

FAO's Legal Advisory Work: Basic Principles and How They Apply to GIs

Daniele Manzella

Rome, Italy

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FAO Legal Office



Content overview

1. Introducing the Development Law Service, its methodology and guiding principles
2. How they apply to GIs
3. Forthcoming GI-related projects

What is the Development Law Service?

- A group of 8 legal specialists
- Providing Member Nations with assistance in upgrading national legal frameworks
- In the areas covered by FAO's mandate

Guiding Principles

- ◆ Balancing of interests

Equity and sustainability concerns, food and ecological security, individual and collective rights

- ◆ Involvement of people

Decentralisation of authority and empowerment of local actors for decision making, resource management, and benefit sharing

- ◆ Ensuring enforceability

Realistic laws, socially acceptable, financially bearable, and institutionally enforceable

- ◆ Compliance with international law

Conform national legislation to international/regional principles and requirements



How do those principles apply to GIs?

- Balancing of interests

Transparency in titularity of applications, delimitation of area of production, accuracy of product description

- Involvement of people

Role of local producers and professional associations in the development of application packages
Contain certification and other administrative costs

- Ensuring enforceability

Effective system of control and enforcement (e.g. accreditation of certification bodies)
Clear rules in cases of conflicts with TMs

- Compliance with international law
Bilateral negotiations with EU Commission

Methodology

- Good law making require a multi-disciplinary approach (collaboration between legal experts and national/international specialists)
- Countries can learn a great deal from each other (national projects in the same region, regional projects)



Forthcoming projects

- Morocco (*Reconnaissance de Signes Distinctifs d'Origine et de Qualité des produits agricoles et des denrées alimentaires*)
 - Tunisia (*Appui au développement et à la mise en place d'un système de contrôle des produits de qualité liée à l'origine*)
 - Jordan (*Strengthening the implementation of food quality linked to geographical origin schemes*)
- * Requests made by governments following a FAO's regional workshop on "Quality food products linked to geographic origin and traditions in the Mediterranean"

The situation in the three Countries

	<i>Scope of the main law in place</i>	<i>Objectives of the subsidiary legislation</i>	<i>Policy context</i>	<i>Institutional set up</i>
<i>Morocco</i>	(* draft law) AOPs, IGPs and LAs	- Establishment of the National Consultative Commission - Procedures for application, evaluation, registration - Commission's internal guidelines	Sustainable agricultural development	Department of Agriculture, National Consultative Commission, IP Office, control and certification organizations
<i>Tunisia</i>	AOPs and IGPs	- Procedures for application, evaluation, registration - Control and enforcement system	Diversification of agricultural production	MoA, National Consultative Commission
<i>Jordan</i>	GIs	Not envisaged as the law needs amendments (or reformulation) in order to establish the coexistence regime with collective TMs	Counterbalance to WTO-driven liberalization impacting on small producers	IP Office (Ministry of Industry and Trade), National GIs Commission (not operative yet)

Content of forthcoming legal assistance

- Morocco (drafting of regulations accompanying the law on *signes distinctifs d'origine et de qualité des produits agricoles et denrées alimentaires*)
- Tunisia (drafting of regulations accompanying the law on *appellations d'origine contrôlée et aux indications de provenance des produits agricoles*)
- Jordan (amendments to the law on geographical indications)

Thanks for your attention

Daniele Manzella
FAO Legal Office

daniele.manzella@fao.org

www.fao.org/Legal

+39.06.57056180

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