



Regional public quality schemes in AREPO regions - presentation of the Master Food Identity study coordinated by AREPO

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Regional public quality schemes in AREPO regions

1. **Introduction** on EU legal framework



2. **AREPO study** on public regional quality schemes and brands



3. Examples from **Member States of AREPO regions**



4. **Conclusions**



Regional quality schemes: shared and disputed views

Benefits

- Meeting increasing consumers' demand on food quality
- Valorisation of regional production
- Generation and preservation of added value in rural areas
- Advantage in globalised markets
- Possibility to protect non PDO/PGI products

Controversial issues

- Possible conflict with EU Competition Law and EU Quality Policy on PDO and PGI.
- Absence of a specific legal framework at EU level
- EC's volatile approach
- Coexistence of many different regional schemes across Europe -
> legislative fragmentation

EU legal framework

INTERNAL MARKET RULES: IN PARTICULAR, THE FREE MOVEMENT OF GOODS AND THE PROHIBITION OF INTRODUCING "QUANTITATIVE RESTRICTIONS ON IMPORTS AND MEASURES HAVING EQUIVALENT EFFECT" (ART. 34 TFUE)

RULES ON COMPETITION: CERTIFICATION SCHEMES MUST NOT LEAD TO ANTICOMPETITIVE BEHAVIOUR.

EU QUALITY SCHEMES: PDO AND PGI ARE THE ONLY QUALITY PROTECTION SCHEMES CONSTITUTING A LEGITIMATE DEROGATION TO ART. 34 TFUE (ART. 36 TFUE).

STATE AID RULES: ANY SUPPORT FOR CERTIFICATION SCHEMES GRANTED BY A MEMBER STATE OR THROUGH STATE RESOURCES MAY NOT LEAD TO RESTRICTIONS BASED ON THE NATIONAL ORIGIN OF PRODUCERS (107 TFUE).

CONSUMER INFORMATION AND LABELLING REQUIREMENTS: LABELLING, ADVERTISING, AND PRESENTATION OF FOOD MUST NOT BE SUCH AS IT COULD MISLEAD A PURCHASER TO A MATERIAL DEGREE (REG. UE 1169/2011)

EU legal framework

Public Regional Quality System

Collective mark owned by a public body (e.g. region) which can be used to indicate the geographical origin of the product and certificate an higher quality standard

The ownership

The indication of geographical origin

The quality function

Reg. (EU) 2017/1001 – artt. 74 and 75

EU legal framework

The ownership

Who can apply for EU collective mark?

Article 74:

- Association of manufactures and producers
- Suppliers of services
- Traders
- **Legal persons governed by public law (= State, Regions, cities)**

When the EU collective mark is supported by a public body, **it's also fundamental to ensure that no restrictions based on the national origin of producers are introduced (respect of the State Aid Rules)**

For this reason, when the regulation for use of collective marks is adopted, **the member states must comply with the obligation (art 5 Directive 2015/1535) and inform the Commission of any draft technical regulation prior to its adoption.**

EU legal framework

The indication of geographical origin

Can the EU Collective mark contain indications of the geographical origin of the products?

Art 74(2):

By way of derogation from Article 7(1)(c) [...] **signs or indications which may serve, in trade, to designate the geographical origin of the goods or services may constitute EU collective marks.**

EU legal framework

The quality function

The purpose of EU collective marks

Art 74(1):

A European Union collective mark ('EU collective mark') shall be an EU trade mark which is described as such when the mark is applied for and **is capable of distinguishing** the goods or services of the members of the association which is the proprietor of the mark from those of other undertakings.

Can be the “quality” the element distinguishing the goods of EU collective marks?

- The Regulation is not clear on this point but the jurisprudence of the Court of Justice and the literature on the topic largely agree on it
- This specific function might be considered one «**condition of use of the mark**» specified by the proprietor in the regulation governing use.

EU legal framework

EC Communication: EU best practice guidelines for voluntary certification schemes for agricultural products and foodstuffs (2010/C 341/04)

Avoid **consumer confusion**, increase **transparency** and **clarity** of the scheme requirements

- Ensure compliance with **EU internal market rules** and **principles of certification**.

- **Ensure compliance with the rules on State involvement** ->

Certification schemes supported by public bodies, such as regional or national authorities, **may not lead to restrictions based on the national origin of producers or otherwise impede the single market.**

Any support for certification schemes granted by a Member State or through State resources within the meaning of Article 107 of the TFEU, must comply with State aid rules.

The case law of the Court of Justice and the EC approach

The notion of measures having an effect equivalent to a quantitative restriction (Eggers C-13/78)

MEASURES ADOPTED BY A **MEMBER STATE** WHICH SUBJECT THE DESIGNATION OF **QUALITY**, EVEN WHERE SUCH DESIGNATION IS **OPTIONAL**, TO THE REQUIREMENT THAT ONE OR MORE STAGES OF THE PRODUCTION PROCESS HAVE BEEN CARRIED OUT ON **NATIONAL TERRITORY** ARE

MEASURES HAVING AN EFFECT EQUIVALENT TO A QUANTITATIVE RESTRICTION WHICH ARE PROHIBITED BY ARTICLE 34 OF THE TREATY AND NOT JUSTIFIED BY ARTICLE 36 (PDO AND PGI ARE THE ONLY POSSIBLE EXEMPTIONS TO THIS PRINCIPLE).

The case law of the Court of Justice and the EC approach

90s: EC started infringement procedure against several MS following a review of existing national/regional quality schemes linking origin and quality of agrifood products

The majority of quality schemes were retired or modified.

ECJ VS Germany (C-325/00), Belgium (C-255/03) and France (C-06/02) ruled that quality schemes granting such designations conditional on the production process taking place within a specific geographical area, constituted measures equivalent to quantitative restrictions:

Except for PDOs and PGIs, **designations must not be linked to geographical location but to the intrinsic characteristics that give the product the qualities required by law.**

The assumption that quality is linked to location risks giving domestic producers an advantage at the expense of foreign producers.

The case law of the Court of Justice and the EC approach

2000: EC adopted a more open position regarding the possibility to include information on origin in regional quality schemes and brand at the following conditions:

1. Any product from the EU can adhere to the quality scheme if it meets the required standards, regardless of origin

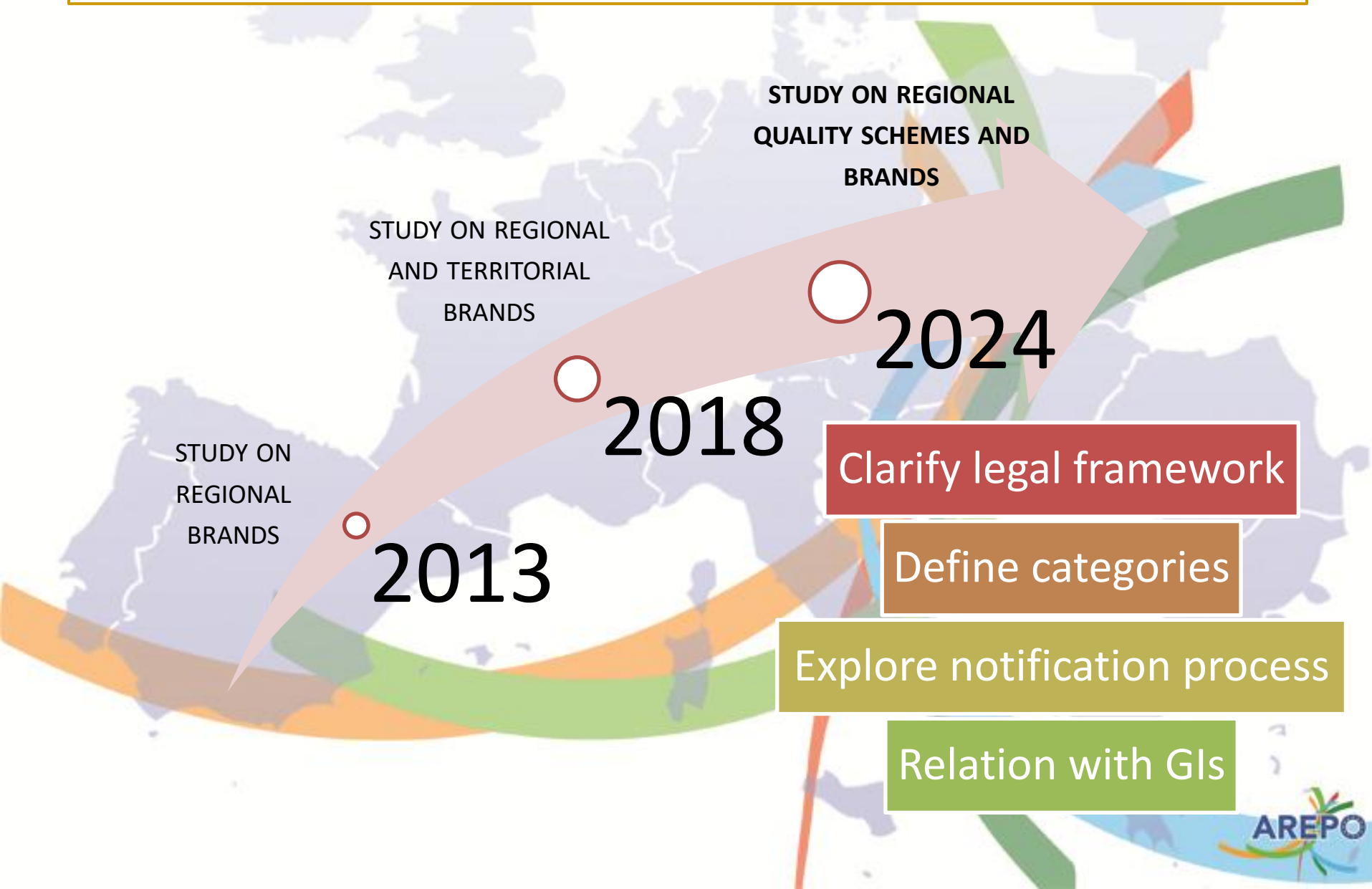
2. Reference to origin must be secondary to the main message conveyed to consumers about product quality

3. It should be possible to **replace information on origin** in the label

Common elements across European regional quality schemes

1. The quality schemes is introduced by a **regional legislative act**
2. The ownership of the logo belongs to the regions, who can grant its use to the ones **respecting the condition of use**
3. The certification of quality is conducted by an **external control body**
4. The establishment of the quality schemes is officially **notified to the European Commission**
5. It's **eligible to receive public fundings** (CAP).

AREPO studies



Introduction to the survey methodology

- Previous **survey** was updated and translated in 4 languages (EN; IT; FR; ES) and distributed through AREPO network. Structured in 11 sections:
 1. Contact details
 2. General info
 3. Objectives and specific requirements
 4. Adhesion
 5. Compliance, control and traceability
 6. Impact and dimension
 7. Visual identity and promotion strategy
 8. Role of the Region
 9. Notification and official recognition
 10. Financial support through public fundings
 11. Legal issues and interaction with GIs
- **Bilateral interviews** with Piemonte and Pays de la Loire Regions

Introduction to the survey methodology

18 regions replied to the survey, for a total of **18 regional quality schemes and brands** analysed:

France

Auvergne-
Rhône-Alpes

Corse

Occitanie

Centre-Val de
Loire

Germany

Baden-
Württemberg

Bavaria

Greece

Crete

Epirus

Italy

Emilia-Romagna

Friuli Venezia
Giulia

Lombardia

Piemonte

Puglia

Valle d'Aosta

Veneto

Spain

Andalucia

Extremadura

Euskadi

Public regional quality schemes

Thanks to AREPO past studies and observations, an **operational definition of public regional quality schemes** was introduced based on the following variables:

Public quality scheme

Brand belongs to Region

Managed by Region/ regional institution

Certification by external control body

Notification to the EC

Regional legislative act establishes the scheme

- Regional Brands: 13
- Regional Public Quality Schemes: 5

~~Eligible to receive public funding~~

- **Regional Brands: 8**
- **Regional Public Quality Schemes: 10**

Objectives of Regional Quality Systems

Comparative Analysis: Public Quality Schemes vs. Regional Brands

Regional Public Quality Schemes

Key Objectives

- Communicating higher quality through **specific production techniques** (most frequent).
- Promoting and valorizing **regional products**.
- Less prioritized: Preserving production processes and supporting small farmers.

Unique Feature:

- Notification to EC + Certification and audits by external control bodies influence objective alignment.

Regional Brands

Key Objectives:

- Promoting and adding value to regional products (most frequent).
- Supporting small farmers and improving market access for producers.
- Encouraging local consumption and short supply chains.
- Less prioritized: Preserving production processes and ensuring higher hygiene standards.

Strategic Role:

- Focused on marketing and promoting local identity.

Comparative Analysis: Public Quality Schemes vs. Regional Brands

Consumer Awareness:

- Higher for products under public quality schemes.
- Regional brands often rely on storytelling and cultural appeal.

Target market:

- **Local and regional markets** dominate for both schemes and brands.

Benefits for Producers:

Shared priorities across schemes and brands:

- **Marketing and Promotion:** Drives consumer interest.
- **Consumer Trust:** Builds reputation through quality standards.
- **Access to New Markets:** Expands reach based on trust and awareness.

Administrative process:

- No significant differences between Public regional quality schemes and regional brands
- Lower administrative burden and faster than GI registration process

Interaction with Geographical Indications

Regional Public Quality Schemes:

- Majority (8 of 10) coexist as **parallel strategies** (e.g., Baden-Württemberg, Bavaria).
- **No interaction:** Emilia-Romagna and Piemonte (the latter focuses on production methods over territoriality).

Key Insights:

- **No Conflicts:** Our Regions perceive that all schemes and brands operate without conflictual interactions with PDO/PGI systems.
- **Diverse Integration:** While regional public schemes often coexist independently, regional brands demonstrate a broader range of interactions, from full inclusion to exclusive application for GIs.

Regional Brands:

Varied approaches:

- **Reserved for GIs:** Epirus, Crete.
- **Include GIs:** Auvergne-Rhône-Alpes, Occitanie.
- **Parallel strategies:** Extremadura.

Regional quality schemes: Italian Regions



Produzione integrata rispettosa
dell'ambiente e della salute

LEGGE REGIONALE DELL'EMILIA-ROMAGNA 28/99

**Qualità Controllata,
Regione Emilia-Romagna**



**Agriqualità,
Regione Toscana**

INTEGRATED
PRODUCTION



**Agricoltura, Qualità e Ambiente
Friuli Venezia Giulia**



**qualità
verificata**

Qualità Verificata, Veneto

Regional quality schemes: Italian Regions

- **Product families:** meat, fish, fruits and vegetables, wine, oils, processed products
- **Product origin:** no limitation/ European origin (for processed products the raw materials need to respect specifications)
- **Independent certification and traceability**
- **Specific requirement:** integrated production; health and hygiene; traceability and transparency; superior quality; local supply chain (AQUA)
- **Regions own and manage the brands + support and promotion** through rural development measures
- **Objectives:** protection of environment; Health; Animal welfare; superior quality

Agricoltura, Qualità, Ambiente (AQUA) – Friuli Venezia Giulia

Agriculture

Requirements related to agricultural practices, with greater attention to the **environment and animal welfare**.

- Total **traceability** of the supply chain
- **Small radius of development of the supply chain (90 km)**
- **High** hygiene and health **standards**



Quality

Requirements that guarantee product quality characteristics that exceed product standards.

- High level of **animal welfare**
- Agronomic practices that significantly **reduce the use of pesticides/fertilizers**

Environment

Production practices that lead to an improvement in the production area or a reduction in the total production impact, to the benefit of the entire ecosystem.

- Respect for the **natural cultivation vocation of the land**
- **Farming systems that do not impact** on the surrounding **environment**

<http://www.aqua.fvg.it/>

Regional quality schemes: German Regions



Qualitätszeichen Baden-Württemberg
(QZBW)



Bio-Zeichen Baden-Württemberg
(Bio-ZBW)



Qualitätszeichen Bayern
(GQ – Bayern)



Bayerisches Bio-Siegel
(BBS)



Qualitätszeichen Hessen



Bio-Zeichen Hessen

Regional quality schemes: German Regions

The schemes, **part of the regional political agenda**, intend to communicate a **higher level of quality** in combination with a **secondary message concerning origin**.

Strict rules to introduce information concerning the origin of the products (notified to the European Commission):

1. The origin information is **smaller** on the label than the message concerning higher quality;
2. It is **exchangeable**. The origin indicated on the label can be different from the Region who created the quality scheme (example: quality scheme of Baden-Wurttemberg is used by neighbouring regions)
3. The label can be used also **without the information concerning the origin**.

As a first requirement, the quality scheme has to be open to everybody, without limiting the origin of products.

Regional quality schemes: German Regions

Other objectives:

- Guarantee of higher quality for consumers;
- **Generate and support market access**, assuring producers better channel to sell their products as well as helping in better structuring the market.
- **enhance regional cycles and sustainability**, by making regional origin more recognizable.

All this considered, regional quality schemes play a role in the **preservation and generation of added value in rural areas.**

Regional quality schemes: German Regions

Main characteristics:

- **neutral and independent controls on quality and origin of the raw material cover the entire value chain**
- **specific mandatory quality requirements** (e.g. length of animal transport time; regional provenance of feedstuff). For processed products >90 % of raw material from the region of interest (100% for ingredients on the product label)
- The **Regional Agricultural Ministries are owners of the labels**, deciding their content and development as well as to whom granting the licence
- **Professional associations/organisation are the licence holders** and they monitor and assure that the rules are respected by **label users**
- Regional quality schemes can serve as **basis for private brand of retailers** who use regional quality programmes as assurance of quality of the system

Regional quality schemes: German Regions

Interaction with Geographical Indications:

- Regional quality schemes are part of a **dual strategy, coexisting with EU quality policy**. While Regional Quality schemes assure **high-quality for common food products**, **GIs protect traditional local and regional specialties**.
- These regional schemes are important instruments for agriculture and food industry for a **regional added value and for rural development**.
- Program participation offers comparatively **quick access** to guaranteed origin and process quality.
- Guarantee trade and consumers defined **quality standards that go beyond the legal requirements**.

Regional brand: Marca Açores (Portugal)

- **Territorial brand** that identifies the Azores offer both in terms of tourism promotion and in terms of the promotion of its products and services.
- Link between **origin/quality, tradition, environmental sustainability**.
- **Collective strategy of territorial marketing**
- Umbrella brand for **agricultural, non agricultural products** (handcraft, forest) and **services**.
- **No certification system**



Website: <https://www.marcaacores.pt/index.php>

Regional brand: Ma Region, Ses Terroirs (France)

- **Public regional brand** owned and managed by Auvergne-Rhône-Alpes Region
- **Primary link bw origin and quality:** mandatory requirement about **regional origin**: 100% for raw material and 80% for processed products
- **Agri-food products**
- **Certification system** by external control body + traceability
- **Logo** can be used for product labeling, advertising campaigns, and identification of consumption locations (e.g. restaurants)
- **Geographical Indication** are included in the brand



Regional brand: Crete Land of value (Greece)

- **Public regional brand** owned and managed by regional agency
- Reserved to regional Geographical Indications
- Primary message: **Regional origin & link bw origin and quality**
- **Objective: promotion of regional products and diet**
- **Agri-food products, restaurants and wineries** (see different logos)
- **Certification system by external control body + traceability system**





AREPO

ASSOCIATION OF
EUROPEAN REGIONS
OF PRODUCE OF ORIGIN

Thank you for your attention!

Association of European Regions for Products of Origin

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