

SINER-GI
**Strengthening International Research on Geographical Indications:
from research foundation to consistent policy**

WP3 REPORT

**D4 - Proceedings of the International Meeting
on GIs diversity and impacts
Task1 – WP3
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Final Version



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Summary of WP reports, Montpellier meeting minutes and available case studies.

“From definition to practice”

The SINER-GI project tends to achieve 5 objectives :

- *Obj. 1 : to gather an up-to-date systematic knowledge on Geographical Indications (GIs) legal protection systems, socio-economic aspects, institutional arrangements and levels of protection of GIs for agricultural products currently used throughout the world, and to systematise and analyse their pros and cons (WP1, WP2, WP3)*
- *Obj. 2: to understand the effects of the different kinds and levels of protection of GIs on economic, social, environmental, cultural and ethical dimensions; (WP5).*
- *Obj. 3: to design a common analytical framework to analyse, assess and monitor the effectiveness of GIs, considering the different economic, environmental, and social effects of the most relevant types of institutional frameworks (WP3 and WP4).*
- *Obj. 4: to design and implement a common monitoring and assessment tool for analysing the conditions of success of GIs, supported by case-studies and practical examples (WP4, WP6)*
- *Obj. 5 : to provide relevant information and recommendations to policy-makers on whether and how to support GIs through the setting-up a network of researchers, through exchanges of information on research results and meetings (WP7)*

Section 1: Outlines from WP1 report

SINER-GI, as an EU-Swiss funded project aiming at having worldwide perspectives, should deal as much as possible with the most commonly shared concepts, at the general and international levels. The reference concept is Geographical Indication (GI) as defined in the TRIPS Agreement:

“Geographical indications are, for the purposes of this Agreement, indications which identify a good as originating in the territory of a Member, or a region or locality in that territory,

where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.”

GIs are not necessarily

- Geographical names;
- Protected by any specific legal mean of protection (that means legal provisions out of the usual laws on business practices, trademarks, protection against misleading, unfair competition, or even legal provisions implementing the minimum requirements of the section on GIs of the TRIPS Agreement);

- Recognized by any special institutional frame;

The aims of the WP1 Report are to present the theoretical basis and bibliographical analysis of legal status and institutional organizations related to GIs in different EU and non-EU countries, and to propose a grid of evaluation on the legal and institutional aspects of GIs.

Beyond the definition given by the TRIPS agreement, there are some difficulties to reach a consensus on what a GI is precisely. The issue of the official nature of the protection is not easy to address, due to the diversity of legal tools. Moreover, any GI may benefit from a virtual protection (without registration) but may not be considered as a GI as long as such protection was not requested.

When considering the implicit acceptations linked to the GI concept, the differences amongst countries are important, and they influence the legal and institutional policies regarding GIs.

Section 3 of Part II of the TRIPS Agreement does not provide for any specific legal system of protection of GIs but only the obligation for Members to provide the "legal means to prevent the use" of GIs in certain circumstances. Members are therefore free, in accordance with Article 1.1 of that Agreement, to determine the appropriate method of implementing the provisions of Section 3. That minimum level is not specific to GIs, but also to the other categories of intellectual property rights covered by the TRIPS Agreement. The level of protection may vary from legal provisions on unfair competition and misleading of the consumers to specific legal framework providing specific action like action against misuse, counterfeiting, misappropriation... As a consequence, we must be careful in using the notion of GI, which is only a very broad category of rights, which can be covered by several types of rights. Even in most of non-Members of the WTO, all GIs complying with the TRIPS definition are generally protected by the law. It is another issue to determine by which means GIs are protected, and whether the protection is effective or not, etc.

The concept of GI is a legal one, without preliminary consideration for the realities it may include. When considering the products themselves, we should talk about GI products.

In the SENER-GI research project, WP1 has a legal focus; as a consequence, it follows first to the TRIPS definition of GI, and secondly to the definitions, tools and processes that institutions apply to GIs. WP2 aims at studying socio-economic aspects of production systems of goods originating from territories and having specific features due to their link with the territory. Therefore WP2 is also interested in potential GI products, and in the consequences from using or not a GI, and of benefiting or not from a GI special protection scheme.

In the SENER-GI project, we will refer to the products fitting in the TRIPS definition of GIs as Origin products (OP) when it is necessary to include all of them without considering the fact that they are labeled / designated by a GI or not. It is important to note that there are many Origin products that are not exchanged on markets with a geographical indication, and for which sometimes the very consciousness of having an Origin Product is lacking. The use of a geographical indication to indicate an Origin product is a step in the process of valorization of the product and it is a result of the behavior of the actors (local and non local).

As a consequence of their link with a specific territory, Origin Products are characterized by one or more of these key elements (even though with different intensity):

- Material characteristics making them "special" (that is to say: one can not find other products being similar in characteristics);
- Specificity of the resources used in the production process;
- History and tradition of the product, and links with history and tradition (know-how, etc.) of the people of the territory;
- Collective dimension (many actors involved) and local shared (production and consumption) knowledge.

Origin Products are usually named differently across countries (typical products, regional food, traditional food, territorial products), although with some differences in their meanings, and different cultures across countries give a different weight to the above mentioned elements in the definition of the link with the territory.

GI products (GIP) are all the Origin Products that are designated or labeled with a GI (being or not a geographical name). The fact that a GI is used or not to designate the products concerned is the main difference between GIP and OP. GIP are also characterized by one or more of the key elements that characterize OP.

Art. 22.1 of the TRIPS Agreement gives a wide definition of GIs. The determination of whether or not a product is a “GI product” is a matter of interpretation. That interpretation consists in evaluating to what extent a product has a given quality, or a reputation, or another characteristic which is essentially attributable to its geographical origin. No matter in which frame and by whom the evaluation is made: authority registering PDOs-PGIs¹, court on requirement of interested parties (producers, consumers...), scientists, etc.

Using the TRIPS definition for GI does not prevent us to propose, in a second step of WP1 analysis, grids of analysis and typologies which would go into further details to determine what products can be considered as GI products. We may also demonstrate that GI must not be limited to geographical names (that is in line with the TRIPS definition).

A GI can also be an addition of many sub-GIs, like it is the case for Berner Alpkäse (cheese from Berner Oberland, Switzerland), the cheeses being designated with the names of the hundreds of alp pastures units.

For GIs which are protected by specific legal means of protection, we propose to use the expression Recognised GI² (RGI), or Recognised GI products (RGIP) when talking about the products themselves and the related supply chain. Hence, the protection of a GI by a special legal mean of protection requires what we can call a “recognition”, that one being granted through a formal registration process (e. g. PDOs and PGIs), or through juridical decisions made by courts.

In the RGI category, we must be careful not to use such terms like PDO in a general meaning, but only when one deals with the specific legal categories as they reflect the various ways of implementing the protection of GIs by special legal means.

For GIs, probably even more than for any other intellectual property right, the protection can not be dissociated from the definition of the object (what a GI is, and what the product bearing a given GI is) and from the definition of the right (exclusivity, generic denominations, imitations, misuses...). It is also generally necessary to define the legitimate users of a GI, that is to say to define the requirements for users in order to define the non legitimate use. The different levels of protection address these topics in different ways.

Another problematic aspect is constituted by the different scales related to different frames of protection: sub-national, national, bilateral, international, and multilateral. Even when

¹ Protected Denomination of Origin (PDO) and Protected Geographical Indication (PGI) are used, in that report, to designate all the national or supranational tools of protection similar to the European ones.

² RGI or RGIP will be used in order to avoid any confusion with PGI, which is a legally defined category in many sui generis legal frames, whereas the special means of protection can consist in other legal frames such as case by case legal definitions or court decisions.

only considering the GIs protected through registers, a growing confusion or complexity could appear from the difficulties to establish a comprehensive and coherent frame at the world level.

GIs may be protected as registered GIs (e. g. PDO or PGI) or administratively defined GIs, as trademarks (all kinds) or through general laws (protection of consumers, unfair competition...). One GI may be protected by different tools in different countries. In addition, these different tools of protection can be the ground for conflicts regarding the rights.

The legal tools of protection do not address the collective nature of the IP right in the same meaning and to the same extent; that may also be a problematic issue in the perspective of the definition of a universal concept of GIs.

The effectiveness of the legal protection clearly depends on the nature of the conflicts: non legitimate use of a GI, imitation based on appearance and connotations, products coming from the designated area but not complying with the expected quality standard, etc. At this stage and according to the literature, it can not be clearly assessed if the effectiveness of protection can be linked with the type of legal tool and institutional frame.

The effects of the most specific means of protection (tools similar to PDO) appear to be not exclusively connected with the prevention of non legitimate use, but also and perhaps mainly with organizational and marketing issues: collective definition and management of quality, common frame of competition for small-scale firms, collective efficiency due to the reduction of the transaction costs, collective marketing allowing small firms to accede to the markets with lower investments, etc.

After having considered the diversity in contexts and systems above mentioned, it is not surprising that the establishment of a GIs typology for legal and institutional issues is a quite complicated job.

A first step can be the characterization of the national frame for GIs; the rare available literature references aiming at establishing a typology on these topics are focusing on such classification. The WP1 Report also recalls some chronological features which may influence the typology (Table 5 and 6). The result is a table where 4 types are identified, according to a set of criteria (Table 7).

Another mean of evaluation is to assess the real situation of each GI, without paying too much attention to the influence of the general national frame. Building on the grid of analysis which came from the DOLPHINS Project, and of the method of notation which were used in other projects and publications, we made a tentative classification grid based on 5 legal and institutional topics (Table 8).

The legal concepts relating to the protection of GIs, as well as the questions of effectiveness of that protection (law of numerous cases) are well represented in the literature. But some questions related to the legal and institutional issues for GIs are quite absent; amongst them:

- Concrete implementation of new legal tools of protection;
- Administrative management issues;
- Relations between the protection and the management of the supply-chain;
- Comparison of the effects of different legal tools of protection.

Section 2: Outlines from WP2 report

The aims of the WP2 Report are to synthesize and present the work done by SINER-GI partners on the basis of the bibliographic analysis conducted on GI products in different EU and non-EU countries, and to propose an evaluation grid on the social and economic aspects of GIs. In particular, WP2 intended:

- To explore the many contributions Origin Products and GI products give to supply chain, rural development, society and consumers, environment;
- To analyze what up to now we know about the effects/impact of GIs, and GIs special protection schemes have on these dimensions, and their conditions of success.
- To systematize the methodologies of analysis.

Due to the diversity of the situations found all over the world, it would be impossible to take into account all the materials, ideas, shortcomings, comments and cases quoted in the Reports annexed. That is the reason why the synthesis will focus on the main issues and questions raised in the Reports, with the aim of giving an input to the elaboration of the Evaluation Grid (see paragraph 3 of this Report) to be used in the next WPs of the project.

Besides, one important issue raised by the Reports concerns the very definition of Origin Product and GI product. As a matter of fact, only in EU countries, and especially in the Mediterranean area, there seems to be a consolidated and precise definition of Origin products, quite close to the one given by TRIPS agreement (see par.1 of this report). This definition is seldom found in other countries or regions of the world, and literature review rather evidenced a differentiated set of "conventions" on the word "origin", sometimes converging towards the EU one, sometimes closer to local and regional food (origin as "source"), sometimes to craft or family-farm made, or to traditional, or to cultural/ethnic product.

Many authors emphasize the point that "origin" is a constructed phenomenon. All origin

products are subject to external influences, population movements, socio-economic and institutional influences which shape their character and nature. Different countries have different conventions towards the meaning of “origin” and its links to food quality, and there is a need to judge the merits of conceptualizations of quality on their own terms rather than to an ‘idealized’ standard linked to one set of conventions. Many origin products are innovations or ‘reinventions’ of traditional products, sometimes made by incomers to a rural area desiring to start a new lifestyle, rather than foods produced over many years by successive generations in the same communities or families. This impacts on the nature and extent to which origin products are linked to the cultural heritage of particular geographic areas (CR UK).

Generally speaking, the overall situation regarding the contributions Origin Products and GIs recognition and protection schemes may exert on supply-chain dynamics, rural development, environment and consumers/citizens expectations is characterized by a lack of scientific researches and publications, especially in some countries and regions of the world, where the issue of origin food is not among the priority topics in scientific debate and political arena. That explains why in many Reports, besides looking at scientific publications and research projects, a certain amount of expert interviews was needed to collect more information.

The Reports did not signal any comprehensive study conducted on the many contributions of Origin Products and GI recognition schemes on the whole set of dimensions under scrutiny. There are many studies conducted on single case-studies and/or single aspects, most of them focusing on the supply-chain dimension and the consumer’s perceptions and attitudes. Very few attempts have been made on the contribution of Origin Products on environment, tourism, landscape, quality of life, rural development and multifunctionality, often treated in a qualitative way.

Some countries or regions, due to cultural or social or historical reasons, even seem not to pay particular attention to the issue of Origin Product. For example, in countries where it seems to prevail a rather individualistic and trade-minded attitude in economic behavior (SR New World, CR The Netherlands, CR UK, SP New Member States), the successful modernization and commercialization of the agrifood sector created institutional and cultural barriers to the development of origin products (CR The Netherlands, CR UK, CR Mexico, CR South Africa), or in countries where a long history of collective economy (EU new member states) did not allow the attention to GI and local products to emerge.

In other cases the lack of special recognition schemes, apart from the general one provided on the basis of TRIPS agreement, vanishes all attempt to analyse and compare how

different normative framework may alter the way GI products give their contributions.

Nevertheless, in recent times something is changing, and Origin Products seem to benefit from a growing interest also in countries and regions up to now quite “far” to pay attention to this issue.

Section 3: Outlines from WP3 report

1. One main objective of the WP3 is to produce a comprehensive analytical grid which will serve as an input for the case studies methodology. These evaluation grids will be used to identify an exhaustive list of criteria for characterising the aspects of GIs implementation: (i) legal, (ii) institutional, (iii) social, (iv) economic. The approach takes into account the great diversity of GIs products, market networks and legal systems around the world. In this purpose WP3 capitalises WP1 and WP2 results. In the Siner-GI research project, WP1 focuses on legal systems, to which today the TRIPS definition of GI is the global reference. Its topics are the definitions, tools and processes that institutions apply to GIs. WP2 aims at studying socio-economic aspects of production systems of goods originating from territories and having specific features due to their link with the territory. Therefore WP2 is also interested in potential GI products, and in the consequences from using or not a GI identifier, and of benefiting or not from a GI special protection scheme. Economic and political analysis of the role and locus of GIs in agrofood economics and social development has to be led at different levels and to take in account the globalisation or the new governance regime of international trade exchanges.

The objectives of the WP3 are as follows:

- *WP3-1 Scientific elaboration of the GIs transferability conditions and of a comprehensive analytical grid.*
- *WP3-2 Characterisation of the diversity of GIs situations and of GIs impacts and identification of theoretically grounded success differentiation factors.*
- *WP3-3 Building indicators for monitoring and measuring impact of GIs and evaluating their conditions of success.*

2. The TRIPS agreement states that :

“Geographical indications are, for the purposes of this Agreement, indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a

given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.”

GI products are products for which the origin is known and is responsible for ‘a given quality, reputation or other characteristic of the good’. The definition is broad but there is no ambiguity: GI product own essential quality characteristics linked with its origin, recognized as such and having utility and value. The definition of the general class of GI products does not imply that particular qualities have to be identified but that at least under reputation mechanisms the origin as acquired value. The TRIPS agreement recognizes this value as property right, enlarging the institutional recognition of GIs introduced by Paris conference and Lisbon protocol. While a certain class of products is recognized as embodying specific value, there is not at the level of the treaty any legal list of such products. Before being institutionalized, the recognition of GI is a market and political fact.

In this view, it seems important to keep a broad sense for *Geographical Indication* (GI), in order to avoid neglecting novel facts. While the diversity of legal schemes and the newly shaping of “institutional fora” are crucial facts to GI’s systems typologies, our understanding have to be first pragmatic in the definition of what is a GI, which broadly corresponds with some recognized value attached to the origin of a product. Thus, we have to account for the diversity on theoretical basis, in order to enlighten the GIs’ hypothetic core features and possible GI archetypes, having in common those core characteristics. Moreover the clarification of the GI status does not necessary means a complete homogenisation of legal systems which likely will remains different.

3. *Kinds and levels of protection of GIs* are assumed to define a core criterion of the effectiveness of GI systems. But to understand the ways by which GI systems of production impact economies and ecologies a more complete definition and analyse of the variety of what we call GI system are at stake. The variable “level of protection” does not refer only to the legal system but more generally to economic and institutional aspects of all kinds of public support identified in the previous works. The conditions of success depend on the type of GI system and they are related to each domain of effects (economic efficiency, environmental integrity, and social equity). Assessment implies the definition of criteria, which may vary according to the typology of GI systems. Monitoring implies to propose measurement tools for each criterion and each effect domain for all the types of GI system. Moreover the conditions of success in the different domains cannot be assessed without formulating the objectives from which are

derived criteria. While sustainability finality asks for the linkage between the three domains considered, more precise definition are needed for each, which closely depends of national frameworks.

Assessment requires both internal and external approach. From the direct economic stakeholders the raise of the market and profit could be the mains stake while locals actors could ask for employment and amenities and policy makers for the ability of the GI systems to produce positive social effects (sustainable development). At least we propose to account for the ability for the GI systems to maintain their activity and/or to develop them with maintaining positive externalities.

4. *The notion of "transferability"*, mentioned as one of WP3's objectives, can be quite misleading insofar as it can be perceived as a kind of "cut and paste" process. We aim to avoid to simply transferring to different situations the images and findings which are specific to Europe economy and polity. Therefore it was quite crucial, in the D1 and D2, to account for the great diversity of both the products and their markets and of the institutional and legal frameworks. Moreover, taking into account the diverse interpretations of the legal provisions around the world and the contradictory interests and conflicting standpoints in the international negotiations, the GIs definitions are likely to be strongly diverging in the future, according to the type of forum to which they refer. This would mean that the "concept of GI" as a particular type of quality would become meaningless. While GI market success is linked with the recognition of a quality premium for the considered origin and the related original products, products claiming their origin will certainly keep a kind of diversity in quality dimensions and levels. Legal and institutional schemes certainly won't be converging in all aspects. Thus the economy of GI's could become an economy of forum shopping.

5. After the TRIPS agreement the international debate is still going on. EU argues to find a more complete agreement on GI core status applicable for all products (and not only wines as it is). Therefore the main question addressed by this project is less one of transferability conditions, but that of *the conditions to be met for the GI to be considered by the international community as a convergent concept worldwide and to become a workable and good enough tool – among others - for promoting sustainable development in the future*. But while certain actors could converge on an enhanced protection scheme for GI, others could choice an exit issue. So as we stated before it will likely remain heterogeneity of the global GI legal status.

Nevertheless, the issue of technological and more important organisational tools transferability inside the world of GI and between North and South remains a strategic economic issue. It differs at the three levels distinguished to comprehend the diversity of origin products (production tools, markets tools, policy tools). Diverse agencies, as the French INAO, are competing in the market of transferring policy tools while diverse consulting firms compete to sustain market strategies of local actors. Contrary to previous economic context, strategic technologies which diffuse are less technical than organisational.

6. The overall institutional context is determined by the main market conceptions embedded in the neo-liberal frame. Debates concerning GI, and more generally agrofood systems changes and rural development, intervene in a world where intellectual property rights (IPRs) and standard setting organisations (SSOs) play new and important roles in market regulation under a new international trade governance (or regime). Globalization terms a series of changes which intervene (since some decades) within the economies of the world, in the world economy and in governance regimes of states and organisations. While some authors do it, we will not portray the globalisation as a systemic process but as trends in several domains which go together and built upon each others.

7. The products, markets and policy features concerning the GIs are fairly diverse in the world.

This diversity can be described at many levels :

- types of products bearing a GI as identifier (origin, local, organic, faire trade, standard products, etc..)
- diversity of initiators / stakeholders and their motives (recover the use of usurped names, improve the access to markets, preserve the biodiversity and fight against biopiracy, protect the traditional know how, support collective development initiatives and enhance the rural development, better regulate market fluctuations, better develop and implement the overall market rules, support the individual firms' strategies)
- market structures (monopolies, oligopolies, fringes),
- supply chain structures (long/short, coexistence of large/small firms, etc.),
- governance structures (clubs, channel captains, interprofessionnal bodies),
- consumer behaviour (familiarity, local and remote consumers, generic or connoisseurs, etc.)

- generic systems (firms selling both GIs and trademarks) /specific systems (specialized on GIs)
- age (novel systems / mature systems)
- policy schemes, legal instruments, enforcement devices, public or private justifications, and interpretations of the rules are also quite different

8. Given those points, according to main objectives of the project (recalled in the introduction of this report) and the WP1 and WP2 results, the following methodological principles will be considered :

- *Assessment of the effectiveness* will be based both on the systems' internal goals and on the ability of the systems to achieve objectives linked with sustainable development (economic, social or environmental). Those objectives shall be considered with regards to overall stakes and justifications concerning GIs ; They cannot be measured in general, but with regards to the concrete and specific situation of the analysed GIs (internal assessment instead of external one). Therefore, the *main stakes* identified as actors motivations will be addressed in the selection procedure and serve as sorters. Lastly, the effectiveness shall be assessed with regards to the national and regional stakes as defined by States and stakeholders.
- We shall not deal with "success" or "failure", as those concepts are too static. Furthermore, they don't address sufficiently the GI systems' trajectories. One system can be threaten, pass through crisis and find anyway resources to manage it. On the other hand, a well doing system can fail, if hidden weaknesses emerge or if the context becomes very negative. Therefore, we prefer to deal with "*development potential*" and to "*hinders/ crisis*".
- Protection schemes can be *permissive or prescriptive*. However, we shall be pragmatic and consider the actual diversity of the protection schemes. A public legal protection as in Europe can be considered as prescriptive (with possible permissive implementations in some countries / some sectors / some historical periods). TM or CTM systems can be considered as permissive, although some CTM are designed and implemented on a prescriptive way.
- We shall consider "*protection*" widely, as the protection scheme in itself is not sufficient to explain the dynamics of GI systems (D2). We have to include in the frame the overall public support, which can play a key role in the development of GI systems. In effect, "*public*

support” is not restricted to the intervention of the State. Other public bodies (as NGO or research / consultancy agencies for example), enhancing public goods and supported by policy networks can play a crucial role in public policies. Those supports can concern technical assistance, education, monitoring, funding, etc. *We will distinguish weak and strong support.*

- The TA prescribes to analyse 7 case studies, which prevents us from giving strict statistical evidences on effectiveness conditions. However, we can gain “lessons” from the case studies. Furthermore, we have the opportunity to analyse more than 7 case studies, considering what we called “satellite cases”, with the support from some of the associated researchers, and “additional cases”. Anyway, we cannot hope to have more than double so much.

9. *The report proceeds as follow.* In a *first chapter* we propose an analysis of the overall context of the WTO and TRIPS agreement on Intellectual property rights which corresponds with the triumph of the market paradigm and the globalization process. In a *second chapter* we synthesize and put in perspective the main concepts and definitions used within SINER-GI project. We distinguish between, first the recognition by the market of specific qualities that is the basis for the existence in value terms of a link between products and places and secondly the institutional and legal forms of such products, today under the WTO umbrella. In the *third chapter* we come back on analytical tools to understand GIs diversity. This needs to distinguish levels of analysis:

- the *product* itself with its technical/legal/normative conception and the actor-network getting on; this level of analyze extends to all the value chain and its organisation (named here after *GI system*);
- the *market* as it is a general and not sectoral system (as are GI systems above defined as value chains): general and specific consumption demand, general and specific market rules and institutions; the size and complexity of the marketing chains of considered GIs products;
- the *policy* level: policy networks, justifications and policies tools.

The *fourth chapter* will account for the diversity of the GI systems’ effects on sustainability, as stated by WP2’ report. In the *fifth chapter* we will propose a synthesis, acting as a basis for an analytical grid to be developed in the frame of WP4 and implemented in WP5 (see the TA, annex 1).

Section 4: Outlines from Montpellier public conferences and meeting minutes

Representing Commission's Directorate General AGRI, unit F4 (Agricultural Product Quality Policy), Fabien Santini introduced the conference by describing this unit's competences. These competences include(d) the elaboration of Commission proposals to Council which resulted in the adoption of Regulation (EC) n° 510/2006 on the protection of geographical indications and denominations of origin for agricultural products and foodstuffs (with the exception of wines and spirits), the elaboration of Commission implementing rules of this piece of legislation (to be adopted by the end of 2006) and the examination of each individual requests for registration of PDOs and PGIs in this framework.

For operational services in the field of geographical indications, such as DG AGRI or other DGs in the Commission, it is of high importance to benefit from the result of research work such as the ones conducted under the SINER-GI program. It should be noted that several items that are raised by the SINER-GI program and will be presented during this public conference are of concern of DG AGRI, which is due to conduct a review of the current Community geographical indications policy, starting at the end of 2006. Such policy review will tackle among other the following issues:

- The most suitable administrative arrangements to be implemented for the management of the different registers for which the administrative and legal analysis conducted by SINER-GI gives some elements;
- The issues related to the origin of raw materials in geographical indications products for which can easily be related to the SINER-GI social and economic issues package;
- The use of alternative instruments to protect geographical indication as well as the scope of application of the Community policy (extending to non-agricultural products? bringing more together wines, spirits and other agricultural products?), for which SINER-GI work on typology of instruments and policy in the world (conceptual synthesis package) is of relevance.

These few examples show how relevant for policy-makers can be the outcomes of research work.

Attitude adopted within SINER-GI is that the market is a social construction – a set of rules set up by the various actors involved-and is not only a place to buy and sell products. For

example issues of food safety are not the subject of market forces. In the social construct goods have to be defined in terms of fair trade, child welfare, animal welfare etc. Laurence Bérard Emphasized the importance of incorporating an anthropological/ethnographical approach when considering the question of success. Traditional knowledge/techniques need to be identified and an understanding developed of what is going on from the point of view of the actors. Talis Tosenkopfs gave support to the need for the development of anthropological methods of analysis. Called attention to the importance of knowledge for efficiency and suggested that this be incorporated into the methodology. Elisabeth Barham insisted that one be cautious about success because we are always on a path of development. Perhaps a historical account would be more appropriate which focused on challenges rather than failures. Instead of success and failure the focus should be rather on efficiency and effectiveness

The internationalization of geographical indications is a growing issue in developing countries, where it may apply to a new range of products. Its pertinence and feasibility, within the wide framework set by the World Trade Organization, rely on very diverse processes, justifications, stakeholders and markets. This is illustrated by the cases of Mexican tequila, Costa Rican coffee, South African rooibosherbal tea, and Chanderi handloom (India). Geographical indication nevertheless appears as one of the potentially useful tools for producers to control the intellectual property rights associated with the identity of their products

Bertil Sylvander presented a Conceptual Synthesis Report. He reminded that the objective of the WP3 is conceptual synthesis and analysis of transferability processes of GIs. The main points in the presentation of Bertil Sylvander among other were:

- GIs are both products and identifiers – actors, institutions and rules;
- Diversity of GIs and protection systems is determined by:
 - Product and actor networks;
 - Market rules and configurations;
- Globalization and neoliberalism produce scaling up issue, and there are two strategies in scaling up:
 - Specific knowledge based strategies which are associated with radical marketing and respective public support, e.g. community supported agriculture, etc.;
 - Generic knowledge based strategies linked with mainstream marketing;

John Wilkinson gave his reactions to the WP3 Synthesis Report presentation mainly from the developing countries perspective. In his speech J. Wilkinson emphasized two major aspects that characterize GIs situation in the developing world – GIs in developing countries

usually start from “minimalist definitions”, and in general there are weak institutional and public support structures in the developing countries.

After the WP3 Report and feedback commentaries a lively discussion highlighted the following research aspects for further consideration and investigation:

- GIs are always situated in specific social, market and political contexts;
- The empirical case study work could be organized along generic and specific knowledge/ market axis as proposed in presentation of B. Sylvander;
- There is certain confusion between territorial governance and local market, which are not always the same. In certain instances territorial governance might be dedicated to global instead of local markets, and sectoral governance can be dedicated to local markets;
- The question of resources preservation as public justification of GIs was taken up. Why should we concern only preservation? The similarly legitimate concern and trend is resources management and development, which is more dynamic approach. Learning for better use of resources in an inherent part of “dynamic” GIs;
- What is relation between rural development and GIs? RD is not a direct objective of GIs, it is rather a consequence management;
- GIs are not only local governance system. Each system has a hybrid governance – local, territorial structure;
- Rural development effects and resource preservation effects could be justification for GIs at national policy level;
- Success factors of GIs – how can they be assessed? There are different interests, visions, time dynamics, conflicts of stakeholders, etc. Solution to this difficult research problem could be searched in the congruence with internal goals, that might be criteria of a progress and success;
- Actor networks ability to apply and assess rules yet as another criterion of GIs.

Important asset is work with respect to selection of datacards for database. That the data base should provide for interrogation of the database and to generate a picture of the diversity of GIs around the world. Besides cases we also need data to provide for comparison and generalization. Each case needs to be associated with performance indicators and hence, the identification of appropriate bases to monitor performance. Suggests that dealing with the case history rather than the case study would mean that we can identify differences between cases. Cites the example of civil war in Nicaragua where key informants could still relate important information without access to hard data. We need both scientific and practical criteria.

If GIs often appear as added-value instruments, they also are tools for sustainable development. The presentation testifies that Beaufort cheese is an example which includes the three dimensions (social, ecological, economic) of sustainable development. The decision to protect a designation by a PDO, a PGI or a mark (collective mark, brand mark or provenance indication), has to be a collective and voluntary process, and not coming from a private producer or a big processing industrial firm aiming at private interests. In this context, each actor working at each stage of the supply chain must be informed of the strategy and has to be able to make up his mind on the collective action. Many of the presentations are dealing with designation coming from countries opposed to the GIs system. That could be considered as delightful if we read it as a resistance action by operators of these countries. But in the contrary, it could appear that they never benefit of any support from their State. The objective of a GI initiative is to protect the designation against improper use. In the prospect of an international protection, namely within TRIPS agreements, it could be useful to harmonize recording criteria and to find some common denominators, what ever people are in the EC, in the Third Countries, or in developing countries.

Section 5: Short case presentation

1. Beaufort cheese (France): Cooperative system based on specific resources in an international market

1. General information

Beaufort cheese is a cooked pressed cheese made with cow's milk. It is in a form of a wheel weighing 20 to 70 kg, with a diameter from 35 to 75 cm. Recognizable from its concave heel, it is produced all year long, but only the milk production from June to October made in mountain pastures is permitted to benefit from the term "summer". In addition, the term "chalet d'alpage" applies to summer productions made in mountain chalets above an altitude of 1500 meters, using the milk production from a single herd of cows. The area of production corresponds to the mountainous part of *Savoie* and a small part of *Haute-Savoie*, in the *Rhône-Alpes* region. Beaufort cheese is produced in the *Beaufortain*, *Tarentaise* and *Maurienne* valleys (Alps), characterised by vast areas of mountain pastures.

Beaufort cheese belongs to the "Gruyère" family (Swiss cheese), but represents only a small part of it. Nicknamed the "prince of Swiss cheeses", Beaufort is an up-market product, usually considered as the best pressed cooked cheese in terms of quality. The following data concern France only.

Type of product	Production (in tons)
Emmental	246 000
Comté	51 000
Beaufort	4 000
Other	11 000
Total cooked pressed cheese	312 000

CNIEL, 2005.

Concerning the *Appellation d'Origine Contrôlée* (AOC), Beaufort cheese is regulated by the decree of 4th April 1968. The Reg. (CE) n°1107/96 confers the PDO mark to the product. The *Syndicat de Défense du Beaufort* was created in 1975, in order to bring together dairies and milk producers interested in the management of the product (quality, communication...). Nevertheless, the first organisation was created in 1965 by cooperatives of the supply chain: the Union of Beaufort Producers. Today, this organisation acts as a technical department.

With 4 412 tons in 2005, the production of Beaufort has strongly developed since 1991 (+ 49 %). Several factors explain this evolution: a strategy based on the development of quality (in farms and dairies), the general increase in the consumption of pressed cheese in France during the same period, and also the Olympic winter games, which took place in Albertville in 1992, resulting in a very strong impact on the development of Savoyard cheeses (*Beaufort*, but also *Reblochon*, *Emmental* and *Tome de Savoie*).

2. A specific history that explains a rigorous code of practice.

Several historic elements explain the current situation. Born in the Middle Ages, a specific productive system based on collective pastures developed thanks to the monks and village communities of *Savoie*. This system was profitable but required a lot of manpower. From the 1950's, the individual farm family management of cheese production became insufficient, the mobilisation of a (paid) outside manpower was necessary, but less profitable.

Furthermore, the construction of hydroelectric dams and the development of winter tourism (Tarentaise valley) contributed to a massive rural exodus. The production of cheese then collapsed and nearly disappeared.

Several farmers were of the opinion that the only one way to save the product – and the local activity – was to promote a high quality product with a high price. From this point of view, the production strategy for Beaufort was totally counter to the strategic development of French agriculture, which was based on quantitative considerations (competitiveness, low costs...). In order to produce Beaufort all year round and not only during the summer, several cooperative dairies were built in the 1960's (*Beaufort, Bourg Saint-Maurice, Moutiers...*). In order to support the extra costs of mountain agriculture, the main goal was the technological control of the product, in particular through a partnership with INRA. After much efforts, the *Appellation d'Origine Contrôlée* in 1968, and thus save Beaufort cheese and agricultural activity in this mountain region.

The progressive elaboration of the code of practice is thus directly linked to these goals of rural development and quality management. Today, the rules regarding Beaufort are perhaps the best illustration of a strict and rigorous code of practice (in the case of cheeses): raw milk, Tarine and Abondance breeds of cows only, limited to 5 000 kg per year in lactation, ensilage prohibited in feeding, manufacturing stages very precise, and a minimum of five months maturing time.

Currently, cheese production is the main agricultural activity in the PDO area. The supply chain represents about 1 000 jobs (farms and dairies). Nevertheless, it is important to point out that the most important economic activity of the region is linked to ski resorts in the Tarentaise valley, which represent more than 50 % of the turnover of the ski industry in France. Beaufort cheese is an upmarket product which is not really suffering from imitations. The only event that could have an impact on consumption is the French-Swiss process concerning the obtaining of a PDO for *Gruyère* denomination.

3. Socio-economic analysis

Beaufort cheese concerns about 650 milk producers, who deliver their raw material to 7 cooperatives (75 % of the production) and 2 private firms. The production is also carried out by 29 individual dairymen and 6 "pastoral groups" (the collective management system of the pastures for summer production). One of the main specificities of the supply chain is the small size of farms and dairies. The production of the average farm in the PDO area is about 100 000 litres of milk (137 000 for *Rhône-Alpes* region, 198 000 for France). The cooperative units are

also very small; some of them have fewer than 10 producers. This situation is almost certainly the result of a choice made in the 1960's: keep as many producers as possible in the area of production and maintain the economic activity.

The small size of firms is possible thanks to the high price of milk and cheese. Indeed, the milk for Beaufort is the best paid in France (about 550 euros for 1 000 litres). The reputation of Beaufort cheese corresponds to an up-market product, and is one of the most expensive pressed cheeses for consumers. The case of Beaufort is thus a great example of an economic success for producers.

Another peculiarity of the supply chain is the domination of the cooperatives. Their economic weight (75 % of the production) gives them the initiative for the decisions to be made concerning quality management or communication. It is also important to note that the creation of the Union of Beaufort Producers by cooperatives took place before the creation of the *Syndicat de Défense du Beaufort*, which manages the supply chain today. These cooperatives work through a "direct management". In this configuration, the firm controls at the same time milk collection and the cheese production. Direct management is typical in *Savoie*, whereas in *Haute-Savoie*, the "indirect management is the most frequent: cooperatives control milk collection, but cheese production is managed by private firms.

In term of marketing, Beaufort cooperatives do not sell the products directly to supermarkets. In fact, the wheels are sold to regional wholesalers, specialised or not in cheese marketing. These wholesalers work for them with supermarkets and are often involved in other PDO supply chains (Reblochon). One of them controls in this indirect way about 60 % of Beaufort production.

Actually, the main goals concerning Beaufort are not linked to a modification of the code of practice, which already is very strict. The price of the cheeses is one of the most important problems. The high quality of Beaufort is synonymous with a high price for consumers, who are not necessarily prepared to support this cost. This significant increase cannot be controlled by cooperatives because they don't work directly with supermarkets. They can only manage the production sold locally in their shops (about 700 tons out of 4 400). For some years, consumption has been slightly decreasing compared to other pressed cheeses. The main consequence of this situation is the increase of cheese stocks in caves. We have observed conflicts between actors about choices to make: decrease prices, produce other types of cheese, sell milk... Relationships between actors become more difficult with the arrival of the Lactalis group who took the control of an important wholesaler. Lactalis is the French leader for PDO cheeses with important trademarks like *Soci t * (Roquefort), *Lanquetot* or *Lepetit*

(Camembert de Normandie). This new actor could disrupt the organisation of Beaufort supply chain.

4. Conclusion: the price of quality

Beaufort cheese is a good example of a rigorous code of practice linked to a success story in terms of added value (milk and cheese) and economic activity. Nevertheless, this qualitative trajectory contains weaknesses. The high costs of production and the small size of firms are likely to lead to strong restructuring in the future. These uncertainties have obliged actors to mobilise other types of resources, notably through the increase of links with tourism (ski resorts) in the PDO area.

To sum up, the path followed by Beaufort supply chain is a specific path, resulting from a specific history. This product is often described as exemplary for PDO cheeses. In fact, if it appears to be one path to success, it is unlikely to be the only one.

2. Charlevoix Lamb: The First PGI in North America? 10 Year Project of Territorial Development

1. Overview

Zone: The production area comprises two municipal regions (Municipalités Régionales de Conté) in the National Capital administrative region of Quebec Province, northeast of Quebec City on the northern side of the Saint Lawrence River. The Charlevoix region was designated a "World Biosphere reserve" by UNESCO in 1989.

Product: Charlevoix lamb is born, raised and processed in the area of production. The race is a cross of Arcott-Curtain, Arcott-Canadian, Dorset or Polypay. Production requirements limit the number of ewes per herd to 500, making it possible to retain a high level of homogeneity in the product. Lambs are suckled 60 days minimum, then grass-fed with supplemented grain from the region (oats and barley, but no corn feeding is allowed). Lambs must be slaughtered within 190 days of age. The carcass is very lean (<10 mm fat, 14-20 kg) and the meat is light pink and intensely flavored, reflecting the effects of local soil and climate. Special cuts have been developed to best display its flavor. Organoleptic tests demonstrate that Charlevoix lamb can be distinguished from among other lamb products of Quebec.

Substitutes: There are several types of provincial competitors from industrial production (the "Lamb of Quebec," a heavier corn-fed lamb) as well as from specialized production ("Agneau pré salé de l'Île Verte," and organic lamb). But certainly the more important competitors are imported lamb from other Canadian provinces (Ontario and Alberta) and from other countries (New Zealand and Australia).

Market: Short marketing circuits, including direct sales, are the preferred method of sales to allow for a high degree of direct contact with the final consumer. Thus, a large part of the lamb production is sold directly on the farm, and in particular by the Eboulmontaise Farm, which owns the only local direct-sales kiosk. Direct sales are primarily during the tourist season, which lasts from May to October. Charlevoix Lamb is also delivered to approximately six small hotels (primarily B&Bs), all of which belong to the local tourist marketing network known as the Charlevoix Flavor Trail (Route des Saveurs). Network members are identified with the symbol of a chef's hat, which is displayed on the front of the establishment and also appears next to local products on restaurant menus. Charlevoix lamb production has increased rapidly in recent years, surpassing 900 lambs in 2004. Negotiations with "Charlevoix Veal®," a pre-existing local meat distributor, made it possible to sell the quantity of lamb exceeding local market demand in larger supermarkets in towns and cities outside of the region, such as the Jean Talon store in Montreal and a store in the Old Port in Quebec City. A cooperative marketing structure among producers has evolved to meet the growing demand for Charlevoix lamb.

Legal framework: Quebec was the first province in Canada, and in fact the first governmental entity in North America, to pass a law establishing the possibility of appellation designation (IG) for products in the province. Charlevoix Lamb was chosen in 2004 as the "pilot project" for the first protected designation in order to test the new law. The geographical ascription of this product is justified by the territorial specificity and recognition of the region, which is marked by the impact of a meteor many centuries ago which raised a circular crater of mountains around the basin of production of Charlevoix Lamb. It is further justified by the strict code of production processes followed by producers, and the quality of the product that results. Administrative organizing within government agencies needed to recognize and protect the product as a provincial GI has been long and is continuing. In the meantime, the initiator of this project, Lucie Cadieux of the Eboulmontaise Farm, has taken out private trademarks for both L'Agneau de Charlevoix and Ferme Eboulmontaise to protect the group's interest in the name.

2. Problems Confronted

Usurpation: Usurpations of the name "L'Agneau de Charlevoix" were reported by restaurants in Montreal and Toronto (i.e., outside of the Charlevoix area), but also from as far away as France.

Competition: Lamb production is widespread throughout the world. The top three exporters are China, Australia and India; the top two exporters to Canada are New Zealand and Australia, which together account for approximately two thirds of imports in value (MAPAQ, 2003). Canada trails behind in production and export, with three provinces - Alberta, Ontario and Quebec - accounting for 75% of national production. In Quebec, the area of the lower Saint-Laurence produces 35% of the lamb in the province. It is worth noting that the National Capital region, to which the Charlevoix denomination area belongs, accounts for only 1% of the total lamb production of Quebec Province (MAPAQ, 2003).

Public and private marks with the same name: The Eboulmontaise Farm has registered a mark and a logo for "Ferme Eboulmontaise" and "L'Agneau de Charlevoix" with the Office of Intellectual Property in Canada (OPIC). The names and logo are reserved to the lamb of this particular producer network, assuring consumers they are buying actual Charlevoix Lamb. Charlevoix Veal also sells the lamb under its trademark, which can sometimes lead to confusion, although the lamb is the same.

Rural development: The general agricultural situation in Charlevoix is one of progressive decline in farm units and hectares under cultivation. The region faces stiff competition from other areas in Quebec and Canada in commodity production. In this context, one of the acknowledged goals of the project is encouraging producers to differentiate their product by increasing the percentage of lamb in the portfolios of existing livestock producers, but also by helping new family-farm producers convert older production facilities and establish themselves in farming through the production of lamb under the Charlevoix Lamb code of practices. In a larger sense, the increasing notoriety of the product brings an additional attraction to a tourism sector more and more attuned to gastronomy as a regional attraction. Many local restaurants now feature the product, contributing to the already strong bonds in a regional network of agriculture and tourism businesses which took root in the early 1990s. The project of legally designating the Charlevoix Lamb name as a Protected Geographical Indication (IGP) was initially conceived of as part of a larger vision of territorial development. The lamb is indeed only one product among others in Charlevoix that have been developed to cater to local tourism. Due to its increasing notoriety, it tends to act as the most famous lead product of the area, making it possible to increase the demand for other local products - agricultural, craft or service - associated with the region. This evolution in agricultural and rural

diversification has taken place over the last fifteen years. The main tool contributing to this progression has been the Flavor Trail, or "Route des Saveurs," established in 1995 by the Table Agro-touristic of Charlevoix (TATC), an organization which serves as a communications tool between the food and agriculture and rural development sectors. The Table fosters a collective dialogue process among producers, specialty processors, cooks and chefs of restaurants and hostels, and various craftsmen from the area, as well as with institutional actors such as the Local Center for Development (CLD), the Corporation for Community Development Assistance (SADC) and the Ministry of Agriculture, Fisheries and Food of Quebec (MAPAQ). Much of the success of the overall development project is due to the collective discussion, goal setting and planning which has taken place in the context of this group.

3. Socio-economic Analysis of Current Forces at Play

Initiators and their strategies: Lucie Cadieux, co-owner with her husband of the "Ferme Eboulementaise," is also a farm management agent employed by the larger producer cooperative of Charlevoix. Her leadership has been key in establishing the Table Agro-touristic of Charlevoix, the development of the code of practices for the production of Charlevoix Lamb, and the request for IGP protection for the product. Her husband, Vital Gagnon, oversees lamb production on their farm and has contributed to a large extent to the elaboration of the process governing production of Charlevoix Lamb. It is clear that the couples' intention from the beginning was to stabilize their own family farm's future by choosing diversity over commodity production (they also produce a large amount of organic fruits and vegetables), attract new young family farmers to the region to secure its future in agriculture, and contribute overall to the rebirth of the local economy of Charlevoix with a fresh approach to regional tourism that is intimately linked to agriculture and the agricultural landscape.

Actors: The local supply chain includes 10 farmers, 1 local slaughterhouse, and 3 meat processors. Sales are to 1) local restaurants, 2) local points of sale (such as the local kiosk on the Cadieux-Gagnon farm), and 3) to two points of sale outside of the region, one in Montreal and one in Quebec City.

Controversies: Serious controversies have been avoided, but differing points of view among the actors involved in pursuing the IGP have emerged. Increasing demand produced differing visions of how to organize and manage production to meet it. For example, decisions over fixing quotas or limits to avoid overproduction, as well as setting prices for this "sellers market," were noted.

Distinguishing Aspects of this Initiative: This project is notable for the process of what might be called "local-to-global consciousness raising" that took place among local actors as they began to come to terms with usurpation of their product's name. Specifically, the local group made contact with outside actors on a broader international and global scene—the French Consulate in Quebec—to seek assistance in understanding how products designated with labels of origin in France and Europe obtain that level of governmental protection. This was done explicitly to address the problem of limited resources among the producer group in the event that legal action against usurping companies or producers would be necessary. Producers were aware of labels of origin in France due to the many active connections to France that are maintained throughout French-speaking Quebec. Researchers from France (including Bertil Sylvander), as well as an American researcher (Elizabeth Barham) provided useful information that helped them proceed towards their request for the first official label of origin (appellation) as a sign of quality in North America. The group's persistence, their larger vision of rural development, and their ability to promote a dynamic integration of multiple sectors and rural development actors (both private and state) are remarkable and to their own credit.

Future Perspectives: Despite their many successes, the producers are justifiably frustrated by the time taken by government agencies to establish procedures for recognizing and actually protecting the label. They are still waiting for this official recognition. Producers have been able to move more quickly to organize themselves for the project than have government officials, due in part to internal state disagreements over which branch of the government would control the process, and perhaps linked to questions about the resources required to administer and protect the lamb label, as well as eventual other requests. As regional development has clearly been spurred by the larger agri-tourism project, it seems unlikely that the label effort would be abandoned by the producer group or the state.

Conclusion:

Contribution to existing knowledge within Siner-GI: Charlevoix Lamb is the pioneer product in the introduction of European-style appellations in Quebec and in North America. Experiences gained with this product will shorten the wait for other IGPs in the future, and clear protection by a state-recognized certification body will further consolidate value-added for other products which follow this route. The strategy related to this product exceeds the framework of merely protecting Charlevoix lamb, as the clearly established objective for producers and the state is to develop an economic tool for Charlevoix as well as other regions. The project is particularly notable for the efforts of local producers to reach beyond a larger political position

against IGP protection taken by the federal government of Canada by working within the quasi-autonomous province of Quebec. However, historic solidarity with the French may be a key factor at play in their ability to do so.

3. Rooibos in South Africa: an herbal tea with an international threat

1. General information

1.1. The product, its characteristics and its markets

Rooibos is an herbal tea made from *Aspalathus Linearis*, which is an endemic plant of the fynbos biome in South Africa. It only grows in the Cedarberg region of the Western Cape Province and the high lying areas in the southern parts of the Northern Cape Province. Rooibos is the Afrikaans word for 'red bush'. Different qualities of rooibos tea are attributed to different soil and climate conditions, with some areas recognised for their better quality.

Rooibos is known as a specific product from South Africa. It has become a popular tea worldwide, especially appreciated for its polyvalence and health benefits. Traditionally gathered in the wild, rooibos is nowadays mainly cultivated. It is carefully chopped, fermented and then dried and sifted. Through the fermentation process, rooibos gets its characteristic red colour, its distinctive flavour and sweet aroma. It has a long history related to a specific territory: the processing stage still mainly relies on traditional methods, which trace back to the Khoi and San populations over 300 years ago. Rooibos cultivation practices have been developed over the last century by the different settled populations. Rooibos has become a South African heritage.

Primary production involves about 350 farmers, both commercial farmers (97% of production) and small-scale. Most of the small-scale farmers are members of two cooperatives that grow process and market rooibos for the fair trade market. Rooibos processing is dominated by 8 large companies mainly located in the Cedarberg production zone that collect and transform rooibos, and sell it to intermediaries who market it. Among these processors, Rooibos Ltd³ detains 75% of market shares, dominating in particular the national market

³ This company results from the Rooibos Tea Control Board, created in 1954 in order to organize the production and the marketing of rooibos. Until the 1990's, this state organization was the one and only actor in processing and marketing rooibos. In 1993, it was voluntarily dismantled and its assets were shared among the producers who founded Rooibos Ltd. Even now, some 200 producers detain the majority of the company shares and are its principal suppliers through a fixed annual price system.

through National brands group⁴. The turnover of the rooibos tea industry was estimated at 180 million Rands in 2004 (corresponding to 22.5 million euros).

The deployed qualification and certification strategies are diverse: fair trade, organic farming, wild rooibos tea'. These strategies can support strong differences in prices paid to the producers: in 2005, Rooibos Ltd, which production is mainly conventional (only 15% organic) paid 1,9 € for 1 kg of dried Rooibos while the Wupperthal cooperative, which production is all organic and valorised through fair trade channels, paid 3€ per kg . But this diversity concerns primarily the export market and is restricted to small niche markets. Most of the export (over 90%) is done in bulk.

1.2. The GI legal framework

South Africa does not expressly recognize nor provide protection for GIs. Only minimum protection, as required under South Africa's international obligations, is provided based on the combination of consumer protection and unfair competition laws, the Trade Marks Act and the administrative scheme for the protection of GIs for wine. There are no statutory provisions which expressly protect the unauthorized use or registration of GIs. However, a few statutes afford limited protection to GIs. The law of trade marks, as regulated by the Trade Marks Act 194 of 1993, is the only means to establish a registered GI in South Africa, either as a collective mark, or in limited circumstances as a certification mark.

However, the promotion and development of a specific system of protection for other food products than wines and alcohols is currently being debated in the political arena (Department of Trade and Industry), driven by the agricultural departments of four provinces (Western Cape, Eastern Cape, Northern Cape and Kwazulu Natal), and now taken over at the national level by the National Agricultural Marketing Council. It is envisioned that a *sui generis* system would be a tool for valorising localised productions and improving underprivileged communities' livelihoods.

2. Problems faced

Rooibos is currently not produced anywhere else in the world, but with the increased international demand for rooibos tea, some producers feel there is a threat of possible delocalisation of the production outside the country. Another more immediate threat arose with the registration of trademarks on the name rooibos by different companies in different countries. This resulted in a major legal battle in the United States that made Rooibos famous.

⁴ Rooibos limited supplies 95% percent of the local market.

The term 'rooibos' was registered there as a trademark in 1994 by a South-African company to draw profit from its exclusive rights in marketing rooibos under this name in the United States. In 2001, the company is assigned its trademark to its US agent. Rooibos Ltd, assisted by the South African Department of Trade and Industry and the Western Cape Government contested this registration for more than 6 years and had to spend almost 6 million Rand (750.000 euros) in legal fees, before they achieved an agreement with the agent, which recognized officially in June 2005 the cancelling of its registered trademark. This was made possible because the name rooibos was recognized as being a descriptive generic term, commonly used to describe the *Aspalathus linearis* plant and thus that cannot be used to design a trademark (TRALAC, 2005; Silver, 2002).

The sustaining increased demand and lack of quality standards on rooibos gives rise to opportunistic behaviors both from South African processors and traders - who need to create their space in a market strongly dominated by Rooibos Ltd - and from European buyers, on export tea quality. A particularly important dimension is the quantity of stick in the rooibos tea, which increases the volume but can degrade the quality and is used in defining different grades. But up to now, these grades are not perfectly shared among the industry. The subsequent risk of degradation of quality, and thus of loss of reputation, is perceived as an important threat by some actors. Furthermore, with the dynamics of innovation in the industry and the huge product range, it also becomes more necessary for the commercial viability of the industry to make sure that it is rooibos that is used. With the expansion and opening of new markets, need for standardization becomes critical. But with more than 90% of the production sold in bulk, control on the European markets is very difficult.

Another challenge relates to the equity issues and the tensions between resource poor farmers and commercial farmers with the power in the industry captured by the elites. Even if a certain number of resource-limited small scale farmers have succeeded in better penetrating markets through alternative marketing channels, their equity participation is still severely lacking, due to their financial and land constraints but especially to their isolation with respect to the rest of the sector and their small volume of production with respect to the big companies. Their positioning in the fair trade market could be challenged by the recognition of large rooibos plantations as fair trade certified. Rooibos constitutes the main resources of these two communities of small-scale farmers. With the support of NGOs, they have been integrating almost all the steps of the supply chain, producing high value products and creating jobs. They are about to inaugurate a 'rooibos heritage route', a touristic route based on the idea of the touristic wine routes, some of these routes being famous in the Western Cape. This initiative

has been developed by these two communities; and questions arise as to how it will be received by the rest of the industry, for which rooibos has been part of individual touristic strategy (e.g. guest houses advertising being rooibos farms and organising visits of the tea court), but no collective or territorial one.

Furthermore, the evolution of the production methods also constitutes a strong stake from an environmental point of view. Issues are raised due to the expansion in the cultivation area and to the intensification in practices. Pressures increase as to the need to tackle collectively questions of sustainable cultivation practices and to define production rules.

As briefly described, different collective and territorial issues are becoming important at the industry level, especially on the need to codify practices. The recent idea of developing a GI could constitute a relevant framework for discussion and negotiation around these issues.

Interestingly, many of these issues arise with the expansion and development of the industry whereas many GIs in Europe have been set up to protect declining industries.

3. Perspectives around GI development

Following the dispute in the United States, interest in developing a GI for the rooibos tea arose both at the sectorial and governmental level. A South African Rooibos Council grouping producers, processors and marketers has recently been settled. Up to now, the efforts for organizing and improving coordination among rooibos producers and processors concerned mainly research aspects; it is clearly dominated by Rooibos Ltd and does not properly include the small-scale farmers' communities. However, the position of the processors, in particular that of Rooibos Ltd, could change with the increased awareness of the need to protect their product and markets and the perceived risks of quality degradation. They are encouraged by public institutions to cooperate and are willing to explore the potential for developing a GI around rooibos. If interest for GIs was already present, actual discussion about it are mainly the results of an action research process that has been undertaken last year under the coordination of University of Pretoria with the Western Cape Department of Agriculture. Given its potential and exemplarity, the rooibos industry was selected as one of the cases for which to explore if and how GI could be developed and which institutional and legal framework would be appropriate to support GI development. Given the general lack of awareness and knowledge on GI, both locally and nationally, the evolution is framed by the interaction and exchanges between the different stakeholders and the researchers and academics.

So far, regarding the rooibos industry, and given its advanced level of differentiation, attention has been drawn to the possibility of considering rooibos as a GI umbrella under which

could be defined different specifications to account for the different qualities and processes of production. This could reinforce small-scale farmers' communities, for which market access and differentiation for their production is already well developed. Indeed, their access to market is very dependent on fair trade trends, and communities have potential for strengthening their position in the market by benefiting from the recognition of their specific quality through GIs. It is known that the areas of production of these communities offer very good conditions for producing high quality of rooibos. They are settled in one of the best 'terroir' for Rooibos production.

Though a GI strategy may appear as an interesting perspective for the rooibos sector, its future will depend in the first place on the various actors' capacity to work together (including both big scale processors and the small-scale farmers communities) to define the product specification(s) and its link to origin which includes agreement on the production area, the denomination, etc. It will also clearly depend on the evolution of the legal framework. Two options arise: i) GI remaining protected as collective or certification trademarks and thus being dependent on private strategies; or ii) GI benefiting from a 'sui generis' system with public interests probably being fostered. The research program is well connected to the policy process and has been instrumental in the evolution of the policy arena from a clear lack of interest or even negative view on GI to a much more open attitude. In this regard, case studies such as the rooibos case are enriching the research process and thus the political debate.

4. Conclusion

In addition to the need for protection of the name, the clear challenge is to foster collective and even territorial dynamics at the level of the rooibos production area that could support the needs for inclusiveness, rural development and biodiversity conservation in a context dominated by strong tensions between small-scale farmers' communities and the rest of the industry, but also among processors.

Beyond the protection of rooibos is the increased awareness that the broad diversity of indigenous products could be lost if no public, collective and proactive action were undertaken.

The originality of this case can be summarized in the following points:

- A highly specific plant mainly cultivated but also still harvested from the wild;
- GI reflection is developed after other qualification devices have been put into practices and thus, GI specific stakes and roles, and possibility for complementarity, can be better defined and/or more delimited;
- A strong heterogeneity among the stakeholders that challenges collective action;

- The linkages with the policy process around GI engaged by the four provinces departments of agriculture, and on the way to being driven by the National Agricultural Marketing Council.

4. Costa Rican Coffee: sustaining a specialty status on global markets

1. General Information

Costa Rica is a small coffee producing country (2% of the world supply). The country has expensive production costs due to its high tech and to high costs of labor. The yields by area unit are the highest of the world (1,100 kg of green coffee by hectare in 2005). The coffee is exported in (what is called) green coffee.

Out of a total of 90,000 tons of exported coffee, during 2005, only 10,850 kg of roasted coffee has been sold abroad. 49% of the coffee is exported to the United States, 31% to Europe, 8% to Japan, 4% to other international markets, and 8% is kept for national consumption.

Costa Rican coffee prices are among the highest of the world (\$10 premium by pound over the FOB price average of C Contract at the New York Stock Exchange for first qualities of 2004-2005 harvest). It said that these prices are a result of the country's quality strategy, that began more than 10 years ago.

Regulatory frameworks (prohibition of Robust coffee, 2% green coffee limits at deliveries, environmental regulations at coffee mills) were established. Also, the implementation of a global policy of awareness towards the quality led by the Costa Rican Coffee Institute (ICAFFE),

This policy is focused on promoting a quality control throughout the chain (from seed to the cup) by quality campaigns whose result is the implementation of certification schemes in each one of the links. In addition, getting into special markets is promoted. The goal is to position 70% of the national harvest in quality or fine coffees segments. During 2004-2005 harvest, the 50% was achieved.

In 2005, Costa Rican coffee production chain was highly segmented. It included approximately 65.000 growers who sell their coffee cherries to 101 mills. At the same time, this mills place the green coffee through 46 exporters: cooperatives, corporate and private ones.

Another option is selling the coffee to the 43 roasters for the national consumption market. All participants should be registered at respective registries of ICAFE.

According to Law 2762 of 1961, ICAFE regulates the commercial relationship between producers, millers and exporters with the purpose of guaranteeing an equitable, rational and certain earning to every sector of the coffee industry.

This law ensures the producer an income of about 77,5% of the export sale price in average, 17,5% for the miller, and 3,5% for exporters. The remaining 1,5% it is a tax for funding the governing institution, that is ICAFE.

As a result of the World Commerce Organization agreement on the Intellectual Property Aspects, which came into force in 1995, in January 6th, 2000, Costa Rica promulgated the Law 7978 of Brands and Other Distinctive Signs with resolutions on the registration and right of use of the Origin Denominations (OD).

When signing the Free Trade Agreement with Mexico, in 2001 Costa Rica became member of the Lisbon Agreement related to Protection of the OD and its International Registry. The national legal frame is still incomplete. On June 8th, 2005, the Ministry of Justice and Grace published a draft bill of the dispositions related to the OD for consultations in the N° 110 Official State Newspaper *La Gaceta*.

The regulation proposal determines the rules for the formulation and examination of the requests, and the proceedings for the recognition of the OD. In addition, it exposes some considerations on the control, the use authorizations, the registry cancellations, the registry of foreign OD, the registration of homonyms OD, the warranties and protection.

The formulation of a specific regulation document for coffee it is also managed, since it is thought to be the Costa Rican product with most potential for OD developing.

2. Problems that would solve by the origin protection

It is hoped that the OD system will help to solve the following problems:

The lack of a clear boundary of the regions where the product comes from does not allow a strict control on the origin. As a consequence, it brings inconsistency on the coffees quality characteristics from every producing region, which causes distrust of the buyer on the origin. This puts at risk the prestige of each zone.

That inconsistency also limits the price potential that can be earned, harming the producers of quality zones. Nevertheless, It is necessary to recognize that the current system allows a prizes distribution to a wider number of actors. Before the Brands and Other Distinctive Signs 7978 Law promulgation, a region name could be included of good faith within

a brand, not matter the product had nothing to do with the region, bringing confusion to the buyer. We think that this no longer will be possible.

Also, there have been usurpation attempts with requests for brands registration with geographic references and OD by private companies belonging to other region not mentioned within the sign. It is hoped that the OD will potentate the strategies of promoting the regions, developed not also by the ICAFE, but by the sector organizations, specially the Costa Rican Specialty Coffee Association. Seven coffee producing regions are being promoted: Brunca, Orosi, Tarrazú, Turrialba, Tres Ríos, Central Valley, and West Valley.

It is thought that OD will allow assuring the sustainability of the coffee growing, a high cost one, within the zones with few alternatives of development. Also, assuring the prosperity of the region inhabitants and avoiding migrations within the country towards the urban zones, and to North America.

The conditions list and the normative of production can contribute to the stability of a landscape, making it less sensible to specific transformations of the development. The prosperity of the product and the attractiveness of the landscape open possibilities of activities diversification in the coffee agro - tourism, still not exploited.

3. Forces involved in the ICAFE OD project

With the promulgation of the Brands and Other Distinctive Signs 7978 Law in Costa Rica, an expectation was created within coffee sector, and an obligation for the Costa Rican Coffee Institute to face that expectation, being a support entity of that sector. In 2002 ICAFE began a project on the OD applied to coffee, with the support from the French cooperation, through the CIRAD. Later, beginning on 2004, the project took a new impulse thanks to the incorporation of the Spanish Agency for International Cooperation (AECI).

The project general purpose is to clearly establish the methodologies for the elaboration of OD on coffee. Also, to prepare the technical, organizational and administrative bases of the first requests in coffee in the country, and to impel an OD recognition process on the national level. That's why it was determined to work on two case studies: the Orosi Valley and Dota, which were chosen by their contrasting conditions, hoping later to systematize the experience. Dota and Orosi specially differ in the social and organizational situation. Dota has a cooperative that groups most of the region coffee producers. On the other hand, the Orosi chain organization mainly leans on a private mill which belongs to a multinational firm.

In addition, these cases defer in the product quality and the reputation of the region. The Dota coffee is a recognized product in the market, with several attempts of name usurpation.

The Orosi coffee has only a incipient fame, in spite of having a good quality potential. As a commercial strategy, the OD in Costa Rica is a strange concept for the country's social - cultural and economic dynamics, thus, the project began with the insertion of the idea in the productive activity.

Reactions have been diverse. In Dota, we have had a great motivation in the producers sector and an appropriation of the project. This is so, that the actors of this zone decided extending it to Tarrazú region, which includes Dota and other cantons. in Tarrazú, difficulties for the implementation of an OD have to do paradoxically with the dynamism of their actors.

Participants of the process look for accelerating it excessively, with the risk of taking fast decisions, so reducing importance to the technical aspects, of traceability and administration, which are essential.

Searching for negotiation and harmonization tends, hence, not to be a priority from their point of view. This leads to conflicts with other actors on the subject of the area delimitation. On the other hand, In Orosi there is a little general motivation. The most passive attitude comes from the millers. The zone main weakness, nevertheless, is its little organizational capability. This difficult all the process and create doubts on the administration capability of an OD, toward the future.

According to 7978 Law, a product under an OD must be elaborated within the protected area. This is one of the main arguments for opposition from the milling sector, since at the moment the final step of the milling is centralized made in the surroundings of the big cities. Therefore, the OD would mean to readapt the production chain, which already creates controversies.

4. Conclusion

The opposition towards the process or passive attitude of the industrial phase of the coffee chain in Costa Rica (final phase) is logical and normal. These actors enjoys a prosperous business which it does not need any changes, nor it is affected by the (prices) crises. On the contrary, developing an OD would include regulations and changes in its work scheme. This opposition is very important since the industrial phase of the chain groups few actors with a lot of economic power. A very different reaction had been had, possibly, if the chain were less fragmented.

Originalities of the Costa Rican project lie on the initiative of the Government being the beginner, promoting the 7978 Law. This regulation arose as a result of the commitments acquired on intellectual property under international treaties. ICAFE is also a beginner of this

process applied to coffee. It is necessary to mention that ICAFE represents all actors of the coffee chain in Costa Rica, reason why internal discussions on this subject are created within the institution.

Related to coffee, the process has not been as result of a demand from the market. Although the market requests assurances on quality and origin, is not sure that the protection granted by the OD would be of its interest. Among the producer sector, as they get greater information on the project an increasing interest is created for implementation.

Another originality of the project is that the analyzed product is a raw material which goes under a very important process of final transformation in the consuming countries: roasting. The roasters interested in buying green coffees under an OD wanted to keep that seal for their roasted coffee, which would be impossible with a protection scheme of the origin.

So, the question is if it is really useful to protect the name of green coffee production regions in the consuming countries. It is possible that obtaining an efficient protection within the coffee producing countries, which would contribute to remove local imitations from the market, is much more attainable and useful.

Through a deep analysis, trying to limit the product supply in the producing countries has really motivated the initiatives of developing of OD in the Central American region.

5. A Geographical Indication (G.I.) for pampean beef

1. Features on an international reputed product

Typical local product reputed in the world market is the pampean beef. We can ask which factor contributes to their reputation. Several Scientific researches show that the more important factors that are possible to obtain a tender beef, juicy and a particular flavour, are the race, the production systems and the know how presents in the breeding.

The widely present breed, are Aberdeen Angus and Hereford in its pampean biotypes and cross breeds. The most important feature is the early greasing in extensive systems (with lack of cereals or hay giving) obtaining a great tenor of marbling (fat).

Two things contribute to obtaining tender beef. The first, in most cases these animals which are slaughtered before they are 24th months of age weighting between 380 and 480

Kilograms alive for the steers and 260 et 300 Kilograms alive for the heifer. Second the males are castrated before they are 8th month of age⁵.

Typical cutting goes for the famous "barbecue" (*asado*). These typical beef cuts (Short Ribs, Flank Steak, Roast Beef) would be obtained with different methods of cutting up based on local knowledge that are diffused from generation to generation. Besides we identified the locals know how to cook a good *asado*. Cooking is made using special kind of wood (hard wood) or coal in some cases and last around an hour. But when heifer with leather (*vaquillona con cuero*) is barbecued it last for 12 hours.

1.2 Production area of these beef.

If we take as discernment the marks of the productive areas that these products are obtained, limits are suitable with the Argentina Pampean Region. This region surrounds a great part of Buenos Aires province, west-northwest of La Pampa, south and east of Cordoba, and south of Santa Fe provinces. Future research may suggest the inclusion of the south area of Entre Rios province.

1.3 For which market?

The most important market, where the Argentinean pampean beef is recognised, is the European market. Research developed by the *Instituto de Promoción de la Carne Vacuna Argentina* (I.P.C.V.A.) looking at German, English, Italian and Spanish customers taking noticed of a positive image of Argentinean beef in those markets. If we see that customers say about the image of Argentinean beef result of the tender grass in this flat region, and the "*gaucho*" on a horseback. It means the pampean region.

According to the Argentinean traders of this Commodity Chain a I.G. for the pampean beefs wouldn't have a great success in Argentinean market.

1.4 Which quality labels would protect the origin of pampean beef?

The aim is to protect the reputation of this product, at first it would be communicated a I.G.P.⁶. Another factor to take noticed are the place where the steers' breeds in the pampean

⁵ The tasks of castrate the calf (*yerra*) join lots of friends and neighbors of the producer. This meeting is institutionalized trough the National young calf Fiesta. It happens every year a Ayacucho city sited in the centre of Buenos Aires province.

⁶ The Law N° 25.380 name *Indicación Geográfica* to the IGP and *Denominación de Origen* to the DOP.

region has born. In fact, some steers are born in a neighbouring region for instance north of *Patagonia*, *Monte espinal* and the *Chaco* region.

A point to be considered is the incidence of various variations of agro-ecological conditions in different areas including in this big region. Its consideration goes to see the possibility of giving the sub denominations of products, like "*pampean beef*", sub denomination "*western sand*".

1.5 Profits that present communication of an I.G.P. for the pampean beef.

The beef is the symbol product of Argentina pampean region. Therefore the first positive impact of an I.G.P. would be the preservation of this product into this Region. In fact, in the last 15th years, the importance of importing intensive production has increased. In fact, at the moment this system provides near to twenty percent of the local market. Furthermore, it increases a supply on cereals in extensive breeding.

This increase offer the production meat into an intensive system could be replace the taste by pampean consumer from the most tender beef but with a negative consequence concerning ones health⁷. Besides, it won't clear any negative environmental consequence with the affluent of the feedlots on the superficial and sub superficial waters with nitrates. Other problems art the multitude of insects and the unpleasant smells that they give off.

Otherwise the objective is to avoid possible usurpation of positive images of pampean beef. For example generics names as "South American meat" could mistake the consumer. Third point is to prevent imitations of it. In many occasions it might be verified in European continent as in North America, selling beef like real Argentina beef without couldn't verify.

Finally it is expectable that the I.G.P. contributes to increase the quotation of the beef sending abroad mainly those that are exported to European countries outside of the Hilton quota.

2. Argentina legislation situation.

2.1. National Law

With the promulgation of 25.380 law Argentina in 2000 stars up a real way to a Geographical Indications recognising location like a tool to promote the local development in the rural areas. However their regulation lack and the debates delay its application. This law

⁷ Cientifics reserch developed by Instituto Nacional de Tenconolgia Agropecuaria (from Argentina) show that the meat produced in the feed lots have a hight level of saturated fatty acid

was modified by 25.966 law announce at November 2004. Actually the regulation of this law is advanced. According to allow the presentation the local projects by means of a G.I. the Secretaría de Agricultura, Ganadería, Pesca y Alimentación (S.A.G.P.yA.) authorised your *Dirección de Alimentos* to receive the dossiers of petitions by the defence committee.

2.2 Provincial laws.

Eight⁸ of twenty-four provinces that are in Argentina Republic have announced their own laws to regulated the G.I. for the agricultural and agri-foods. Only one of them (La Pampa province) it 's a part of pampean region. Provincial law N°1989, promulgated in 2002 purpose the certification of "*Carne natural de la provincia de La Pampa*" ("*natural beef of La Pampa province*").

3. Precedence and ways to be an I.G.

At the moment the beef exported from Argentina are registered by a private mark that shows the pampean zone or Argentina. Anyone of these group enterprises that export their meat should communicate their own products by any G.I.. Between the collectives projects that have announced to will communicate a G.I. we find "*carnes Entrerrianas*", "*Carnes de la pampa del Salado*", "*Carnes de Córdoba*", "*Ternero Certificado del Centro*", "*Carnes naturales de la provincia de La Pampa*", and "*Carnes de Santa Fe*". At the moment no project has get its objective.

Reasons that should explain these advances would be the object of a new research. Many hypotheses could carry out these researches. First some projects speak about the name a province. But within this province, we can find different regions. The qualities of these beefs vary between the regions. None of these projects include the pampean area.

Second, some projects are formed and publicised by the political and scientific professionals, then they have tried to include some local actors of this commodity chain. Others factors that would explain this failure is that the members of these projects have restrained the aims and objectives of the increasing of prices.

We have a question about the best way to make a defence committee for this product, to building an I.G. for the pampean beef. These answers could be found in sending abroad the beef that includes pampean cow breeders and the local industries that develop the stable relationship within the pampean breeders. This is the base of the starting project of I.N.T.A.

⁸ Mendoza, San Juan, La Rioja, La Pampa, Jujuy, Salta, Rio Negro, Chubut and Misiones provinces. Two others, Neuquén and Corrientes provinces, have a law to adhere of national law N° 25.380

4. What's the interest around this analysis?

At first, this view brings us up to ask ourselves if we could talk of territory, or local, in region which superficies approximately 55 million hectares (equals France area). In fact one of the projects mentioned before is based on the local identity of the breeders' inhabitant the pampean zone named "*cuenca del salado*". This zone has an area to near 9,5 million hectares.

In one aspect relations approaching or being far away between the producers have a direct consequence over the ships and rules of game that make the dynamic commodity chain.

Problems of approach also present troubles among the people that developed the same work or function inside the chain and Institutions that represent them. For example, in this region four associations represent 82.000 breeders. The branches of any associations are a different geographical distribution all over the Region. These Institutional characteristics have a direct influence on the possibility of building a defence committee for the pampean beef and on their capacity to insure a true way obtain a Geographical Indication.

It should be analysed the partial superposition between the pampean region and the territory at the five provinces that they cover. We ask about the compatibility among provincial laws and the projects to built a G.I. for the pampean beef.

6. Olive oil from Koura (Lebanon)

1. Information

The Koura region is a district (caza) dependant from the North Lebanese prefecture (muhafazat). It is situated 70 km north of Beirut. The region counts 46 villages (including the village Koura). Koura's population is estimated to about 100 000 inhabitants.

The farmers from the Koura region have mastered the art of producing olives for a long time as it is the only source of revenue they have. So far, the know-how of the traditional production methods has been transmitted from generation to generation and thus, their knowledge about the olive tree is wide.

As mentioned above, the growing of olives is the main agricultural activity in Koura. The climatic conditions in the region are favorable to the olive production. The altitude goes up to 950 meters above sea level. As much as 900 mm of rain falls every year between the months

of October and April. The rich soil allows the olives trees of Koura to grow without difficulty. The cultivated surface with olive trees is 5500 hectares big.

In the eyes of the Lebanese, the olive oil from Koura has a great reputation. According to the producers, it is due the ancientness of the olive growing in the region, to the climatic and agronomic particularities that characterize the region as well as the know-how of its inhabitants.

The great majority of the olive trees are local species. The local species know as "baladi" is the best one in respect to a long term investment. It can live up to 4000 years and still produce profitable harvests.

The harvest of the olives is done according to manual and traditional methods. It happens in two phases. The first phase is for green olives, harvested from mid-November; the oil produced with them is fruity and slightly pungent. The second phase is for the black olives, from mid-December, which will produce a mild oil.

The olives are washed several times before being sent to the mill.

Between harvest and pressure, the olives are stocked outside, or inside in places with air circulation and middle temperature, during a period which does not exceed 48 hours.

There are circa 100 oil-presses in Koura, which are all traditional ones, except one. Traditional oil-presses are not older than 60 years, they are constituted by 2 or 3 millstones and have a motor engine. The modern oil-presses can process between 1 and 3 tons of olives per hour. This type of oil-press meets oppositions from producers, who suspect that the pressure process is with hot water (instead of cold water which is required for quality oils).

Some producers sell their olives to press-factories. Some inhabitants of Koura produce oil only for their own needs. Others produce oil for direct selling at the village, or to sell it to supermarkets or exportation.

The Koura olive oil is mainly bought by consumers from Koura, but also by consumers out of the region of Koura, who are ready to pay a higher price for that oil due to its reputation of quality.

The majority of the consumers who are not capable to distinguish the Koura olive oil from other olive oils prefer to buy their oil directly from the producer. The consumers who buy Koura olive oil in supermarkets may not be sure about the quality and origin of the product they buy.

The Koura olive oil is exported to countries where is established the Lebanese diaspora, especially for families coming from that region.

Presently, there is no specific legal frame for the Koura olive oil. There is also no quality control, except may be on acidity, which is the only parameter that traders are taking into

account. A Lebanese public institute (Liban-normes) has defined the characteristics and classification of the Lebanese olive oils, based on the norms of COI and Codex Alimentarius.

2. Problems

The costs of production are higher in Lebanon than in the other countries of the Middle-East. As a consequence, the price of Lebanese olive oils is higher than the one of the Syrian olive oil, due to the lower cost of workers and the agricultural subsidies in this country. The 5'000 tons per year of exceeding production in Lebanon can be explained by these price differences and the fact that there is no obligation of indicating the geographical origin of oils to the consumers. In such a context, the designation Koura is often used on the labelling or description of olive oils not originating from Koura, even on imported oils which are re-exported with the denomination Koura.

7 individual trademarks including the name Koura are registered, without any guarantee on the origin of the products they are put on.

There is a lack of collective work regarding agriculture in Lebanon. The Koura olive oil supply-chain is, like for all products and regions in Lebanon, disorganized, and there are only few common interests.

There are 3 cooperatives in Koura (one with 350 members, the other ones with 50 members), which are not very representative: a large number of producers (including big ones) are not members of cooperatives. These cooperatives are not economical organizations for producers, but their principal aim is to provide a technical and agronomical assistance to the producers.

3. Socio-economical analysis

The supply-chain of the Koura olive oil is organised in three levels.

The first level includes the producers. They sell their own production by direct selling, and often in important quantities for the « mouneh » (stock) for friends or members of the family who reside in the towns.

The second level is the one of processing. The normal deal is that the owner of the press keeps 10% of the oil, and the producer stock the rest of the oil at home. In Koura, there is no organization gathering the owners of oil-presses. Most of the owners of oil-presses are also producers of olives.

The third level is constituted by the traders and retailers. They buy oil to producers or to owners of oil-press. The traders or retailers sometimes mix the Koura olive oil with olive oil originating from other countries.

In the district of Koura, one major retailer buys most of the production which is devoted to commercial channels. This quasi monopoly prevents the producers to contribute to the definition of prices through competition.

For some retailers, the regional origin of the olive oil is not indicated, being not considered by them as a sign of quality. They prefer to base their success on the reputation of their own firm.

4. Conclusion

The registration of the Koura olive oil as a GI would benefit to the producers if there would be enough place in the market for quality products. Such a procedure would also allow to guarantee the typicity and traceability of the Koura olive oil. But, considering the lack of collaboration in the olive oil supply-chain, one can ask if an interprofesional organization would be the right structure to manage a GI project. The lack of confidence between the producers and the traders is very problematic for further steps.

7. Paprika of Kalocsa – Hungary : Liberalization and Europeanization

Introduction and Outlines

The Paprika case raises two interesting issues. One is the Europeanization of the regulation on geographical indications in Hungary and its relationship with European market integration. Hungary has presented two European PDO applications: “Kalocsa ground paprika” and “Szeged ground paprika” (or Szeged paprika), which are in the process of examination. The other is the transformation of the former socialist system in the context of liberalisation and Europeanization of the Hungarian economy. Both the national regulation and the local situations are in moves. We will present first the product and the market of paprika in general and then address the two issues. We will conclude using the proposed grid for the cases presentations.

The product

Paprika is a red powder made from grinding the dried pods of mild varieties of the pepper plant (*Capsicum annum* L.), also referred to as bell peppers. The small, round, red "cherry pepper," is used for producing some of the hotter varieties of paprika⁹. Paprika powder ranges from bright red to brown. Its flavour ranges from sweet and mild to more pungent and hot, depending on the type of pepper and part of the plant used in processing. Paprika should be considered a semi-perishable product. There are many products made of paprika, pastas, creams, etc., which are also popular. One third of the territory of the Hungary would be suitable for paprika production. The two principal areas of production are around the small cities of Szeged and Kalocsa, both located on the country's Southern Great Plain and which for long time are competing for the title of Paprika capital of Hungary. These pepper-growing areas have the right combination of soil characteristics, temperature, rainfall, and sunshine required to cultivate these plants.

Paprika is a mature GI system seeking for new life, facing scaling up issue (increase of local competition and adaptation to European market and regulation).

The Directive No. 2.8720 on "Ground Paprika Spice" of the Codex Alimentarius Hungaricus (Hungarian Food Code) establish a grading system of paprika powder, according to chemical and physical parameters and based on the industrial and marketing traditions of the main regions of production. The four different quality categories are:

1. Különleges (special): This is the best quality product, made of selected and best quality raw material;
2. Csemege (delicates): The second best quality, with not so strong taste and softer smell;
3. Édesnemes (sweet gentle): The third best and most currently used type of paprika powder, with normal taste, smell and colour, and with the price adequate for everyday usage.
4. Rózsa (rose): The worst quality, and the cheapest product. This type of powder is generally used as raw material for other products (creams, pastas, etc.).

The physical parameters which define groups of quality are essentially the colour and the level of impurity. It corresponds with mode of processing. A second distinction is made according to the content in capsaicin which gives the hotness of the spice. If the capsaicin-

⁹ Note that the term Paprika means both the spice and the plant from which it is made.

content of the product is less than 100 mg/kg than the taste of the product is said free of acrimony; while if the capsaicin-content of the product is more than 200 mg/kg, it is hot. This leads to 8 types of Hungarian Paprikas which constitute a vertical quality differentiation. The EU application files for Kalocsa and Szeged paprika cover all the grades.

According to the relevant legislation (Codex Alimentarius Hungaricus) the followings have to be labelled on the product packages:

1. Denomination:
2. Spicy paprika powder
3. Name of the quality classification
4. If the product is sweet, softly hot, or hot
5. In case of 100% import products, the origin country has to be labelled;
6. In case of partly import, partly Hungarian products the rate of the import quantity;
7. In case of Hungarian paprika powder the indication of the territory the raw material is originated from has to be labelled;
8. In case of completely sweet paprika products, "free of acrimony" has to be labelled.

According to IDARI report 2, prices are generally in strong connection with the quality (grades) classification. Origin acquires value in the case of the paprika from Szeged or from Kalocsa. The original packaged "Kalocsai paprika" with the old design of the company is the "best product" according to the consumer's point of view.

Before the recent "scandal of paprika"¹⁰ the role of importation of the raw material or powder by national processors was not of significance for consumers buying paprika in supermarket, but since the scandal turned out, this characteristic of the products is more important for the consumers and have to be labeled.

The critical part of the production is the method of drying (the freshly harvested paprika is willing to rotten, and to mildew, so it has to be stored among adequate circumstances: airy place, not too dry, but not too wet, enough distance between the pods, etc.). In case of exterior drying (that could be a component of code of practice as in the case of Piment d'Espellette) which requires two weeks of exterior drying), irregular weather conditions can be a threat. The code of cultivation practices have also to fit with sanitary constraints (as Sclerotinia infection).

The method of milling varies, according to the equipment used. To obtain strong red colour the powder have to be warmed up (to activate the oil content of the powder), it is why stones were (and are) used for grinding.

¹⁰ Sanitary problems were found due to the use of imported paprika sold by the Kalocsa industry.

Quality core aspects

The classification of Paprika by the Hungarian code defines grades (vertical differentiation) which are legitimated by the market (prices vary according to grades).

Sanitary conditions can be controlled at the level of import and by processing norms. The EU application files for the two Hungarian Paprika built up by the industrial actors of both regions establish a quality management system (ISO 9000 type) (the industries are ISO and HACCP certified). Home operation of drying can be the cause of sanitary problems. This is a delicate issue in the elaboration of a code of practice for a PDO product.

Origin is relevant in combination with grades. As we will see in the next section, origin account for consumers for the upper grades, both on the official market and on the informal market.

For the locals actors main issues seems to deal with the professionalisation of new entrepreneurs and related governance issue and with the contract design and regulation in the spice production chain.

Conclusions

Paprika is a mature GI system seeking for new life, facing scaling up issue (increase of local competition and adaptation to European market and regulation).

For the locals actors main issues seems to deal with the professionalisation of new entrepreneurs and related governance issue and with the contract design and regulation in the spice production chain.

8. Conclusion: Summary of Jacques Henchoz talk, related to comments and synthesis on "GIs stories".

1/ With regard to the morning presentations related to the current workpackages, namely the GIs place in a globalization and neo-liberalism context, the Beaufort case can be considered as a model. Indeed, if GIs often appear as added-value instruments, they also are tools for sustainable development. The presentation testifies that Beaufort cheese is an example which includes the three dimensions (social, ecological, economic) of sustainable development.

2/ I have been assigned to a mission that consists in doing synthetic comments on lectures. First of all, it suggests me two general remarks.

a. The decision to protect a designation by a PDO, a PGI or a mark (collective mark, brand mark or provenance indication), has to be a collective and voluntary process, and not coming from a private producer or a big processing industrial firm aiming at private interests.

In this context, each actor working at each stage of the supply chain must be informed of the strategy and has to be able to make up his mind on the collective action.

b. Many of the presentations are dealing with designation coming from countries opposed to the GIs system. That could be considered as delightful if we read it as a resistance action by operators of these countries. But in the contrary, it could appear that they never benefit of any support from their State.

Main questions raised by the lectures and reactions:

1/ Rooibos Tee

a. The segmentation (various farming practices) mustn't constitute a blocking point of the initiative proceedings. A lot of cases exist in EC for example. In Switzerland, the "Damassine" issue has been published even though a part of the fruits producers grow grafting trees, whereas the other part refuse that and only grow non grafting trees. Gruyère specification also plans segmentation for the mountain Gruyère which production method is different.

b. The homonymy question raised by a speaker has to be examined regarding the risk of confusion that could appear between products. If the designation is used to indicate different products, the coexistence is possible.

2/ Coffee from Costa Rica

Some of the producers are opposed to the protection proceeding. They hesitate between several systems (PDO-PGI or trade mark). It could be useful that the supply chain communicate with producers in order to inform them on the protection level of each system and on the objectives of the procedure.

3/ Pampa Beef

The geographic area is as large as France, which could be considered as excessive. For a PDO, the question is not to measure the size but to assess the coherence of the area. In this case, it seems to be coherent that would not be the same for France for example, because of its different topography depending on whether we speak about Jura or Atlantic Coast. For a PGI, it could not have any restriction if the reputation really covers the concerned area.

Section 6: Feedbacks on WP1, WP2, WP3