



Consorzi di tutela

Normativa nazionale italiana

Groups

- As we have known for some time now, at the base of every GI there must be a group of producers.
- Art. 9 Reg. 2024/1143:
 - Applications for the registration of geographical indications may only be submitted by an applicant producer group.
 - An applicant producer group shall be an association, irrespective of its legal form, composed of producers of the same product the name of which is proposed for registration.

Before EU regulations

- In Italy (and other Mediterranean countries), several DOC (Controlled Designation of Origin), especially cheeses, cold cuts, oils and wines were each protected by their specific legislative act.
- The pressure for the registration and legal protection of these GIs came from the producers themselves, who were organized in associations (normally named *consortia*), also carrying out production controls and promotion activities.

Consortium

- For each DOC, a so called “**Consortio di tutela**” (safeguarding consortium - the currently *recognised producer group*) was typically established. It is a sort of interprofessional association of producers and processors
- The Consortium's tasks were (and are): the defence and protection of the Designation of Origin, the facilitation of trade and consumption by promoting every initiative aimed at safeguarding the typicality and features of the product
- Furthermore, in the past, production control was also one of the consortium's tasks, as was the regulation of supply

Consortium

- Today, in the Italian system, most PDOs/PGIs have their authorized “Consorzio di tutela” (safeguarding consortium)
- To be «di tutela» the consortium needs an authorization by the Ministry of Agriculture, based on specific national rules
- Consortia are «*sui generis*» interprofessional associations of producers and processors and still maintain the same tasks (safeguarding, legal action and promotion)

Consortium: national rules

- **Legge 21/12/1999, n. 526, articolo 14**
- **Decreto MIPAF n. 61413 del 12 aprile 2000**
- **Decreto MIPAF n. 61414 del 12 aprile 2000**
- **Decreto MIPAF / ICQRF del 12 aprile 2000**
- **Decreto MIPAF n. 410 del 12 settembre 2000**
- Decreto MIPAF del 12 ottobre 2000
- Decreto MIPAAF del 12 maggio 2010
- Decreto MIPAAF del 4 luglio 2012
- Decreto MIPAAF del 12 marzo 2014
- Legge 28 luglio 2016, n. 154, articolo 2
- Decreto MIPAAF del 11 agosto 2016
- Decreto MIPAAF del 14 giugno 2017
- Decreto MIPAAF del 23 gennaio 2018
- Decreto MIPAAF del 10 agosto 2020
- Decreto MASAF del 29 aprile 2024

Consortium: national rules

- Safeguarding consortium: group that has requested and obtained ministerial recognition because:
 - it represents at least 2/3 of the production certified by the control system;
 - in the corporate bodies, the "producers and users" represent 66% of the shares.
- Producers and users are categories that define different participants for each production chain; for example:
 - a) "dairies" in the cheese chain;
 - b) "producers" in the fruit and vegetables and unprocessed cereals chain;
 - c) "processing companies" in the fruit and vegetables and processed cereals chain;
 - d) "olive growers" in the fats (oils) chain;
 - e) "breeders and slaughterers" in the fresh meat chain;
 - f) "processing companies" in the meat preparations chain;
 - g) "preparators" in the bakery products chain.

Consortium: national rules

- Other decrees establish the types of companies that make up the remaining part of the supply chain.
- The consortium must demonstrate to maintain the requirements that allowed ministerial recognition
- Every PDO-PGI has its own consortium.
- The same consortium can work for more than one PDO/PGI, if:
 - The products for which the Consortium is responsible fall within the same supply chain;
 - The production area is totally coincident, or the production area of one PDO/PGI includes within it the production area of the other.

Consortium: their main activities

- Market surveillance, often in collaboration with public bodies such as ICQRF (*Central Inspectorate for Quality Protection and Fraud Repression of Agri-food Products*), the Italian authority responsible for quality control, certification monitoring, and anti-fraud enforcement in the agri-food sector.
- Promotion
- Participation in self-control
- Technical and administrative assistance
- Technological improvement and application for specification amendment
- Regulation of supply (PDO cheeses and ham)
- The costs deriving from the activities attributed to the safeguarding consortia are determined by the consortium itself and are charged to:
 - all the subjects that adhere to the Consortium;
 - **the subjects, even if not adherent to the Consortium, classified as "producers and users"**

Groups: 2024/1143

- A producer group shall be an association of producers of the same product or products, irrespective of its legal form.
- Member States may provide for additional rules, in particular as regards the organisation, statutes, functioning and the nature of membership, and financial contributions to producer groups.
- A producer group may exercise in particular the following tasks:
 - **engage in appropriate action to ensure protection of the geographical indication and of the intellectual property rights that are directly connected with it**
 - **represent its members in intellectual property enforcement networks and in relation to anti-counterfeiting bodies established at Union or national level**

Groups: 2024/1143

Article 33 Reg. 2024/1143:

- Member States shall provide for the following criteria for a producer group to be recognised:
 - (a) a certain legal form; and
 - (b) fulfilment of one of the following conditions:
 - (i) a minimum share of more than 50 % of the producers of the product as members; or
 - (ii) a minimum share of members among the producers of the product and a minimum share of more than 50 % of volume or value of marketable production.
- **This rule is very similar to the Italian system, which however provides for more restrictive rules**

Groups: 2024/1143

- Where a producer group is recognised under the system referred to in paragraph 1 of this Article, the recognised producer group shall be the only one entitled to:
 - (a) exercise the tasks referred to in Article 32 ...
 - (b) receive a notification from a producer of prepacked food of the use of the geographical indication of an ingredient in the name of a prepacked food
 - (c) request binding rules for the regulation of supply of products designated by a geographical indication ...
 - (e) agree on sustainable practices, in accordance with Article 7 of this Regulation;
 - (f) apply for approval of an amendment ...
- Member States may also provide that the recognised producer group is the only producer group entitled to exercise the tasks:
 - Sustainability
 - Promotion
 - Safeguarding on the markets

To conclude, in short

- A PDO and PGI management system based on the activity of consortia has several positive characteristics
- The consortia, as they are made up of producers, have the greatest interest in keeping the system active and functional
- They thus acquire experience and authority, which allow them to influence legal decisions in this area
- They carry out activities that are of interest to the majority of producers and which, excluding particular problems, favour the presence on the markets and the protection of protected names

To conclude,
in short

- Finally, a non-marginal aspect for the public system, they carry out these activities **directly**; they can obtain funding, but **most of the activity is developed on their initiative**, unloading part of the burdens onto the public system
- This system can work and make sense, of course, if the institutions also participate in the activity, providing the legal basis for the consortia's activity, participating with funding (e.g. SRG10), and ensuring that the geographical indications system is protected and recognized as a whole.

Thank you

- See you to the First annual plenary meeting of AREPO in 2025, on Wednesday 25 June, and to the conference "A Producers' Vision for the EU Action Plan on Geographical Indications & Launch of the GI SMART Community Platform" on two days, 25 June (afternoon) & 26 June (all day) 2025
- in Brussels at the Common House of Emilia-Romagna, Hessen, Nouvelle Aquitaine and Wielkopolska Rue Montoyer 21, 1000 Bruxelles

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*Sostegno e promozione delle produzioni
a qualità regolamentata*