

AQA(15)3738:1

**Final Minutes of the Civil Dialogue Group on Quality and Promotion
(13/02/2015)**

❖ The meeting was chaired by Mr Jochum.

Approval of the agenda and minutes of the meeting on 21/11/14

The agenda and the minutes of the last meeting were adopted without further comments.

- A CELCAA representative asked for an update on Article 26.3 of Regulation No 1169/2011 on the Provision of Food Information to Consumers (voluntary country of origin labelling) and enquired about the state of play of the COOL report on meat used as an ingredient.

Approval of the strategic agenda and the rules of procedure

Several comments had been received during the online consultation on the draft strategic agenda. The text reflected a balanced position, seeing as some contradictory comments and certain very specific topics that do not usually belong to such a strategy had been received.

After a brief explanation of the text, the floor was opened for questions/comments.

- A Euromontana representative apologised for the absence of any comment in advance. A suggestion was made to include the importance of the CDG in providing support to communicate with and inform consumers. The CDG could also support the Commission when identifying programmes on providing information to consumers.

- A Friends of Europe representative suggested linking sustainable consumption with food quality via a reference to green public procurement.

- A SACAR representative reminded members that the European promotion policy was not only limited to food products, but also covered flowers and plants. Therefore, it was important to ensure that the draft strategic agenda also covered this point. The sentence in the introduction that referred to the “huge potential to use promotional schemes to support the development of short supply-chains across Europe” was not an objective of the promotion policy and was not necessarily well-placed in the strategic agenda.

- An EFFAT representative underlined the importance of identifying projects that recognised the whole supply chain. The need for better quality and better jobs for the future was also highlighted.

- An Origin representative commented on the monitoring of GIs to ensure that there was not a conflict with intellectual property rights.

- The Chair reminded the group that it could not go beyond its mandate, considering that there, were other forums as well. The group would try to include the additional points and a new version would be published and adopted via CIRCABC.

Protection of geographical indications for non-agricultural products at EU level – outcome of the conference, results of the public consultation and discussion on the next steps

- A European Commission representative explained that the Commission was currently analysing the feasibility of EU unitary protection for non-agricultural products. During the

presentation, the outcome of the public consultation “*Making the most out of Europe's traditional know-how: a possible extension of geographical indication protection of the European Union to non-agricultural products*” was briefly explained.

The outcome was very helpful as many responses stated that the current protection was insufficient. One of the main conclusions was that unitary protection at EU level would be beneficial. The protection would lead to, for instance, more information about products, better enforceability of rights as well as more tourism and cultural activities in the areas.

On the other hand, some replies had underlined that national protection was sufficient or had suggested their own ideas to enhance the trade mark system at EU level. As regards consumers, some stressed that additional regulation might cause confusion and increase prices.

Regarding the link with the place of origin, many answers were in favour of two links: PDO and PGI. There was also a new idea on a broad link ranging from products where the raw materials came from the area to products with a link more focused on a locally developed know-how.

A conference took place on 19th January to present the results of the public consultation and discuss with stakeholders the need for action at EU level, and the way to do it. A summary report of the public consultation and the conference will be available soon. The European Commission is now looking forward to the own initiative report of the European Parliament on the Green Paper. After the positive opinion of the Committee of the Regions and from the European Economic and Social Committee, it will help the Commission decide whether and how to create a system of geographical indication (GI) protection for non-agricultural products at European Union level.

- The Chair thanked the Commission for the presentation and the floor was opened for questions/comments.
- Copa and Cogeca representative explained that extending this concept to non-agricultural products was a positive idea, as synergies could be created between both systems in order to foster development in rural areas. Nevertheless, it was necessary to establish legal consistency for all different types of products. More information was requested regarding the link with the place of origin. For instance, leather comes from the agricultural sector.
- A Eurocommerce representative asked whether Member States were ready to support such a system economically and financially.
- The Commission representative explained that they were currently analysing all possibilities. A new system, if defined, should be simple and affordable to all. The Commission would consider the agricultural system and would work closely with their colleagues from DG AGRI.

Presentation and state of play of the Commission's proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 207/2009 on the Community trademark

- A Commission representative explained their initiative to reform the trademark system in the EU. They were currently discussing the package with the other institutions.

The Commission had adopted proposals for a revision of the Regulation on the Community trademark and on amending the directive on Member State laws relating to trademarks.

Regarding the importance of this package for geographical indications, it was explained that the package included significant elements to strengthen the protection of geographical indications. The idea was to guarantee complete coherence, also including TSGs.

As for the legal procedure, the triologue meetings began in November last year and they were confident that they would see adoption within the next half year.

- .EFOW : It is important that the provisions in this Regulation do not jeopardise the GI *acquis*. We believe that a step forward has been made by adding to the grounds for non-registration of a trade mark that it cannot contain or consist of a traditional term. There is a very interesting provision that we hope one day will also apply to GIs: seizure and destruction of fake GI goods in transit in the EU before their final destination to a third country. The European Commission should forbid the registration of trade marks that contain a PDO/PGI even for non-comparable or non-similar products where there is a risk of dilution or a risk to the distinctive character of the PDO/PGI or that use would take unfair advantage of the PDO/PGI.

An EFOW representative explained that the proposals did have an impact. Some of the provisions on Community trademarks could be applied to wine and products with raw materials coming from other places, which could therefore causes distortions to competition.

- An Origin representative supported EFOW's comment and stressed that an amendment introducing a parallel system (territorial certification marks) could lead to confusion.

- A Euromontana representative stated that some producers needed to use a trademark because it was costly for them to access PDOs and PGIs. It was essential to take the situation of small producers into account.

- The Chair underscored the importance of more coherence between the proposals on trademarks and geographical indications.

Presentation of the study on the mandatory indication of the country of origin or place of provenance of other meats, milk and milk used as an ingredient in dairy products (Art. 26.5)

- A Commission representative (DG AGRI) provided an update and explained the latest information regarding the report. Following the mandate granted under Article 26.5 of Regulation (EU) No 1169/2011 on the provision of food information to consumers, the Commission had to submit a report to the European Parliament and Council on the mandatory indication of the country of origin or place of provenance of milk, milk used as an ingredient in dairy products and types of meat other than beef, sheep and goat, poultry and pig.

In order to draft this report, DG AGRI called upon Wageningen University to carry out a study to collect data for the Commission to analyse this possibility. The study analysed the interest of consumers to be informed regarding these products, the supply chain characteristics and the feasibility of such labelling.

The report would also analyse different scenarios: no labelling (status-quo), EU/non-EU labelling and labelling at Member State level.

The report would be published soon. The Commission was following the internal decision procedure. Once the report was complete, it would be sent to the European Parliament and Council for discussion.

Update on the report on mandatory origin labelling for unprocessed foods, single ingredient products and ingredients that represent more than 50% of a food (Art. 26.5)

- A Commission representative (DG SANTE) provided an update on the other ongoing study regarding mandatory origin labelling. This one would focus on unprocessed foods, single ingredient products and ingredients that represent more than 50% of a food. The idea was that both reports would be published at the same time.

Although the study carried out for this report covered three general categories, several products were analysed in more detail to draw conclusions:

- Unprocessed food: wheat flour, rice and pre-packed cut salads,
- Single ingredient products: sugar, sunflower oil and frozen potatoes,
- Ingredients that represented more than 50% of a food: orange juice, tomato puree (passata) and wheat flour in bread.

As in the case of milk, the study analysed the need for consumers to be informed and the information that consumers were interested in when purchased the products. The economic and social impact were also analysed.

The report examined different options: 1) voluntary labelling (status-quo), 2) EU/non-EU origin, 3) Member State or third country origin and 4) other geographical entities as the place of provenance. It also evaluated the definition of origin for the different categories, supply chain characteristics and different elements such as sourcing practices, and the frequency of change in the mix of suppliers.

Both reports would soon be published and would be sent to the European Parliament and Council for discussion.

- The Chair thanked the Commission for the presentations and the floor was opened for questions/comments.

- Copa and Cogeca representative stressed the importance of the place of farming when defining origin. They asked whether the conclusions of the report covering general categories would be horizontal or sectoral, taking the different case studies into account.

- A BEUC representative asked if any date had been set for the publication of the reports, and the state of play of Article 26.3.

- The Commission representative concluded that the report analysed the increase in costs, the potential benefits and the possible impact on the internal market and on international trade.

- A CELCAA representative asked about the application of Article 26.3 on voluntary country of origin labelling rules. There was also a request for more information on the criteria used in the reports to analyse the costs and the impact on competitiveness and trade.

- The Commission representative explained that, similarly to the case of meat used as an ingredient, the study analysed the interest of consumers to be informed on the origin of these products. To do so, they performed interviews and surveys with consumers, and used the Eurobarometer survey in the case of milk. Various surveys and interviews with food business operators and the Member States analysed different scenarios and the feasibility of such an initiative. The reports would also examine the impact on SMEs, on the internal market and on international trade. Both reports would launch a debate with the European Parliament and Council. It was clarified that the provisions of Article 26.3 would not apply unless and until an implementing act would be adopted. It was also that this implementing act that is still missing today and that there is no new development concerning its adoption.

[State of play of the discussions on the European Commission's proposal on official controls and the link to quality certification schemes for agricultural products and foodstuffs](#)

- The Chair explained that a written contribution had been uploaded to CIRCABC including an update and synopsis of the main elements in the proposal on official controls that related to PDO, PGI and TSG products.

7. Geographical indications in the wine sector

a. Update on submission of product specification of existing GIs

b. Update on modification of product specification for wine GIs and on new wine GIs

- A Commission representative gave an update on the different dossiers submitted to the Commission from the wine sector, including dossiers for existing GIs, modifications and new applications. The Commission had analysed over 1000 dossiers for existing wines that were already registered.

The Commission had also analysed new applications to register new wines that were not yet included in the register, as well as modifications to product specifications. They had received over 1000 dossiers, divided into three categories. About 750 of these applications were demands to deal with conformity measures.

During the presentation, the Commission explained that they already dealt with quite a lot of dossiers. About 50% of those remaining were mainly for corrections, where Member States had asked for errors to be corrected.

Discussion on the possibility for further simplification in the area of quality policy

- Copa and Cogeca (for more details, please see presentation)

Copa and Cogeca stressed the importance of the European quality policy. GIs contributed to preserving and developing rural communities through their tradition, history and taste.

A certain amount of simplification was welcomed, as long as this was beneficial for producers, in particular vis-à-vis administrative procedures. On the other hand, it was vital to preserve the specific characteristics of each sector. The presentation also highlighted the need to improve the international protection of geographical indications.

Regarding specificities of the food sector, Copa and Cogeca underlined the importance of preserving the concepts of PDOs and PGIs and their specific definitions, as well as the Traditional Specialities Guaranteed system.

Copa and Cogeca also underlined the importance of geographical indications for the wine sector (more than 70% of wines were sold with a GI) and the need to preserve the current quality system (with the definition of PDO, PGI and traditional terms) and the wine quality policy in the CMO.

- CELCAA presentation

A CELCAA representative explained that assuring quality is very important, particularly in the meat sector, in terms of traceability. Quality labels were closely scrutinised by consumers and it was therefore very important to educate consumers.

The meat sector was very volatile and it was essential to look for new markets. Promotion campaigns were therefore very important. It was vital to simplify the system, yet more information was needed beforehand in order to know what this would mean in practice.

- EFOW presentation (for more details, please see presentation)

An EFOW representative insisted on the fact that there is no need for a reform of the quality policy. The current regulations meet the expectations of operators. The existence of 4 regulations governing the protection of European geographical indications is due to the specificity of each sector. There are

important between the system that applies to wines and those that apply to other GI products. They reflect a long tradition and know how that shaped the GI wine sector. Any simplification that would challenge the specificities of the GI wine sector is neither desirable nor acceptable.

The presentation explained that the wine sector had two kinds of GIs with a particularly strict definition of the delimited area. For instance, in the case of the origin of the raw material, 100% of grapes came from the delimited area for PDOs and at least 85% for PGIs.

In their specifications, they was also a description of the analytical and organoleptic characteristics, as well as a definition of the specific oenological practices, the maximum yield per hectare and the wine grape variety.

Regarding potential ideas for simplification, it may be possible to facilitate the approval of modifications to specifications when there is no objection at EU level. It could also be possible to establish a transitional period, after national approval and while awaiting EU approval.

- Spirits Europe presentation (for more details, please see presentation)

A Spirits Europe representative explained that the international success of spirit drinks was mainly based on the specificities of their products, their image and their international dimension. 30% of their exports was sold with a geographical indication.

Regarding their main specificities, their quality regulation allowed for national legislation. In many countries, GIs were based on national law. For instance, Cognac was registered at the end of the 30's and then at EU level in 1989.

GIs in the spirits sector were also protected against translation, which was a fundamental part of their protection. Another important issue to consider was the voluntary use of the symbol, which should remain voluntary. There were sectoral labelling rules that took these specificities into account, which was very important. The role of Member States could also be analysed during the evaluation, to ascertain whether this could be improved.

In conclusion, it was very important to maintain the same level of protection and the specificities of each sector and to look at the international context. At the same time, it was also necessary to know the meaning of further simplification in practice.

- CEJA presentation

A CEJA representative explained that, due to the economic crisis, Italy had seen a decline in the consumption of GI products. They believed that there was room for improvement in terms of the promotion policy. It would be appropriate to analyse the simplification of the quality policy to develop a coherent system that was beneficial for producers.

- FoodDrinkEurope presentation

A FoodDrinkEurope representative explained that TSGs were very important for the sector, in particular for the meat sector. They requested clarification on the scope of the discussion to know whether TSGs would be included. It was also vital to consider the specific characteristics of the sectors.

Discussion:

- The Chair thanked the speakers for the different presentations and reminded members that at the moment there were four different regulations on quality policy, covering the different products. It was essential to put in as much effort as possible to understand the differences

and specificities of the sectors, and to stress the importance of knowing more details on the objective of the simplification debate and the timeframe.

- The Commission stressed the importance of this exercise. It was necessary to understand the specificities of the sectors and the extent to which the economic situation changed with respect to the market. It was also vital to know whether there were any new expectations from society¹.

- An Origin representative stated that the implementation of Regulation 1151/2012 was very recent and it was still too early to know more about its functioning. Time was needed to gain experience. The revision could conserner procedures but must respect the specificities of each type of products. GIs are not brands; the Commission is competent to manage it. Entrust the OHIM would be a negative signal. Stronger protection was extremely important. Although there were tools, they needed to be strengthened: priority is on promotion and protection. the system is new but its reputation is progressing

- A CELCAA representative requested greater clarity on the objectives of the simplification debate. There seemed to be a debate underway on managing all GI systems in the same office. That could certainly be a first step towards this kind of management. It was also important to note that the system provided added value to the sector.

- A FoodDrinkEurope representative explained that the market had changed a lot and was more globalised today. There were more quality labels on the market, which in some cases would cause confusion for consumers. The labelling and certification schemes should be made more parallel. Although the GI system was very successful in the wine and spirits sector, the same could not be said for other sectors.

- A Copa-Cogeca representative asked for more details regarding the simplification exercise. It was difficult to adopt a position when the legislation was so new. Regarding the wine sector, quality was of the utmost importance, not only to increase the added value, but also to increase the economic value.

- A CELCAA representative stressed the importance of international protection as well as the interest of having harmonised administrative procedures, for instance, in the case of opposition procedures. Generic names were also vital in the context of international agreements, such as the TTIP, where this may be an area of dispute.

- The Chair grouped the different comments into three clusters: 1) technical procedures more to do with administrative procedures, 2) protection of intellectual property rights and 3) market demand. The international dimension was also becoming very important.

- The Commission representative agreed with the different groups and reminded members that the Commission's idea was to see where there could be some room for simplification and faster procedures going through the different legislations. They would analyse the way to make GIs stronger. The different specificities would be examined, for instance in the case of labelling rules.

- A Euromontana representative stressed the importance of looking at all kind of producers and consumers during this evaluation.

- An EFOW representative highlighted the fact that the GI family is like the EU: we are united in our diversity and this is an added-value from our perspective. From an administrative point of view: no real need to reform the current systems. In terms of procedure, everything that allows reducing the delays, especially for the modification of the specifications is most

¹ For more details, please see the working document provided for the Commission for the discussion

welcomed. We want to maintain a clear distinction between GIs and trade marks and are opposed to all transfers of powers to the OHMI. The big challenge nowadays is the protection of GIs. The Commission must stop doing micro-management, and must develop a clear GI strategy to defend us on the Internet, to advance at the WTO etc. We must support producers in third countries that have developed a GI approach and are fighting at our side. Regarding the consumer aspect, there is still work to do. Hence we are very pleased with the recent reform of the EU promotion policy: a new budget and provisions should help us in this task.

- A Copa and Cogeca representative underlined the traditions in the wine sector and how traditional terms contributed added value. The concept of PDOs and PGIs, with their respective definitions, was also vital.

- A FoodDrinkEurope representative asked for clarification on the timing and procedures.

- An IFOAM representative explained that their expectations also included certification. During an inspection, it was important not to ask for information several times.

- An ERPA representative explained that GIs helped to improve production systems and volumes in the poultry sector. The sector had been restructured and a lot of jobs and production had not been outsourced to other areas.

- The Commission representative explained that the Commission was looking at the possibilities for simplification in the area of quality policy. Particularly analysing how more simplification could be achieved if need be. They would look at existing legislation to see whether any changes needed to be made.

- An EFNCP representative stressed the importance of looking at the market if we wanted to improve the system of geographical indications. Some consumers looked at local products sold through short food supply chains and some geographical indications missed this concept.

- A Eurocommerce representative stressed the importance of fighting imitations. Some PDOs were greatly appreciated by the market and some countries tried to imitate them. It was sometimes difficult to protect the original name from imitations. For instance, in the case of the agreement with Canada, those who produced certain cheeses were able to continue to use the same trade names, but just had to add that they were not Italian, yet this caused problems of confusion and misled consumers.

- A CEJA representative underlined the difficulty faced by small producers in accessing geographical indications and the need for more protection.

- A Euromontana representative asked for the possibility to have more flexible instruments such as mini PDOs or PGIs to facilitate access for some operators.

- The Chair detailed the different production techniques as well as different consumer preferences. It was important to know how to recognise quality through our different certification schemes. At the same time, we have a lot of labels and logos nowadays that might mislead consumers, due to the large amount of options out there.

During debates on this matter, it was vital to examine the specificities of the different sectors to see the extent to which they were justified. Simplification could be beneficial, but it must be advantageous to producers. It was also necessary to ensure more international protection.

- The Commission reminded members that they could send written contributions. Considering that administrative simplification was important, they could perhaps organise a meeting. They were also discussing this matter in parallel with the Member States.

The members were informed that the next CDG would take place in June to address quality and promotion.

- The Chair thanked the Commission, the members of the CDG and the interpreters and closed the meeting.

Disclaimer

"The opinions expressed in this report represent the point of view of the meeting participants from agriculturally related NGOs at Community level. These opinions cannot, under any circumstances, be attributed to the European Commission. Neither the European Commission nor any person acting on behalf of the Commission is responsible for the use which might be made of the here above information."