

**SPANISH REPORT ON WP1:
OLP products: definitions, characteristics, legal protection**

Azucena Gracia

**Unidad de Economía Agraria
Servicio de Investigación Agroalimentaria
Zaragoza (Spain)**

DISCUSSION REPORT

- ✍ **The number of papers dealing with this specific topic is very limited.**

- ✍ **In Spain, an important amount of work related to OLP has been done due to the long tradition and importance of those products but, they have focused mainly on:**
 - **assessing consumers acceptability of these products**
 - **economic importance in specific areas.**

WP1 OBJECTIVES



Besides, *the tasks of this WP:*

- ✍ to clarify the OLP concepts and compare the different definition
- ✍ to understand how different legal protection instruments have worked out, their positive and negative effects, and the consequences of EC Regulation 2081/92 implementation in EU countries,

are not tasks normally undertaken by researchers in agricultural economics

but by lawyers or decision makers from different institutions.

Therefore, the adding value of this workpackage must be twofold:

-  To collect from outside of our discipline all the valuable information from people working in different institutions (lawyers, decision makers, etc.)**
-  To make an analytical work in order to define and clarify the state of the art in the definition and regulation of OLP in each EU country as well as to compare among them**

The output from this analysis will be important for the agents working in different institutions and for the rest of workpackages.

In Spain, there are three main aspects to be analysed

- ✍ **Spanish Regulation on OLP: origin and perspectives**
- ✍ **Allocation of competences between the Central Government and the Autonomous Governments**
- ✍ **Spanish Regulation on Guarantee or Collective Brands: Ley de Marcas, 1988**

Spanish Regulation on OLP

- ✍ The first regulation on OLP in Spain dated from early last century and it was only for wine products (1932).
- ✍ The actual regulation (Ley 25/1970, Estatuto de la Viña, del vino y de los alcohols) covered also only wine but giving the possibility to be extended to other food products.
- ✍ Therefore, from 1970 till 1992, a huge number of regulations were introduced in order to accommodate this one to new products and to the new Spanish situation.

Spanish Regulation on OLP

- ✍ When in 1992, the EU issue the Regulation 2081/92, the Spanish government only needs to make the correspondence between the Designation of Origin and Geographic Indications to the existing Spanish “Denominaciones de Origen” because they were very similar in essence.
- ✍ Since then, both regulations are working together without problems.
- ✍ However, a big debate have been opened among people dealing with OLP products about the need to change our Regulation (Ley 25/1970, Estatuto de la Viña, del vino y de los alcohols) to the new circumstances. The debate is not finished yet and there is also a proposal for a new regulation.



Allocation of competences between the Central Government and the Autonomous Governments

- ✍ In our political system, the Governments for the different regions have competences in some themes.
- ✍ In the case of OLP products the distribution of competences is not clear and the actual situation is that the Central Government makes the general Regulation on OLP for the whole country, while the Autonomous regions undertake the application of this Regulation.
- ✍ Therefore, the approval of a new OLP product is taken in the Region but it must be ratified by the Central Government which is in charge of the application for the Registration in the EU as a protected food name.



Spanish Regulation on Guarantee or collective Brands: Ley de Marcas, 1988

- ✍ In Spain, it is possible to label some products under the “Ley de Marcas, 1988”.
- ✍ This Law gives the possibility to create collective brands based on the origin characteristics of the product. In this case, a group of producers, retailers and also the regional administration can apply for the recognition of one of those labels for a product with some specific characteristics (origin, method of production, etc.).





Spanish Regulation on Guarantee or collective Brands: Ley de Marcas, 1988

-  **To get the approval they must accomplished some requirements defined in the Law. Usually, those requirements are not as strict as the requirements in the Designation of Origin Regulation.**
-  **The differences between them are important enough to consider them different but they have also important similarities. To analyse the implication of the coexistence of these two types of protection in the Spanish food market is very important and needed**

REFERENCES

-  **Herrero L., 1998. Denominaciones de Origen e Indicaciones Geográficas de los productos agroalimentarios: Reglamentación. Agricultura. Revista Agropecuaria. 793, 632-636. (Designation of Origin and Geographic Indications for food products: Regulation).**
-  **Pérez-Bustamante G., 1998. La denominación geográfica: su aplicación en la industria agroalimentaria tradicional española. Boletín Económico del ICE, 2563, 17-27. (Geographic Designation: application to the traditional agro-food industry in Spain).**

REFERENCES

-  **Gómez A.C., Caldentey P., 1999. Signos distintivos en productos agroalimentarios. Distribución y Consumo, 45, 71-81. (Distinctive signals in agrofood products).**
-  **López Benitez, M., 1996. Las denominaciones de origen. Cedecs. Editorial. Barcelona, 201 p. (Designations of Origin).**
-  **New book received after finishing the report**
-  **Botana M.J., 2001. Las denominaciones de Origen. Marcial Pons. Ediciones Jurídicas y Sociales. Madrid, 252 P. (Designations of Origin)**