



## THE ROLE OF REGIONS IN THE PROCESS OF MODIFICATION OF GIS PRODUCT SPECIFICATIONS

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### ABSTRACT

*The presentation analyses how Regions support producers associations in the process of modification of GIs product specifications. In France, Italy and Spain, regional administrations represent a key-player in the process of definition of products specifications. Thanks to their competence in rural development policy, they actively support producers during the whole process of GI registration: from the preliminary impact assessment and the identification of product quality standards, to the presentation of amendment requests for registered GIs. The presentation will focus in particular on several practical examples, analysing how different regional practices try to address the balance between tradition and innovation, acting as a mediator among different categories of stakeholders during the modification process. Successful practices and recurring problems will be presented.*

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## INTRODUCTION

The presentation analyses **how Regions support producers associations in the process of modification of GIs product specifications.**

Regional administrations can be a key-player in the process of definition of products specifications, but the situations are very different from one country to another. Thanks to their competence in rural development policy, they support producers at different level during the registration process: from the preliminary impact assessment and the identification of product quality standards, to the presentation of amendment requests for registered GIs.

**Why focusing on amendment procedure?** As a general trend, the requests of new GIs registration are progressively decreasing while the **amendment requests are quickly increasing.** In particular, in the Member States with an historical system of recognition of GIs **the amendment requests are overcoming the new registrations.**

The presentation will focus on several practical examples, analysing how different regional practices try to address the balance between tradition and innovation, acting as a mediator among different categories of stakeholders during the modification process.

To this end, the analysis focuses on **3 Member States (MS) with an historical system of recognition of GIs** but with **different models and level of centralisation/decentralisation concerning regional competences:** Italy, France and Spain. For each State one case study will be presented:

1. **Emilia-Romagna Region - Italy**
2. **Catalunya – Spain**
3. **Nouvelle-Aquitaine – France**

Information on case studies has been collected through telephonic interview with AREPO's referent persons of these Regions. Successful practices and recurring problems will be presented.

## SETTING UP THE CONTEXT

As anticipated, the analysis focuses on **3 MS with an historical system of recognition of GIs** but with **different models and level of centralisation/decentralisation concerning regional competences on GIs:** Italy, France and Spain.

- **France is an example of strong centralisation:** Regions have **no recognized formal role** in the definition of product specifications and amendments since the whole process at national level is managed by INAO (the French National Institute of origin and quality). Nevertheless, some Regions **(indirectly) support** producers through the **technical expertise** of regional institutes for agri-food quality or similar organisations.

**Italy and Spain are examples of decentralisation,** at a different level, and their **Regions have specific competences** that are defined in the national legislation.



- Decentralisation is **lighter in Italy**: even if the Regions have formally defined competences, the registration/amendment process is managed at national level by the Italian Ministry of Agriculture.
- On the other hand, in **Spain the Autonomous Communities have exclusive competence concerning GIs** registration/amendment process, as well as a more general exclusive competence in the **regulation of the agri-food sector**.

**Attention: In all three countries the amendment procedure follows the same steps of registration procedure.**

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#### NOUVELLE-AQUITAINE REGION (FRANCE)

In France, the National Institute of origin and quality (INAO) is in charge of the implementation of the quality policy at national level and manages the whole process of GIs registration/amendment. Thus, a group of producers wanting to register a new PDO/PGI or modifying an existing one should present the application directly to the INAO, which carry on all the registration/amendment procedure (consult here the graphic representation of [registration](#) and [amendment](#) procedure). **Regional administrations do not have a formal role in this process.**

Nevertheless, at territorial level Regional Institutes for agri-food quality (IRQUA) were created in 5 different Regions: 1) Grand-Est: [Alsace Qualité](#), 2) Hauts-de-France : [Groupement Qualité Nord-Pas de-Calais](#), 3) Normandie: [IRQUA Normandie](#), 4) Nouvelle-Aquitaine: [AANA](#) and 5) Occitanie: [Irqualim](#).

These Institutes are regional associations that gather together the territorial stakeholders dealing with quality and origin products (regional representatives, agricultural chambers, producers, processors, distributors, caterings and consumers)<sup>1</sup>. Their mission is to support and promote the development of quality and origin products in their Regions.

In 2012<sup>2</sup>, INAO and IRQUA signed a partnership agreement that recognises the expertise of these agencies in developing and promoting quality agri-food products.

The Agri-food Agency of New Aquitaine (AANA) is one example of these Institutes. It has been created in 2016, from the fusion of three agencies (AAPrA, IRQUA and CREPAL), as a result of the administrative reorganisation at national level that brought into light the new Regions and, in particular, Nouvelle-Aquitaine. AANA is financially supported by Nouvelle-Aquitaine Region. Its main **missions** are:

1. Developing and implementing a regional strategy for quality and origin products of Nouvelle-Aquitaine Region;

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<sup>1</sup> The composition of the Institutes does not follow the same models, so different actors are integrated in different agencies. This is an indicative list of the main stakeholders that can be included.

<sup>2</sup> INAO, Rapport d'activité 2012 ; INAO, Contrat d'objectifs et de performance 2014-2017.



2. Promoting and communicating on the image and reputation of Nouvelle-Aquitaine quality and origin products at local, national and international level. Educating consumers and raising awareness on taste and balanced diets;
3. Supporting and promoting the agri-food enterprises of Nouvelle-Aquitaine Region at national and international level through organisation and participation to exhibition, trade fairs and meetings.

In line with its mission, AANA also offers technical support to producers during the registration process of a new PDO/PGI. This service includes support to structure the association (ODG) and to develop products specifications. **AANA may also assist a producer association of a registered PDO/PGI in presenting amendment requests.** These services are not free of charge and the **cost is charged to producer associations.**

Nevertheless, Nouvelle-Aquitaine also allocates regional funds to reimburse to producers the cost of advisory service for GI registration/amendment. This regional aid is not specific for support received from AANA, since the agency is one of the stakeholders supporting producer associations in this process. In fact, producer associations can decide also to consult independent professional GIs experts or to internalise this work and call on the region for financial support.

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#### EMILIA-ROMAGNA REGION (ITALY)

In Italy, the Ministry of Agriculture (MIPAAF) is in charge on the implementation of the quality policy at national level and manages the whole process of GIs registration/amendment. In 2013, the Ministry adopted a **Ministerial Decree** to implement the new EU Regulation 1151/12 on quality schemes for agricultural products and foodstuff.

This Decree **formally recognises the competences of Italian Regions** in the GIs registration/amendment process. In particular, once the MIPAAF has informed the Region or Regions interested by the geographical area of the GIs:

- The Region(s) request(s) a **meeting with the Ministry** to evaluate the dossier (application/amendment) (within 60 days)
- **The Region(s) should elaborate an opinion of the application/amendment and send it to the Ministry (within 90 days)**

The Decree adopted on October 14<sup>th</sup> 2013 updated the national procedure in line with the new Regulation (EU) 1151/12. This update gave the possibility to Italian Regions to ask for a greater role in the GIs application/amendment process. Thank to regional lobbying, for the first time the interested Region(s) obtained the possibility to request a **meeting with the Ministry of Agriculture**, to evaluate the application/amendment. This new regional competence brought a significant improvement in the recognition of the role of Regions in the application and amendment process.

In fact, the meeting with the Ministry is really important to clarify the position of both Institutions and find a compromise from the beginning. In this way the **opinion** of the Region(s) is more



consistent with the Ministry’s position. That assures uniform criteria and avoids sending contrasting indications to producers.

These are the most important regional competences in the GIs registration/amendment process, for a complete list see the following table:

Italy - Emilia-Romagna	
National legislation <u><a href="#">Decreto ministeriale 14 ottobre 2013</a></u>	Regional legislation <sup>3</sup> <u><a href="#">Allegato A alla Delibera Regionale n. 1682 del 27 ottobre 2014</a></u>
<ul style="list-style-type: none"> <li>• Application/amendment sent to Ministry of Agriculture &amp; to the interested Region(s)</li> <li>• The Region(s) request(s) a meeting with the Ministry to evaluate the dossier (application/amendment) (within <b>60 day</b> from the presentation of the application/amendment)</li> <li>• The Region(s) should elaborate an <b>opinion</b> of the <b>application/amendment</b> and send it to the Ministry (within <b>90 day</b> from the presentation of the application/amendment)</li> <li>• The applicants send their replies to the Ministry and the Region(s)</li> <li>• The Ministry and the Region(s) participate together to the public meeting (for the amendment only if the defined territory of production is modified)</li> <li>• The applicants send their replies to the statement(s) of opposition to the Ministry and the Region(s)</li> </ul>	<ul style="list-style-type: none"> <li>→ In order to elaborate the <b>opinion</b>:               <ul style="list-style-type: none"> <li>• the competent service demands a <b>technical evaluation</b></li> <li>• the Region publishes an <b>abstract of the application in the regional official bulletin</b> to inform the interested parties</li> <li>• Interested parties can send <b>observations</b></li> </ul> </li> <li>→ The opinion should analyse:               <ul style="list-style-type: none"> <li>• The <b>consistency</b> of product’ specifications <b>with the regional strategy of valorisation of agrifood products</b>;</li> <li>• The existence of <b>conflicting interests</b>;</li> <li>• Other relevant aspects for PDO/PGI registration.</li> </ul> </li> </ul>

**Table 1 – National and regional competences in the GIs registration/amendment process in Italy.**

In order to better define Regional competences in GIs registration/amendment process, some Italian Regions adopted regional legislation. This is the case of Emilia-Romagna Region that in the Annex A to the Regional Resolution n. 1682 of October 27, 2014 **outlines in detail how to elaborate the opinion**:

<sup>3</sup> For more information about Regional legislation consult the following [link](#).



- the competent service demands a **technical evaluation** of the application/amendment request;
- the Region publishes an **abstract of the application in the regional official bulletin** to inform the interested parties;
- Interested parties can send **observations** (this is not part of the opposition procedure at national level, nevertheless it's useful to involve all the relevant stakeholders in the process and find a balance among all interests represented).

Finally, the opinion should analyse:

- The **consistency** of product' specifications **with the regional strategy of valorisation of agri-food products**;
- The existence of **conflicting interests**;
- Other relevant aspects for PDO/PGI registration.

In addition to this formal role, Emilia-Romagna Region has also an **informal role**, not recognised by the Decree, but de facto assumed by the Region. In particular, as a part of the preliminary assessment, Emilia-Romagna Region also assures the technical support to producers interested to register a new GI or to modify an existing one.

Thanks to this first informal contact and relation, the regional experts and the applicant group evaluate together the pros and cons of application for registration as well as for modification of product specifications.

If a PDO/PGI registration is not considered to be the best option, the regional experts and the applicant group discuss and evaluate alternatives.

On the other hand, if a PDO/PGI registration is considered a good opportunity to promote and protect the product, the regional experts start to (informally) assess the registration's impact on producers, taking into account both economic and operative aspects. Furthermore, they discuss with the applicant group about the linkage between quality/product characteristics and the geographical environment, as well as between a specific product's quality, product's reputation or other product's characteristics and its geographical origin.

**In case of amendment request the procedure at regional level is the same: amendments to product specifications are discussed with producer groups before they officially present the demand.**

The **internal organisation of Emilia-Romagna Region** reflects this role since there is a service responsible for PDO/PGI. Nevertheless, Emilia-Romagna Region does **not have a proactive agenda or specific objectives** in proposing amendments. The demand always comes from the producers while the Region may suggest introducing an amendment to address problems presented by producers.

The Region also acts as a **mediator** to find a balance between all the interests represented. **The institutional process is considered effective in finding a compromise.** In complicated cases, the



Region intervenes organising informal meetings with producers, before the amendment request is presented.

**Concerning the balance between tradition and innovation**, Emilia-Romagna considers that technological amendments should not change specific product's quality described in specifications, but innovation is widely accepted.

**At the present, Emilia-Romagna only has amendment requests pending approval of the European Commission.**

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#### CATALUNYA REGION (SPAIN)

The Spanish constitution recognizes the legal and administrative autonomy of Autonomous Communities in a strong decentralisation that resembles in many respects the structure of federal states. Autonomous communities have political and financial autonomy. This entails the attribution of powers to approve laws on the competences recognised in their statutes, as well as undertaking executive tasks assigned in their statutes<sup>4</sup>.

The Spanish Constitution also introduces the duty of collaboration between public administrations, for the exercise of the powers corresponding to the State's central administration, as well as for those corresponding to Autonomous Communities.

In this context, **Autonomous Communities** have **exclusive competence** in the regulation of agri-food sector and, in particular, **concerning GIs registration and amendment**.

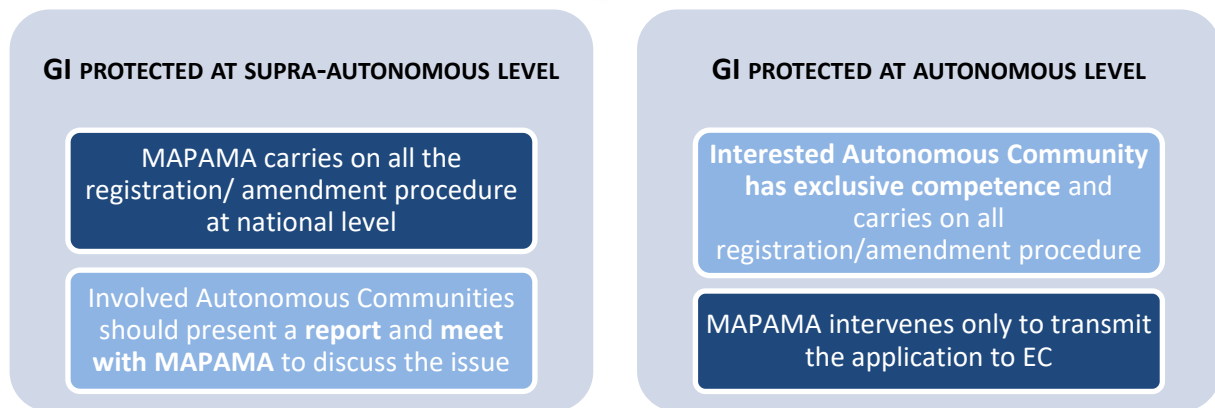
In order to clarify this distribution of functions between the Spanish Ministry of Agriculture and the Autonomous Communities, it is necessary to differentiate between **GIs** protected at **supra-autonomous level** whose territorial scope covers more than one Autonomous Community ([Ley 6/2015](#)), and **GIs** protected at autonomous level, whose territorial scope does not exceed an Autonomous Community ([Real Decreto 1335/2011](#) and [Real Decreto 149/2014](#)).

In the case of **supra-autonomous GIs**, the Spanish Ministry of Agriculture, Food, Fisheries and Environment (MAPAMA) carries on all the registration as well as amendment procedure at national level. Thus, the MAPAMA receives the application, manages the national opposition procedure and publishes in the Official State Gazette (BOE) the registration/amendments of a supra-autonomous GI. Nevertheless, before publication, the MAPAMA should request the interested Autonomous Communities to present a report and should meet with them to discuss the issue.

On the other hand, a **GI that does not exceed the territory of region is exclusive competence of the interested Autonomous Community**. The Community carries on all the registration as well as amendment procedure, it receives the requests and manages all the phases of the national procedure. The Ministry intervenes only to transmit the application to the European Commission.

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<sup>4</sup> [http://administracion.gob.es/pag\\_Home/espanaAdmon/comoSeOrganizaEstado/ComunidadesAutonomas.html?idioma=es](http://administracion.gob.es/pag_Home/espanaAdmon/comoSeOrganizaEstado/ComunidadesAutonomas.html?idioma=es)



**Table 2 - Distribution of functions in GIs registration/amendment process between MAPAMA and Autonomous Communities in Spain.**

The case study on Catalunya Region will be presented to better describe the competences of Autonomous Communities concerning GIs.

**The Statute of Autonomy of Catalunya** attributes to the Generalitat **exclusive competence** concerning agri-food sector (art. 116) and **GIs** (art. 128). This includes the creation and implementation of the legal framework and regulatory standards.

Catalunya Region does not have supra-autonomous GIs among its registered PGO/PGI. **Therefore, the evaluation and management of applications for a new GI and amendment demands concerning Catalan products are carried out exclusively by the Generalitat de Catalunya.** The Ministry intervenes only to transmit the application to the European Commission.

The Catalan **legislative framework** on GIs is composed by the Law 14/2003 on agri-food quality<sup>5</sup> and the Decree 285/2006<sup>6</sup>, implementing Law 14/2003 and establishing the procedure for requesting a GI registration/modification.

As established by the Decree 285/2006, **registration and amendment procedures are exactly the same and are carried in all phases by the Generalitat:**

1. Application/amendment request should be sent to the Regional Ministry of Agriculture;
2. After a first analysis by the competent DG, the application is published in Official Journal;
3. Oppositions should be presented to the Regional Ministry;
4. If the application is considered eligible, the Catalan Ministry approves the **provisional protection** and informs the Spanish Ministry of Agriculture that transmits the application to the European Commission;

<sup>5</sup> [Ley 14/2003, de 13 de junio, de calidad agroalimentaria](#)

<sup>6</sup> [DECRET 285/2006, de 4 de juliol](#)





5. Once approved by European Commission, the Catalan Ministry publishes the decision on the Official Journal.

The **internal organisation of Catalunya Region** reflects this role since there is a service responsible for PDO/PGI.

Despite this exclusive competence in GI registration and amendment procedure, Catalunya does **not have a proactive role nor specific objectives** in proposing amendments and the demand always comes from the producers. Thus, also the balance between tradition and innovation is usually found by producers themselves and not by an active intervention of the Region.

Nevertheless, the Region acts as a **mediator** to find common position and a balance between all the interests represented.

## RECURRING PROBLEMS

Both Emilia-Romagna and Catalunya highlighted a problem related to the **length of amendment process**, in particular:

- Paradoxically, minor amendments usually take more time to be approved. Even if they skip the opposition process and should simply be approved or rejected by the European Commission, they undergo a greater scrutiny by the EC itself.
- Furthermore, the Reg. 1151/12 has **removed the possibility to approve transitional recognition to the amendment of product specifications**. As a consequence the length of the process is even more problematic.
- Finally, in some cases the amendment request has given way to a sort of evaluation of original product specifications by the EC. This is the case of those products approved before the introduction of the single document. For these products EC just had an abstract of the specifications, thus tended to consider as amendments some original elements of products specifications that were not included in the abstract.

## CONCLUSIONS

- At different extents, all three Regions present some form of (technical) support for producers during registration/amendment process
- When the Region has a formal role in the registration/amendment process it also has an important and effective function as a mediator among different categories of stakeholders
- None of the three Regions plays a proactive role in proposing amendment, they just support producer associations when amendments are necessary
- Nevertheless, amendment procedures are increasing and outpacing the number of registration procedures.

