

THE USE OF EU GEOGRAPHICAL INDICATIONS AS INGREDIENTS

AN ANALYSIS BASED
ON AREPO MEMBER
REGIONS AND
PRODUCER
ASSOCIATIONS

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CONTACTS

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The use of Geographical Indications (GIs) as ingredients in processed products represents an opportunity to extend production, and its impact, to a higher level. In fact, the diversification of market outlets has a positive impact in terms of larger quantities of GIs product used. This in turn help maintaining or in some cases even increasing production volumes.

At the same time, the identification of GI products used as ingredients on the packaging of the processed products offers an opportunity of valorisation and promotion of GI productions. When used as an ingredient and correctly mentioned on the labelling of the processed product, a GI can access to alternative and additional form of valorisation and promotion, increasing its own notoriety and visibility, thanks to the promotion and advertising done for the processed product.

Nevertheless, the reference to GI products used as ingredients on the packaging of processed products can potentially cause difficulties for producers or consumers. From producers side, there is a risk of reputational damage if the final product quality is not high enough. Furthermore, GI producer groups find increasing difficulties in establishing an effective control and surveillance system on GI products used as ingredients.

From the consumers point of view, the risk is to create confusion between the protected GI and the processed product containing it as ingredient.

In the face of this growing phenomenon, it is increasingly important to define to what extent a GI product can be mentioned on the packaging of processed product not benefiting from a GI. Furthermore, it is compelling to analyse if GIs come out stronger or if, on the contrary, the processed products take advantage of GIs reputation.

Starting from these questions, the **main objective** of the study is to analyse the **existing legislation at the EU and national levels**, as well as to identify **good practices and problems** related to the mention of a GI product on the label of a processed product that uses it as an ingredient.

The **specific objectives** include identifying what can (and cannot) be put on the label of a processed product using a GI as an ingredient, as well as what type of control can and should be exercised by GI producer groups over processing industries (of these non-GI products). How far can the control of producer groups go taking into account the approaches of the European Commission's guidelines and national legislations?

To this end, the present report starts analysing the EU general legislative framework, the guidelines defined by the European Commission and EU case law regarding the use of GI as ingredients in processed products. In addition, an analysis of existing national legislations has been carried out, with a focus on Italy and France as the only Member States that have addressed the issue, even if at different levels.

The second part of the report is focused on results of the survey submitted to GI producer groups from AREPO Regions. Based on the responses, in-depth interviews on the most interesting case studies have been conducted and the results have been elaborated in a qualitative analysis.

Finally, based on the finding of the first two parts, the last part of the study presents some policy recommendations to improve the current system and strengthen GIs protection.

PART ONE: ANALYSIS OF EUROPEAN AND NATIONAL LEGISLATION AND CASE LAW

1.1 ANALYSIS OF EUROPEAN LEGISLATION AND CASE LAW

1.1.1 CONTEXT

At EU level, the issue of Geographical Indications used as ingredients in processed products has been addressed for the first time during the last review of the UE quality policy that led to the adoption of [Regulation EU 1151/12 on quality schemes for agricultural products and foodstuffs](#)¹.

In 2008, the [Green Paper on agricultural product quality](#)² and the results of the [evaluation of the CAP policy on PDO and PGI](#)³ marked the beginning of the revision of EU quality policy regulation. Both these documents tried to address the issue of GI products used as ingredients, with the objective to identify possible difficulties arising from the advertising of GI ingredients in the packaging of the final processed products. Particular attention was placed on elements misleading consumers (e.g. when a processed product includes both a GI product and a conventional product of the same category) or creating unfair competition for producers, when different practices exist concerning the mention of the GI name used as ingredient in the labelling, presentation and advertising of a processed product.

On one hand, the evaluation of the EU quality policy did not identify any particular problem. No evidence was found that labelling of GI ingredients in processed products led consumers to confusion. Furthermore, at the time of the assessment, there were no existing judgments or pending cases of the Court of Justice of the European Union or the Court of First Instance.

However, several Member States were able to address the problem at national level, taking specific approaches to manage and regulate this issue, for instance:

- Italy was the only Member State to have adopted, already in 2004, national legislation (Legislative Decree 297/04) regarding the identification of GI products as ingredients in the labelling, presentation or advertising of a compound, prepared or processed product ([see following paragraph 1.2.1 on Italian legislation](#));
- In other Member States, such as Spain and the United Kingdom, agreements had been made between producer associations and processing companies using GI products as ingredients;
- While in Germany in 2005, following a legal dispute, a temporary agreement was reached on the advertising of a PGI product (Spreewälder Gurken PGI) on the packaging of a processed product using the PGI as an ingredient.

On the other hand, the majority of stakeholders of GI sector, consulted through the **Green Paper consultation, called for a framework to regulate the use of GI products as ingredients.** Yet, processors claimed that this use should be free and therefore not subject to a license agreement.

In light of these results, the European Commission didn't consider necessary to adopt binding legislation. Nevertheless, it found appropriate to provide guidance **adopting voluntary guidelines on the use of GIs as advertised ingredients on the labels of processed products**⁴.

1.1.2 EU LEGISLATIVE FRAMEWORK

Following the introduction, this paragraph will set the wider EU legislative framework in which the Commission guidelines are placed, before moving on to a detailed analysis of the guidelines.

Entering into force in 2012 as a result of the review of EU quality policy, [Regulation \(EU\) No 1151/2012 on quality schemes for agricultural products and foodstuffs](#)⁵ established for the first time the **need to grant specific protection to registered GIs** against any direct or indirect commercial use of a registered name, in so far as such use exploits the reputation of the GI, and **“including when those products are used as an ingredient”** in processed products (Art. 13 (a), Reg. 1151/12).

Furthermore, **protection against any misuse, imitation or evocation** is as well extended to the cases where registered GIs are used as **ingredient** (Art. 13 (b), Reg. 1151/12).

Similarly, for the **wine sector** the Regulation (EU) No. 1308/2013 on the Common Market Organization (OCM), states that PDO and PGI wines *“shall be protected against any direct or indirect commercial use of that protected name [...] in so far as such use exploits the reputation of a designation of origin or a geographical indication”* (art. 103, par. 2).

Unlike Regulation 1151/12, the OCM Regulation does not expressly states that protection is also to apply to GI wines used as an ingredient. However, in the [case Comité Interprofessionnel du Vin de Champagne v Aldi Süd Dienstleistungs-GmbH & Co OHG](#) (C-393/16)⁶, the Court of Justice of the European Union (CJEU) has clarified that the scope of the protection provisions contained in article 103 (Reg. 1308/13) actually covers situations where a wine GI is used as ingredient in a processed product.

Thus, both food and wine GIs should benefit from the same protection also when used as ingredients.

While this is a crucial provision that extend the protection of GIs, EU Regulations do not set any clear rule concerning the use of GIs as advertised ingredients on the labels of processed products, thus producing uncertain results both in terms of interpretation and application. As a consequence, and despite the primacy of the specific rules on the labelling of PDO, PGI and TSG products⁷, the **EU horizontal labelling rules** apply to this matter.

In particular, the [Regulation \(EU\) No 1169/2011 on the provision of food information to consumers](#)⁸ contains the basic rules applicable to labelling, presentation and advertising of all foodstuffs placed on the European market. The fundamental pillars of the Regulation are **accurate, clear, and understandable information to consumers** and the **prohibition of any practice that may mislead** them, particularly as to the *“nature, identity, properties, **composition**, quantity, durability, country of origin or place of provenance, method of manufacture or production”* of the food (Article 7, Regulation 1169/2011).

Concerning the use of GIs as advertised ingredients on the labels of processed products, the following provisions apply:

- An **ingredient** is defined as *“any substance or product, including flavourings, food additives and food enzymes, and any constituent of a compound ingredient, used in the manufacture or preparation of a food and still present in the finished product, even if in an altered form; residues shall not be considered as ‘ingredients’”* (Art. 2, par. 2.f).

- A **primary ingredient** is defined as “an ingredient or ingredients of a food that represent more than 50 % of that food or which are usually associated with the name of the food by the consumer and for which in most cases a quantitative indication is required” (Art. 2, par. 2.q).
- It is mandatory to list all ingredients (art. 9), in descending order of weight (art. 18, par. 1);
- Furthermore, the ingredient shall be **designated by their specific name**, i.e. for GI the official registered name (art. 18, par. 2).
- It is not compulsory to indicate the quantity of an ingredient when it is only mentioned in the list of ingredient (art. 22);
- Nevertheless, the **quantity** of the ingredient has to be indicated **as a percentage of the total** (Annex VII, par. 3) when the ingredient in question:
 - **appears** in or is usually associated with the **name** of the food;
 - is **emphasised on the labelling in words, pictures or graphics**; or
 - is **essential to characterise a food** and to distinguish it (art. 22).

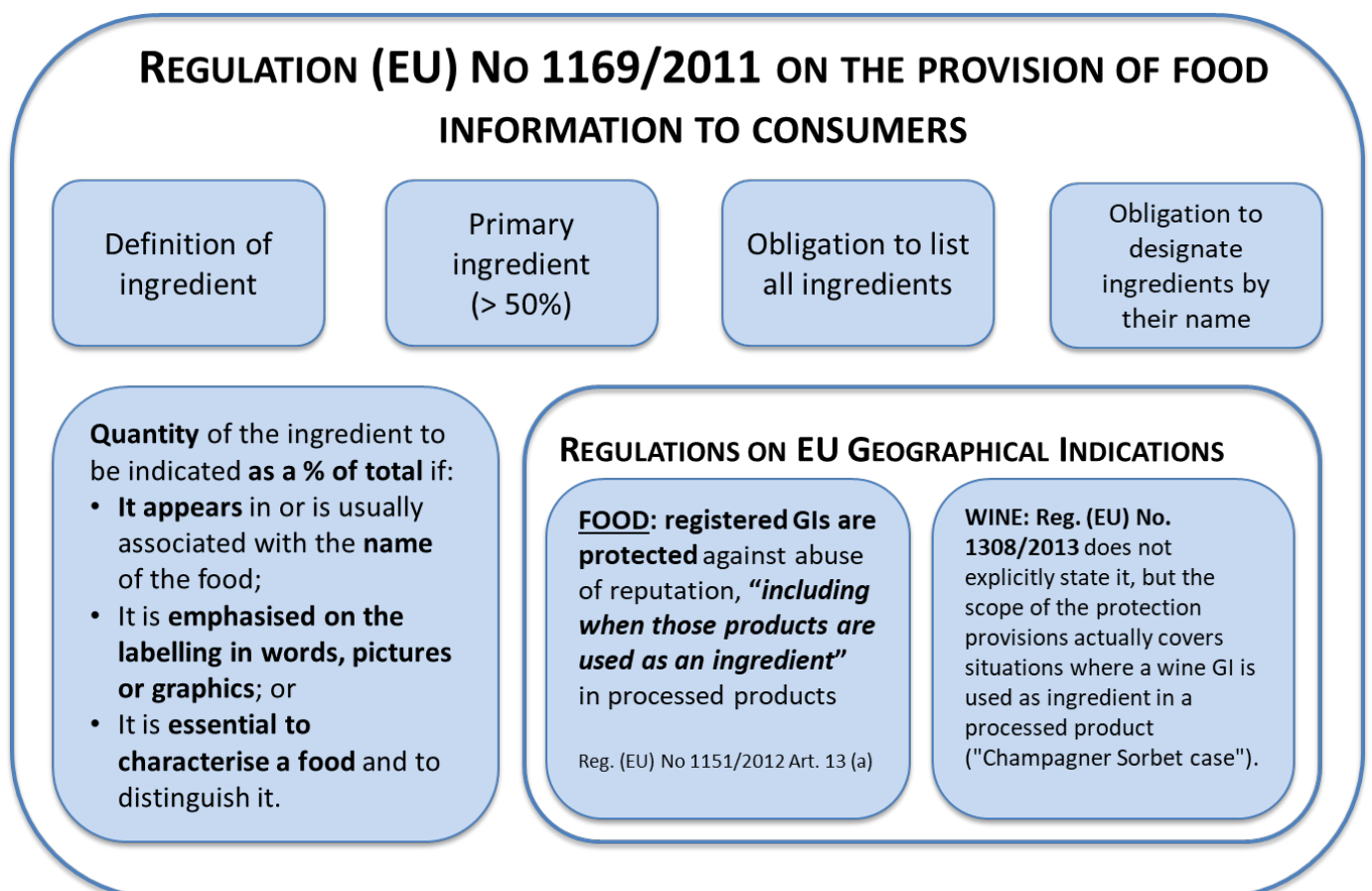


Figure 1 EU legislative framework.

1.1.3 EU GUIDELINES

In 2010, the European Commission adopted a Communication called "[Guidelines on the labelling of foodstuffs using protected designations of origin \(PDOs\) or protected geographical indications \(PGIs\) as ingredients](#)"⁹. The objective was to ensure that the mention of the GI used as ingredient on the label of the processed products is made in good faith and does not mislead consumers.

In addition, those guidelines are intended to **illustrate the legislative provisions applicable in this area** and to help economic operators define their room for manoeuvre. Nevertheless, **the uptake of the guidelines is voluntary**: the operators of the food chain do not have to apply them if they do not wish to.

In particular, the Guidelines clarify the conditions under which GI names can be used in the labelling, presentation and advertising of foodstuffs containing such names as ingredients:

1. The name of a registered GI may **legitimately be mentioned in the list of ingredients of a food product**.
2. On the other hand, when the name of a registered GI is **mentioned near to the trade name, or in the labelling, presentation, advertising of a foodstuff using it as ingredient**, the following conditions should be met:
 - Firstly, **the processed product should not contain any other 'comparable ingredient'**, defined as ingredient or ingredients which may entirely or partially replace the GI.
 - Secondly, *"this ingredient should also be used in sufficient quantities to confer an essential characteristic on the foodstuff concerned"*.
 - Thirdly, *"the percentage of incorporation of an ingredient with a PDO or PGI should ideally be indicated in or in close proximity to the trade name of the relevant foodstuff or, failing that, in the list of ingredients, in direct relation to the ingredient in question"*.
3. If the previous conditions are met, a further requirement in order to being able to use the **EU terms, abbreviations (i.e. PDO and PGI) or symbols (i.e. EU logos)** accompanying the registered name, in labelling or in the list of ingredients of a processed product, would be to **made it clear that the said product is not itself a registered GI**. This condition is fundamental to avoid the undue exploitation of GI reputation as well as avoid misleading consumers.
4. **If a comparable ingredient has been incorporated**, the GI name should appear **only in the list of ingredients**, and not on the front pack. Furthermore, to avoid undue exploitation of GI reputation, the GI name and the comparable ingredient should be written in the list using **identical characters in terms of font, size and colour**.
5. Finally, provisions on the use of a GI name in the labelling of other foodstuffs should **only exceptionally be included in the GI specification**, i.e. to resolve a specific, clearly identified difficulty and provided they are objective, proportionate and non-discriminatory.

These conditions set a direction but, at the same time, create uncertainty as to their application, since they are left open to a great deal of room for interpretation. In fact, while Regulation (EU) No 1169/2011 defines the notion of ingredient and primary ingredient, the same cannot be said for the notion of 'comparable ingredient' and 'characterising ingredient'.

EC GUIDELINES ON THE LABELLING OF FOODSTUFFS USING PDOS OR PGIS AS INGREDIENTS

Conditions under which GI names can be used in the labelling, presentation and advertising of foodstuffs containing such names as ingredients



LIST OF INGREDIENTS

The name of a registered GI may legitimately be mentioned in the **list of ingredients of a food product**.

LABELLING, PRESENTATION, ADVERTISING

CONDITIONS to correctly mention the name of a registered GI in the labelling, presentation, advertising of a foodstuff using it as ingredient:

1. NO COMPARABLE INGREDIENTS



The **processed product should not contain any other 'comparable ingredient'**, i.e. ingredient(s) from the same product category which may entirely or partially replace the GI.

2. ESSENTIAL CHARACTERISTIC

This ingredient should also be used in **sufficient quantities** to confer an **essential characteristic** on the foodstuff concerned.



3. INDICATE PERCENTAGE



The **percentage** of incorporation of an ingredient with a PDO or PGI **should ideally be indicated in or in close proximity to the trade name** of the relevant foodstuff or, failing that, in the **list of ingredients**.

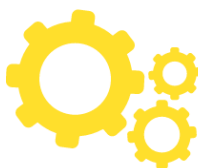
EU TERMS, ABBREVIATIONS AND LOGOS

If the previous conditions are met, the **EU terms, abbreviations or EU logos can accompany the registered name**, in labelling or in the list of ingredients of a processed product **ONLY IF it is made it clear that the said product is not itself a registered GI**.

It is fundamental to avoid the undue exploitation of GI reputation as well as avoid misleading consumers.



GI SPECIFICATIONS



Provisions on the use of a GI name in the labelling of other foodstuffs **should only exceptionally be included in the GI specification**, i.e. to resolve a specific, clearly identified difficulty and provided they are objective, proportionate and non-discriminatory.

Concerning the first condition, the Commission considers that a blue cheese is comparable to 'Roquefort', by means of example. However, the EC does not clarify the concept of comparable ingredient. On the contrary, the example given is "*indicative and not restrictive*", i.e. it is case-specific and does not constitute a precise and mandatory reference.

As regards the second condition, the Commission similarly admits that it is not possible to suggest a uniformly applicable minimum quantity to define an ingredient as an 'essential characteristic' of the processed product, given the heterogeneity of cases.

The notion of '**characterising ingredient**' is only mentioned in Reg. 1169/11, Art. 22, which establish that the quantity of an ingredient must be indicated on the label when the ingredient in question is essential to characterise a food product and distinguish it from other products. This provision does not provide an exact definition of 'characterising ingredient' and leaves **room for interpretation about the percentage of an ingredient required to characterise a food**.

Recognising the extreme variability and diversity between GIs, in terms of their intrinsic characteristics, reputation, diffusion and market penetration, the Commission preferred not to establish general rules that are valid in all cases. Nevertheless, the non-binding conditions defined in the Guidelines have inspired on the one hand **national regulations** establishing more specific and binding criteria, on the other hand **internal regulations adopted by GI producer associations**, adapting the Guidelines general conditions to their specific GI.

Figure 2 EC Guidelines on the labelling of foodstuffs using PDOs or PGIs as ingredients.

1.1.4 EU CASE LAW: CHAMPAGNER SORBET CASE

The issue of GIs used as ingredients has acquired further relevance after being the subject of a judgment of the Court of Justice of the European Union (CJEU) concerning the [case Comité Interprofessionnel du Vin de](#)

Figure 3 Champagne Sorbet label.



[Champagne v Aldi Süd Dienstleistungs-GmbH & Co OHG](#) (C-393/16)¹⁰.

The case involved Aldi Sud, a well-known German discount chain, and the French Comité Interprofessionel du Vin de Champagne (CIVC), the association of champagne producers. In particular, in 2012 Aldi began to sell a frozen product, manufactured by the Belgian company Galana NV, and distributed under the name

'Champagner Sorbet'. The processed product contained among its ingredients **12% champagne**.

Source: eur-lex.europa.eu

At first, the CIVC brought proceedings before the Regional Court of Munich requesting to prohibit Aldi from using the name 'Champagner Sorbet', in order to prevent an unfair exploitation of the PDO reputation. The Regional Court granted the application, but the decision was reversed by the Higher Regional Court. The latter ruled in favour of Aldi on the ground that the discount chain had a legitimate interest in using the name 'Champagner Sorbet', considering Champagne as an essential ingredient of the processed product. Therefore, there was no misleading indication.

At that point, the CIVC referred the matter to the German Federal Court of Justice, which in turn considered it necessary to **refer to the CJEU for a preliminary ruling**, asking to determine whether the use of a PDO name constitutes unlawful exploitation of the reputation of that PDO¹¹.

- First of all, the Court found that the use of a PDO as part of the name of a processed product **cannot be considered an unfair use *per se***.
- In fact, in order to determine whether the use of a PDO name as part of the name of a processed product constitute **unlawful exploitation** of the reputation of a PDO, it is necessary to examine whether such **use seeks to take unfair advantage of its reputation**.
- The **quantity** of the PDO product used as an ingredient is a **relevant test**, but is **not a sufficient** factor if considered alone, since an essentially qualitative assessment must be carried out.
- In light of that, the use of a PDO name as part of the name of a processed product is **lawful, even without the consent of the GI producer groups**, if the final product has, as one of its characteristics, *“a taste attributable primarily to the presence of that ingredient in the composition of the foodstuff”*.
- Finally, it is **up to the national courts to determine**, on a case-by-case basis, whether such use is intended to take unfair advantage of the reputation of a PDO.

To sum up, the 'Champagner Sorbet' judgment affirms that, in order to determine whether a GI contained in a processed product confers on it one of its essential characteristics, it must be ascertained whether the

taste of the product is attributable primarily to the presence of the GI in the composition of the product. If not, it can be concluded that using the GI name on the packaging of the final product constitutes a false or misleading indication and is therefore unlawful.

Even if it establishes a certain level of protection for the GIs used as ingredient in a processed product, the judgment would seem to liberalise, under certain conditions, the use of PDOs and PGIs in the name of composite products, **regardless of the authorisation of the protection consortia or the provisions of the specifications**. Furthermore, it does not define “taste”, leaving up to the national courts to analyse and decide case by case.

1.1.1.5 EU TRADEMARKS AND GIS USED AS INGREDIENTS

The Champagner Sorbet case has brought development to the practices of the European Union Intellectual Property Office (EUIPO) concerning conflicts between trademarks and GIs.

EUIPO practices concerning trade mark and design are collected in a series of [guidelines](#)¹² which aim at increasing the efficiency and consistency of EUIPO decisions, as well as to inform the users of EUIPO services. The guidelines are systematically updated in order to collect the principles of practice derived from the case law of the ECJ, the case-law of the Boards of Appeal of EUIPO, and the decisions of EUIPO's Operations Department.

Part B of the EUIPO Guidelines describes the procedure for examining an application for a European Union trade mark (EUTM) from filing to publication. During the examination procedures, the Office examines various data relating to the application, **including absolute grounds for refusal**¹³.

In particular, section four, chapter ten of the Guidelines provides for the absolute grounds for refusal of a trade mark in case of **conflict with an existing registered Geographical Indication** (PDO or PGI) at EU level¹⁴.

According with EU regulations on geographical indications, GIs are protected against different situations:

1. any use of a GI (direct or indirect):
 - a. in respect of products not complying with the product specification of a GI; or
 - b. insofar as such use exploits the reputation of a GI;
2. any misuse, imitation or evocation;
3. any other false or misleading indications or practices.

EUIPO

The European Union Intellectual Property Office (EUIPO), located in Alicante, is responsible for the registration of European Union trade marks (EUTM) and registered Community designs (RCD) under European Union trade mark Regulation (EUTMR) and Council Regulation 6/02 of 12 December 2001.

The purpose of the European Union Trade Mark Regulation (EUTMR) is to allow proprietors to register a right whose validity is extended to the whole of the European Union, provided that it does not infringe the rights of others.

Pursuant to EUTMR, EUIPO takes care of the registration procedures, including the examination of applications for absolute grounds for refusal and, where opposition to a Community trade mark application has been filed, for relative grounds for refusal.

Concerning the **exploitation of the reputation of GIs**, EUIPO includes under the protection also “**goods in which the GI is a relevant ingredient**”.

Based on that, when analysing an application for registering a new EUTM, EUIPO will raise an objection not only to a EUTM covering the exact product of an existing GI, but also to EUTM which covers **any other goods in which the GI product can be seen as the commercially relevant ingredient**. EUIPO defines an ingredient as commercially relevant “*if it may determine the choice of the main product*”, that is if consumers decision to buy the product is mainly driven by the presence of said ingredient.

In other words, if a registered GI is used as a relevant ingredient in a processed product included in the ETUM application, **a restriction in the list of products may be required**, in order to overcome an objection on absolute grounds. This means that the list of products included in the application should be limited to final products including as a commercially relevant ingredient the registered GI (*see examples in table 1*).

Table 1 List of examples of processed products using a GI as a relevant ingredient and requiring a restriction in the list of final products.

GI In the EUTM	Original Specification (Not Acceptable)	Acceptable List Of Goods	Explanation
POMME DU LIMOUSIN (FR/PDO/0005/0442)	<i>Jams and compotes</i>	<i>Jams and compotes of apples</i> complying with the specifications of the PDO ‘Pomme du Limousin’.	The <i>fruit</i> is the main ingredient of <i>jams and compotes</i> .
PROSCIUTTO DI PARMA (IT/PDO/0117/0067)	<i>Pizzas</i>	<i>Pizzas with ham</i> complying with the specifications of the PDO ‘Prosciutto di Parma’.	This topping is the main ingredient of a <i>pizza</i> and the one that determines the consumer’s choice.
RIOJA (PDO-ES-A0117)	<i>Wine vinegar</i>	<i>Wine vinegar made from wine</i> complying with the specifications of the PDO ‘Rioja’.	The EUTM can be accepted for <i>wine vinegar</i> complying with the specifications of the PDO. Wine is an ingredient of <i>vinegar</i> (wine vinegar is made of wine).
TURRÓN DE AGRAMUNT (ES/PGI/0005/0167)	<i>Ices</i>	<i>Nougat-based ices</i> complying with the specifications of the PGI ‘Turrón de Agramunt; Torró d'Agramunt’.	‘Turrón’ is a commercially relevant ingredient for ice creams.
BERGAMOTTO DI REGGIO CALABRIA- OLIO ESSENZIALE (IT/PDO/0005/0105)	<i>Perfumes</i>	<i>Perfumes with Bergamot</i> complying with the specifications of the PDO ‘Bergamotto di Reggio Calabria — Olio essenziale’.	Bergamot is an essential oil that provides a particular aroma to perfume. This aroma is what drives the consumers’ choice and is thus the commercially relevant ingredient.
SCOTCH WHISKY	<i>Cocktails</i>	<i>Cocktails containing whisky</i> complying with the specifications of the PGI ‘Scotch Whisky’.	The EUTM can be accepted for cocktails made of whisky complying with the specifications of the GI. Contrary to wines, <i>cocktails, other than whisky-based</i> are not acceptable to the extent that they may be deceptive.

On the contrary, when the GI product is used as a secondary ingredient, not commercially relevant, the restriction in the list of products will not be needed (see the example concerning the Aceite de la Alcarra).

Table 2 List of examples of processed products using a GI as a secondary ingredient and not requiring a restriction in the list of final products.

GI In the EUTM	Original Specification	Acceptable List Of Goods	Explanation
ACEITE DE LA ALCARRIA (ES/PDO/0005/0562)	Pastry	Pastry	The goods do not need to be restricted by the mere fact that <i>oil</i> is used in their preparation. <i>Oil</i> is a secondary ingredient that is not commercially relevant.

Source: *Guidelines for Examination in the Office, Part B Examination, Section 4 Absolute grounds for refusal — Chapter 10 Trade Marks in Conflict with Designations of Origin and Geographical indications, pages 593-594.*

1.2. NATIONAL LEGISLATION

Italy is the only Member State to have adopted specific national legislation defining the conditions under which GI names can be used in the labelling, presentation and advertising of foodstuffs containing such names as ingredients.

The following section analyses the **Italian Legislative Decree (*decreto legislativo*) no. 297 of 2004**, which is quite unique at European level since it establishes the right and duty of GI consortia to authorise operators to use their GI name in the labelling, presentation and advertising of foodstuffs containing such name as ingredients.

Moreover, the analysis will also include the **circulars of the Ministry of Agriculture and Forestry Policies (MIPAAF)** which, in the absence of a recognised GI Consortium, identify the graphic and administrative criteria to be respected in order to refer to a GI in the labelling, presentation or advertising of a compound, prepared or processed product.

Finally, the **French case** will be discussed more in detail in [section 1.2.2](#). France has chosen not to adopt binding legislation. Nevertheless, the Directorate-General for Competition, Consumer Affairs and Fraud Control (DGCCRF) in cooperation with the National Institute of Origin and Quality (INAO) have defined **specific principles** concerning the question of the use of GIs as ingredients.

1.2.1 ITALY

The fact that Italy, one of the major GIs producers, has seen the need to develop national legislation demonstrate that there is a legal void at EU level. Italy preferred to clarify with national legislation when the use of a PDO/PGI name is lawful, rather than leaving this issue to be solved in court.

[Legislative Decree no. 297 of 2004](#)¹⁵ contains penalty provisions to protect and safeguard the geographical indications of agricultural products and foodstuffs registered at European level. In particular, the first part of the decree regulates the application of administrative sanctions against economic operators in case of improper use of the name, distinctive sign or trademark of a GI (art. 1.1).

Among the cases sanctioned by the decree, one concerns the **use of a protected GI name in the labelling, presentation and advertising of foodstuffs containing such name as ingredients** (art. 1.1.c). This violation is subject to a pecuniary administrative sanction ranging from 2.500 to 16.000€ thousand euros.

Furthermore, the decree continues setting up the conditions under which the use of a protected GI name in the labelling, presentation and advertising of foodstuffs containing such name as ingredients is considered legal:

- 1.a. the **Consortium responsible for the GI has issued an authorisation** and entered the user of the product in a special register, which must be kept up to date by the Consortium;
- 1.b. or, in the absence of a recognised Consortium, the Ministry of Agricultural and Forestry Policies (**MIPAAF**) **has issued the authorisation** (in this case the MIPAAF is also responsible for the management of the register);
- 2. or the reference to the GI appears only in the **list of ingredients** of the processed product containing it.

GI PROTECTION CONSORTIA

In Italy, a GI producer association must obtain the recognition of the MIPAAF in order to take on the functions of Consortium of protection. To this end, the association must meet a representativeness criterion equal to at least 2/3 of the production verified by the control body and deemed suitable for certification.

The Consortia are born as voluntary associations, without lucrative purposes, promoted by the economic operators involved in the sectors with the precise function of protection, promotion, valorisation, consumer information and general care of the Geographical Indications.

The Consortia are essentially assigned important institutional tasks, and they intervene in representation and protection of all the companies involved in the production of the GI, whether they are consortium members or not.

In the absence of a recognised Consortium, it is the Producers' Association that is in charge of the promotion and protection of the product recognised as GI, even if with more limited competences than the Consortium. For example, in the case of interest in this study, in the absence of a recognised Consortium, it is not the Producers' Association that authorises the use of the GI as an ingredient, but the Ministry.

BOX 1

It should be noted that the original text of the decree also included a criterion requiring the processed product not to contain any other ingredient comparable to the GI product. This criterion has been repealed and **no product criteria are included in the current text.**

As far as **wine products** are concerned, the reference to a GI in the labelling, presentation or advertising of processed products is regulated by the [Single Text on vines and wine, Law no. 238 of 12/12/2016](#)¹⁶. In particular, the **same conditions** described above for agri-food products **apply also for wine** (see art. 44 paragraphs 9 and 10), with the addition of two specific cases for which authorisation is not required:

- For **derivative non-prepackaged products** prepared in laboratories attached to a point of **direct sale** to the final consumer (art. 44.10.a);
- And in cases where reference to the GI is made "*in the labelling and presentation of **spirit drinks** entitled to it under Regulation (EC) No 110/2008 and **wine vinegars***" (art.44.10.b).

Italian legislation is quite unique at European level since it establishes **the right and duty of GI consortia** to authorise operators to use their GI name in the labelling, presentation and advertising of foodstuffs containing such name as ingredients.

This legislation would appear to be in line with the Article 13 of Regulation 1151/2012, which extends the protection to GI products used as ingredients, and confers as well on Member States the obligation to "*adopt appropriate administrative measures to prevent or stop the unlawful use of protected designations of origin and protected geographical indications within the meaning of paragraph 1, produced or marketed in that Member State*".

On the contrary, the Decree is not fully in line with the ruling of the CJEU on 'Champagner Sorbet' case which does not consider the **authorisation of GIs producer groups a prerequisite to determine the (unlawful) use of a GI name in the sales name of a final product.**

Coming back to the specifics of Italian case, as anticipated, **in the absence of a recognised Consortium, the MIPAAF is in charge to issue the authorisation.**

To this end, in 2007, MIPAAF issued two **circulares**, respectively for [agri-food products](#)¹⁷ and [wine products](#)¹⁸, which identify the **graphic and administrative criteria to be met** in order to refer to a GI in the labelling, presentation or advertising of a compound, prepared or processed product.

It should be underlined that the **Circulars apply to cases where, in the absence of a recognised GI consortium, authorisation is granted by the Ministry.** Therefore, the criteria do not have to be applied by the Consortia, which have more freedom to define specific rules to provide authorisation to use their

product. Nevertheless, as will be seen in more detail in [part 2.2](#), **many Consortia follow partly or totally the same criteria.**

The criteria defined in the Circulars are divided into thirteen points. The same apply for food and wine products. As regards the reference to a GI in the labelling, presentation or advertising of a compound product, the **graphic criteria** to be respected are the following:

- The acronyms 'PDO' and 'PGI' or the relevant indications must be placed between **inverted commas**, and **must follow the name of the GI used as an ingredient**, to prevent the consumer from believing that they refer to the compound product.
- The **font size** used for the GI reference must be **smaller** than the font used for the name of the compound product, the responsible operator, the brands.
- In addition, the **same font of the same size** must be used for the name of the GI, the wording (Protected Designation of Origin or Protected Geographical Indication) or the respective acronyms.
- It is **forbidden to use the EU logos as well as the logo of the protected GI.**

Similar criteria are established for the introduction on the label of the **translation** of the GI name into a language other than Italian.

These criteria are completely in line with EC guidelines, with the exception of the use of the logo. In fact, the EC guidelines are open to the possibility to use UE logos (*symbols*) accompanying the registered name in the labelling of a processed product, on the condition that it is clear that the said product is not itself a registered GI. Nevertheless, the **MiPAAF firmly believes that the use of EU logos on a processed product is in itself misleading for consumers and prefers to forbid it completely.**

The Circulars also details specific **administrative requirements and criteria** that must be met by operators once they have received the authorisation by the MiPAAF. In particular, operators must undertake to:

- Ensure that the GI product is purchased from a supplier or packager that has been checked under the control system of the quality scheme.
- **Register the quantity of the GI product used** in the compound product in order to demonstrate, at the request of the Ministry, that this quantity corresponds to the quantity of the GI product purchased. With commitment to present the relevant documents, upon request of the Ministry.
- **Record monthly the number of packs of processed product produced.**
- Send the MiPAAF a **technical data sheet** describing the compound, processed or transformed product.
- Communicate the **location of the plant where production will take place**, as well as any subsequent changes.
- Declare that before processing the **GI product will be stored separately from other products** belonging to the same product category.
- Declare that the **authorisation granted will not be transferred**, even in sub-concession, to third parties.

In order to obtain the authorisation, the operator must apply to the Ministry by including among the documents a **draft label**, to verify compliance with the graphic criteria described above, and the **technical data sheet**, describing the product for which the label will be used.

As mentioned above, the criteria described mainly concern the application procedure (graphic and administrative criteria). The characteristics that the final product must possess in order to obtain the authorisation are not specified.

The situation is different with regard to the authorisations issued by the consortia, which may codify criteria including **rules concerning the final product**. For example, in some cases it is forbidden to include products comparable to the GI; in other cases, the consortium establishes a minimum percentage of the GI product to be used in the processed product.

Although the requirements set out in the Commission Communication concerning labelling guidelines are voluntary (2010/C 341/03) and the criteria identified by the MIPAAF apply only in the absence of a recognised GI consortium, many Consortia draw at least part of their internal regulations from these documents. *For more details on the criteria adopted by the consortia, see the [second part](#) of the report.*

1.2.2 FRANCE

As far as the French context is concerned, the General Directorate for Competition, Consumer Affairs and Fraud Control (DGCCRF), in collaboration with the National Institute of Origin and Quality (INAO), has defined principles concerning the use of quality products (PDO, PGI and Label Rouge) as ingredients.

These criteria take into account the guidelines of the European Commission, as well as:

- **Consumer protection rules:** *"Labelling and the manner in which it is carried out must not be such as to create confusion in the mind of the purchaser or consumer, particularly as regards the characteristics of the foodstuff and in particular the nature, identity, qualities, composition, quantity, durability, origin or provenance and the method of manufacture or production. Labelling must not include any indication which may lead the consumer to believe that the foodstuff has special characteristics when all similar foodstuffs have the same characteristics"* - Article R112-7 of the [Consumer Code](#)¹⁹.
- **Rules relating to the protection of quality schemes:** *"The name constituting the appellation of origin or any other reference to it may not be used for similar products, without prejudice to the laws and regulations in force on 6 July 1990. It may not be used by any establishment or by any other product or service if such use is likely to compromise or weaken the reputation of the appellation"* - art. L643-1 par. 2 of the [Rural Code](#)²⁰.

The principles defined by the DGCCRF and the INAO identify **criteria for processed products** that must be met in order to include rightfully a GI name in the sales denomination of the final product. Particularly:

- The product used as ingredient **must actually benefit from the GI** and
- It must be the **only product of its category** incorporated in the preparation.
- Furthermore, the criteria do not establish a minimum quantity, but specify that the GI must be incorporated in a **quantity sufficient** to give the final product a **particular character**.

In addition to these criteria concerning the final product, the principles also describe several graphic criteria:

- The presence of the GI should not be over-emphasised by the use of oversized and contrasting **characters** to attract the attention of the consumer.
- The **terms PDO/PGI/TSG** may be mentioned after the name, provided that they are linked to the protected name and not to the product incorporating it.
- Finally, the corresponding **logo (PDO, PGI, TSG) may not be used under any circumstances.**

If the criteria for processed products are not met, the name of the GI can only appear in the list of ingredients.

In this case, reference must be made to the rules for foodstuffs. The GI may be mentioned, as well as the quantity introduced (as a percentage), and the characters used must be of the same size and colour as the rest of the ingredients.

These criteria are completely in line with EC guidelines, with the exception of the use of the logo. In fact, the EC guidelines are open to the possibility to use UE logos (*symbols*) accompanying the registered name in the labelling of a processed product, on the condition that it is clear that the said product is not itself a registered GI. Nevertheless, the INAO firmly believes that the use of EU logos on a processed product is in itself misleading for consumers and prefers to forbid it completely.

Even if in France GI producer groups have not the recognised duty to authorise processors to use their GI name in the labelling, presentation and advertising of foodstuffs containing such GI as ingredients, several GI producer groups have adopted specific criteria to adapt these principles to the needs of their products. The existing practices will be analysed in the following chapter.

Finally, it is important to stress that, even if these principles are not binding recommendations, they are supported by case law. Especially:

1. In a [case opposing the Comité Interprofessionnel du Vin de Champagne \(CIVC\)](#) to a processing company manufacturing, among others, “whole duck foie gras with two peppers and champagne”²¹ (25 November 2014), the French Supreme Court (*Cour de cassation*) recognised the principle of “characterising ingredient” as well as the importance to **respect graphic criteria**, i.e. GI name should not appear in distinctive characters compared to the name of the processed products using the GI as ingredient.
2. In the “Champagner Sorbet” case the CJEU further confirmed the principle that the **GI should confer an essential characteristic** to the processed product in order to be mentioned rightfully on its labelling ([see paragraph 1.1.4](#)).
3. Finally, in the “Pizza Hut Vs Comté” case²², the Paris Court of Appeal recalled in its decision (28 February 2017) that the promotion of a PDO in the recipe of a processed product should comply with strict rules, among others, with the principle that the **processed product should not contain any other 'comparable ingredient'**.

¹ 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, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32012R1151>

² European Commission, (2008), “Green Paper on agricultural product quality: product standards, farming requirements and quality schemes”, 3.4. Geographical indications as ingredients in processed products <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52008DC0641>

³ Evaluation of the CAP policy on protected designations of origin (PDO) and protected geographical indications (PGI), London Economics November 2008, <http://londoneconomics.co.uk/blog/publication/evaluation-of-the-cap-policy-on-protected-designations-of-origin-pdo-and-protected-geographical-indications-pgi/>

⁴ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on agricultural product quality policy, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52009DC0234#document1>

COMMISSION STAFF WORKING DOCUMENT accompanying the COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF REGIONS on agricultural product quality policy https://ec.europa.eu/smart-regulation/impact/ia_carried_out/docs/ia_2009/sec_2009_0670_en.pdf

⁵ 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, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32012R1151>

⁶ Comité Interprofessionnel du Vin de Champagne v Aldi Süd Dienstleistungs-GmbH & Co OHG (C-393/16), <http://curia.europa.eu/juris/document/document.jsf?text=&docid=198044&pageIndex=0&doclang=IT&mode=lst&dir=&occ=first&part=1&cid=16291477>

⁷ The Art. 26 of Regulation 1169/2011 clearly states the primacy of the specific rules on the labelling of PDO, PGI and TSG products in relation to other foodstuffs, concerning the indication of the country of origin or place of provenance.

⁸ Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2011.304.01.0018.01.ENG&toc=OJ:L:2011:304:FULL

⁹ Commission Communication — Guidelines on the labelling of foodstuffs using protected designations of origin (PDOs) or protected geographical indications (PGIs) as ingredients, [https://eur-lex.europa.eu/legal-content/HR/TXT/?uri=CELEX:52010XC1216\(01\)](https://eur-lex.europa.eu/legal-content/HR/TXT/?uri=CELEX:52010XC1216(01))

¹⁰ C-393/16 - Comité Interprofessionnel du Vin de Champagne <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-393/16>

¹¹ In particular, the request for a preliminary interpretation concerns the Article 118m of Regulation No 1234/2007, in force at the material time, and Article 103 of Regulation No 1308/2013, which replaced it with effect from 1 January 2014.

¹² Guidelines for examination European Union Intellectual Property Office (Euiipo) <https://guidelines.euipo.europa.eu/binary/1922895/2000000000>

¹³ Article 7(1) RMUE

¹⁴ Guidelines for Examination in the Office, Part B Examination, Section 4 Absolute grounds for refusal — Chapter 10 Trade Marks in Conflict with Designations of Origin and Geographical indications (Article 7(1)(j) EUTMR)

¹⁵ DECRETO LEGISLATIVO 19 novembre 2004, n. 297 - Disposizioni sanzionatorie in applicazione del regolamento (CEE) n. 2081/92, relativo alla protezione delle indicazioni geografiche e delle denominazioni di origine dei prodotti agricoli e alimentari. <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2004-11-19;297!vig=>

¹⁶ Disciplina organica della coltivazione della vite e della produzione e del commercio del vino legge 238/2016
<https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2016-12-12;238!vig=>

¹⁷ Circolare – dg Sviluppo Agroalimentare e Qualità – MipAAf (2007) sui criteri per l'utilizzo del riferimento ad una denominazione d'origine protetta o ad un'indicazione geografica protetta nell'etichettatura, nella presentazione o nella pubblicità di un prodotto composto, elaborato o trasformato dei prodotti agricoli o alimentari.
<https://www.politicheagricole.it/flex/cm/pages/ServeAttachment.php/L/IT/D/b%252Fa%252Fd%252FD.2fe3bec7250507ce1287/P/BLOB%3AID%3D9795/E/pdf>

¹⁸ Circolare – dg Sviluppo Agroalimentare e Qualità – MipAAf sui criteri per l'utilizzo del riferimento ad una denominazione d'origine protetta o ad un'indicazione geografica protetta nell'etichettatura, nella presentazione o nella pubblicità di un prodotto composto, elaborato o trasformato.
<https://www.politicheagricole.it/flex/cm/pages/ServeAttachment.php/L/IT/D/3%252F2%252F5%252FD.3c80c044216aa507091f/P/BLOB%3AID%3D9795/E/pdf>

¹⁹ Code de la consommation - Article R112-7
https://www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=AF6F79C5D2CE6CFF4ED44C3EE2C7C0B2.tplgfr27s_2?i dArticle=LEGIARTI000006292768&cidTexte=LEGITEXT000006069565&dateTexte=20091009

²⁰ Code rural et de la pêche maritime - Article L643-1
<https://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000006584783&cidTexte=LEGITEXT000006071367&dateTexte=20070101>

²¹ Cour de cassation, civile, Chambre commerciale, 25 novembre 2014, 13-19.870
<https://www.legifrance.gouv.fr/affichJuriJudi.do?idTexte=JURITEXT000029819758&fastReqId=1578813876&fastPos=3 &oldAction=rechJuriJudi>

²² <http://qualite.groupe-cerclevert.fr/pizza-hut-condamne-en-justice-pour-lusage-dun-nom-daop/>

PART TWO: SURVEY ANALYSIS

2. SURVEY ANALYSIS

The second part of the study deals with the **analysis of the survey** submitted to GI producer groups, with the aim of **identifying good practices and problems** related to the mention of a GI product on the label of a processed product using it as an ingredient.

2.1 METHODOLOGY AND ANALYSIS OF RESPONDENTS PROFILE

The survey, composed by a total of twenty-six questions, was structured in three parts:

1. The first one concerns information about the **GI producer groups and the protected products**;
2. The second collects **economic data** on GI producer groups, as well as data referred to the use of GI as ingredient (volume of GI product used as ingredient, number of companies using the GI as ingredient).
3. Finally, the third part contains **qualitative and open questions** focused on strategies, experiences and problems experienced by the producer groups on the use of GIs as ingredients.

The survey was submitted to GI producer groups from AREPO member Regions through the Google Forms platform during about two months (July and August 2020). **One hundred GI producer groups replied to the survey**, from six different countries, divided as follow: **France (44), Italy (34), Spain (11), Germany (7), Greece (2), and Portugal (2)**.

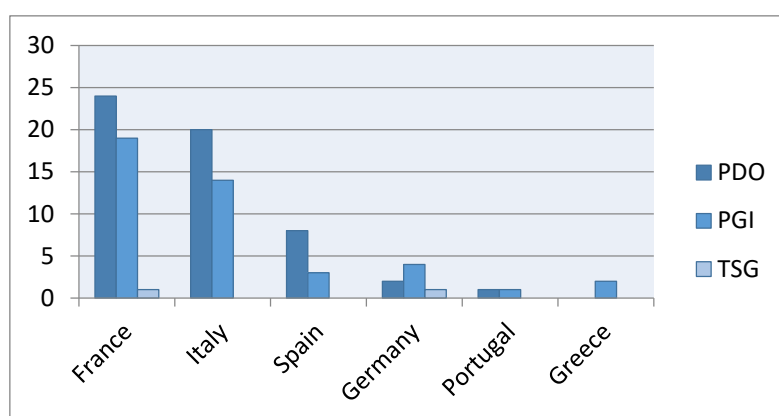
The replies have been analysed differentiating the quantitative and qualitative questions. Furthermore, in order to allow a reliable and objective evaluation, the national legislative context of the different countries has been taken into account in the analysis.

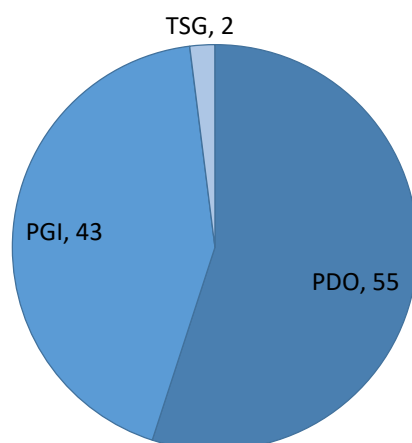
The table (3) and figure (4) below show in details the distribution for country and type of product (PDO/PGI/TSG).

Table 3 Survey participants divided by PDO/PGI/TSG (part 1)

	France	Italy	Spain	Germany	Portugal	Greece	Total
PDO	24	20	8	2	1	0	55
PGI	19	14	3	4	1	2	43
TSG	1	0	0	1	0	0	2
Total	44	34	11	7	2	2	100

Figure 4 Survey participants divided by PDO/PGI/TSG (part 2 and 3)





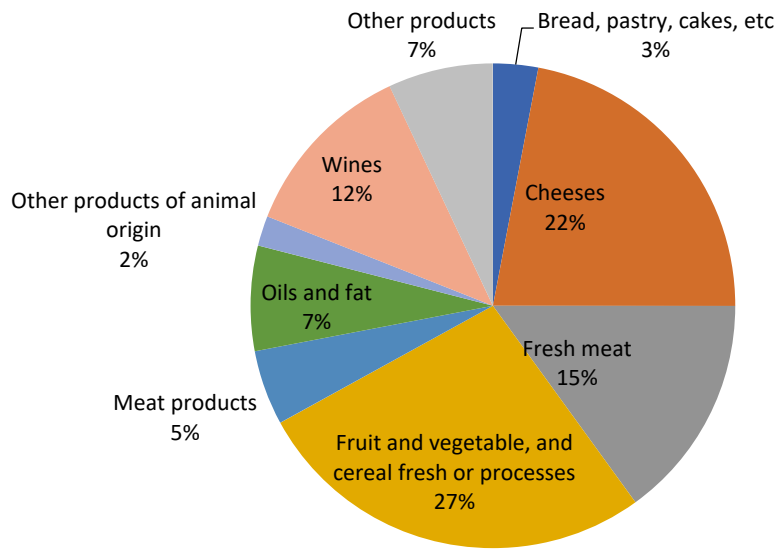
Overall, 55% of GI producer groups that participated in the survey represent a PDO product, 43% a PGI and only 2% a TSG.

The replies can be divided in **10 product categories** as follows: Fruit and vegetable, and cereal fresh or processes (27), Cheeses (22), Fresh meat (15), Wines (12), Oils and fat (7), Meat products (5), Bread, pastry, cakes, confectionery, biscuits and other baker's wares (3), Other products of animal origin (2), Beers (1), and Other products (6).

Table 4 Survey participant divided by product category and country (part 1)

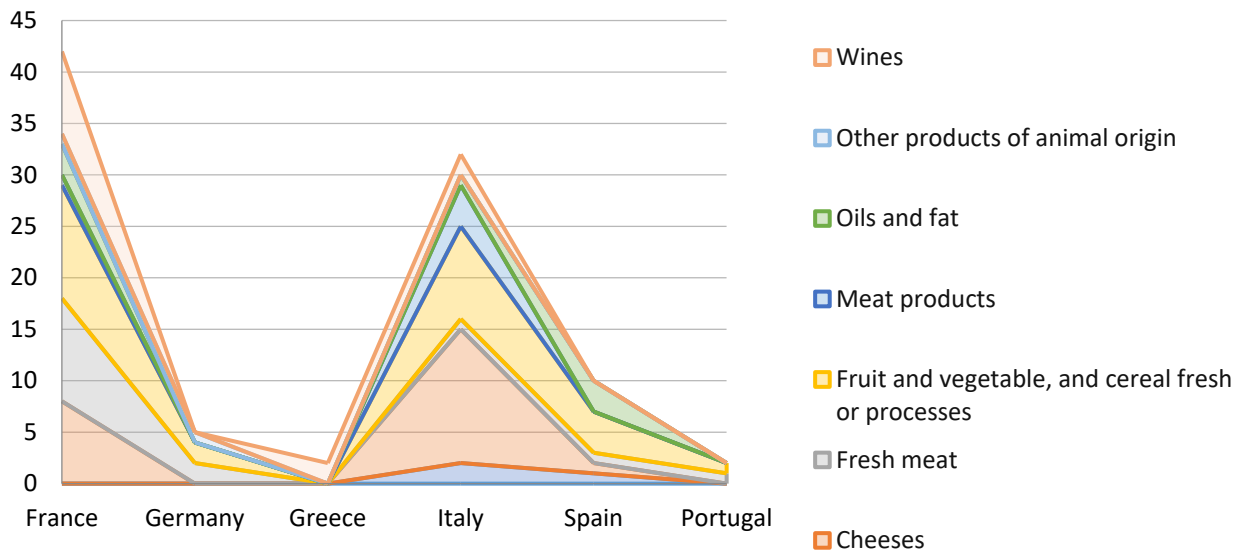
Category	France	Germany	Greece	Italy	Spain	Portugal	Total
Bread, pastry, cakes, confectionery, biscuits and other baker's wares	-	-	-	2	1	-	3
Cheeses	8	-	-	13	1	-	22
Fresh meat	10	2	-	1	1	1	15
Fruit and vegetable, and cereal fresh or processes	11	2	-	9	4	1	27
Meat products	1	-	-	4	-	-	5
Oils and fat	3	-	-	1	3	-	7
Other products of animal origin	1	1	-	-	-	-	2
Wines	8	-	2	2	-	-	12
Other products	2	2	-	2	1	-	7
Total	44	7	2	34	11	2	100

Figure 5 Survey participant divided by product category



Overall, fruit and vegetable GI products are the largest category among the respondents, followed by the cheeses, fresh meat and wines. Analysing more in detail the replies for the two countries with the majority of replies, it can be noted that for France fruit and vegetable GI products (11) are followed closely by fresh meat (10) and wines (8), while for Italy the majority of respondents belong to the cheese sector (13).

Figure 6 Survey participant divided by product category and country (part 2)



2.2 SURVEY ANALYSIS

The survey analysis will be focused on the results collected in the third part of the questionnaire, dedicated to the GI producer groups strategies to protect their GIs when used as an ingredient of a processed or composed foodstuff.

INTERNAL GUIDELINES AND AUTHORISATION PROCEDURE

In light of the analysis of regulation and EU and national level, the survey aimed at assessing if the practice to adopt **guidelines or rules** is spread among GI producer groups from different countries. For the purpose of this study, “*rules or guidelines*” are defined as a document, internal or public, that specifies and regulates the use of the GI as an ingredient.

Furthermore, in order to have a complete picture of the situation, the survey also assessed the existence of a specific **authorisation procedure** for the use of the GI as an ingredient, regardless of the existence of producer group rules or guidelines.

Figure 7 Producer groups who adopted specific rules or guidelines and/or an authorisation procedure.



Among the total GI producer groups which replied to the survey (100), 31 declared to have adopted internal rules or guidelines concerning the use of their GI as an ingredient, while 35 confirmed to have a specific authorisation procedure for the use of the GI as ingredient.

In order to allow simplification and graphic representation, the answers to this question have been summarised as “yes” or “no”. Since it is an open question, the answer is considered as positive if the document or guidelines exist at the time of the ongoing analysis. Missing answers are considered negative (7 in total). Furthermore, the answer has been considered as a no if the producer group replied that the elaboration of internal rules/guidelines is ongoing but not completed (4 in total). Similarly, the answer has been considered as negative if producer groups declared to follow national guidelines of their own country (i.e. MIPAAF circular for Italy, or INAO and DGCCRF guidelines for France) or EC guidelines, without creating *ad hoc* rules based on the specific needs of the protected GI product.

Table 5 Producer groups who adopted specific rules or guidelines by country

	Italy	France	Spain	Germany	Portugal	Greece	Total
Yes	18	9	4	0	0	0	31
No	16	35	7	7	2	2	69
Total	34	44	11	7	2	2	100

An analysis of the replies by country shows that **Italy has the highest rate of GI producer groups having adopted internal rules or guidelines**. This data does not surprise, since Italian legislation on the matter establishes the right and duty of GI consortia to authorise the use of their GI as an ingredient.

Among the Italian producer groups which replied to the survey, 31 are recognised consortia while 3 are producer associations (see [BOX 1](#)). The latter did not adopt specific guidelines, since they do not have the right/duty to authorise the use of their GI as ingredient. In fact, as explained in [paragraph 1.2.1](#), in these cases the Italian Ministry of Agriculture itself examines directly the requests for authorisation. For the purpose of this analysis, only the consortia will be taken into consideration.

As a reminder, even if the **Italian Legislative Decree no. 297 of 2004** establishes that it is the duty of consortia to authorise the use of their GI name in the labelling, presentation and advertising of foodstuffs containing such name as ingredients, it does not describe the procedure to be followed nor introduce an obligation to adopt internal rules/guidelines to clarify the procedure chosen by each consortium. The only obligation mentioned by the decree is for the consortia to keep a **register of the authorised users**.

That is why the analysis encountered differences across consortia in term of adoption of internal rules or guidelines and, more in general, in terms of the authorisation procedure. **In particular, more than a half of Italian consortia who replied to the survey have drawn up guidelines or internal regulations (18 over 31)**. The remaining 13 consortia which declared not to have adopted specific rules or guidelines generally follow the discipline established by the Italian Ministry of agriculture in its circulars (see [paragraph 1.2.1](#)).

In one particular case, Farina di Neccio della Garfagnana PDO (chestnut flour), the issue has been **regulated in the product specification**. In fact, in Italy this was a common practice before the publication of the EU guidelines on the labelling of foodstuffs using PDOs or PGIs as ingredients (2010). As explained in [paragraph 1.1.3](#), the European Commission accepts only under exception circumstances to include in the GI product specification provisions on the use of a GI name in the labelling of other foodstuffs, namely to resolve a specific, clearly identified difficulty and provided they are objective, proportionate and non-discriminatory.

In the case of Farina di Neccio della Garfagnana PDO, the product specification regulates the issue under the article 8. The text uses the wording of the original Italian Legislative Decree n 297/2004, namely in order to be able to use the name of the PDO in a processed product labelling, presentation and advertising using the flour as an ingredient:

1. the processed product should not contain any ingredient comparable to the PDO;
2. the processor should be authorised by the Consortium.

In order to have an in-depth view of the content of the guidelines or internal rules, **14 documents have been analysed**. The table 6 below contains the list of the guidelines examined, divided by product category.

Table 6 List of guidelines examined divided by product category.

Bread, pastry, cakes, etc. (1)	Cheeses (5)	Fresh meat (1)	Fruit and vegetable (3)	Meat products (1)	Oils and fat (1)	Other products (1)
Piadina Romagnola IGP	Asiago PDO Formaggio Piave PDO Grana Padano PDO Parmigiano Reggiano PDO Provolone PDO	Cinta senese PDO	Pere dell'Emilia Romagna PGI Pesca e nettarina di Romagna IGP Asparago verde di Altedo PGI	Prosciutto di Parma PDO	Olio Toscano PGI	Aceto tradizionale di Reggio Emilia PDO

These documents can be further categorised according to their content: **five guidelines²³ out of fourteen** quote in full or in part the **criteria defined by the circular of the Ministry of Agriculture**.

The others, on the other hand, go deeper into details concerning the rules imposed for the use of the GI as an ingredient. These guidelines or internal rules establish criteria adapted to each GI, in a transparent and public way, in order to inform the processor interested in using the GI in question about the rules to follow to request the authorisation and to mention correctly the GI used as ingredient on the label of the final product. As already seen in the analysis of the Italian and French national legislation, these criteria can be divided in **three categories**: 1) criteria concerning the **product**, 2) **graphic criteria** and 3) **administrative criteria** concerning the authorisation process.

The purpose of the **criteria concerning the product** is to define clearly **how the GI should be incorporated as an ingredient in the processed product**, establishing objective and clear rules applicable by any processor, whether or not they are part of the GI supply chain. This is an instrument used by consortia in order to **control the quality of the final product and to assure that the GI is used as a characterising ingredient** and is perceived by the consumer.

As explained in [paragraph 1.2.1](#) analysing Italian legislation, no product criteria are included in the current text of the Legislative Decree no. 297 of 2004. Nevertheless, it is a common practice among consortia to adopt these kinds of criteria. In particular, among the 14 documents analysed, **9 include product criteria in their guidelines or internal rules**.

Among these criteria, the most common requires the processed product **not to contain any other ingredient comparable to the GI product, i.e. from the same product category**. All the 9 documents analysed contain this criterion. The guidelines of the PDO Cinta Senese are particularly interesting since they define in details specific rules for different product categories ([see BOX 3](#)).

In some cases, the guidelines go further defining also the **minimum quantity** of the GI that should be used as an ingredient (expressed in **percentage**)²⁴ and the **quantitative relationship** between the GI and the other components²⁵.

Finally, other product criteria found in the guidelines analysed establish **limits** concerning the use of **other ingredients** in the final product (e.g. flavourings), the **quality of GI** used as ingredient (for instance, the PDO

Cinta Senese requires that the product used as ingredient has not undergone any freezing/thawing process) and the **provenance** of other ingredients (see BOX 2 on Aceto Balsamico Tradizionale di Reggio Emilia PDO).

ACETO BALSAMICO TRADIZIONALE DI REGGIO EMILIA PDO

The guidelines defined by the Consortium of the Aceto Balsamico Tradizionale di Reggio Emilia PDO are quite unique in establishing geographical criteria concerning the provenance of other ingredients and the place of production and bottling.

The PDO should be the characterising ingredient of dressings using it as ingredient. That is, the PDO should be the exclusive component of its product category.

The quantity of the PDO incorporated in the final product must not be less than 5% of the total ingredients, and must be agreed upon by the parties.

Finally, as anticipated, raw materials other than Traditional Balsamic Vinegar of Reggio Emilia PDO must come exclusively from the Emilia-Romagna Region.

On the same line, the place of production and bottling of the processed products must be within the Province of Reggio Emilia.

BOX 2

The **graphic criteria** define how to refer to a GI in the labelling, presentation or advertising of a compound, prepared or processed product. All 14 documents analysed include these criteria which follow the requirements defined by the MIPAAF ([see paragraph 1.2.1](#)).

These criteria therefore describe in details how the name of the GI used as ingredient should be written on the label of the final product (size and font of the character, position in the label). Some of the guidelines also define meticulously what expressions can be used and how. The consortium of the PDO Cinta Senese for instance describe in the guidelines when and how the expression “from”, “with” and “of” Cinta Senese PDO can be used (for more details [consult the BOX 3](#)).

As decided by the MIPAAF, all guidelines reiterate the **prohibition to use the EU GI logos** on the final product. Nevertheless, some consortia have elaborated a **specific logo** to be used in processed products using their GI as an ingredient. This topic will be analysed in detail in the [following paragraph](#).

Finally, the last criteria concerns the administrative and legal obligations and will be analysed from the perspective of the **authorisation process**. Among the 34 Italian respondents, 23 have declared to have adopted an authorisation procedure. All the 18 consortia who declared having adopted guidelines have also defined an authorisation procedure. Furthermore, there are 5 consortia who have adopted an authorisation procedure, even if they don't have internal guidelines.

The remaining 8 consortia which declared not to have adopted a specific authorisation procedure generally follow the discipline established by the Italian Ministry of agriculture in its circulars (see

[paragraph 1.2.1](#)) and decide on a **case-by-case basis**.

An analysis of the available guidelines gives a better glimpse on the main characteristics of authorisation procedure. In fact, the essential administrative or legal criteria are present in all 14 documents received.

In the cases analysed, the authorisation is granted by the consortium to the processor by signing an **agreement**, defining the commitments with which the processors should comply. In addition to the product and graphic criteria, the most common administrative requirements are inspired by the MIPAAF circular (see [paragraph 1.2.1](#)) and undertake to:

- Ensure that the GI product is purchased from a supplier or packager that has been checked under the control system of the quality scheme.

- **Register the quantity of the GI product used** in the compound product in order to demonstrate, at the request of the Consortium, that this quantity corresponds to the quantity of the GI product purchased.
- **Record monthly the number of packs of processed product produced.**
- Accept checks and inspections that the Consortium intends to carry out both at company level and with suppliers, regarding the correct use of the GI;
- Submit to the Consortium the labels and/or packaging and their subsequent amendments, in order to verify the correct use of the GI;
- Communicate the **location of the plant where production will take place**, as well as any subsequent changes.
- Declare that before processing the **GI product will be stored separately from other products** belonging to the same product category.
- Declare that the **authorisation granted will not be transferred**, even in sub-concession, to third parties.

Furthermore, the agreement usually includes the modalities and deadlines to **renew the authorisation**, as well as its **withdrawal**, if the processor does not respect of all the clauses imposed by the consortium.

In some cases, the draft agreement explicitly refers to a **financial contribution or reimbursement** to be paid by the processor to the consortium. Some consortia justify the request for this amount as an increase in operating and management costs of their ordinary activities, including surveillance activities on the labelling of processed products. This contribution may be a fixed annual administrative fee²⁶, a reimbursement of control expenses carried out by the certified inspection body on the final processed products²⁷, or a sum calculated on total quantity of the GI used in the transformed product²⁸.

As anticipated, the other countries have lower rate of positive replies concerning the adoption of guidelines/internal rules and the definition of the authorisation procedure. In particular, only 9 **French** GI producer groups (organismes de défense et de gestion - ODG), out of 44, confirmed that they have adopted guidelines on the use of the GI as an ingredient in processed food products. Furthermore, only 6 ODG stated that they had developed an authorisation for to use the GI as an ingredient. **Three case studies** will be analysed in depth in the following pages: [the TSG Lait de foin](#), [the PGI Canard à foie gras du Sud-Ouest](#) and the [PDO Comté](#).

Among the 11 respondents from **Spain**, only 4 GI producer groups (Consejos Reguladores) confirmed having adopted guidelines or internal rules, while 6 of declared having developed an authorisation procedure.

Finally, **none of the GI producer groups from Greece, Portugal and Germany** that participated in the questionnaire adopted guidelines nor an authorisation procedure regarding the use of GIs as ingredients in processed products.

Recognised at EU level in 2012, the Cinta Senese PDO refers to all edible parts obtained from the carcasses of pigs belonging to the Cinta Senese breed, born, reared and slaughtered in Tuscany according to the relevant product specifications. More precisely, the production area includes the administrative territories of the Region of Tuscany that reach a maximum altitude of 1.200 meters above sea level.

As a fresh meat, Cinta Senese PDO is very versatile product and can be used not only in its raw form, but also as ingredient in a wide range of prepared, processed or compound products. In fact, the processed sector represents a fundamental market for the PDO.

In line with the provisions of Italian legislation ([legislative decree n. 297/2004](#)), the Consortium has drawn up specific guidelines for granting authorisation to mention the PDO in the labelling, presentation and advertising of processed products using it as ingredient. In particular, these guidelines describe both the processed product characteristics and graphic prerequisites.

With regard to the requirements for the final processed products, the Consortium has considered 3 categories of products that may use the PDO as ingredient (cured meats, filled pasta and products other than cured meats and filled pasta), setting out for each of them the conditions that must be met in order to obtain the authorisation (for more details **see Table 7 below**).

Table 7 List of requirements for the final processed products by product category.

Cured meats	Filled pasta	Products other than cured meats and filled pasta	
Cinta Senese PDO should be the only meat ingredient	Cinta Senese PDO should be the only meat ingredient Exception: fresh meat other than pig's	Cinta Senese PDO should be the only meat ingredient	Cinta Senese PDO should be the only meat ingredient Exception: fresh meat other than pig's At least 50% (by weight) of the total cuts used

The Cinta Senese PDO used has not been frozen or deep-frozen.

Source: Guidelines for the use of the PDO Cinta Senese in the labelling, presentation and advertising of compound, prepared or processed products (*Linee Guida per l'uso della DOP "Cinta Senese" nell'etichettatura, nella presentazione e nella pubblicità di prodotti composti, elaborati o trasformati ai sensi dell'articolo 1, comma 1, lettera "C" del Decreto Legislativo n. 297/2004*).

Among the criteria that apply to all three categories of processed products, the Consortium requires that **Cinta Senese PDO is present as the only meat ingredient**. The presence of other meat products is accepted only for filled pasta and for products other than cured meats and stuffed pasta (*see the table*), only respecting the condition that it cannot be used in greater quantities than the Cinta Senese PDO.

In order to strike a balance between the need to protect the PDO from possible abuse and the vital need to promote its valorisation in the labelling, presentation and advertising of processed and compound products, the Consortium has chosen not to specify a minimum quantity as a condition to obtain the authorisation. It is therefore the responsibility of the operator to assess on a case-by-case basis whether the quantity incorporated into the final product is sufficient to consider the PDO an essential characterising ingredient and, consequently, to justify the mention of the PDO in the product label, in accordance with EU Regulation 1169 on consumer information (Article 7). The Consortium's authorisation therefore only certifies that the label, presentation or advertising complies with the above-mentioned guidelines and not with the rest of the principles established by the legislation on food information for consumers.

A second criterion contained in the guidelines concerning product characteristics requires that the **Cinta Senese PDO used as ingredient has not been subjected to any freezing or deep-freezing process.**

The second part of the guidelines focuses on criteria of a graphic nature. The document goes beyond the criteria contained in the MIPAAF circulars, going so far as to regulate the use of various formulas: "**from** Cinta Senese DOP", "**with** Cinta Senese DOP" and "**of** Cinta Senese DOP".

Operators interested in obtaining authorisation must first sign an agreement with the Consortium in which they undertake to observe the conditions set out in the guidelines and to submit their labels for authorisation by the Consortium.

In addition to complying with the graphic methods described in the guidelines, operators must also integrate the reference to the PDO "Cinta Senese" by affixing to the packaging of the final product the seal provided by the Consortium itself. This is a seal incorporating the logo that identifies the PDO (according to Art. 9 of the product specification) and an alphanumeric code that can be used to identify the pigs from which comes from the raw material used in the final product.



Figure 8 Seal for compound, processed or transformed products not contained in cans



Figure 9 Seal for composite, elaborated or processed products in cans



Figure 10 Seal for hams

Source: Guidelines for the use of the PDO Cinta Senese in the labelling, presentation and advertising o compound, prepared or processed products

The table below summarise for each product the **number of enterprises using the GI as ingredient** as well as the **number of permits granted in 2019**, where the data are available (only thirty-two producer groups replied with a precise number). The products are listed in ascending order based on the number of permits granted in 2019.

Table 8 Number of enterprises using the GI as ingredient and number of permits granted in 2019.

Country	PDO, PGI or STG	Name of product	N enterprises using the GI as ingredient	Permits granted in 2019
France	PDO	Agneau du Quercy	171	-
France	IGP	Charolais de Bourgogne	2	-
France	PDO	Crémant de Bourgogne	1	1
France	PDO	Fourme d'Ambert	6	-
France	PDO	Laguiole	1	-
France	TSG	Lait de foin	7	14
France	IGP	Landes	-	14
France	PDO	Oignon doux de Cévennes	5	-
France	PGI	Petit épeautre de Haute Provence	1	-
France	PDO	Porc Noir de Bigorre & Jambon Noir de Bigorre	5	-
France	PDO	Pruneaux d'Agen	26	-
France	PGI	Rosée des Pyrénées Catalanes		42
France	PGI	Sel de Salies de Bearn	60	34
France	PGI	Veau d'Aveyron et du Ségala	10	3
Germany	PGI	Münchner Bier	4	-
Germany	PDO	Spalt Spalter	200	-
Germany	PGI	Schwäbisch-Hällisches Qualitätsschweinefleisch g.g.A.	276	-
Germany	PGI	Weideochse vom Limpurger Rind g.U.	5	-
Germany	PDO	Filderkraut/Filder-Spitzkraut	2	-
Italy	PGI	Aceto Balsamico di Modena	113	1076
Italy	PDO	Aceto Balsamico Tradizionale di Reggio Emilia	0	0
Italy	PDO	Asiago	31	35
Italy	PGI	Asparago verde di Altedo	1	1
Italy	PDO	Bitto	2	2
Italy	PGI	Bresaola della Valtellina	3	10
Italy	PGI	Cantuccini Toscani	1	-
Italy	PDO	Cinta senese	70	112
Italy	PDO	DOC Colli Berici, DOC Vicenza	1	1
Italy	PDO	Fontina	21	44
Italy	PDO	Formaggio Piave	4	6
Italy	PDO	Gorgonzola	184	184
Italy	PDO	Grana Padano	39	43

Italy	PGI	Marrone del Mugello	4	-
Italy	PDO	Parmigiano Reggiano	400	200
Italy	PDO	Pecorino Toscano	3	3
Italy	PGI	Pera dell'Emilia-Romagna	3	4
Italy	PGI	Pesca e nettarina di Romagna	5	10
Italy	PGI	Piadina Romagnola	3	7
Italy	PDO	Prosciutto di Parma	10	37
Italy	PDO	Provolone Valpadana	8	8
Italy	PDO	Quartiolo Lombardo	4	4
Italy	PGI	Radicchio di Chioggia	6	-
Italy	PGI	Scalognò di Romagna	7	-
Italy	PDO	Taleggio	22	28
Italy	PGI	Toscano	13	33
Italy	PDO	Valtellina Casera	2	-
Spain	PDO	Cereza del Jerte	2	2
Spain	PGI	Pa de Pagès Català	1	1
Spain	PGI	Patates de Prades	1	1
Spain	PDO	Pera de Lleida	1	1
Spain	PDO	Pimentón de La Vera	7	7

LAIT DE FOIN TSG

BOX 4

The traditional speciality guaranteed (TSG) Haymilk was recognised by the EU in March 2016, following the application by the Austrian Heumilch Association. The TSG is a product or foodstuff that is linked to know-how and tradition, but not necessarily to a restricted area of production, as it is for PDOs and PGIs. Thus, the TSG first used in Austria, from 2019 has been actively applied in France (*Lait de foin*) to all dairy products that follow the production methods described in the product specification approved by the EU²⁹.

The [Lait de foin producer association](#), created in 2016 and accredited by INAO in 2018, has the objective to create a different production sector in the country, in order to differentiate the hay milk from other types of milk. It has been in charge of applying the product specifications, as well as drafting a specific control plan for the TSG in France. The association is not a direct economic actor, but it represents the hay milk producers certified and based in France³⁰. In addition, in its quality of organisation for the defence and management (ODG) of the traditional speciality guaranteed hay milk in France, the Lait de foin Association is in charge of the defence and promotion of this product and manages the certification applications of associated producers.

In the past, the Lait de foin Association has collaborated with the Austrian producers' group with the purpose to create the statutes and structure of the organisation, as well as to apply the product specifications in France. Furthermore, the Lait de foin association created and registered a specific trademark logo for the hay milk products ([see figure 12](#)).

Raw milk producers, as well as transformers and processors should ask an authorisation and sign an agreement in order to use it on their processed products. The association examines the labelling of the final product in order to verify that the logo is used in the respect of the relevant labelling rules.

The Lait de foin Association have clearly collected and described the existing labelling rules in a document containing guidelines concerning the use of their logo for the processed product using the hay milk TSG as an ingredient. These guidelines are inspired by the document created by the Austrian hay milk consortium relating to the labelling

“Information zur Erstellung von Kennzeichnungsetiketten gemäß der Lebensmittelinformationsverordnung” and are defined following the INAO and DGCCRF principles ([see paragraph 1.2.2](#)).

In particular, in order to receive the authorization for the use of “Lait de foin” logo, as well as being able to mention the name of the TSG on a transformed product containing the hay milk as ingredients, some conditions concerning the characteristics of the final products must be respected:

1. First of all the **hay milk must be the only milk contained in the processed product**, in order to avoid the use of comparable ingredients. Thus, all the milk used in the final product must be certified as TSG hay milk;

2. Secondly, the hay milk should be present in a **sufficient quantity** to confer his essential characteristics to the final product.

If these conditions are respected, the trademark logo and the name of the TSG can be included in the labelling of the processed product, provided that the graphic criteria established by the EU guidelines, as well as the INAO and DGCCRF principles, are met.

The association controls the product labelling to verify the correct use of the logo and TSG name. It informs processors concerning the labelling rules to be followed to prevent possible errors.

If some of those conditions are not observed, the name “Lait de foin” can be included only in the list of ingredients.



Figure 11 Trademark logo registered by the lait de foin producer association.



Figure 12 Processed products using the “Lait de foin” trademark logo to highlight the presence of TSG Haymilk as ingredient

USE OF LOGOS ON PROCESSED PRODUCTS

As anticipated in the analysis concerning national legislation, in Italy and France the use of EU GIs and TSG logos on processed product is forbidden. Nevertheless, in order to give more visibility to the GIs used as ingredient on the packaging of the processed product, some GI producer groups (17 over 100) require processors to use a specific logo.

In some cases, the GI producer group authorise processors to use the GI trademark logo registered in the product specification, while others have created a specific logo for processed products. The latter is the case of the PDO Cinta Senese ([see BOX 3](#)), the PGI Canard à foie gras du Sud-Ouest which developed collective brand aimed at the valorisation of the PGI used as ingredient in processed products ([see BOX 6](#)), and the PGI Schwäbisch-Hällisches Qualitätsschweinefleisch (pork meat).

The figures below showcase some examples of GI trademark logo used in the final processed product in order to highlight the presence of the specific GI as an ingredient.



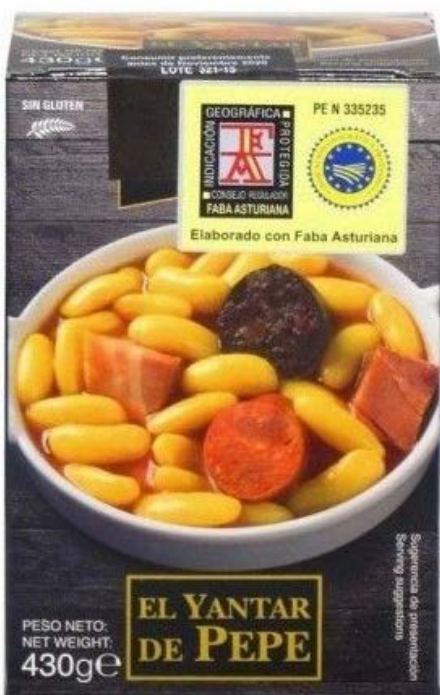
Figure 13 Lasagne alla Bolognese with Grana Padano PDO. Source: <https://www.findus.it/la-nostra-gamma/primi-piatti/pasta-e-riso/lasagne-alla-bolognese> (consulted on 28/04 21)



Figure 14 Parmigiano Reggiano logo for processed products. Source: <https://www.canuti.com/en/product/delizie-with-parmigiano-reggiano/> (consulted on April 28th, 2021)



Figure 15 Pesto alla Genovese with Parmigiano Reggiano PDO. Source: <https://www.bariilla.com/en-sq/products/sauces/barilla-pesto-alla-genovese> (consulted on 28/04/21)



While in Italy and France the use of UE GIs logos on processed products is prohibited by the existing national legislation, other EU countries are open to this practice, if it follows the EC guidelines and thus if it does not risk to confuse the consumer. Figure 16 showcases an example: an Asturias Bean stew made with Faba Asturiana IGP. The packaging of the product shows a yellow label emphasizing that the processed product is made with Faba Asturiana PGI. Furthermore, the label show the official EU PGI logo, associated with the trademark logo of the PGI.

Figure 16 Asturias Bean Stew made with Faba Asturiana IGP. Source: <https://www.aqu-conservas.com/platos-preparados/fabada-asturiana-el-yantar-de-pepe-430gr.html> (consulted on 28/04/21)

Comté PDO is a raw milk cheese with a cooked and pressed paste. It is produced in France in the mountainous region of the Massif du Jura, situated mainly in Bourgogne-Franche-Comté. Registered as a PDO in 1996, its production dates back to the 13th century. It is the first PDO cheese per production in France (for more information, [consult Comté website](#)).

Comté's reputation is long standing and reaches as well international markets and consumers. As a result, the PDO has been widely used as an ingredient in processed products. In fact, over the years the *Comité Interprofessionnel de Gruyère et de Comté* (CIGC) has collaborated with many companies and it has also took part in legal suits for the misuse of its PDO as an ingredient. That is the reason why the CIGC considered essential to define strict criteria for processors wanting to mention the PDO name in the commercial designation of a processed or compound product, in order to protect its reputation.

In particular, in line with the European Commission guidelines and INAO guidelines, the CIGC demands to comply with the following criteria:

1. Comté, processed in its raw state, should be the **only cheese ingredient** of the processed or compound product: no comparable ingredients are allowed;
2. The expression to be used in the commercial denomination of the processed or compound product is "**au Comté**" (with Comté);
3. The **percentage** of Comté used as raw ingredient should be indicated just after the name Comté (or Comté PDO);
4. The **size** of the word "Comté" should be less than 2/3 of the largest characters on the packaging;
5. The name Comté **cannot be used** in the commercial designation of **food additives and industrial intermediates** (ex. powder, frozen, extruded, melted, flavouring, etc....). Furthermore, it cannot be used in the commercial designation of ready-made meals that incorporate food additives and industrial intermediates;
6. The label and packaging of the processed or compound product containing Comté PDO as ingredient **cannot reproduce Comté's logo nor the official EU PDO logo**. Nevertheless, they may include an image of Comté (whole or cut) with its visible label containing the PDO logo as well as Comté logo (see [example showcased in figure 17](#)). In order to avoid miscommunication, close-up pictures showing the PDO logo as well as Comté logo are not allowed.

In 2011 and 2013, McDonald created a special menu called "*Grandes Envies de Fromage*" in collaboration with several GI producer groups, among other the CIGC. For this purpose, McDonald and the CIGC stipulated a partnership agreement in order to clearly define the quantity of Comté to be used in the burger, as well as labelling rules to mention the PDO on the packaging, presentation and advertising of the final product.

Comté PDO was the only cheese present in the burger and represented around 10% of the total weight of the final product, with a 25-gram slice plus 5 grams of sauce³¹. Every step from communication to the final packaging was defined in strict collaboration with the CIGC, in order to respect all its conditions. For the CIGC this was an efficient strategy to attract young consumers and access a new market outlet.

On a completely different note, in 2013, Pizza Topco (the exclusive master franchise of Pizza Hut Delivery in France) produced five different pizzas called "*Sensation Comté*" and containing a mix of different cheeses. Among the other, Comté PDO represented a variable percentage of the total weight of the cheeses used as ingredients, ranging from 20.91% to 67.05%. At first, the CIGC informed Pizza Topco with a formal written communication that in order to mention Comté on the packaging, presentation and advertising of the pizzas, the PDO should have been the only cheese used as ingredient.

The company refused to comply with that rule, so the CIGC brought proceedings before the Tribunal de Grande Instance of Paris with the support of the INAO. On February 28th 2017, the Paris Court of Appeal confirmed the judgment handed down in 2015 by the Paris Tribunal de Grande Instance. In particular, the Court of Appeal recalled that the use of a PDO name on the advertising of a compound product containing the PDO as ingredient should

comply with strict rules. Namely, the **processed product should not contain any other 'comparable ingredient' and the GI should be a characterising ingredient of the final product.**

Since it could not be demonstrated that Comté attributed an essential characteristic to the final product and due to the mix with other cheeses, the Court of Appeal ruled that Pizza Topco did not have the right to use the name of the PDO when advertising its pizzas. Pizza Topco committed a fault, by misappropriating and weakening the reputation of the PDO Comté. The company was thus condemned to pay 150.000 euros to the INAO and the CIGC as a compensation for the damage suffered.

Pizza Topco case shows how in the absence of EU and national binding legislation, GI producer groups do not have the tools to control processors. They do not have to authorise processors (McDonald's case is an exception based on the good will of the multinational), so they rely on the good will of processing companies and on ex-post controls, which are very expensive and therefore cannot be held systematically, but only as spot checks.

Based on these past experiences, the CIGC considers fundamental to increase the level of protection of the PDO when used as ingredient, by codifying formally the criteria described above in the product specifications. Thus, in 2019 the CIGC has requested a [revision of Comté's product specifications](#)³², which is currently under examination by INAO. If this modification were to be approved, it will have a considerable impact, since the transformers and processors will be obliged to follow the rules set in the specifications, and they will be subject to Comté control system, as the producers. This strategy could disincentives processors wanting to use the PDO as ingredient, with a loss of opportunities for the Comté producers. Nevertheless, the CIGC has weighted this possibility and chose to address the bigger risk of misuse and evocation.

Furthermore, as a member of the *Conseil national des appellations d'origine laitières* (CNAOL), the CIGC is discussing with other members the possibility to build up a cooperative monitoring and control system to check the correct use of the PDO cheeses as ingredient, among other things. This would give the possibility to monitor more systematically processed products, while sharing the cost of the surveillance activity.

Those practices aim to strengthen the CIGC competences concerning the protection of the PDO against any misuse or evocation.



Figure 17 Quenelles made with Comté AOP.

Source: <https://catalogue.organic-alliance.com/produit/quenelles-au-comt%C3%A9-x-4> (consulted on 28/04/21)

Registered at EU level in 2000, the PGI “Canard à foie gras du Sud-Ouest (Chalosse, Gascogne, Gers, Landes, Périgord, Quercy)” gathers together a wide range of raw and processed products, coming from ducks, reared, hand-fed, cut up, processed and packaged in the South-West of France, namely half of Nouvelle-Aquitaine and Occitanie Regions.

In particular, the area of origin covers all the traditional foie gras breeding, hand-feeding and processing basins: Chalosse, Gascogne, Gers, Landes, Périgord and Quercy. In order to mention on the label one of this specific geographical area, the products must come from ducks, reared, hand-fed, cut up, processed and packaged in the geographical area concerned.

The Association for the defence and promotion of foie gras products from the South-West of France (PALSO) has created several private collective marks to precisely identify the area of origin. The presence of one of these logos on a product guarantees that it comes from a duck reared and processed in the geographical area indicated.



Figure 18 Private collective marks created by PALSO to precisely identify the area of origin.

Source: <http://www.foie-gras-du-sud-ouest.fr/IGP/> (consulted on 28/04/21)

As anticipated, the peculiarity of this PGI is that product specification covers two different categories of products:

Fresh meat and offal: whole duck (with or without liver) and eviscerated carcass, foie gras, magret, thigh, aiguillette, heart, manchon, gizzard;

Meat-based products: whole foie gras, foie gras, block of foie gras (with or without pieces), magret (dried or smoked), confit (wings, thighs, duck breasts, manchon, gizzards).

Given the well-known reputation and the variety of products covered by the PGI, PALSO has defined, in collaboration with INAO and DGCCRF, rules and guidelines for its use as ingredient outside the product specification. Based on these rules, PALSO have registered collective marks which can be used only by processors who are members of the Association. The logos used for the collective marks are based on the graphic design of geographical logos (see figure 19 below) with the addition of the mention "A base de" (product containing).



Figure 19 Logo “A base de” Canard du Sud-Ouest. Source: PALSO.

It should be noted that today the PGI “Canard à foie gras du Sud-Ouest (Chalosse, Gascogne, Gers, Landes, Périgord, Quercy)” represents more than 50% of the French production of foie gras. For this reason, the majority of the processing companies are located in the production area of the PGI. Furthermore, many of them are members of PALSO and produce both meat-based products under the PGI certification and processed products using the PGI as ingredient.

That is why PALSO chose to reserve the collective marks to its members to offer them a further instrument of promotion and valorisation as well as to keep a strict control and effective traceability system with the supply chain.

In order to use the collective marks and the respective logos, processors must comply with the following labelling rules:

1) First of all, the registered name "Canard à foie gras du Sud-Ouest (Chalosse, Gascogne, Gers, Landes, Périgord, Quercy)" must be included in the list of ingredients (same font and size as other ingredients) or after the list of ingredients, in the form of a reference

1.a in association with the ingredients covered by the PGI;

1.b in association with the ingredients different from those covered by the PGI but resulting 100% from a duck benefiting from the PGI.

2) Secondly, the percentage of meat and/or offal and/or fat of PGI duck included as ingredient must be indicated in the list of ingredients.

3) Thirdly, the geographical term "*Sud-Ouest*" should not be used in the legal or commercial name of the processed product, if it is comparable to a product name covered by the PGI specifications. Nevertheless, even in this case the processed product concerned may use the collective mark.

On the other hand, the use of the geographical term "*Sud-Ouest*" in the legal or commercial name of the processed product is authorised, if it is not comparable to those covered by the PGI specifications, under the following conditions:

3.1 It can be used to designate the foodstuff, if 100 % of the meats and/or duck offal used in the foodstuff benefit from the PGI.

Example (see figure 20 below): Magret de canard du Sud-Ouest stuffed with foie gras de canard du Sud-Ouest - Ingredients: duck breast (specify %), duck foie gras from the South-West* (specify %), salt, pepper. *Canard à foie gras du Sud-Ouest (Chalosse, Gascogne, Gers, Landes, Périgord, Quercy).



Figure 20 Magret du Canard du Sud-Ouest fourré au Foie Gras de Canard. Source : <https://www.maison-occitane.com/fr/produit/magret-de-canard-du-sud-ouest-fourre-au-foie-gras-de-canard-20.php> (consulted on 28/04/21)

3.2 It can be used to specifically designate one of the duck ingredients in a processed product, if it is strictly associated with in the name of the ingredient benefiting from the PGI.

Example: Cassoulet au confit de canard du Sud-Ouest (see figure 21 below). Ingredients: beans, confit of manchons de canard du South-West*(specify %), fat, salt, pepper. *Canard à foie gras du Sud-Ouest (Chalosse, Gascogne, Gers, Landes, Périgord, Quercy).



Figure 21 Cassoulet au confit de canard du Sud-Ouest. Source: PALSO.

3.3 It can be used as a mention "au canard du Sud-Ouest", if the final product contains ingredients coming from a PGI duck.

In order to avoid misleading consumers, it is forbidden to dissociate the collective marks from products made from ingredients benefiting from the PGI.

Finally, the use of the European logo in processed products using the PGI is forbidden. PALS0 is against this practice as it could confuse the final consumer. Since the PGI includes as well processed products, the consumer would not be able to distinguish between the processed products covered by the specification or the processed products using the PGI as ingredient outside the specification.

In order to assure the respect of these labelling rules, processors should submit the labels and packaging to PALS0 in order to get its approval and authorisation.

To this end, they should keep a register of all documents regarding the PGI used as an ingredient. In particular, keeping a stock record is fundamental when control is carried out in order to check the correspondence between the quantity of PGI used as ingredient and the quantity of the final product.

Thank to this monitoring and control system, PALS0 has set up a strong traceability along the supply chain.

On the other hand, external processors can use the PGI as ingredient in processed product. To this end, they have to follow the same labelling rules. Nevertheless, since it would be impossible to submit them to the same controls, they cannot use the collective marks.

In fact, external processors are subject to anti-fraud controls only if a product that does not comply with the guidelines defined by PALS0 has been reported. Since the cost of a structured control system to identify these misuses by external processor would be too high, spot checks are carried out in physical shops with the help of members of PALS0. As far as e-commerce or restaurants are concerned, checks and monitoring of the correct use of GI as an ingredient is even more challenging to carry out, given the number of products in circulation.

MONITORING SYSTEM AND CHECKS ON PROCESSED PRODUCTS CONTAINING THE GI

When asked if the GI producer group has adopted a specific monitoring system to check that processors comply with the rules, 33 out of 100 respondents reply positively. Furthermore, a group of producer replied that the implementation of a monitoring system is ongoing.

The majority (20 over 33 positive replies) are Italian consortia. In fact, due to their right and duty to authorise operators to use their GI name in the labelling, presentation and advertising of foodstuffs containing such name as ingredients, Italian consortia have integrated controls on processed products in their control plans defined with the Central Inspectorate for Fraud Prevention of Mipaaf (ICQRF). Thus, monitoring and supervisory activity on processed products are carried out by the consortia agents in charge of the vigilance activities, mainly on the companies who received the authorisation and on the related points of production and sale. As anticipated in the analysis of consortia guidelines, these are especially documentary controls carried out on the purchase documents and on the register that each authorised operator should compile in order to demonstrate, at the request of the Consortium, that the quantity of GI contained in the final product corresponds to the quantity of the GI product purchased. The consortium supervisory agent also verify the correct mention of the GI once the products are commercialised. Furthermore, some consortia are implementing online controls as well as digital platforms to allow remote controls.

Among the remaining 13 positive replies, 5 are French, 4 Spanish, 1 Greek and 3 German GIs producer groups. The fact that in these countries the GI producer groups have not a formal duty to authorise the operators is reflected in lacking or weak monitoring systems and difficulty to implement a control system. This is also reflected by the fact that among the producer groups who do not have a specific authorisation procedure, a vast majority have not a clear idea of how many and which processing companies use their GI as an ingredient.

By the way, a problem shared by all producer groups, including Italian consortia, is the impossibility to cover all potential infringements. As specified by the majority of respondent the control plans cover especially the authorised operators while is more difficult, if not impossible, to monitor and keep under control the unauthorised use of a GI in processed products. These cases are usually discovered through random and spot checks in the supermarkets.

MAIN PROBLEMS CONCERNING THE ILLICIT USE OF GIS AS INGREDIENTS

Among the total 100 respondents, 47 GI producer groups affirmed not to have experienced any problem, while only 22 declared to have incurred in some kind of illicit use of their GI as an ingredient. Nevertheless, 5 respondents replied that they are not aware of illicit use of their GI as an ingredient, while 26 didn't reply. On this basis, it can be assumed that the problems are more widespread than what the survey has been able to collect and describe.

Several producer groups experienced problems with **unauthorised use of their GIs**. Due to the specificity of Italian legislation, this cases are mainly, but not exclusively, concentrated among Italian consortia. In fact, they point out that many transformers and processors are not aware of Italian legislation on the matter and use the GI as ingredient, without asking for the authorisation to the consortium.

In particular, some Italian consortia stated that they had problems of unauthorised use mainly outside the national market, in other EU countries and third countries, where Italian obligation to ask for the consortium authorisation does not apply.

As already described, the authorisation procedure makes it easier to check *a priori* companies willing to comply with the term of consortia's agreements. That is why in general there are no problems with products regularly approved.

Analysing all the replies across countries, the main problems concerning the illicit use of GIs as ingredients can be summed up as follows:

- incorrect use and mention of the GI name in the processed product labelling;
- evocation of GI name by processors;
- the quantity of the GI used as ingredient does not respect the minimum requirement set by the producer groups in order to be considered as a characterising ingredient;
- use of other comparable products in addition to the GI ingredient;
- comparable products, semi-finished and non-certified products used as ingredient instead of the certified GI;
- undue exploitation of GI reputation;
- undue exploitation of GI visual identity (ex. images of landscapes referring to the geographic area of origin of the product) on the label of processed product that does not contain the GI as ingredient.

POSITIVE AND NEGATIVE IMPACTS / ADVANTAGES AND DISADVANTAGES

In order to analyse the potential and actual impact of the use of GIs as ingredient in processed food, the survey also inquired about its **advantages and disadvantages**.

Overall 69 GI producer groups confirmed that there is some kind of **advantage** in GIs being used as ingredient in processed products, while 28 respondents did not express any opinion. Only 3 respondents stated clearly that the use of GIs as ingredients do not have any kind of advantage nor positive impact.

The analysis takes into account the specificities of some **product categories** (i.e. fresh meat and fruit and vegetables). The nationality does not seem to impact in terms of relevant differences between the respondents.

To facilitate the reading of the results, the replies will be analysed through **three macro-categories of advantages** identified in the replies. The categories are listed from the most to the least common:

1. Valorisation and promotion of GIs (47 replies);
2. Diversification of market outlets and consumer demand (19 replies);
3. Valorisation and diversification of the processed products, increasing their quality and traceability (12 replies).

As it could be expected, the advantage more recognised and quoted by the respondents (47 replies), across all product categories, is the **valorisation and promotion of GIs**.

In fact, when used as an ingredient and correctly mentioned on the labelling of the processed product, a GI can access to alternative and additional form of valorisation and promotion, increasing its own notoriety and visibility, thanks to the promotion and advertising of the processed product.

Especially for less known and smaller GI productions, the combination with famous and popular brands represents a significant driving force to increase the knowledge and reputation of the GI. The product can benefit of free advertising and promotion on different platforms (ex. social media and mass media), reaching a larger public and a variety of consumers. These heterogeneous targets would be difficult to achieve otherwise, particularly by small GI producer groups with less capital to invest in promotion.

Furthermore, when used as ingredient in a processed product, a GI show its versatility and the possibility to be used in an innovative form, other than raw. This represent a great possibility to increase the GI reputation.

Finally, the valorisation of GI products as ingredients could encourage and promote the correct gastronomic use of GIs in processed and compound products, creating a network of companies that produce according to a similar process.

The second most common answer (19 replies) concerns the opportunities generated in terms of **diversification of market outlets and consumer demand**.

The diversification in the use of the product enhance the versatility of GIs. This is especially relevant for raw products like fresh meat, fruit and vegetables, presenting specific characteristics in terms of preservation and seasonality, which in turns create limits and difficulties in marketing strategies.

In this regards, several GI producer groups belonging to the fruit and vegetables category affirm that for seasonal products it is key to collaborate with processing industry in order to make the product available on the market in different formats all year around. Thus, processing and transformation of fruit and vegetables is fundamental to maintain a stable production of the GI.

Similarly, it is important for GIs belonging to fresh meat category to enter in the market of processed products, since processing and transformation result in products with a longer shelf life than raw meat. Furthermore, as the demand for these products is increasing, it can help the GI to achieve economic sustainability and to maintain the production alive.

In light of these considerations it can be said that this practice makes it possible overcome the limits of the marketing of raw products, reaching new consumers and opening new market outlets for GI productions.

More in general, this is true for all GIs: the diversification of market outlets has a positive impact in terms of larger quantities of GIs product used. This in turn help maintaining or in some cases even increasing production volumes.

Processed and prepared foodstuffs are closer to consumption. Since the demand for processed food is continually growing, several respondents agree that placing GIs as ingredients in these products could help diversifying consumer demand of GI products and even attracting new consumers.

Nevertheless, the added value generated by using a GI as ingredient is not limited to the GI itself. On the contrary, it positively impact on the processed product containing the GI as ingredient. In fact, several respondents recognise that this practice contribute to the **diversification of the offer of processed products as well as to their valorisation, assuring higher quality and traceability** (12 replies).

GI producers groups agree that using GIs as ingredients in processed food increase the guarantees for consumers, in terms of product information and traceability.

Furthermore, some respondents affirm that this practice can help to diversify the final product increasing its quality. In fact, when used correctly as a characterising ingredient, a GI product should transfer its unique characteristic to the final product, increasing its overall quality and differentiating it from similar products not containing the GI. This also replies to consumers demand for higher quality products.

To conclude, this practice adds value to the processed product, generating an advantage for all the companies involved, both inside and outside the quality system. This in turn help creating a virtuous sector, with guarantees for the entire supply chain and advantages for all economic actors involved.

Concerning the **risks** of the use of GIs as ingredients, 14 respondents stated that this practice do not have any kind of disadvantage nor negative impact, while 24 respondents did not express any opinion. The remaining 62 GI producer groups confirmed that there is some kind of disadvantage or negative impact to be taken into account.

To facilitate the reading of the results, the replies will be analysed through **three macro-categories of disadvantages** identified in the replies. The categories are listed from the most to the last common:

1. Reputation damage if the final product is not high quality (21 replies);
2. Difficulty to establish an effective control and surveillance system (costs and lack of information) (9 replies);
3. Risk of confusing the processed product with the protected GI used as ingredient (5 replies).

The majority of GI producer groups worries about the potential **reputational damage caused by a final product whose quality is lower than the GI used as ingredient** (21 replies). This can be the case if:

- The processor made an illicit use of the GI, e.g. not respecting the characterising ingredient rule and the minimum quantity set by the GI producer group (see other illicit use in [previous paragraph](#));
- The processed products do not have the same value positioning as the GI: the GI product could lose value for the consumers, if the expectation of the GI quality is higher than the final processed product quality;
- The GI producer group does not establish consistent quality criteria for the GI used as ingredient and gives the authorisation to all processors, no matter the type and quality of the final product. The overuse of the GI as an ingredient could confuse the consumers regarding the GI product positioning and quality.

The following topic concerns the **control system** (9 replies). GI producer groups agree on the importance of implementing an efficient monitoring and control system in order to prevent illicit use of GIs as ingredients. This practice requires many controls on the quantities of GI used for the final product, as well as on the

quantities of final product produced and sold. Nevertheless, GI producer groups also point out that this represent a further burdensome responsibility for them.

It is complicated to establish a control and surveillance system to accompany the production of compound products through all production phases and commercial cycle. One critical aspect of this control and surveillance activity are the additional costs for GI producer groups. In fact, even if the use of a GI as ingredient could be positive both for the GI and the processed product containing it, the cost of further controls falls exclusively on the GI producer group. That is why some groups, especially in Italy, have decided to demand a financial contribution or reimbursement to the processor to address the increase in operating and management costs of their ordinary activities ([see paragraph on internal guidelines and authorisation procedure](#)).

Furthermore, GI producer groups point out the difficulty in finding necessary information concerning the entire life cycle of a product. All these additional responsibilities are especially demanding for small GI producer groups.

GI producer groups from different countries highlight different aspects of this problem. It should be noted that for Italian producer groups the main difficulty in creating an efficient control system for GIs used as ingredient depends on the costs and lack of information. Nevertheless, it is clearly stated by national legislation that Italian consortia have the right and duty to authorise GI use as ingredient, and thus control that the processors respect the rules.

On the other hand, French and Spanish producer groups point out that the main problem is the lack of regulation leading to inefficient management and impossibility to build an efficient control system. The lack of a legal framework and the absence of any obligation towards the GI producer group open the door to many abuses on which the group has little means of action.

The last negative aspect refer to the **risk of misleading consumers and creating confusion between the protected GI and the processed product containing it as ingredient** (5 replies). This issue is manly linked to incorrect reference to the GI name as well as to the misuse of EU logos or GIs specific logos on the labelling of the processed product.

ENDNOTES PART 2

²³ Piadina Romagnola IGP, Pere dell'Emilia Romagna PGI, Pesca e nettarina di Romagna IGP, Asparago verde di Altedo PGI, Olio Toscano PGI.

²⁴ Aceto Balsamico Tradizionale di Reggio-Emilia PDO.

²⁵ Parmigiano Reggiano PDO and Provolone Valpadana PDO.

²⁶ Aceto balsamico Tradizionale di Reggio Emilia PDO.

²⁷ Formaggio Asiago PDO and Formaggio Piave PDO.

²⁸ Grana Padano PDO: Financial contribution for the reproduction of the logo and/or the Grana Padano denomination established on a case-by-case basis.

²⁹ Lait de foin association website <https://www.laitdefoin.fr/lait-de-foin/presentation/>

³⁰ Lait de foin association website <https://www.laitdefoin.fr/les-producteurs/le-collectif/>

³¹ [Du Comté dans un hamburger "McDonald's" : il ne faut pas en faire tout un fromage !, Macommune 25/01/2013](#)

³² Process of revision of Comté PDO product specification:

http://www.comte.com/fileadmin/upload/mediatheque/documents_pdf/revision_du_cahier_des_charges_du_comte_juin_2019-.pdf

PART THREE: RECOMMENDATIONS

3. RECOMMENDATIONS

The last chapter of the report aims at elaborating policy recommendations based on the main results delivered by the survey, in order to contribute to the current process of [revision of EU quality policy](#) and improve EU legislation concerning labelling of foodstuffs using GIs as ingredients.

As described in the previous paragraph, the use of a GI as ingredient in processed products clearly bring several advantages and positive impacts both for the GI itself and for the processed product containing it. However, the analysis of the risks has shown that the positive impacts cannot be taken for granted. In fact, GI producer groups highlight that the advantages can be achieved only if specific **conditions concerning quality and controls of the final product** are met.

First of all, the quality of the final product should be high in order to avoid damaging the reputation of the GI used as ingredient. To do that, the final products should respect the qualitative criteria (i.e. minimum quantity and characterising ingredient rule) established by GI producer groups.

Secondly, it is important to have a monitoring and control system in place to carry out controls on processing companies and point of sales, in order to avoid the exploitation of GI reputation and assure fair competition on the market.

In order to meet these basic conditions, there is a need for greater coherence and clarity of procedures at EU level. The recent increase in the use of GIs as ingredients in processed products raises a number of risks and dangers due to the lack of harmonisation at EU level and to the presence of different strategies at national level.

At the moment, the EU guidelines give some basic and non-binding instructions, while different approaches (or a lack of a formal approach) exist at national level. The fact that Italy, one of the major GIs producers, has seen the need to develop national legislation demonstrate that there is a legal void at EU level. Italy preferred to clarify with national legislation when the use of a PDO/PGI name is lawful, rather than leaving this issue to be solved in court.

In the absence of EU and national binding regulation, GI producer groups find themselves without any efficient mean of action to avoid abuse or misuse of their GI. On the other hand, the Italian case shows the advantages of a clear legislative framework.

The conclusion of AREPO study are in line with those of the "[Evaluation support study on Geographical Indications and Traditional Specialties Guaranteed protected in the EU](#)" (ADN International et al., 2021). Among the objectives of the study, the authors had to analyse the use of PDO/PGI in the sale name of final products that contain, among their ingredients, a product whose name is protected as a PDO/PGI. As a result, the authors recommend *"to examine the need for an evolution of EU legislation in order to incorporate the possibility to resolve the issue of the use of GIs in final products' sales name, when the GI has been used as an ingredient, through the use of contracts between the involved economic operators"* (Ibidem, 2021, p.23).

In particular, the evaluation recommends to study the Italian experience in further detail. In fact, the report highlight how the Italian case *"seems to contribute to strengthening the role of producer groups and to facilitating the economic recognition of the extra effort involved in producing GI products compared to conventional food products, which is in line with the objectives of the quality schemes. In addition, the solution developed by the Italian government seems to put PDO/PGI holders on more equal footing with trade mark holders by facilitating for them to enter into legal agreements with industry representatives with regard to the use of their names in the sales name of final products"* (Ibidem, p. 281).

In light of that, **AREPO firmly believes that the European Commission should formally empower producer groups to authorise and regulate the terms under which a GI used as an ingredient can be named in front-of-pack labelling of a processed product.**

In this regard, AREPO recommends the European Commission to introduce binding legislation at European level starting from the basic principles contained in the EC guidelines. In particular, it should be clear that:

- The name of a registered GI may legitimately be mentioned in the list of ingredients of a food product.
- On the other hand, when the name of a registered GI is mentioned near to the trade name, or in the labelling, presentation, advertising of a foodstuff using it as ingredient, it should not be done in a way that unduly exploits the reputation of the GI. To avoid that:
 - the processed product should **not contain any other 'comparable ingredient'**;
 - and the GI should be a **'characterising ingredient' of the processed product.**

While it is fundamental to have clear common general principles, in order to create an efficient system, it is key to empower producer groups to authorise and regulate the terms under which a GI used as an ingredient can be named in the front-of-pack labelling of a processed product.

In fact, GI producer groups are best placed to assess processors requests to use their GI. This is particularly true, in view of the difficulty to establish general rules that are valid for all product categories, given the extreme variability and diversity between GIs as regards their intrinsic characteristics. In fact, there are objective and very significant differences in terms of GIs reputation, diffusion and market penetration. Therefore, the relationship of strength between the GI and the trademark of the product containing it as an ingredient varies enormously from GI to GI and from product to product.

As a consequence of the diversity in notoriety and market penetration, **GI producer groups have different positions and needs that are legitimate and should be respected.** In practice, this means that the most popular GIs may need to adopt stricter rules to avoid misuse or abuse of their reputation, while the smallest and less known may need more flexible criteria in order to attract processors and access to new market outlets.

Significant differences in needs are also identified for GIs belonging to different product categories. For instance, fruit and vegetables have specific needs concerning product processing, in order to have a market all year round. As a result, some producer groups may want to forbid processors to freeze their GI before incorporating it as ingredient in a processed product ([see BOX 3 on Cinta Senese PDO](#)). On the contrary, for some fruit and vegetable GIs, this process might be fundamental to adapt to processors demands and needs, as long as it does not alter the qualities of the product. To define *a priori* what kind of treatment and processing GIs cannot undergone (ex. deep-freezing) would risk to turn away interested processors and would be extremely harmful for the economic sustainability of GIs.

In order to answer to those different needs, the possibility to define the terms under which a GI used as an ingredient can be named in front-of-pack labelling of a processed product should be left to GI producer groups. Since at present numerous producer groups try to regulate this issue within product specifications, this approach could bring a significant administrative simplification, avoiding a considerable increase of amendment requests.

Furthermore, this approach would assure the right flexibility since GI producer groups would be able to adopt balanced criteria in order to assure the protection of the GI, while maintaining constraints for processors at a reasonable level.

Consequently, AREPO recommends the European Commission to:

- Establish that **GI producer groups have the right to authorise operators to use their GI name in the labelling, presentation and advertising of foodstuffs containing such name as ingredient**, meaning that GI producers groups would be able to carry out control and supervision activities in all EU internal market;
- Establish that GI producer groups **may adopt and publish transparent guidelines regulating the terms and criteria according to which it would be possible to give or deny the authorization**. The guidelines may contain:
 - Criteria concerning the quality of the final product;
 - Graphic criteria that clarify how the GI name should be used in the labelling, presentation and advertising of foodstuffs containing such name as ingredient;
 - Administrative criteria to apply for the authorisation.
- Clarify that a geographical indication is a concept that manifests itself both through the product name and the product trademark logo registered in the product specifications, if one exists. In light of that, GI producer groups have the right to **authorise operators to use not only the GI name, but also the GI trademark logo (registered in the product specification)** in the labelling, presentation and advertising of the final product. The use of the specific GI logo should be regulated in the graphic criteria;
- **Establish that GI producer groups can decide to demand a financial contribution or reimbursement to the processor using their GI as ingredient**, in order to address the increase in operating and management costs of their ordinary activities. All information concerning the financial contribution should be clearly described in the administrative criteria to apply for the authorisation;
- **Establish the obligation for operators using a GI as ingredient to submit to all controls necessary to carry out supervision activities** (e.g. the possibility to access commercial documents in order to carry out control on mass balance sheets). Controls could be carried out by the producer group and/or by the national authorities, depending on the national system in place.
- **Clarify the labelling rules concerning the use of EU logos on a processed product** containing a GI as ingredient.

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