



<p style="text-align: center;">SINER-GI Parma meeting – 21-22.06.2005 Meeting Minutes</p>

1. Plenary session 1: 21.06.05 – Morning (see annex 1)

- Welcome
- Teams presentations
- Introduction on the STREPE program (Danielle TISSOT)
- Presentation of the SINER-GI project (Bertil SYLVANDER)

2. Plenary session 2: 21.06.05 - Morning

a. Debate following the presentations (see annex 2) by

Matthijs GEUZE (WIPO)

Thu Lang TRAN WASESCHA (WTO)

David THUAL (ORIGIN)

Delphine Marie-Vivien discusses the principle of the multilateral register, the co-existence between the European Agency for GIs, and the opportunities for the developing countries to access to a better level of protection.

T.-L. Tran Waschecha:

The proposed systems are different : one proposal consists in the implementation of a very simple database, in a system in which the countries are responsible for the registration procedure. EU proposed a more elaborated procedure with an opposition possibility. This proposal is also a tactical one, because EU wants to link the extension of GIs protection to an agreement on further liberalisation of agriculture stuffs.

M. Geuze:

Concerning developing countries, Lisbon might be the basis of the new system of registration for GIs. The certification marks are also an available basis at the international level. The EU proposal at the TRIPS Council reflects a more comprehensive approach than the Lisbon agreement procedures. There are more questions to be solved as the one related to an appropriate evolution from Lisbon agreement system to a multilateral system. There is in several countries now an interest and studies about the identification of what products could be protected in such a system.

D. Thual:

The register of Lisbon could provide a good solution but it is weak at this moment in terms of effectiveness of the protection (See the example of Parma Ham in Mexico). For us, WTO is the preferred route by far, and the objective is to make progress in the framework of the WTO. A lot of work is done at this moment in several countries, supported for example by CIRAD. It's the better way for the producers to keep some economics values in the rural areas. There is a need to provide a registration system which is proper, simple, and accessible to developing countries. The association ORIGIN tries to do some lobby in that direction. The opening of the European system as a result of the WTO panel (USA vs. EC) could open a good way to extend the GIs. No way through trademarks because it is too much costly (registration and monitoring).

T.-L. Tran Waschecha:

The challenge is the open mind of the EU to other products than the agro-food ones. The registration of GIs could be taken in charge in the future, if any, by the WIPO.

b. Debate following the presentations by

John WILKINSON

G. Allaire:

3 points: - the way in which J. Wilkinson has presented the global food system is important: if you want to defend the GI systems it is necessary to position them not as an alternative to a industrial production but as a part of the global food production system.

- The WTO agreement and the multilateral register are for developing countries a way to open possibilities.

- The complex dimensions of quality require innovations which necessitate some others kinds of technologies transfers: human capital and skills are as much as important as a pure technological transfer and it is a challenge to be faced in the next years. It is part of the SINER-GI project.

F. Casabianca:

The role of the State is very important; consequently, the capacity of institutions building of developing countries is low.

B. Sylvander:

In the quality markets and supply chains, the stake on preserving the resources (genetical, human) in developing countries seems to become more and more important. How to include this in the classical framework ?

P. Damary :

The protection through trademarks is not appropriate for products which are exported. It is not the same to grant protection in the domestic market, on the one hand, and in markets throughout the world....

J. Wilkinson :

Some problems are linked with that question of scale, domestic or international ; but they are not specific to GIs, the requirements on control and certification are more general and concern many other products (organic, fair trade...), in addition with the increasing requirements of the big retailers to enter in the markets of the developed countries.

2 GIs have been registered in Brazil, for wine and coffee, but nothing else was done by the State to accompany the producers. Furthermore, there can be producers who would like to develop GIs, and their State may not be favourable to GIs in international negotiations.

It has been shown during the past years that it is difficult to cover the costs of a GI for the Brazilian market, with a lot of failures even with fair trade products.

R. Balling:

In Germany the Ministry of Justice is in charge of GIs... so the agro-food sector is not much supported by the State regarding GIs. Due to this lack of public support, it appears very difficult to involve the producers. This is an illustration of the problem of having different approaches in Europe implementing Reg. 2081/92.

B. Sylvander

All this confirm that GIs are not sold on a specific market (like isolated on an island) and must be able to compete with other products. This require from the scientific community to build up approaches which take this problem into consideration. Some GIs have to be export oriented and have an access to those markets.

G. Giraud

There are several levels of quality labels, which have to be complementary. Even on GIs, it could be confusing to mix regional brand with names of local places (valley, village, lake). This must be carefully analysed.

3. Plenary session 3 – 21.06.05 - Afternoon

Presentation of previous projects (see annex 3)

- PDO-PGI project (Dominique BARJOLLE)
- DOLPHINS (Bertil SYLVANDER)
- SUSCHAIN (Dominique BARJOLLE)

4. Meeting of the Project Advisory Board (PAB) – 21.06.05 - Afternoon

Participants:

SINER-GI Steering Committee:

G. Allaire, F. Arfini, D. Barjolle, G. Belletti, F. Casabianca, H. Devautour, A. Marescotti, D. Sautier, B. Sylvander, E. Thévenod-Mottet, T. Tizenkopf, A. Tregear, H. Van der Meule

PAB members:

R. Balling, L. Bérard, V. Fouks, B. Kovacs, P. Marchenay, M. Radman, M. Schaeli, D. Tissot, J. Wilkinson

Invited experts:

M. Geuze, T.-L. Tran Wasescha

Agenda:

When	What	Basis	Who ?
16.00	Introduction The PAB members introduce themselves Election of the chairman	CV ?	
16.30	Reminder about the role and functions of the PAB and discussion	Annex 1	B. Sylvander
16.45	General comments on the project SINERGI	Annex 1	PAB
17.15	Comments on the WP1 guidelines and discussion	WP1 guidelines	E. Thevenod-Mottet and D. Barjolle
17.45	Comments on the WP2 guidelines and discussion	WP2 guidelines	G. Belletti and A. Marescotti
18.15	Reminder about the coming milestones and deadlines	Annex 1	B. Sylvander
18.30	End		

Election of John Wilkinson as chairman

Objectives of the PAB (Bertil Sylvander)

- analyze and evaluate the guidelines
- help in the selection of case studies

According to general discussion on functions of the PAB and Sinergi project

R. Balling asks for more convenient documents to be sent in advance for facilitating the preparation.

He asks also for a more balanced point of view towards countries in EU which are not convinced about the regulation 2081/92 like Germany or the Netherlands.

B. Kovacs talks about a network working in the 10 new State members in Europe dealing with PDO and PGI concerns. The interests are presents but not very strong and not in a centre of a big dynamic. A need for better understanding is requested. He has the hope for a support of initiatives in Eastern Europe through the SINER-GI project.

M. Schäli asks for selecting as many different countries to be analysed as necessary to deal with the different kinds of protection system. Will the cases studies be located in developing countries or even in the European ones ?

B. Sylvander explains that our Dutch partner will provide a procedure of the selection of the case studies, out from a database on the most interesting cases (month 17). The decision about the types of case studies is not made yet. We will provide the file in due time to the PAB members in order to have feed backs and comments. PAB members could in that way influence the final selection of the case studies.

Action: WU will provide a procedure of the selection of the case studies by the end of August

According to WP1 guideline

M. Schäli: many definitions exist and are used around the world. He suggests focusing on the broad definition of the GIs given by the TRIPS agreement. Indication of sources is also in the scope of the project, it has to be mentioned. Traditional expression and indications have to be defined and their statuses have to be clarified: are they part of the project or not?

E. Thevenod-Mottet: we will provide a general presentation with common definition, and we will add a small glossary thank to your remark.

B. Sylvander considers that we must focus on a precise definition because we have to stress about the GIs with a limit between a traditional product and a potential or current geographical indications.

L. Bérard considers that the main focus has to be given to GIs recognition in developing countries, which have already expressed an interest to protect products at international level, like in Mexico for coffee. The share of GIs common definitions has to be done as quickly as possible.

G. Allaire says that the issue of the definition is not the same in the WP1 and the WP2: the legal definition is given by the TRIPS agreement in the WP1, when at the same moment, in the WP2, the definition is to be done in the perspective that products may have some origin claim, typical or traditional, which is potential but not already recognised as PDO or PGI, products whose status regarding the legal aspects are not that clear, not already assessed.

F. Casabianca adds that we have some experiences already in developing countries. Some products are located in countries where the legal framework does not exist.

B. Sylvander considers that such preoccupations are next to the definition we had in the DOLPHINS project, Origin Labelled Products.

A. Marescotti: the definition has to be build up, together in the two WP 1 and 2 in order to avoid the separation of the two conceptions. Italy is leader with the PDO in Europe but miss until now some consistent evidences about the impacts on rural development and other concerns.

Italian assistant of Filippo: few examples exist where the producers are claiming for more protection in the South countries because of frauds, imitations (for example in Brazil). But Brazil is asking for more liberalisation of agricultural market, and will not defend at this moment the protection of GIs, whilst the main stakes are the opening of market access.

M. Schäli explains that TRIPS agreement is the starting point for giving the definition and the objective of the project is to study in which way the developing countries are implementing the TRIPS agreement in the reality of their institutional specific context.

B. Sylvander says we have to keep the broader approach. Our project could have as a conclusion to revise the WTO agreement.

G. Giraud proposes to distinguish different levels according different scales of markets that have been targeted by the producers: regional, national and international.

D. Barjolle considers that the scale of comparison is different from the European systems of registration / control / certification and all the forms of protection which have to be explored and analysed.

M. Gueuze considers that SINER-GI has to explore the different ways of implementation of the TRIPS agreement.

A. Tregear says that the focus of WP2 is related to the impacts of the GIs. We will learn more in studying the cases than in losing too much time in doing definitions.

P. Marchenay, considering that international agreements on GIs protection has to be also analysed in the perspective of the potential protection of variety or plant names, suggests that the question be added in the WP1 check-list.

T.-L. Tran Waschecha says that it is important to stick the definition of the TRIPS agreement, because is it a political bargaining. The PDO is something opponents do not want to hear about. When you go into the details for some countries you can deal with PDO systems, but the general approach at the international level is given by the definition of the TRIPS agreement.

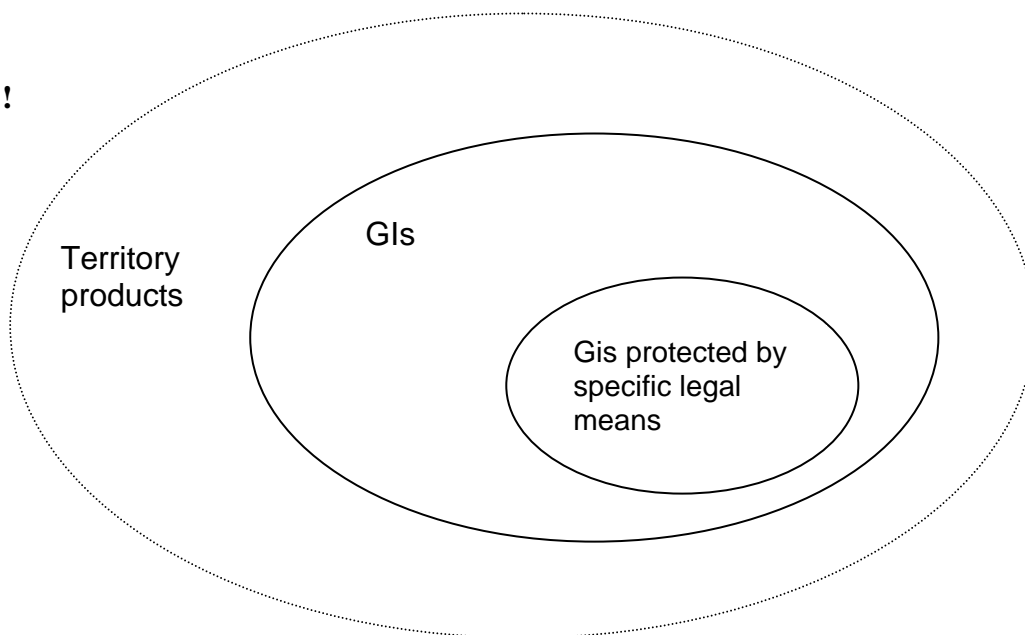
5. Presentation and discussion of the WP1 guidelines – 22.06.05 Morning (see annex 4)

1. Definitions

WP leaders first propose to have two kind of definitions :

- One based on legal approaches, which stick to the TRIPS definition, adapted to the WP1 objectives : *“Indication which identifies 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”*
- One based on economic approaches, which allow researchers to collect and analyse the dynamics of the products / supply chains connected to the field without to be GIs stricto sensu (organic product, typical products, local food, produits du terroir, etc.). To have definitions according to disciplines avoids having legal discussion in the frame of WP2, which would limit the scope of the work.

Erreur !



The **GIs** category implies no consideration on the way GIs are protected (special protections, trademarks, or only common use)

The **GIs by specific legal means** category : this protection doesn't mean necessarily that a registration process occur. The certification may be achieved by private bodies. However a minimal level of code of practices is required and at least *reputation* of the product must be taken into consideration. Single Indication of Source is not in the frame (mean only the place of production where the product is produced, without any characteristics or reputation related to the geographical origin).

The **Territory products** can comply with the TRIPPS but are not necessarily defined on the basis of the same criteria, are not necessarily (yet) labelled. It was stated at the beginning of the discussion that “Territory products” could share with TRIPPS GIs the criteria : “*where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin*”. But this is perceived by the economists as too precise narrow viewed, and doesn’t allow for a broad economic approach.

According to A. Tregear, taking those products in a broad sense can learn us a lot, because they are questioning products. According to H. Van der Meulen, the main idea is about products’ potential. According to G. Giraud, we should avoid to have a too complicated definition, in order to reach/keep a good consumer understanding. On the same way, labels have to be hierarchised, as they don’t have the same meanings on different markets (from local to global). Be conscious of the competition area of the products (potential and actual substitutes). According to F. Casabianca, we should keep in the frame the questions about genericity and exclusion, which are core questions in this field. According to T. Tisenkopf, we should be precise on the questions : bear the product a geographical name or not ? is the product made in the region or not ?

Some suggestions for the criteria to be applied :

Laurence Bérard: TP have “*shared know how and historical depth*”

Tu Lan Wasescha : *at least one different characteristic from the substitutes*

This discussion leads, according to Philippe Marchesnay to a topic for further research about the emergence process of the product names.

Do not use the words usurpations to avoid hurting the negotiators from the opponent countries

Forum website

www.europa.eu.int/comm/trade

2. Presentation and discussions of the WP1 guidelines (see annex 4)

Denis Sautier and Estelle Bienabé stress that legal aspects are very precise but should be also very precise for institutional questionnaire.

We should ask more details that just public/private distinction: control aspect, who asks for the protection, which capacity of organisation of producers. We must have a broader view of the checklist.

Dominique Barjolle asks if we adopt a static approach for the checklist, and if dynamical aspects should be done only in the case studies?

François Casabianca raises 3 questions

a. How to assess the effectiveness?

b. How to study the capacity of organisation and the capacity to take initiative?

c. How is the regulation implemented in the country, and what is regulation of the market?

He proposes to use the experts to go until the assessment of effectiveness: so include it in the check list.

Dominique Barjolle specifies that effectiveness is assessed in cases studies.

Denis Sautier makes some remarks:

a. Some countries don't have legal framework: so this case must be also studied, goes beyond the legal: who is leading the process?

Example: red palm oil in Africa: reputation is managed through social linkages and not by the state and government. It is institutional but not in the State: bottom up GI and not top down GI.

b. What means "Institutional": is it only legal framework or all the institutions included informal? How does it fit to formal procedure? We will have to analyse the capacity of organisation to enter in the process and become applicant.

c. Current initiatives around territory products in those countries should also be studied: which stakeholders. So, we should add 2 or 3 sentences in Annex 1: open question: do you know any initiative from bottom?

Does it have to be in WP1 or WP5? The objective is just to get the raw data on those initiatives and not the full knowledge

Bertil Sylvander proposes to add rooms to notify initiatives in each part of check list. He notices that WP1 has to be very broad in order to help the selection of case studies. He also asks for Implementation of regulation: falsifications have a broader part D. Is there a law protecting consumer against fraud?

Estelle Bienabé proposes to add question on the part of any change expected in the mid-term: who is negotiating this change, who is asking for it, who is supporting the legal framework? Who is opponent to it?

At the end of each part, add a box with additional comments:

- A.2.1.: same question for the legal frame (not the change of institutional but of legal framework)

- Who is in charge of negotiating for your country at WTO and at WIPO?

- Add a box at beginning: Name of expert, name of persons in charge of GI: which ministry?

- Add question on what is the level of protection of GI in the country: take the classification of WTO: art 22 and art 23.

Several experts must be contacted for 1 country

Deadline to add further amendments: 5th of July.

The objective of WP1 is also to establish a Data base on GI. We have to prepare a form only with the very interested cases on the web.

3. Table of distribution of the studied countries by team

WP1 SINER-GI PARTNERS' ROLE								
no.	Participant name	Country	Role	Months	WP1 checklist	Updating of DOLPHINS databases	Special Report	Special tasks
1	Institut National de la Recherche Agronomique (INRA)	France	Ass.	6	France	France		Review of D1
					Vietnam			Complements to the general scheme on legal and institutional issues
					China	China		
					Mexico			
					Argentina			
2	Centre de Coopération Internationale en Recherche Agronomique pour le Développement (CIRAD)	France	Ass.	4	Brazil	Brazil		Review of D1
					Tunisia			Complements to the general scheme on legal and institutional issues
					Turkey			
					South Africa	South Africa		
					India	India		
					Indonesia			
					Costa Rica			
					Dominican Rep			
					ARIPO (OAPI)			
					Laos			
					Colombia			
3	Università degli Studi di Firenze – Dipartimento di Scienze Economiche (DSE-UNIFI)	Italy		1	Italy	Italy (in cooperation with partner 8)		
					Greece	Greece		
4	(Association Suisse pour le Conseil en Agriculture) Service Romand de Vulgarisation Agricole (ASCA-SRVA)	Switzerland	Resp.	8	Switzerland	Switzerland	General scheme on legal and institutional issues	D1 Report on legal and institutional issues
					Germany	Germany		Evaluation grid on legal and institutional issues
					USA	USA		
					Australia	Australia		
					Canada	Canada		
					Hungary			
5	University of Newcastle Upon Tyne (UNEW)	United Kingdom		0,5	UK	UK (in cooperation with partner 11)		
6	Wageningen University (WU)	Netherlands		1	The Netherlands	The Netherlands		
					?	?		
7	University of	Latvia		1	Latvia	Latvia		

	Latvia (LU)				Poland or Russia	Russia		
					Croatia			
					Georgia			
					Roumania			
					Moldavia			
8	Università degli Studi di Parma – Dipartimento di Studi Economici e Quantitativi (UNIPR-DSE)	Italy		1		Italy (in cooperation with partner 3)		
					Portugal	Portugal		
					Spain	Spain		
					Nicaragua			
9	École Nationale d'Ingénieurs des Travaux Agricoles de Clermont-Ferrand (ENITAC)	France		0,25	?			
10	Organisation for an International Geographical Indications Network (ORIGIN)	Belgium - Switzerland		0,5	Thailand & Asean		GIs misuses and frauds	
					Kenya			
11	University of Edinburgh	UK		0,5	Chile	UK (in cooperation with partner 5)		

The WP1 guidelines will be modified and circulated during the summer, validated in September 2005.

6. Presentation and discussion of the WP2 guidelines – 22.06.05 Morning (see annex 5)

There is a global agreement on the guidelines and the task distribution. Participants suggested some modifications (in italics).

1- Areas of interest

- The analysis will be focused on the *contribution* of Origin Product (as defined in WP2 Guidelines) on supply chains, *collective action capacity*, rural development, environment, consumers / citizens. Our main working hypothesis, which we would like to verify, is that *OPs have positive effects, when compared with generic conventional products*. The objective is to collect information about what have been already done on this topic, in order to identify research questions for WP3 and WP4.
- The effects of GIs protection schemes will be *a part of the analysis, when there is a protection system and registered products* (this condition may not be verified, mainly in developing countries, Eastern countries but also in some European countries). The objective will be to highlight if the protection scheme has been / is still a success factor or a constraint.
- More attention should be given to *non-protected Origin Products and potential GIs*. Non-food products (such as fair trade products) may be relevant, if the paper highlights interesting aspects related to our main area of interest.
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2- References and paper selection

- It is suggested to clearly separate when possible the references and papers that present *observed effects* and those that deal with *methodological problems* to assess these effects. This has particular importance as WP2 should serve: a) to identify research questions / develop sub-hypotheses to be verified in the case studies; b) to develop a case study methodology.
- It is suggested preparing a *literature review template* (common software, common key words) in order to allow us to put together papers on similar topics and make some computation.
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3- National reports

- The national report contents should be revised, in relation with point 1.
- It is proposed to briefly highlight *the general economic and political context*, (a common source, such as the FAO data, would be useful) with special attention to the strategic vision of the State concerning agri-food systems and rural development policy, which may explain interest or disinterest for GIs.
- European national reports have to be realized, too, on the basis of work done within the Dolphins Project, with special reference to Task1. The Country Reports from EU members is important because there is no systematisation of the literature of contributions of Origin Products, and especially on effects of UE GIs protection-schemes (for example EEC reg.2081/92) on the various dimensions we identified. Besides the various European experiences will be of great interest to analyse constraints of transferability to other countries. But it is necessary to find

a good equilibrium between European and non European countries. The task distribution table is modified to include more developing countries.

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4- Partners' duties

- The work methodology contained in the WP2 guidelines is discussed and approved. A general consensus of countries reports and other activities to be accomplished during the Operational Phase is reached among partners.

Action: B. Sylvander: will circulate a revised version of the table of Partners' duties to be validated

The WP2 guidelines will be modified and circulated during the summer, validated in September 2005.

7. Project management

1- Informations / decisions on the web site and internal communication

E. Thévenod-Mottet will send 3 proposals for Sinergi logo to each partner for ranking. The final choice will be done at the beginning of September. Partners will have a password for access to the reserved part of the website.

2- Next meetings

Toulouse, 12 and 13th January 06
Montpellier, 26 and 27 August 06