the Ministry of Agriculture. In Poland, GIs are not considered as 'mere IP tools' but, in the first place, as tools for local development. Poland has been active in the registration of TSGs as well: the justifications of this trend resides in the history of the country. The relocation of the borders occurred in the Soviet period played a huge impact in the consolidation of local reputation and tradition of agricultural products and this make it difficult, in most of the cases, to satisfy the high legal requirements defined by the Regulation for registering a GI.

11. Comparative assessment/Discussion

The cross-national comparison allowed to detect the discrepancies among the national formal rules and practices. As it emerged from the analysis, most of the differences occurred where the rules of the Regulation leave, explicitly or implicitly, more flexibility to the Member States. Some of these differences consist in additional national requirements supplementing or complementing the rules of the Regulation and directly impacting on producers' groups' duty to comply; others are procedural variants that, although not having a direct impact on the applicants' duty to comply, indirectly affect the national procedure and its implementation.

The collected data reveal that rules involving additional national requirements on the **content of the application file** and the **requirements for the applicants** registered the highest number of discrepancies.

As for the **content of the application file**, it has been observed that the additional national requirements mainly consist in reports, prepared by the applicants (e.g., the socio-economic report in France and Italy, the historical report in Italy, a report based on the records of the Office of Harmonization of the Internal Market in Spain) or by third parties (i.e., the Patent and Trademark Office in Spain or the competent municipality in Bulgaria).

A more irregular pattern can be detected as to the **requirements for the applicants**. For example, in Germany additional formalities are not required. In France, a specific procedure must be undertaken by the applicant to be formally recognized as ODG. In Italy, although a separate procedure is not required, the rules involve specific safeguards (e.g., the need to provide evidence on producers' groups capacity to sustain the GI over time; the participation of the competent Region for ensuring that the applicant represents the largest number of producers). In Cyprus, rules explicitly state that producers' groups must provide evidence on their commitment to grant access to the use of the name to 'new users.'¹³⁵ The rules on the cancellation procedure rarely include additional requirements, especially when they involve the participation of public bodies. More discrepancies emerge as to the legitimization of private stakeholders (e.g., additional rules are provided in Italy and Lithuania).

As to the procedural variants, particularly interesting were the results obtained by looking at **the players involved and the average length of the procedure**.

As to the players involved, it can be observed that 15 Member States identified the Ministry of Agriculture/Rural Development or the like as competent authority;¹³⁶ 1 member state appointed a specific body within the competence of the Ministry of Agriculture;¹³⁷ 3 Member States designated the Intellectual Property Office as the main competent authority;¹³⁸ in 2 Member States there is a cooperation between the Intellectual Property Office and the Ministry of Agriculture;¹³⁹ 3 Member States appointed a body or Ministry different from the Ministry of Agriculture.¹⁴⁰

¹³⁵ A similar identification of the applicant as 'users' can be found in Bulgaria. See Law on trademarks and geographical indications (*supra* fn. 90), Art. 90.

¹³⁶ Belgium (Flanders, Wallonia, Bruxelles Capitale), Croatia, Estonia, Finlandia, Greece, Ireland, Italy, Latvia, Luxembourg, Lithuania, Poland, Portugal, Romania, Slovenia, Spain.

¹³⁷ France.

¹³⁸ Austria, Bulgaria, Czech Republic.

¹³⁹ Hungary, Slovakia.

¹⁴⁰ Denmark, The Netherlands, Sweden.

The choice of the Ministry is often accompanied by a longer *ad hoc* multi-steps procedure, involving the participation of heterogeneous stakeholders. The information gathered through the case studies show that the choice of a specific type of national authority can lead to different approaches to GI registration (e.g., the degree of state intervention on product specification design and the type of evaluation of applicants' compliance to legal requirements). The choice of the Ministry of Agriculture/Rural Development or the like is typical of the countries with the highest number of registered GIs and a longer tradition in GI protection (e.g., France and Italy).

As to the **length of the procedure**, data show a nonuniform pattern. Starting from the collected data, *Table 5* identifies two different groups of countries, which are classified on two groups on the basis of the maximum length of the national phase of the procedure, considering 1 year as a benchmark.

Table 5. Overview on the selected countries, based on the average length of the procedure

Procedure lasts less than 1 year	Procedure lasts more than 1 year
Belgium	France
Bulgaria	Netherlands
Croatia	Germany
Czech Republic	Italy
Finland	
Hungary	
Ireland	
Lithuania	
Poland	
Slovakia	
Spain	

The coexistence of countries with heterogeneous systems and tradition in GI protection in the column related to the same timeframe denotes that the average length of the procedure is an independent variable. It is not necessarily influenced by the type of national authority chosen by the Member States, nor by heterogeneous approaches or tradition in GI protection.

As to the **content of the product specification** the rules are formally homogeneous among the Member States. However, as it is observed in Chapter 3 of the present study, depending on the timeframes and country, producers' groups structure content of the product specification in different ways. An example of this country-specific approach is the use and evolution of the section 'proof of origin', not formally considered in the Regulation as a separate section. Until

2008, the 'proof of origin' can be found as an independent section of most of the product specifications and single documents (although interpreted in various ways by producers' groups). However, it gradually disappears, more frequently in the single documents (than in the product specifications) filed under Regulation 1151/2012.

The rules concerning the **opposition, amendment and cancellation of registered GIs** are homogeneous in all Member States, due to the common rules set forth in Regulation 1151/2012. As to the cancellation procedure, the national rules are generally homogeneous in identifying public bodies as legitimate stakeholders, even though some variations are due to the competent authority chosen for the registration procedure.

The understanding of formal procedural rules has been complemented by an investigation on **national practices**, involving a selected group of national authorities.

As mentioned earlier, the data extracted from the interviews describe different approaches, implying various degrees of state intervention in the product specification design (before and after the submission of the application file). In France, the INAO cooperates with producers' groups from the very beginning of the GI project. It intervenes, to various extent, during the formal application process and national opposition phase. A similar approach can be observed in Poland, where the Ministry of Agriculture assists producers' groups throughout the procedure, and sometimes gives the input to new applications by promoting awareness on the use of GIs as a tool for local development. In the same vein, in Italy the Ministry of Agriculture plays a key role of supervision. However, it also relies on the guarantees provided by the involvement of the competent local authorities. A more decentralized approach can be observed in Spain¹⁴¹, where autonomous communities entirely manage the procedure when the product is produced only in their region. In these cases, the Spanish Ministry of Environment and Rural and Marine Affairs, although less involved in the formal procedure, provides advice and recommendations, and transmits the application file to the Commission. The degree of intervention can also be measured by national authorities' legitimization in giving input for modifications to the draft specifications (the data referring to Cyprus, France, Italy, Slovakia, Slovenia, Czech Republic, Germany, Spain, Poland revealed interesting results). In Germany the procedure is entirely handled by the Trademark Department of the Intellectual Property Office, with the participation, during the later stages of the procedure, of other public bodies. Producers' groups are generally assisted during the product specification design by external consultants, and the Office is responsible for verifying the substantial and formal

¹⁴¹ A similar decentralized approach occurs in Belgium, where each Region (Flanders, Wallonia and Bruxelles Capitale) handles the procedure independently. In case of cross-regional applications, an agreement is reached between the three competent authorities. By virtue of this agreement, one of them manages the application at the national level, and interacts with the EU Commission when the national phase is over.

compliance to the legal requirements. The same scheme seems to apply in Austria and Bulgaria.¹⁴²

A binary model is followed instead in Hungary and Slovakia, where the Intellectual Property Office manages the procedure in collaboration with the Ministry of Agriculture. In Hungary, after the substantial examination carried out by the Intellectual Property office (mainly focused on compliance with the legal requirements), the application file is sent to the Ministry of Agriculture. The Ministry proceeds with a detailed examination of the application file (in particular, of the product specifications) and it issues a statement to the Intellectual Property Office. The Intellectual Property Office proceeds with the registration and it is also the subject entitled to file a request for cancellation. Again somewhat different from that, in the Czech Republic the Intellectual Property Office is the central authority competent for registration, while the Ministry of Agriculture is mainly responsible for defining the eligible products (and for post-registration monitoring activities). The analysis thus revealed a number of heterogeneous solutions implemented by Member States for the operationalization of the procedure of registration of GIs.

The large variety of results did not allow to identify neat, full-encompassing patterns, nor univocal trends. However, this outcome is significant because it shows that, even within the common framework of the EU Regulation, Member States implemented different institutional structures and tools to ensure GI protection at the national level. This degree of divergence derives from specific choices, resulting in both procedural variants (designation of the national authority and the average length of the procedure) and introduction of additional national requirements. As responses to context-dependent needs, traditions, and interest in GI protection, they could feature a countertrend to the EU-wide uniform approach to GI protection and its effective implementation.

12. Discussion

This chapter described the results of an analysis of the contents of the procedural rules of the EU Member States concerning the national phase of the GI application process. These were gathered through quantitative and qualitative empirical methods.

The first phase of the research involved the use of a specific grid of assessment and lead to a first-hand analysis of national sources. This allowed to highlight the main features of procedural

¹⁴² Based on the analysis of available legal sources and (when available) on national authorities' feedback.

rules at the national level. Asynchronous interviews involving national authorities were useful to confirm or complete the available data.

The second phase of the research was focused on synchronous interviews, involving a smaller group of national authorities. The selection was mostly based on the availability of national authorities' representatives. Moreover, it has taken into account the need to represent, as much as possible, different approaches and traditions in GI protection. The use of semi-structured interviews helped to gather additional elements and nuances, especially when the legal framework was fragmented, or the sources were difficult to retrieve.

The significant amount of the collected data allowed to identify various types of heterogeneities in the national legal systems. These heterogeneities emerged both from a cross-national analysis and a comparison between the rules of the Regulation and national rules. The retrieved data have been clustered around specific themes.

In most of the cases, heterogeneities involved additional requirements having an impact on the applicants' duty to comply, i.e. additional requirements for applicants and content of the application file and, to a lesser extent, the cancellation procedure. Other frequent divergences consist in procedural variants, i.e. average length of the procedure and players involved. They do not directly affect the applicants' duty to comply but are equally relevant in defining the approach adopted by the national authority, e.g. the product specification design, the scrutiny at the national level.

In other cases, the national rules of procedure are more homogeneous. They refer to the content of the product specifications and the rules governing the opposition, amendment, and cancellation procedure.

The content of the product specifications, although formally homogeneous, can reveal cross-national divergences when interpreted by producers' groups and national authorities, e.g. the cross-national, and EU-national inconsistency on the section related to the 'proof of origin'.

The rules governing the opposition, amendment and cancellation procedure were more homogeneous. The participation of heterogeneous public bodies as subjects entitled to file a request for cancellation is justified by the country-specific rule setting governing the registration procedure at national level. Some additional requirements can be observed as to the participation of private stakeholders (in Italy and Lithuania).

The analysis showed that the emerging pattern is not neat, but irregular and nuanced. In fact, when the formulation of the rules of the Regulation is more flexible, national rules can diverge. The heterogeneities are more or less frequent and focused on various aspects the procedure.

These findings show that the presence of heterogeneities at the national level have an impact on the overall operationalization of a uniform and efficient EU GI system of protection, one of the core overarching goals and principles at the heart of the EU strategy.

13. Acknowledgments

We thank the national and EU authorities' representatives for their precious cooperation and insights.

14. Annexes

Table sources national rules to show where the Member States simply copy paste the regulation and where there are additional rules.

Chapter 3

Qualitative assessment of the structure and contents of the specifications

Andrea Zappalaglio and Alessandro Gocci

1. Introduction

In the previous chapter the present Study emphasised the fact that Regulation 1151/2012, despite being a unitary and directly applicable set of rules, leaves some margin of manoeuvre to the individual Member States. Thus, we have carried out an analysis of the national procedures. This chapter will bring the present research a step further, presenting the results of a qualitative assessment of the contents of a selected sample of registered GIs and their historical evolution from the Simplified Procedure until the current Regulation 1151/2012.

Particularly, the present analysis is aimed at answering the following research question: how does the approach to the drafting of the specifications differ among the Member States and to what extent do the specifications differ from the summaries and, most importantly, the single documents?

This question has been tackled by applying the methodology described below. The analysis reveals, among the other things that, that: **(1)** although the specifications regularly meet the requirements set forth by the relevant EU provisions, some differences among the national approaches still exist. It can be hypothesised that this is due to the competent authority and the legal tradition of the selected sample countries; **(2)** the structure of the link section is generally the most problematic and the one that undergoes most of the amendments when the specifications are transposed into the Single Documents (SDs).

2. Methodology

2.1. Selection of the sample

This chapter has carried out an analysis of two specific samples of products:

- a) Potatoes PDOs and PGIs (part of product Class 1.6) and
- b) Bread, pastry, cakes, confectionery, biscuits and other baker's wares PDOs and PGIs ('Bakery Products', product Class 2.3)

These categories of products have been selected for two main reasons:

- a) They are common products, registered by many different EU Member States;
- b) They are significantly dissimilar in nature. In fact, despite being both protected as PGIs, their link to the area of origin is intuitively different.

For the sake of the research, five sample countries have been selected due to their relevant number of registered GIs: Italy, France, Germany, Spain and Portugal.

Thus, the overall sample is composed of the following 64 specifications:

Countries	Potatoes		Bakery products	
	PDO	PGI	PDO	PGI
France	2	1	0	3
Germany	0	2	0	10
Italy	2	4	3	10
Portugal	0	2	0	7
Spain	0	2	0	16

For the sake of the analysis, these specifications have been divided into 4 groups, corresponding to the legal bases for their registration, i.e the Simplified Procedure; Regulation 2081/1992; Regulation 510/2006 and, lastly, Regulation 1151/2012. These will constitute the time frames through which the research will highlight the evolution of the specifications and of their relevant characteristics.

2.2. Organisation of the analysis

The analysis focused on the text of the specifications and of the summaries/single documents identified above retrieved via the DOOR Database.¹⁴³ Each specification has been analysed by two researchers independently through the following assessment grid that was filled using a specific set of codes, to ensure uniformity, as well as adding specific personal remarks in writing.

The majority of the questions that compose the grid are based on the requirements stipulated by the Regulation 1151/2012 as well as by the Commission Implementing Regulation 668/2014. Additional elements have been adopted among those mentioned in the latest version the EU ‘Guide to Applicants: how to compile the Single Document’¹⁴⁴ (EU Applicants’

¹⁴³ European Commission, ‘DOOR’ <<http://ec.europa.eu/agriculture/quality/door>>.

¹⁴⁴ European Commission, ‘Guide to Applicants: How to Compile the Single Document’ (2018) <https://ec.europa.eu/info/sites/info/files/food-farming-fisheries/food_safety_and_quality/documents/guide-to-applicants-of-single-document_en.pdf>.

Guide). Finally, other parameters have been designed specifically for the sake of the analysis. Here two clarifications are necessary:

- a) The EU Applicants' Guide is not legally binding. However, it has been used as reference point because it is an authoritative set of instructions generally followed by the applicants. Furthermore, it is the best document to encourage a homogenous approach at national level;
- b) The principles provided by the EU Applicant's Guide have not always been explicitly recommended by the Commission. Furthermore, the SD did not exist before the introduction of Regulation 510/2006 and, in addition, its structure has evolved in time. The research has acknowledged this complexity. Therefore, it has carried out a substantive assessment of the contents of the documents, specifically aimed at identifying the relevant elements that compose the specifications even if they do not appear in the section recommended by the EU Guide to Applicants. Moreover, the researchers have regularly taken note of the specificities and peculiar details that emerged from the analysis of the individual documents to keep the assessment as flexible as possible.

Turning now to the assessment grid, this consisted of 14 questions that investigated all the sections of the present version of the SD. They are presented below. Some explanatory comments have been added when necessary.

2.2.1. Description of the product

- 1.a** The product must be specific: does the description explain the features that make the product different from the others?
- 1.b** The description must give technical, scientific data to describe the product. How and to what extent are these details provided?

2.2.2. Definition of the Geographical Area

- 2.a** The geographical area is determined by referring to physical boundaries, e.g. rivers, roads, and/or administrative boundaries. How is the geographical area identified?
- 2.b** The description must give technical, scientific data to describe the product. How and to what extent are these details provided?

2.2.3. Raw materials

This set of questions was designed to take into consideration the differences between the two quality schemes concerning raw materials. In fact, it is known that PDOs must be completely

produced in the designated area, although some exceptions are possible. Instead, in the case of PGIs, the raw materials can be sourced from anywhere.¹⁴⁵ Hence, in the former scenario, the analysis focused on whether the raw materials are outsourced and on how this is justified. In the latter, by contrast, the research investigated how flexible the sourcing of the ingredients can be in the context of PGI products and whether the specifications are nonetheless sometimes drafted to limit the freedom of the producers. It is important to remark that these questions applied only to the sample of Bakery Products because unprocessed goods such as potatoes do not feature a section of the specification dedicated to raw materials. These were the following:

- 3.a** *For PDOs:* does the specification justify why the raw materials are sourced outside the designated area?
- 3.b** *For PDOs:* if the raw materials are outsourced, does the specification identify the area from which they must originate?
- 3.c** *For PGIs:* is the outsourcing of raw materials limited or forbidden or is the source of raw materials well determined, if external to the place of production? If yes, how is it justified?
- 3.d** *For PGIs:* if the source of the raw materials is not specified, must the raw materials possess specific qualities nonetheless?

2.2.4. Method of production and recipe

The questions below are all based on the provisions of the Regulation, Implementing regulation and/or EU Applicants' Guide except from 4a. In this case, the analysis has focused specifically on how detailed and structured the method of production appears in the specifications, for instance whether it includes the results of technical analyses ecc... or provides only a short summary and/or the recount of just some steps of the production process. The questions are the following:

- 4.a** How detailed is the description of the method of production/recipe?
- 4.b** Does the specification underline in what way the method of production contribute to the specific and distinctive character of the product?
- 4.c** Is the method of production described as specific?
- 4.d** Is the method of production presented as based on traditional technical know-how?

¹⁴⁵ Regulation 1151/2012, Art. 5(1)-(3).

2.2.5. Origin Link

This section focuses on the way in which the link between the product and its area of origin is described and on the structure of the link section. Today, both the EU Applicants' Guide and the standard template of the SD¹⁴⁶ prescribe a 'tripartite structure' following which – as the name itself suggests - the origin link must be described in three steps: **(1)** description of the specificities of the place; **(2)** description of the specificities of the product; **(3)** causal link between the two. Thus, the research investigated whether and how often this recommendation is followed in the text of the specifications. As stated above, the analysis has been carried out in a substantive and flexible way. Therefore, attention has been paid to whether these three components can also be found in the specifications implicitly, i.e. regardless of whether this formal structure actually appears explicitly in the 'link' section.

5.a *Tripartite structure.* Is the link section drafted following the tripartite structure mandated by the template of the SD?

5.b How and on what elements is the evidence of origin link provided?

2.2.6. Differences between the Specification and the Summary/Single Document

The SD is a short version of the specification that the applicant must submit together with the other documents that compose the application file. Following Art. 8(1)(c) of Regulation 1151/2012, it must set out: **(1)** the main elements of the product specification; **(2)** the description of the link between the product and the geographical environment where the former is produced. It was introduced by Regulation 510/2006¹⁴⁷ whereas under Regulation 2081/1992 another document existed, called 'Summary'. The importance of the SD must not be underestimated. In particular, after the grant of the GI, it is the document that is translated in all the languages of the EU. Furthermore, unlike the specification, its structure must follow a standard template directly provided by the EU Commission. Finally, despite being a short version of the full specification, it does not depend on it as it must be 'sufficient in itself'¹⁴⁸. It is important, therefore, to investigate the differences between the specification and the SD as it can reveal important details concerning the relationship between the former, that remains a 'national' document, and the latter, based on an EU standard. Furthermore, recurring amendments and discrepancies between the two documents can shed some light on the national drafting practices that, during the EU phase of the application procedure, are not

¹⁴⁶ Available at https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/registration-name-quality-product/applications-food-and-agricultural-products_en.

¹⁴⁷ Regulation 510/2006, Art. 5(3)(c).

¹⁴⁸ European Commission (fn. 146) 'General Points'.

deemed accurate or, anyway, adequate to be included in the text of the SD. Thus, the questions applied in the present part of the assessment were the following:

Two clarifications are important, however:

- a) With regard to the specifications registered under Regulation 2081/1992, the same assessment has been conducted on the relationship between the specification and the ‘summary’, i.e. the document that preceded the SD.
- b) This analysis has not been carried out on the limited number of sample products registered via the Simplified Procedure. In fact, for those, only one page document is available to summarise the contents of the specification as no substantive summary was needed.¹⁴⁹

The samples and all the sources mentioned in the present chapter are valid as of May 2020.

3. Results of the analysis of the ‘Potatoes’ sample

3.1. Specifications registered via the Simplified Procedure and under Regulation 2081/1992

The sample analysed for this time frame is the following:

- 6.a** Does the structure of the SD/summary change or follow the structure of the specification?
- 6.b** Are there any other relevant differences between the SD and the specification?

Product	PDO/PGI	Country
Pomme de Terre de Merville	PGI	France
Pomme de Terre de l’Île de Ré	PDO	France
Batata de Tras-os-Montes	PGI	Portugal
Patata de Prades and Patata de Galicia	PGI	Spain

¹⁴⁹ This was due to the nature of the Simplified Procedure, provided at Art. 17 of the old Regulation 2081/1992. According to it, in fact, the Member States had six months from the entry into force of that set of rules to inform the Commission about the products that they wanted to protect under the new EU *sui generis* GI system for agricultural products and foodstuff. More specifically, the products registered via Simplified Procedure could not be subject to opposition. Hence, no reliable summary of the specifications available in all the languages of the EU was needed.

It is important to specify that, among the above, the only sample product that was registered via the Simplified Procedure is 'Pomme de Terre de Merville'. Hence, this has been analysed together with those registered under Regulation 2081/1992.

3.1.1. Description of the product

Overall, the research shows that all the specifications explicitly illustrate the specificities of the product that distinguish it from the others. These are generally marked in the section of the specification dedicated to the 'description of the product'. There are some additional complexities, however, even among products registered by the same member state. For instance, 'Pomme de terre de Merville' precisely compares the features of the product with those of the standard goods of the same kind whereas 'Pomme de terre de l'Île de Ré' does not.

When it comes to illustrate in an exact manner the characteristics of the product, and in particular its specificities, the majority of the specifications provides a description based on both the physical/organoleptic and the chemical analysis of the product. However, 'Patatas de Prades' presents exclusively the physical characteristics of the product. Instead, 'Pomme de Terre de l'Île de Ré' features a short description of the product with few technical information.

3.1.2. Definition of the Geographical Area

The findings show that the practice of the sample countries in this specific part of the specification and during the selected time frame is generally speaking homogeneous. In particular, in 4 cases out of 5 the geographical area is identified by the administrative borders of the place of production. In the remaining instance, the Portuguese 'Batata de Tras-os-Montes', the specification includes information on both the physical and the administrative borders of the area.

As to the justification of the delimitation of the area, in general, this is explicitly justified in the link section. However, there are specifications that provide this information in a specific section. For instance, the Portuguese 'Batata de Tras-os-Montes' features a section entitled 'Warranty of the Geographical Origin of the Product' (*'Garantia sobre a origem geográfica do produto'*)

3.1.3. Method of production and recipe

The section(s) of the specifications concerning the description of the method of production show a good degree of homogeneousness as the documents generally cover in detail every step of the process. However, only the French specifications explicitly provide information on how the method of production directly influences the specificities and the distinctive character of the good.

Finally, 4 products out of 5 are presented as based on traditional know how. The specification of the Spanish 'Patata de Prades', instead, does not specifically mention this element. Nevertheless, it mentions the traditional importance of the production for the designated area.

3.1.4. Origin Link

The findings show that none of the analysed specifications explicitly features the tripartite structure that has been described above. In the French specifications, however, it is possible to identify the key elements of such structure, although they are not explicitly reflected in the structure of the 'link' section.

The Portuguese and Spanish specifications, instead, are characterised by different structures. For instance, 'Batata de Tras-os-Montes' structures the link between the product and its place of origin in the following way: **(1)** history; **(2)** reputation; **(3)** climate and environmental factors; **(4)** relations with the gastronomy. By contrast, the specification of the 'Patata de Galicia' features a long section dedicated to the history of the product, followed by a description of the geography of the area of production. A specific link section is missing, however.

3.1.5. Differences between the Specification and the Summary

Setting aside 'Pomme de Terre de Merville' that was registered via Simplified Procedure, the analysis of the other specifications reveals interesting details.

For instance, the summary of 'Batata de Tras-os-Montes' has removed the 'proof of origin' section and shortened the link section that in the full specification was divided in 4 sub-sections. The summary of 'Patata de Galicia' provides less historical references in the link section and features a shortened method of production section. Also 'Patata de Prades' features primarily a shortened 'method of production section'. The rest of the specification has been summarised and partially rephrased. Finally, as to 'Pomme de Terre de l'Île de Ré', reference to reputation and distinctiveness of the product are present in the proof of origin section. This section does not fully replicate the content of the specification as some historical references have been eliminated. Furthermore, the sections 'method of production' and 'link' are shorter. Instead, in the description of the product some technical data have been added e.g. reference to the product's size and other similar features.

3.2. Specifications registered under Regulation 510/2006

The sample analysed for this time frame is the following:

Product	PDO/PGI	Country
Béa du Roussillon	PDO	France
Bamberger Hörnchen	PGI	Germany
Lüneburger Heidekartoffeln	PGI	Germany
Patata del Fucino	PGI	Italy
Patata Rossa di Colfiorito	PGI	Italy
Patata della Sila	PGI	Italy
Patata dell'Alto Viterbese	PGI	Italy
Patata novella di Galatina	PDO	Italy
Patata di Bologna	PDO	Italy
Batata Doce de Aljezur	PGI	Portugal

It can be observed that no Spanish relevant GI was registered during this time frame.

3.2.1. Description of the product

The analysis shows that the majority of the specifications, 7 out of 10, provide a complete description section that specifically explains how the characteristics of the product distinguish it from the others of the same kind. Generally, this is done in the 'description of the product' section. However, in one case, 'Patata del Fucino', these details are provided in the 'link section'.

Furthermore, the research reveals a relevant degree of diversity with regard to the ways in which the characteristics of the products are practically described in the specifications. Interestingly, this diversity concerns also goods registered by the same member state. For instance, in the case of Italy, 1/3 of the specifications provide a technical analysis of the product with both the physical/organoleptic and the chemical features of the good expressed in tables and other graphs. Instead, 1/3 also covers both the physical/organoleptic and the chemical features. However, they adopt a different approach, mixing a technical analysis with paragraphs that describe the distinguishing characteristics of the product in a narrative, shorter and relatively informal, form. Furthermore, 1/3 of the Italian specifications summarises the abovementioned features only in narrative style. Finally, only in one case, the German 'Lueneburger Heidekartoffeln', the specification only provides a very short description of exclusively the physical characteristics of the product, without providing any sort of chemical assessment of it.

3.2.2. Definition of the Geographical Area

Here, the findings reveal a nuanced scenario. Similar to the previous time frame, the majority of the specifications identify the area of production of the origin product by making reference to its administrative boundaries only. In particular, all the German specifications and 3/6 of the Italian specifications adopt this criterion. However, contrary to the previous time frame, 4 specifications, representing the 40% of the sample,¹⁵⁰ define the area of production by making reference to both the administrative and the physical boundaries of the area. Finally, the only specification that does not make reference to the administrative boundaries is the Italian 'Patata del Fucino'. This, in fact, defines the designated area by making accurate references to the paths of the roads as borders.

8/10 of the considered sample specifications provide evidence of the relationship between the designated area and the elements that link the product to it directly in the section 'definition of the geographical area'. Particularly, 5/6 of the Italian specifications explicitly point out such correspondence. The Germans ones, instead, provide the required evidence in the 'link' section. Finally, the French 'Béa de Roussillon' and the Portuguese 'Batata doce de Aljezur' dedicate a specific section of the specification to the justification of the origin. In particular, the latter features a section named 'Justification of the Geographical Area' (*Justificação da área geográfica*) similar to the previously mentioned 'Batata de tras-os-montes'. It is necessary to specify, however, that these Portuguese specifications were both drafted in 2005, despite the products were eventually registered under two different Regulations.

3.2.3. Method of production and recipe

Overall, the analysis shows a tendency towards homogeneity, at least with regard to some of the aspects of the drafting of the 'method of production section'. In general, all the considered specifications provide a full structured description of the production process with the sole exception of 'Lüneburger Heidekartoffeln' which condensates it in a single paragraph.

Under other aspects, however, the quality of the specifications registered during the considered time frame look far from the current standards. First of all, none of the specifications highlights in what way the method of production contributes to the distinctive character of the product. On the same note, half of the considered specifications, in particular the French one and 2/3 of the Italian ones, does not describe the method as specifically related to the registered product. Indeed, only the German 'Bamberger Hörnchen' claims this whereas the

¹⁵⁰ Béa de Roussillon (France); Patata della Sila and Patata dell'Alto Viterbese (Italy); Batata doce de Aljezur (Portugal).

remaining 4 specifications¹⁵¹ seems only to imply such specificity, for instance by stating that the method of production is the result of the local tradition. In spite of this, the 80% of the specifications define the method of production as ‘traditional’.

3.2.4. Origin Link

The analysis shows that only 2/10 of the considered specifications feature an origin link structured following the tripartite structure. Particularly, these are B ea de Roussillon (France) and Bamberger H ornchen (Germany).

The Italian specifications, instead, insert various relevant elements but without presenting them in a clear tripartite structure. As a consequence, the specifications drafted in this country during the considered time frame look diverse, although some unitary features can be identified and traced back to the abovementioned structure. In particular, the specifications refer to the influence of the physical and environmental conditions of the designated area on the distinctive characteristics of the product. This first part is followed by the presentation of some reputational elements of different kind. For instance, the specification of ‘Patata del Fucino’ provides a short reference to materials, such as articles etc... that recognize the importance of the area for the production of that specific kind of potato. Instead, the specification of ‘Patata Rossa di Colfiorito’ provides a long description of the history of the product. Finally, ‘Patata Novella di Galatina’ includes a specific section dedicated to the socio-economic importance of the production of this good for the designated area.

The Portuguese ‘Batata Doce de Aljezur’, instead, does not mention the physical/natural features of the area of production at all, but adopts a different approach to the description of the origin link structured in three sections: history; reputation and socio-economic factors. It is interesting to observe that this approach differs not only from the Italian one, but also from the one adopted in the specification of the ‘Batata de Tras-os-Montes’, registered by the same member state under the previous regulation.

Overall, the 50% of the specifications provide a complete description of the elements that link the product to the place of origin, including details of the physical/natural and human relevant factors as well as of the history and/or the reputation of the goods. A relevant exception is represented by 4/6 of the Italian specifications that, as anticipated earlier, generally provide a description of the influence of the specificities of the designated area on the characteristics of the product, adding some references to the reputation and or the history of the good but without

¹⁵¹ L uneburger Heidekartoffeln (Germany); Patata di Bologna and Patata dell’Alto Viterbese (Italy) and Batata doce de Aljezur (Portugal).

focusing on the details of the human factor, e.g. the traditional know-how necessary to make the product, at least in the 'link' section.

3.2.5. Differences between the Specification and the Summary

The research has shown that the two German specifications analysed in the sample have not undergone substantive changes when transposed into the SD. Instead, specifications like those of 'Béa de Roussillon' and 'Batata doce de Aljezur' have been shortened and partially restructured due to their considerable length.

By contrast, the Italian specifications deserve special attention as their content and structure differs, sometimes significantly, from the SD. Just to mention two examples, in the case of 'Patata del Fucino' the link section is deeply amended and highly improved. In particular, details have been added concerning the specificities of the geographical area and the causal link between the latter and the product is much more developed. Hence, even though the original nucleus of information contained in the specification is still recognizable, more details have been added. In the case of 'Patata Rossa di Colfiorito', instead, the content of the link section has been re-phrased and some information have been relocated where appropriate. More technical details have been added as to the specificities of the geographical area and the description of the reputational link has been improved. Instead, some details concerning the production process and the delimitation of the area of production are not described in full in the SD.

At the current date, there is no relevant GI registered under Regulation 1151/2012.

4. Overall considerations on the analysis of the 'Potatoes' sample

4.1. Description of the product

In general, the analysis has shown that, in all the sample countries and during all the considered time frames, the description of the product appears to be complete and it specifies the features of the good that distinguish it from the others of the same kind.

Instead, the way in which the product is practically described varies, and different styles have been observed even within the same member state. However, only in one case - 'Lüneburger Heidekartoffeln' - the section 'description of the product' was found to be substandard whereas the majority of the specifications duly provide information on both the physical/organoleptic and the chemical characteristics of the product.

4.2. Definition of the Geographical Area

The analysis of this component of the specifications confirms some of the findings that were already highlighted in Chapter 1. Among the others, it shows that the majority of specifications

define the area of production by mentioning only its administrative borders rather than its physical ones. However, the investigation has observed that in the second considered time frame the specifications tend to include both these elements.

Furthermore, it emerges that the justification of the delimitation of the area on the basis of the location of the features that establish the link is generally provided in the link section. This is interesting considering that the current version of the EU Applicant's Guide recommends to add this element in the 'definition of the geographical area' section.

4.3. Method of production and recipe

The overview of the evolution of the 'method of production' section across the two considered time frames does not show meaningful changing trends. In general, in all the sample countries, this part of the specification appears complete and well structured, often considerably long.

Moreover, as already observed in Chapter 1, despite the products are very often described as 'traditional', only a minority of specifications state that the method of production is specific for the good. However, the analysis has highlighted a positive trend according to which the number of times where this element is specified in the text of the documents has increased.

Finally, the specifications included in the sample that specify the connection between the method of production and the distinctive character of the product are rare. However, this may be due to the nature of the analysed products and/or to the fact that they were all registered prior to Regulation 1151/2012.

4.4. Origin link

The analysis reveals that the tripartite structure of the origin link slowly began more popular with the change of Regulation. Indeed, specifications like 'Béa de Roussillon' and 'Bamberger Hörchen' show a link section that perfectly complies with the current recommendations of the EU Applicant's Guide.

However, it appears that still under Regulation 2006 the justification of the relationship between the product and its area of origin looks inhomogeneous, to some extent even among specifications of the same member state. In spite of this, the contents included in the texts are all enough to fulfil the requirements of the Regulation, although some specifications appear to be better structured than others. This has consequences that will be illustrated below.

4.5. Differences between the Specification and the Summary

It has emerged from the sample that, in the considered time frames, it is difficult to find a homogenous and unitary way to draft the specifications. This is particularly relevant with regard to the 'link' section that appears to be the part that is more frequently restructured and

amended when the contents of a specification are turned into a summary/SD. It is the case to specify, however, that despite the research has shown some qualitative differences between the specifications as to the completeness, structure etc... and that these differences can be identified also among the specifications of the same member state, no element of the sample seems to fail to fulfil the requirements of the Regulation under which they were registered.

Finally, the findings show another relevant peculiarity, i.e. the difference between the German specifications and those of the other sample countries. In fact, the former are generally shorter, sometimes considerably shorter, than the latter and present a structure that reminds that of the summary/SD. This is why they are less subject to restructurings and amendments when they are transformed into those.

5. Results of the analysis of the ‘Bakery products’ sample

5.1. Specifications registered through the Simplified Procedure

The sample analysed for this time frame is the following:

Product	PDO/PGI	Country
Bergamote de Nancy	PDO	France
Aachener Printen	PGI	Germany
Pane casareccio di Genzano	PGI	Italy
Turrón de Jijona and Turrón de Alicante	PGI	Spain

‘Turrón de Jijona’ and ‘Turrón de Alicante’ are two distinct PGI products. However, their specifications regulate them together. Therefore, they have been analysed as one.

5.1.1. Description of the product

The research shows a difference between the Bergamote de Nancy (France), Aachener Printen (Germany), on the one hand, and Pane casareccio di Genzano (Italy), Turrón de Jijona and Turrón de Alicante (Spain), on the other. The first two specifications feature a satisfactory description of the specificities of the product. Indeed, the first one is particularly complete as it provides an annex with a full description of the physical/organoleptic and chemical data of the product whereas the second includes only information on the former. Instead, the Italian and the Spanish specifications do not feature considerable details on the description of the product and only ‘Pane casareccio di Genzano’ features a brief description of the organoleptic qualities of the good.

5.1.2. Definition of the Geographical Area

The findings show that all the considered specifications define the geographical area by making reference to its administrative borders. Furthermore, only Bergamote de Nancy provides details concerning the correlation between the identification of the area of production and the origin link.

5.1.3. Raw materials

Just like in the previous section, the analysis reveals a qualitative difference between the French Bergamote de Nancy and the rest of the sample. In particular, none of the analysed specifications focus on the origin of the raw materials and only the abovementioned French product provides details on the characteristics of the ingredients including some chemical details.

5.1.4. Method of production and recipe

The sample shows that only the specification of ‘Pane casareccio di Genzano’ provides a full and structured description of the method of production. ‘Bergamote de Nancy’ and ‘Turrón de Jijona/Turrón de Alicante’ feature only a short summary. The German ‘Aachener Printen’, instead, features a full recipe in a single unstructured paragraph.

Furthermore, only ‘Turrón de Jijona/Turrón de Alicante’ claims that the specificities of the products are linked to their method of production. However, no analysed specification states that the latter is specific while all of them present the good as ‘traditional’.

5.1.5. Origin Link

The quality of the specifications registered through the simplified procedure is indeed far from the current best practices. This is also confirmed by the description of the origin link. Particularly, only Bergamote de Nancy provides a substantive explanation of this element by mentioning the importance of the know-how, history and market reputation of the product. Aachener Printen, instead, provides only a brief statement about the history of the product. Finally, the two remaining specifications - ‘Pane casareccio di Genzano’ and ‘Turrón de Jijona/Turrón de Alicante’ - do not discuss the origin link at all.

5.2. Specifications registered under Regulation 2081/1992

The sample analysed for this time frame is the following:

Product	PDO/PGI	Country
Brioche Vendéenne	PGI	France
Lübecker Marzipan	PGI	Germany
Nürnberger Lebkuchen	PGI	Germany
Pane di Altamura	PDO	Italy
Coppia Ferrarese	PGI	Italy
Turrón de Agramunt	PGI	Spain
Ensamada de Mallorca	PGI	Spain
Pan de Cea	PGI	Spain
Mantecadas de Astorga	PGI	Spain

5.2.1. Description of the product

The research shows that all the considered specifications (9/9) provide a description of the product that emphasises its specificities and that distinguishes it from all the others. Particularly, this is done in the 'description of the product' section. The how the features of the products are described, instead, varies.

In particular, the majority of the specifications (6/9) provide a complete description of both the physical/organoleptic and the chemical features of the product, generally juxtaposing tables and technical recounts with a summary in narrative form. Instead, the German 'Nürnberger Lebkuchen' provides only a short paragraph in which the product is defined by making reference to its ingredients/raw materials. A similar approach is followed in the specification of the French 'Brioche Vendéenne' that, just like the German one, presents the specificities of the product through its raw materials. However, unlike the former, the latter adds a complete organoleptic and chemical analysis of the ingredients in a dedicated appendix.

5.2.2. Definition of the Geographical Area

All the considered specifications identify the area of production by making reference to the administrative borders of the area itself. The text of 'Lübecker Marzipan' is the only one that shows a lesser degree of accuracy as it states generically that the place of production corresponds to the city of Lübeck and to 'parts of the area of the bordering localities'.

Moreover, contrary to what has been observed with regard to potatoes, here all the specifications justify the delimitation of the area of production by making reference to the link between it and the good. It must be specified, however, that this connection is made by

mentioning the reputation of the product, thus a criterion that is more flexible and ready to use than the physical/natural characteristics of the place.

Finally, in 5/9 specifications the justification of the determination of the designated area is provided in the link section and not in 'definition of the geographical area'.

5.2.3. Raw materials

In general, the specifications do not set forth any rule concerning the origin of raw materials. Furthermore, only half of them mandate the specific qualities that they must meet. A special case is the Italian 'Pane d'Altamura' that, in fact, is the only PDO in the sample. It clearly specifies the origin of the ingredients and provide the analysis of their features as well as a justification of their distinctive character.

5.2.4. Method of production and recipe

The research has shown some peculiarities in the drafting technique of the specifications as to the completeness and the structure of the description of the method of production. Particularly, it has emerged that there is a difference between the German specifications and the others, as the former are shorter and composed of a single paragraph rather than a long description with an articulated structure. Furthermore, the German specifications are the only ones that do not underline in what way the method of production contributes to the distinctive character of the product. In addition, contrary to the others, they do not claim - not even in an indirect way - that the method of production is specific.

Finally, all the specifications mention the traditional character of the product, with the only exception of 'Ensaïmada de Mallorca' that does not discuss this aspect.

5.2.5. Origin Link

None of the considered specifications provides an origin link described following a tripartite structure. Almost all the specifications prove the existence of the connection between the product and a specific place by mentioning the history, reputation, tradition and social importance of the good. A special case is represented by the Italian PDO 'Pane d'Altamura' that does not feature a specific 'link' section but bases the description of the link on the specificities of the local ingredients as well as on a brief mention of the 'ancient manufacturing process' of the good.

5.2.6. Differences between the Specification and the Summary

5/9 of the analysed specifications, including all the Spanish ones, have been transposed into the SD without considerable structural changes, except from the shortening of some sections, especially 'link' and 'method of production'.

However, ‘Pane di Altamura’ is a case worth mentioning. In fact, the specification of this product differed considerably from the usual structure of a SD. This is why the latter has restructured and rephrased many parts of the former. In particular, the ‘Description of the product’ section has been introduced and the information provided in the original specification has been reworked and improved. The link section that, as mentioned earlier, is missing, has been added to the SD, although without a tripartite structure. Finally, the SD features the ‘Proof of Origin’ section that mainly provides information on the history of the product.

5.3. Specifications registered under Regulation 510/2006

Under Regulation 510/2006, 31 relevant products were registered. 10 out of 31 (around 32% of the total) were registered by Italy, 2 by France, 8 by Germany, 3 by Portugal and 8 by Spain. In particular the analysed sample was the following:

Product	PDO/PGI	Country
Raviole du Dauphiné	PGI	France
Gache Vendéenne	PGI	France
Schwäbische Maultaschen	PGI	Germany
Westfälischer Pumpnickel	PGI	Germany
Bremer Klaben	PGI	Germany
Schwäbische Spätzle	PGI	Germany
Salzweleder Baumkuchen	PGI	Germany
Bayerische Breze	PGI	Germany
Dresdner Christstollen	PGI	Germany
Meissner Fummel	PGI	Germany
Panforte Siena	PGI	Italy
Dittaino	PGI	Italy
Focaccia Recco	PGI	Italy
Pane Toscano	PGI	Italy
Torrone di Bagnara	PGI	Italy
Pane di Matera	PGI	Italy
Pasta di Gragnano	PGI	Italy
Maccheroncini di Campofilone	PGI	Italy
Piadina Romagnola	PGI	Italy
Ricciarelli di Siena	PGI	Italy
Pastel de Chaves	PGI	Portugal
Ovos Moles de Aveiro	PGI	Portugal
Pastel de Tentugal	PGI	Portugal

Mantecados de Estepa	PGI	Spain
Mazapán de Toledo	PGI	Spain
Alfajor de Medina Sidonia	PGI	Spain
Pa de Pagès Català	PGI	Spain
Tarta de Santiago	PGI	Spain
Sobao Pasiego	PGI	Spain
Pan de Cruz de Ciudad Real	PGI	Spain
Pan de Alfacar	PGI	Spain

5.3.1. Description of the product

The majority of the considered specifications provide a description of the distinctive features of the good in the ‘description of the product’ section. However, both the French specifications included in the sample, ‘Raviole du Dauphiné’ and ‘Gache Vandéenne’, discuss the distinctive character of the product in the link section.

As to the way in which the products are described, approximately 1/3 of the considered specifications provides a detailed presentation of both the physical/organoleptic and the chemical features of the product. The German and half of the Spanish ones, instead, provide a shorter description where the details above are summarised in narrative form, without including technical/scientific analyses of the product. Furthermore, in both cases the specifications often do not present the chemical specificities of the good but only the physical/organoleptic ones. Finally, just as it was observed in the previous time frame, some specifications describe the specificities of the product by analysing their raw materials directly in the ‘raw materials’ section. In this case, this technique is applied in the specifications of ‘Raviole de Dauphiné’ (France); ‘Pan de Alfacar’ and ‘Pan de Cruz’ de ‘Ciudad Real’ (Spain).

5.3.2. Definition of the Geographical Area

This time frame confirms the same trends that emerged from the previous one. Therefore, the largest majority of the specifications determines the area of production by making reference to its administrative borders only. However, some exceptions have emerged. For instance, 2/3 of the Portuguese specifications mentions the administrative borders but provide also details on the physical conformation of the area.

As to the connection between the delimited area and the origin link, the considered specifications establish this relationship by making reference to the history and the reputation of the product. Instead, no reference can be found to the physical characteristics of the area. This is likely due to the nature of the products that compose the sample.

5.3.3. Raw materials

The majority of the specifications does not set forth any limitation as to the sourcing of the raw materials. Only in a minority of instances, in 7 cases out of 31 (4.5%), the documents limit the choice of some of them – this never applies to all - to ingredients that must be sourced from a specific area. This is generally justified by making reference to their qualities and/or to the fact that they originate exclusively from a specific area and/or because they are those traditionally used.

A typical example of these special cases are the products that list among their raw materials some PDO or PGI products. For instance, ‘Raviole de Dauphiné’ must include ‘Comté PDO and/or Emmental français Est-Central IGP’. Other products, instead, such as ‘Pane di Matera’, despite being PGI, must employ in their production local yeast and other essences because of their specific character.

Finally, in case the origin of the raw materials is not specified, a relevant number of specifications do not provide details as to the specific qualities that the ingredients must possess. This is in particular the case of Germany (4/8 cases) and Italy (6/9 cases).

5.3.4. Method of production and recipe

The analysis of the method of production section in the examined time frame confirms the trends that emerged in the previous one. The majority of the specifications include a structured and often considerably long description of all the production processes. Germany is an exception because, due to the relatively short specifications, describes the method of production in a single paragraph in at least the 50% of the considered texts.

Furthermore, approximately 2/3 of the specifications mention the link between the method of production and the specificities of the product, although many do it only impliedly by mentioning the importance of the traditional character of the production for determining the specificities of the product. However, 5/8 of the German specifications and 4/7 of the Spanish ones do not provide any information on this point.

Finally, more than half of the specifications (17/31) describe the method of production as specific and almost all of them consider it as ‘traditional’.

5.3.5. Origin Link

In the considered time frame it has been observed that the number of products that adopt the tripartite structure has increased. In particular, 5/8 German specifications and all the French ones adopt it. Some Italian products, such as ‘Pane di Matera’; ‘Pane Toscano’ and ‘Piadina Romagnola’ provide the essential elements of said structure even if do not formally use it.

Nevertheless, 19/31 products follow different structures, generally based on the history of the product and on its reputation only. Indeed, these, together with the traditional character of the production, are the elements that are predominantly used to demonstrate the origin link.

5.3.6. Differences between the Specification and the Single Document

The research shows, as it emerged from the analysis of the previous time frame, that also in this case the German specifications were transposed into the SD with little amendments. The French ones were also not substantively amended in their contents and form, although they were shortened, especially in the link and in the method of production sections.

By contrast, almost all the specifications of Italy (8/10) and Spain (7/8) have been substantively restructured. For instance, ‘Focaccia di Recco’ was deeply reworked, as it did not follow the structure of the SD. The ‘link’ section, in particular, has been rewritten following the tripartite structure and the ‘description of the product’ section has been improved and reworked. Something similar occurred in the case of ‘Panforte di Siena’. In addition, in this case, many unsupported historical claims that appeared in the specification do not appear in the SD. As to Spain, it is possible to take as examples ‘Mantecados de Estepa’ and ‘Pa de Pagès Català’. In both cases, the structure of the specification was almost completely reworked. The ‘link’ section, particularly, was rewritten according to the tripartite structure and many of the contents were changed.

5.4. Specifications registered under Regulation 1151/2012

Under Regulation 1151/2012, eleven products were registered. Five out of eleven (around 45% of the total) were registered by Italy, one by Germany, four by Portugal and one by Spain. Instead, no French product was added to the register during the considered time frame. In particular, the analysed sample was composed as follows:

Product	PDO/PGI	Country
Bayrisch Blockmalz	PGI	Germany
Pampepato di Ferrara	PGI	Italia
Cappellacci di zucca Ferraresi	PGI	Italia
Pizzoccheri della Valtellina	PGI	Italia
Culurgionis d’Ogliastra	PGI	Italia
Cantuccini toscani	PGI	Italia
Fogaça da Feira	PGI	Portugal
Amêndoa Coberta de Moncorvo	PGI	Portugal
Folar de Valpaços	PGI	Portugal
Pão de Ló de Ovar	PGI	Portugal
Polvorones de Estepa	PGI	Spain

5.4.1. Description of the product

The majority of the specifications (9/11) provide a specific illustration of the specificities of the product that make it different from the similar ones. However, in some cases this information does not appear in 'description of the product' but in 'link', e.g. 'Pampepato di Ferrara' and 'Cappellacci di zucca Ferraresi' (Italy), or in the 'Proof of Origin' section, e.g. Fogaça da Feira and Amêndoa Coberta de Moncorvo (Portugal). The only specification that does not mention this element at all is the Spanish 'Polvorones de Estepa'.

As to the way in which these features are described, all the considered specifications provide a description of both the physical/organoleptic and of the chemical specificities of the product, with the only exception of 'Amêndoa Coberta de Moncorvo' that covers only the former. As usual, the German specification looks shorter than the others and provides a description of the product in narrative form only.

5.4.2. Definition of the Geographical Area

The findings show that this section is significantly homogeneous. In particular, all the analysed specifications define the geographical area by making reference to its administrative borders. The delimitation of the area is typically justified by making reference to the reputation of the product and to the fact that it is generally rooted there. It is relevant to mention, however, that these statements generally appear in the link section and not in 'description of the product'.

5.4.3. Raw materials

All the considered specifications do not discuss the origin of raw materials. The only exception is the Portuguese 'Pão de Ló de Ovar' that stipulates that some ingredients must be sourced locally due to their specific qualities and because of tradition. Furthermore, only 3/9 specifications indicate the exact organoleptic and/or chemical features that the raw materials must possess.

5.4.4. Method of production and recipe

The analysis of this section confirms some of the trends that emerged in the previous time frames. In particular, it is possible to observe once again the different approach adopted by Germany that generally provides shorter specifications featuring a more succinct presentation of the method of production.

The majority of the specifications (4/7) describe the ways in which the method influences the specific character of the product and presents it as specific. Finally, almost all of them considered the good as based on traditional know-how, with the only exceptions of 'Pampepato di Ferrara' and 'Fogaça da Feira' that do not provide information in that regard.

5.4.5. Origin Link

The research confirms once again that for the considered category of products the tripartite structure is not very common at national level even in this most recent time frame. Indeed, only 3 specifications out of 11 include such structure or, at least, its components. These are 'Bayrisch Blockmaltz'; 'Cappellacci di Zucca Ferraresi' and 'Cantuccini Toscani'. The majority of the documents, instead, features different structures based on the history and reputation of the products as well as on neighbouring linking factors such as the traditional importance of the production in the region.

5.4.6. Differences between the Specification and the Single Document

This section confirms the trends that emerged from the analysis of the previous time frames. The only German specification included in the sample is almost identical to the SD. However, the 'description of the product' section of the latter provides more details on the good and also the link section has been reworked and strengthened.

Instead, the specifications of the other sample countries have underwent various modifications, not different from those that have already been shown in the analysis of the previous time frames. In some cases, the amendments are particularly significant, for instance in the case of 'Amêndoa Coberta de Moncorvo' the SD has shortened the content of the specification in various points and the structure of the specification has been deeply reworked.

Finally, it has been observed that in some cases the SD has not structured the 'link' section in accordance with the tripartite structure, e.g. 'Cantuccini toscani'. In other SDs, instead, the tripartite structure, although not explicitly present, can be identified. This is the case, for instance, of 'Pizzoccheri della Valtellina' and 'Cappellacci di zucca Ferraresi' where it has been reworked in order to adapt it to products whose specific characteristics are not determined by the natural specificities of the area but by the human element and history.

6. Overall considerations on the analysis of the 'Bakery Products' sample

6.1. Description of the product

The analysis has shown that this section has improved over the considered time frames. In particular, the level of detail of the description of the physical/organoleptic and chemical features of the products has increased. However, the style of the specifications differs. In particular, the German ones look shorter and do not usually display a full scientific analysis of the features of the product. Generally, the considered specifications provide evidence of the fact that the good differs from the others of the same kind. Nevertheless, this does not always occur in the 'description of product' section as often this statement can be found in the 'link' section and, less often, in 'method of production' or in 'proof of origin'.

6.2. Definition of the Geographical Area

This section appears to be generally homogeneous. This is probably due to the nature of the sample products that are usually not linked to the natural features of the area of origin. Thus, as shown in Chapter 1, the research reveals that practically all the considered specifications define the area of production by making reference to the administrative borders of the latter. Furthermore, the number of specifications that explicitly justify the identification of the area by making reference to the link between it and the product has increased with time. In particular, this information is often provided in the 'link' and not always in the 'description of the product' section.

6.3. Raw materials

The analysis of this section has led to interesting findings. In particular, since the largest majority of the products are PGIs, the requirements set forth by the specifications are often quite generic. More specifically, the documents that provide specific indications as to the source of the raw materials are relatively rare. Typical examples are products whose recipes include PDO or PGI products such as some kinds of cheese. Another example consists of cases where the traditional ingredients are significantly important for the nature of the product. The specifications often provide details on the characteristics - organoleptic, chemical or both – that the ingredients must possess. Indeed, it is not uncommon to find cases of specifications in which the specificities of the goods are actually presented through the descriptions of the qualities of the ingredients. However, the majority of the considered specifications does not provide such details at all.

6.4. Method of production and recipe

This is one of the sections of the specifications where the differences between the different national approaches are more evident. In particular, the German specifications are generally shorter than the others. As a consequence, also this section is generally limited in length and less structured. However, in almost all cases, the method of production is accurately described and typically presented as 'traditional'. Finally, the analysis has shown an improvement as it emerged that the number of documents in which the method of production is defined as specific and important to determine the characteristics of the product has risen in the last two time frames compared to the first two ones.

6.5. Origin Link

The analysis has shown that in this sample of products the tripartite structure is not common. Generally, different structures are adopted that emphasise the history and reputation of the product. In particular, if only the two last time frames are considered, in Italy only 5/15

specifications feature the abovementioned structure or at least its components. In Spain and Portugal, during the same time frames, no document adopted the tripartite structure. In this regard, Germany can be considered an exception since out of 9 products registered during the two last time frames, 6 feature such structure.

6.6. Differences between the Specifications and the Single Document

Most of the differences between the specifications and the SDs concern the link section. Compared to Potatoes, the present sample has shown to be less prone to adopt the tripartite structure or at least its essential elements. This is likely due to the fact that these goods are, for the most part, not related to the nature and physical characteristics of their areas of origin. Unsurprisingly, the evidence of the origin link is generally provided by the recount of the history of the product and of its traditional and current reputation. Here, it is relevant to notice that in more than one case the SDs have cut long historical recounts where many elements seemed substantively unsupported by adequate references. Furthermore, the research has shown that in many instances the SDs feature the tripartite structure even when it is missing in the specifications. Often, however, the latter does not explicitly appear in the documents but its essential elements are featured in the text even in the absence of a formal structure that reflects it.

Furthermore, as it emerged from the analysis of the previous sample, the German specifications are generally shorter than the others. Hence, they are not usually subject to many amendments when transposed into the SD. However, some additional details are sometimes added. Examples of this regard almost all sections, among which 'description'; 'method of production' and 'link'. The specifications of the other sample countries, instead, face the opposite problem. In fact, they are generally reworked and shortened. Their structures do not usually follow that of the SD and, as a consequence, they are often significantly amended.

7. Results of the assessment

The results of the assessment carried out above can be summarised as follows:

1. The research has analysed 64 specifications belonging to two product classes: Potatoes (selection of Class 1.6) and 'Bread, pastry, cakes, confectionery, biscuits and other baker's wares' (Class 2.3), which have been collectively called 'Bakery Products'. Overall, all these documents fulfil the requirements set forth by the Regulation in force at the time of their registration.
2. The analysis adopted standards and best practices in force today as a reference point to assess the structure and contents of the abovementioned specifications. It is unsurprising, therefore, that the most recent ones are also those that this research considers to be the

best on the basis of the adopted criteria. However, the investigation has also highlighted a general improvement in the level of detail, in the structure and in the global quality of the specifications throughout the 4 selected time frames. In particular, the Bakery Products registered via the Simplified Procedure presented documents of inferior quality, also when compared with the specifications of Potatoes of the same period. However, the contents and structure of the former have considerably improved with time.

3. With regard to the structure and drafting technique, the research has revealed significant differences between the German specifications and those of the other 4 sample countries. In particular, the former are usually shorter and present a structure that reminds that of the SD. By contrast, the latter are usually longer, more than 10 pages on average, and drafted following structures that often do not follow the structure of the SD. It is important to clarify that the applicable rules do not mandate a specific structure for the specifications but only a set of contents. However, these different approaches have consequences. Particularly, the German specifications do not generally differ substantively from the SDs whereas it is not uncommon for those of the other sample countries to be deeply reworked and restructured in order to fit the standards of the SD recommended by the EU Commission and the relevant EU rules. This research argues that, also in light of the previous chapter, these diverging approaches are due to the different nature of the national competent authorities. Indeed, Germany is the only sample country where this function is performed by the Patents and Trade Marks Office (*Deutsches Patent und Markenamt Markenamt*) and not by the Ministry of Agriculture or a specialised *ad hoc* authority. Thus, the different nature, function and goals of these authorities may explain this difference.
4. The 'method of production' section is generally the most detailed and uniform among the sample countries (with the exception of Germany where this is usually shorter and summarised in a single paragraph). This trend can be explained by the fact that the applicants consider this part as the real core of the specification, much more than, for instance, the 'link' section. However, it has been observed that in the majority of cases, this section merely describes the production process of the good and/or the recipe. Instead, other details that are recommended by the EU Applicant's Guide are often not included. We refer in particular to the fact that the document should explain why and how the method of production is superior to others and contributes to determine the specificities of the good.¹⁵² Indeed, in some time frames the specifications that provide these details

¹⁵² European Commission (fn. 146) Section 5.

amount to less than the 50% of the sample. However, the research has shown a positive trend also in this regard.

5. The approach to the 'link' section appears very diverse, instead. In particular, the tripartite structure, that represents the current standard recommended by the EU Applicant's Guide and enshrined in the SD template, is often not followed at local level. This is especially true for the Bakery Products sample. This may be explained by the fact that this includes almost exclusively goods that are not linked to their area of origin by natural and/or environmental factors, thus making the abovementioned structure less applicable. By contrast, the analysis of the Potatoes sample has revealed some early examples of specifications, mostly French, that provide the elements that compose the tripartite structure, although they often do not explicitly feature it. Generally speaking, this way of proving the existence of the origin link is still not very popular at national level, although it is more common in the case of potatoes.
6. Finally, as anticipated earlier, it is still common to observe specifications that do not follow the structure of the SD at all. This is the case of most of the Italian Bakery Products, for instance. In general, the research has shown that, at least in some of the considered time frames, it is not easy to identify specific national trends adopted in all cases. Indeed, it appears that there is an interesting level of diversity that sometimes emerges even within the same country. However, the analysis has also shown that some sections, especially 'method of production' and 'definition of geographical area', tend to be treated in a more uniform way by all the sample countries and in all the selected time frames.

Chapter 4

Justifications and effects of the amendments: analysis of PGIs of the product Class 1.2 for meat products

Andrea Zappalaglio

1. Introduction

This chapter presents the results of an analysis conducted on the justifications and effects of the amendments to PGI products belonging to product Class 1.2 (meat products cooked, salted, smoked etc...). As the 'methodology' section explains in details below, the research focuses on the amendment applications submitted at EU level, thus leading to a change in the text of the Single Documents (SD). Particularly, this chapter tackles the following research question: 'what is the impact of the amendments on the structure and contents of the SD and how are they justified?'

This research question is particularly compelling since to date, including minor amendments, the 22% of the registered GIs for agricultural product and foodstuffs have been amended at least once. Hence, this part of the Study contributes to the investigation on this topic that, although traditionally under-researched, is today attracting the interest of a growing number of researchers.¹⁵³

In particular, among the other things, the present analysis will reiterate the central importance and the wide scope of the 'description of the product' and 'method of production' sections. In fact, these appear to be the parts of the SDs that evolve the most as it is where most of the amendments concentrate. Furthermore, it will be shown that the majority of the amendments to the considered sample products are justified by the need to implement new legal or policy-related standards or to update or introduce practices that can preserve the traditional qualities of the products. Instead, the amendment applications do not take into consideration at all environmental concerns or justifications related to the issue of sustainability.

¹⁵³ For some recent contributions to this discussion taken into account by this chapter, see Xiomara Fernanda Quiñones Ruiz and others, 'How Are Food Geographical Indications Evolving? – An Analysis of EU GI Amendments' (2018) 120 *British Food Journal* 1876; Andrea Marescotti and others, 'Are Protected Geographical Indications Evolving Due to Environmentally Related Justifications? An Analysis of Amendments in the Fruit and Vegetable Sector in the European Union' (2020) 12 *Sustainability* 3571; Maurizio Crupi, 'Innovating Within Tradition: Are PDOs and PGIs Loosening Their Link to Origin?' (EIPIN-IS Research Paper no. 20-01, 2020).

2. Methodology

The present research is based on the analysis of the amendments to the SDs of PGI goods registered under product Class 1.2 (meat products: cooked, salted, smoked etc.). This sample has been selected for three main reasons: first, this class has never been analysed before, thus the chapter fills a gap in the existing literature; second, it is a group of processed goods, i.e. products that are the result of a more or less complex production procedure that includes various raw materials, that, instead, are not part of the specifications of non-processed products. This makes them interesting elements to analyse; third, it is a sample of PGI goods, that is products for which only one step of the production process must be carried out within the designated area. This loose locality requirement encourages analysis on this point because, at the moment, no piece of research has focused on whether and how the amendments have an impact on this distinctive feature of PGIs by either strengthening or weakening the locality requirement.

Turning now to the organisation of the research, this has been conducted by collecting all the amendment applications to the SDs of the abovementioned products through the DOOR database, now replaced by eAmbrosia.¹⁵⁴ More specifically, there are 144 registered PGIs for meat products, 27 of which have been amended (19%). In particular 25 were amended once whereas 2 were modified twice. It is important to clarify that unlike previous studies,¹⁵⁵ this analysis has made no distinction between minor and non-minor amendments because the goal of the present research is to analyse the content of every application regardless of their substantive or merely formal impact on the specification. Particularly, 10 amendments out of 27 were considered 'minor'. Thus, the composition of the sample is the following:

Country	No. of amendments	No. of second amendments
Austria	2	
Bulgaria	1	
France	7	
Germany	7	
Italy	6	2
Slovenia	1	
U.K.	1	

¹⁵⁴ European Commission, 'eAmbrosia - the EU Geographical Indications Register' <<https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/geographical-indications-register/>>.

¹⁵⁵ Marescotti and others (fn 155).

Next, the analysis focused on each individual amendment that was listed in an amendment application. In fact, each application generally introduces more than one amendment, usually ordered following the structure of the SD itself. For instance, a single application can introduce three amendments to the method of production, two concerning the description of the product and so on. Each of them must be justified by the applicant. Hence, the amendments have been assessed through a specific grid that has categorised the justifications - or reasons - for each of them as they were stated in the applications. More specifically, the present research has adopted 10 justifications divided into 6 broad categories. These are presented and described in the table below:

Justification and justification category	Description
(I) Formal and minor amendments	
1. Mere clarifications, simplifications and/or corrections	Simple formal corrections that do not change the substance of the pre-existing text
(II) Producers' organisation, policy and administrative issues	
2. Legal or policy-related justifications	Amendments due to the introduction of new legal provisions or other forms of rules/guidelines
3. Functioning of the group of applicants	Introduction/modification/cancellation of rules on the administrative functioning of the producers' group including provisions on tracking and monitoring; the appointment of new monitoring authorities as well as other administrative checks
(III) Production methods, production standards, innovation and technological advancement	
4. Introduction or modification of the rules concerning the production method	Self-explanatory
5. New hygiene and/or preservation standards	Self-explanatory
6. Technological advancements, new research, new production practices	Amendments justified by the need to include in the SDs new advancements such as new technologies, more advanced production practices and alike
(IV) Link and Locality Requirement	
7. Amendment to the origin link or to the locality requirement	Amendments to the description of the link between the product and the designated area (origin link) or to the provisions of the specifications that prescribe which production steps must take place within the latter (locality requirement)
8. Improvement and/or preservation of the traditional qualities of the products and/or	Self-explanatory

of the practices that are necessary to obtain them	
(V) Market and consumer-related	
9. New market standards	This category includes all the amendments justified by changes in the market strategy, in consumers' taste, aimed at providing consumers with more information and so on.
(VI) Sustainability and environmental concerns	
10. Promotion of sustainable, environmental and other related practices	Self-explanatory

At this point it is important to specify that, in order to avoid distortions in the analysis, the groups of amendments that were related to the same section of the specification and that were justified in the very same way have been counted as one. For instance, three individual amendments qualified by the applicants as 'mere clarifications' of the 'description of the product' section were analysed together as a single modification. Following this approach, 138 individual amendments were assessed overall.

Furthermore, each amendment was assessed also on the basis of the practical effect that they had on the contents of the SDs. For instance, an amendment justified by the need to implement new legal standards can have an effect on how the method of production is described in the text of the SD. In detail, the research adopted the following 8 effects that are presented and described below. It is expedient to specify that a single amendment justified in a given way can have more than one effect.

Effect	Description
1. Merely formal effect	Formal modifications, no substantive innovation in the text
2. Change in the functioning of the bodies involved in the production	This category encompasses scenarios such as changes in: the internal procedures of the producer's group; in the nature and/or functioning of the inspection bodies and in the rules on quality checks, tracking and other forms of monitoring
3. Effect on the structure and/or contents of the method of production	Self-explanatory
4. Effect on the delimitation of the geographical area	Self-explanatory
5. Effect on the structure and/or contents of the link section, including the locality requirement	Self-explanatory

6. Effect on the nature and sourcing of the raw materials/ingredients	In the case of PGI, the raw materials/ingredients must not necessarily be sourced locally. Hence, this effect is aimed at analysing the locality requirement and whether there is a tendency of restricting or loosening the relationship between a product and its raw materials/ingredients
7. Effects on packaging and labelling rules	Self-explanatory
8. Marketing and consumers	This category encompasses the effects that lead to market related consequence such as: different variants of the product in the market; new rules and practices concerning consumers' information and alike.

Finally, in order to nuance this analysis further, each of these 'effects' has been divided into sub-categories, 35 overall, each of them identified by a specific code. For the sake of brevity, these sub-categories will not be presented here one by one, not least because some have been used only sporadically. Nevertheless, they will be mentioned below to better describe the results of the assessment. However, before turning to the findings of the investigation, it is important to summarise the contents of the relevant EU rules on amendments. This will be done in the next section.

All the data shown in this chapter are valid and updated as of 15 August 2020.

3. Amendments to the SDs of agricultural products and foodstuffs: the legal frame

The contents of the amendments, just like those of the applications for registration, are the result of a collective decision of a group of producers having a legitimate interest.¹⁵⁶ As to the amendment proceedings, EU *sui generis* GI rules draw a distinction between 'amendments' and 'minor amendments'. More specifically, Art. 53(2) Regulation 1151/2012 reads:

For an amendment to be regarded as minor in the case of [PDOs and PGIs], it shall not:

- a) relate to the essential characteristics of the product;
- b) alter the link referred to in point (f)(i) or (ii) of Art. 7(1);
- c) include a change to the name, or to any part of the name of the product;
- d) affect the defined geographical area; or
- e) represent an increase in restrictions on trade in the product or its raw materials.

Furthermore, the same provision specifies that a non-minor amendment, to be approved, must undergo the procedure set forth at Artt. 49-52 Regulation 1151/2012, i.e the standard

¹⁵⁶ Regulation 1151/2012, Recital 57; Art. 53.

application process. Thus, from a procedural perspective, this kind of amendments are treated as new applications and, just like these, may be subject to opposition. Moreover, the Implementing Regulation 668/2014¹⁵⁷ adds that the applications must be completed in accordance with Art. 8 Regulation 1151/2012, thus including all the information that would be necessary in case of a new application. In addition, this set of rules provides a specific form to be used in non-minor applications amendments.¹⁵⁸ Particularly, among the other things, this form requires the applicants to identify themselves, their member state of origin and to provide their contacts. Then, it asks to identify the section of the product specification that will be affected - e.g. description of the product; geographical area and so on – and whether the amendment is minor or not. Finally, and most importantly, the Implementing Regulation stipulates that the new amendments must be presented and justified as follows:

provide an exhaustive description and the specific reasons for each amendment. The original product specification and, where relevant, the original single document must be compared in detail with the proposed amended versions for each amendment. The amendment application must be self-sufficient. The information given in this section must be exhaustive¹⁵⁹

In the case of minor amendments, instead, the procedure is simplified. The application must be completed by using a different form¹⁶⁰ to which the new SD must be attached in case the amendment has modified the previous version. From the procedural perspective, the main difference between the two kinds of amendments is that, in the case of minor ones, the abovementioned formal procedure set forth at Artt. 49-52 Regulation 1151/2012 does not apply. In fact, it is upon the Member States to declare that they consider that the application meets the conditions of Regulation 1151/2012.

¹⁵⁷ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs.

¹⁵⁸ Implementing Regulation 668/2014, Annex V.

¹⁵⁹ *Ibid.*, [5].

¹⁶⁰ Implementing Regulation 668/2014, Annex VII.

4. Results

4.1. Justifications for and effects of the individual amendments

Turning to the findings of the analysis, the following table shows, in percentages, how the applicants have justified the amendments to the products of the considered Class 1.2.

Justification	%
1. Mere clarifications, simplifications and/or corrections	30,4%
2. Legal or policy related justifications	15,9%
3. Functioning of the group of applicants	8,6%
4. Introduction or modification of the production method	6,5%
5. New hygiene and/or preservation standards	2,1%
6. Technological advancements, new research, new production practices	9,4%
7. Amendment to the origin link or locality requirement	7,9%
8. Valorisation and/or preservation of the traditional qualities of the products and/or of the practices that are necessary to obtain them	13,2%
9. New market standards	10,1%
10. Promotion of sustainable, environmental and other related practices	0

From this analysis it emerges that the most part of the amendments (30%) were justified by the mere need to make adjustments such as clarifications, simplifications and/or corrections. As to the substantive amendments, instead, four kinds of justifications appear to be particularly relevant, thus deserving a specific focus.

1. The 19% of the amendments has been justified by the implementation of new legal and/or policy standards. For instance, the amendment to ‘Bresaola della Valtellina’ changed the method of production by excluding some ingredients that had been classified as allergens under a new EU law.¹⁶¹ Instead, the amendment to ‘Nürnberger Bratwürste/Nürnberger Rostbratwürste’ states that the list of the ingredients was modified following the adoption

¹⁶¹ Amendment application ‘Bresaola della Valtellina PGI’ [2010] C321/23, [3.2].

of a new set of guidelines that better defined the traditional production practices for the good.¹⁶²

2. The 13% of amendment applications was justified by making reference to the need to add and/or update new rules concerning the preservation/valorisation of the traditional qualities of the product and/or of the practices to obtain them. For instance, an amendment to 'Schwarzwälder Schinken' has been justified by stating that the traditional smoking process that characterises the product had to be clarified. Thus, the application now explicitly mentions that the production process must specifically employ fir wood or fir wood sawdust from the Black Forest.¹⁶³
3. New production standards and market practices justify the amendments in the 10% of cases. For instance, the amendment application of 'Halberstädter Würstchen' states that the range of products marketed under this name has been expanded in order to meet the new consumers' habits that had changed over the years.¹⁶⁴ Instead, the product's name 'Speck dell'Alto Adige' was changed in 'Speck Alto Adige'. This simplification is justified by the decision to embody the consistent 'longstanding commercial parlance'.¹⁶⁵
4. A relevant percentage of amendments (9%) is justified by reference to innovation, be it technological or scientific. For instance, the application of the Spanish 'Salchichón de Vic' states that part of the 'method of production' section of the specification was modified according to the results of recent scientific researches.¹⁶⁶ Another example, among the others, is 'Saucisson de l'Ardèche' where it is declared that the weight of the carcasses has been increased thanks to the advancements of the research on breeding and nutrition methods.¹⁶⁷
5. Finally, it is important to observe that, to date, no amendment has been justified by making reference to the need to implement new environmental-friendly and/or sustainable practices. This confirms the findings of a previous study that, focusing on fruits and vegetables (Class 1.6), came to the same conclusions.¹⁶⁸

Focusing now on the effects that each individual amendment has had on the structure and/or the contents of the SD, the findings of the research are summarised below. Each amendment

¹⁶² Minor Amendment Application 'Nürnberger Bratwürste/Nürnberger Rostbratwürste PGI' [2013] L272/5, Annex I, [2].

¹⁶³ Amendment application 'Schwarzwälder Schinken PGI' [2012] C274/2, [3(e)].

¹⁶⁴ Amendment application 'Halberstädter Würstchen PGI' [2014] C270/4, [2].

¹⁶⁵ Amendment application 'Speck Alto Adige PGI' [2011] C119/19, [3.1].

¹⁶⁶ Amendment application 'Salchichón de Vic' [2017] C368/10, [5].

¹⁶⁷ Amendment application 'Saucisson de l'Ardèche' [2015] C437/9, [5.3.1].

¹⁶⁸ Marescotti and others (n 1).

can have more than one effect, this has also been taken into consideration in order to reach the following findings:

Effect	%
1. Merely formal effect	29,7%
2. Change in the nature and/or functioning of the bodies involved in the production	8%
3. Effect on the structure and/or the contents of the method of production	22%
4. Effect on the delimitation of the geographical area	3,3%
5. Effect on the structure and/or the contents of the link section, including the locality requirement	8%
6. Effect on the nature and sourcing of the raw materials/ingredients	14,3%
7. Effects on packaging and labelling rules	11,3%
8. Effects on marketing strategy and information to consumers	8%

It can be observed that formal changes are the most frequent kind of effect on the amendments. This coincides with the analysis of the justifications presented above. With regard to the substantive effects, the impact that they have on the text of the SDs is nuanced. It is therefore expedient to briefly discuss each of them individually from the most to the least frequent.

1. Effect on the structure and/or contents of the method of production (22%). Here, the amendments impact on the text of the single documents in three main ways: (a) a mere update, clarification of the production process (36%); (b) introduction of more stringent standards of production, e.g. cancellation of previous options, narrower interpretation of standards and guidelines and so on (30%); (c) less stringent standards, e.g. introduction of possible variants in the process, e.g. different possibilities to dry the meat etc... (30%). Finally, in only 2 cases the amendment has cancelled in toto specific recipes or production standards.
2. Effect on the nature and sourcing of the raw materials/ingredients (14%). In this case, somewhat unexpectedly, in the 65% of applications this effect has led in practice to the introduction of stricter provisions on raw materials/ingredients. Just to make a couple of examples, the application for the amendment of 'Prosciutto di Norcia' included a stricter definition of 'heavy adult pig', thus restricting the possibility to interpret the existing

standards.¹⁶⁹ In ‘Gailtaler Speck’, instead, the amendment specified the breeds of pig that can be used in the production of the good, thus limiting the possibility for the producers to choose.¹⁷⁰ By contrast, only the 15% of the amendments has loosened the requirements concerning the raw materials. For instance, the amendment application of ‘Jambon de l’Ardèche’ has deleted every limitation regarding the age of the pigs from which the product can be made.¹⁷¹ Finally, in the remaining 20% of cases, the amendment rewrote, or updated specific parts of the description of the method of production, without, however, making substantive changes to the regulation.

3. Effects on packaging and labelling rules (11%). In this case, taking into consideration only the rules on labelling, the amendments that led to the introduction or the cancellation of rules on labelling were the most frequent (40% each), whereas the remaining 20% had the effect to merely amend the rules. Instead, effects on packaging were relatively rare. In particular, the analysis has only identified 3 cases in which the amendment has introduced new rules on packaging explicitly stipulating that such operation must take place in the designated area. Instead, in only 1 case the new rules on packaging did not introduce any limitation as to where the operation must be conducted.¹⁷² Finally, no amendments leading to a cancellation of pre-existing rules on packaging have been identified.
4. Effect on the structure and/or the contents of the link section, including the locality requirement. The research has shown that this category of effects is composed by two main sub-categories: on the one hand, amendments that have strengthened and made more detailed the description of the link (24%), e.g. by providing more information on it; on the other, modifications that have loosened the locality requirement (35%), generally by waiving rules on the local sourcing of the raw materials/ingredients. Instead, the analysis has found only 1 case of an amendment that has loosened the link and only one that has strengthened the locality requirement. Finally, the research has also identified amendments that had an effect on the delimitation of the area of production, in particular on narrowing, broadening or clarifying it. However, as long as products Class 1.2 is concerned, these are rare and limited to 1 or 2 examples maximum.
5. Change in the nature and/or functioning of the bodies involved in the production (8%). On the basis of the analysis, this category can be divided into three main subcategories of amendments that: (a) introduce changes in the control bodies (42%); (b) introduce a

¹⁶⁹ Amendment application ‘Prosciutto di Norcia PGI’ [2009] C71/21, [3.1].

¹⁷⁰ Amendment application ‘Gailtaler Speck’ [2018] C195/47, [5].

¹⁷¹ Amendment application ‘Jambon de l’Ardèche’ [2015] C330/3, [5.2].

¹⁷² Minor amendment application ‘Prosciutto di Norcia PGI’ [2016] C153/16, [5].

structural change in the producers' group (32%); (c) introduce changes in the administration of the production, in the functioning of the quality checks and alike (26%).

6. Effects on marketing strategy and information to consumers (8%). The analysis has identified to main subcategories: (a) amendments that have included more variants to the end product, e.g. different cuts, different ingredients etc... and (b) new rules aimed at providing more and/or better information to consumers. As it can be expected, these is a typical effect of the amendments that have also changed or introduced new rules concerning packaging or labelling.

4.2. Impact of the amendments on the structure of the Single Documents

In this section we will analyse the relationship between the individual amendments and each separate section of the SD, in order to show which sections are the most amended, how the amendments are justified and what effect these have had.

4.2.1. Amendments and sections of the SD

The table below shows, in percentages, the concentration of the amendments in each section of the SD:

Single document section	% of individual amendments
Name of the product	2%
Description of the product	17,9%
Method of production	31%
Raw Materials	1,3%
Proof of origin	6,2%
Delimitation of geographical area	4,8%
Link	5,5%
Labelling and Packaging	12,4%
National requirements and others	7,5%

This table reveals interesting results that confirm and expand those of the previous Chapter. In particular, these findings reiterate the centrality of the 'description of the product' and of the 'method of production' sections of the SD. Moreover, they show that the 'labelling and packaging' section is often subject to amendments. This can be explained by observing that it underwent a significative evolution from the beginning of the EU *sui generis* GI system, where it was often not included in the summaries and, later, in the SDs, until the current date, where, by contrast, it is always included.

4.2.2. Sections of the SD and Justifications of the amendments

The table below show how the amendments to a specific section of the SD is justified. The sections 'National requirements' and 'Others' are not part of the structure of the SDs. However, they do appear in that of the amendment applications, hence they have been included in the analysis.

Section of the specification	Justification	No. of results	%
Name of the product	Mere clarifications, simplifications and/or corrections	2/42	4,7%
	New market standards	1/14	7,1%
Description of the product	Mere clarifications, simplifications and/or corrections	15/42	35,7%
	Introduction or modification of the production method	3/9	33,3%
	Legal or policy related justifications	1/19	5,2%
	Amendment to the origin link or locality requirement	2/11	18,1%
	Valorisation and/or preservation of the traditional qualities of the products and/or of the practices that are necessary to obtain them	9/22	40,9%
	Technological advancements, new research, more modern production practices	1/13	7,6%
	New market standards	5/14	35,7%
Method of production	Mere clarifications, simplifications and/or corrections	5/42	11,9%
	New market standards	4/14	28,5%
	Introduction or modification of the production method	4/9	44,4%
	New hygiene and/or preservation standards	2/3	66,6%
	Legal or policy related justifications	6/19	31,5%
	Functioning of the group of applicants	2/12	16,6%
	Amendment to the origin link or locality requirement	1/11	9%
	Valorisation and/or preservation of the traditional qualities of the products and/or of the practices that are necessary to obtain them	11/22	50%
	Technological advancements, new research, new production practices	10/13	76,9%
Raw Materials	Functioning of the group of applicants	1/12	8,3%
	Technological advancements, new research, more modern production practices	1/13	7,6%
Proof of origin	Mere clarifications, simplifications and/or corrections	4/42	9,5%
	Legal or policy related justifications	1/19	5,2%
	Functioning of the group of applicants	3/12	25%
	New market standards	1/14	7,1%

Delimitation of geographical area	Mere clarifications, simplifications and/or corrections	2/42	4,7%
	Amendment to the origin link or locality requirement	3/11	27,2%
Link	Mere clarifications, simplifications and/or corrections	4/42	9,5%
	Functioning of the group of applicants	1/12	8,3%
	Amendment to the origin link or locality requirement	5/11	45,4%
Labelling and Packaging	Mere clarifications, simplifications and/or corrections	4/42	9,5%
	Functioning of the group of applicants	2/12	16,6%
	Legal or policy related justifications	7/19	36,8%
	Valorisation and/or preservation of the traditional qualities of the products and/or of the practices that are necessary to obtain them	1/22	4,5%
	New market standards	4/14	28,5%
National requirements and other	Mere clarifications, simplifications and/or corrections	6/42	14,2%
	Functioning of the group of applicants	6/12	50%
	Legal or policy related justifications	4/19	21%
	New hygiene and/or preservation standards	1/3	33,3%
	Valorisation and/or preservation of the traditional qualities of the products and/or of the practices that are necessary to obtain them	1/22	4,5%
	New market standards	2/14	14,2%

This table reveals interesting details concerning the impact of the amendments on the single documents. Limiting our comments to the most relevant results, it can be observed that:

1. The majority of the amendments justified by the need of introducing ‘clarifications’, i.e. the most relevant justification from a quantitative perspective, have been found in the ‘Description of the Product’ section (36%). This reflects some of the findings of the previous chapter where it was shown that this section is probably the one that has developed the most since the adoption of regulation 2081/1992, gradually becoming more detailed and complete.
2. The amendments justified by changes in the law, policy guidelines etc... can mostly be found in the ‘Labelling and Packaging’ section (37%) and in the residual sections ‘National Requirements’ and ‘Other’ of the specification. As to the latter, some examples can clarify their functions. For instance, the amendment application for ‘Boudin Blanc de Rethel’ in the ‘Others’ section states that the indication of the national competent authority has been added to the specification following the requirements of Regulation 1151/2012.¹⁷³ Instead,

¹⁷³ Amendment application ‘Boudin Blanc de Rethel’ [2018] C97/13 [5.5].

‘Jamón de Trevélez’ in the ‘National Requirements’ section indicates that some modifications were made to bring the single document up to date with the relevant national provisions.¹⁷⁴

3. The section ‘Other’ of the amendment application also features most of the modifications that are linked to the ‘functioning’ of the applicants’ group (50%). This can be explained by observing that this justification is generally related to the adoption of administrative or bureaucratic rules related to the functioning of the group, the tracking process and other issues related to the practice of the production rather than to the product itself.
4. Unsurprisingly, the amendments justified by the need to introduce or modification to the production method intervened in particular on the contents of the sections ‘Method of Production’ (44%) and ‘Description of the Product (33%).
5. The amendments based on the need to introduce or update the hygiene or preservation standards have been found mainly in the ‘Method of Production’ section. They are, however, very rare as the figures show.
6. The amendments made to introduce new production techniques or, in general, to adopt innovative solutions are included in the ‘Method of Production’ section in more than $\frac{3}{4}$ of the times (77%), as it could be expected.
7. The 45% of the amendments that have as justification the need to modify and/or clarify the origin link and/or the locality requirement are found in the ‘Link’ section. One could expect this figure to be higher. However, the research shows that a relevant percentage of amendments with this justification can also be found in the ‘Delimitation of the Geographical Area’ and in the ‘Description of the Product’ sections in the 27% and the 18% of cases respectively.
8. Unsurprisingly, the justification ‘valorisation and/or preservation of the traditional qualities of the products and/or of the practices that are necessary to obtain them’ can be found almost exclusively in the ‘Method of Production’ (50%) and ‘Description of the Product’ (40%) sections.
9. The amendments justified by the need to bring the single document up to date with new market standards, including the will to provide consumers with more detailed information can be found predominantly in the ‘Labelling and Packaging’ (29%) and in the ‘Description of the Product’ sections (38%).

¹⁷⁴ Amendment application ‘Jamón de Trévelez’ [2013] C179/42, [3.7].

10. Finally, as mentioned above, justifications based on sustainability and environmental concerns are completely absent from the text of the amendment applications

4.2.3. Sections of the SD and Effects of the amendments

The table below shows, in percentages, the effects that are more frequent on a specific section of the specification.

Section of the specification	Effect	%
Name of the product	Merely formal effect	100%
Description of the product	Merely formal effect	31,4%
	Effect on the structure and/or the contents of the method of production	20%
	Effect on the structure and/or the contents of the link section, including the locality requirement	8,5%
	Effect on the nature and sourcing of the raw materials/ingredients	22,8%
	Effects on marketing strategy and information to consumers	17,1%
Method of production	Merely formal effect	16,3%
	Change in the nature and/or functioning of the bodies involved in the production	4%
	Effect on the structure and/or the contents of the method of production	51%
	Effect on the nature and sourcing of the raw materials/ingredients	20,4%
	Effects on packaging and labelling rules	2%
	Effects on marketing strategy and information to consumers	6,1%
Raw Materials	Effect on the nature and sourcing of the raw materials/ingredients	100%
Proof of origin	Merely formal effect	33,3%
	Change in the nature and/or functioning of the bodies involved in the production	44,4%
	Effect on the structure and/or the contents of the method of production	11,1%
	Effects on packaging and labelling rules	11,1%
Delimitation of geographical area	Merely formal effect	23,5%
	Effect on the delimitation of the geographical area	29,4%
	Effect on the structure and/or the contents of the link section, including the locality requirement	47%

Link	Merely formal effect	14,7%
	Effect on the structure and/or the contents of the link section, including the locality requirement	85,7%
Labelling / Packaging	Merely formal effect	21%
	Effects on packaging and labelling rules	68,4%
	Effects on marketing strategy and information to consumers	10,5%
National requirements & others	Merely formal effect	50%
	Change in the nature and/or functioning of the bodies involved in the production	35%
	Effects on packaging and labelling rules	5%
	Effects on marketing strategy and information to consumers	10%

Although some of these results look unsurprising, there are nonetheless some findings that deserve attention to the extent that confirm some of the findings of the previous chapter and, generally speaking, illustrate the complex nature of the SDs and of its evolution. In particular, these figures show that the scope of the ‘Description of the Product’ and ‘Method of Production’ sections can be in practice very broad and encompass various profiles of the product and of the production that one can expect to find in other sections.

For instance, with regard to the former, the 20% of the identified effects focuses on the method of production. As an example, the amendment mentioned above concerning Schwarzwälder Schinken according to which the smoking of the product must be done using exclusively fir wood or fir wood sawdust from the Black Forest was presented as a modification to the ‘Description of the product’ and not to the ‘Method of Production’ section.¹⁷⁵ Furthermore, the 23% of individual amendments have an effect on the choice and/or origin of the raw materials/ingredients. For instance, the amendment to Gailtaler Speck, mentioned above,¹⁷⁶ that specified the breeds of pig that can be used in the production, is included in the application as a modification of the ‘Description of the Product’ section.

With regard to the Method of production section, instead, the analysis shows that while the majority of the amendments, as expected, have an effect on the structure of the method of production, the 20% of them concerns the raw materials. For instance, the amendment application of Saucisson de l’Ardèche modifies rules on the age and weight of the pigs from which the product can be made.¹⁷⁷

¹⁷⁵ Amendment application ‘Schwarzwälder Schinken PGI’ (fn. 165) [3].

¹⁷⁶ Amendment application ‘Gailtaler Speck’ (fn 172) [5].

¹⁷⁷ Amendment application ‘Jambon de l’Ardèche’ (fn. 173) [5.2].

Finally, the rest of the table leads to foreseeable results. However, it can be observed that the categories 'Proof of Origin', 'National Requirements' and 'Others' have been mostly used to introduce modifications related to the structure and functioning of the producers' group; changes in the certification authority; the monitoring/tracking of the production and so on. This is due to the fact that these are the sections of the amendment applications where aspects unrelated to the product *per se* can be addressed.

5. Conclusions

The present chapter has investigated the amendments to registered GI goods and, particularly, their justifications and effects as well as their impact on the structure of the SDs. The analysis has focused in particular on the PGIs registered under product Class 1.2 (meat products cooked, salted, smoked etc.) and has illustrated the nuanced nature of the amendments that, in turn, reflects the complex evolution of the contents and structure of the specifications and SDs. More specifically, the research has expanded and contributed to the present literature by showing that:

1. Setting aside merely formal justifications, in the considered sample of goods most amendments are justified by the need to implement new legal or policy-related provisions, or to update or introduce practices that can preserve the traditional qualities of the products. Instead, environmental concerns or justifications related to the issue of sustainability are completely absent.
2. Excluding merely formal changes, the effects of the amendments impact for the most part on the structure and/or the contents of the method of production; the nature and sourcing of the raw materials/ingredients and on the rules on packaging and labelling.
3. The sections of the SDs that are most frequently subject to amendments are 'description of the product' and 'method of production'. Thus, as it was shown in the previous chapter, these two parts of the SDs confirm themselves as the areas where most part of the evolution of a registered GI takes place. In particular, the latter is the section where most of the modifications justified by the need to introduce clarifications concentrate. Furthermore, the central importance of these two sections is confirmed by the fact that they often include provisions concerning issues that one would expect to find in other parts of the SD. For instance, a relevant share of amendments to these sections has had an effect on the nature/sourcing of the raw materials.