

## DOLPHINS WP 6 CHECKLIST BELGIUM

### Contributions:

- Ph. Burny, adviser to the Minister of Agriculture and rurality of the waalse region (Walloon Region)
- G. Spoidan, "attaché" to the "General Direction of agriculture" (administration of Waloon Region)
- Chris Boeykens, deputy adviser Price and competition Division Ministry of Economic Affairs (Belgian Federal Administration)
- E. Collet, FUL-SEED

Still waiting

Frans De Wachter, head of the Law cel. at the VLAM (Flemish Region)

<b>A. Legal protection for OLPs</b>	
<b>1. Legal frame for the protection of OLPs</b>	
<b>A.1.1.</b> What are the legal provisions in order to implement the EC Regulation 2081/92 in your country?	Décret modifiant le décret du 7 septembre 1989 concernant l'attribution du label de qualité wallon, de l'appellation d'origine locale et de l'appellation d'origine wallonne to be voted by the Wallonian Parliament this Autumn.
<b>A.1.2.</b> What are the other legal regulations and provisions to provide protection for OLPs in your country, out of the EC Regulation 2081/92?	Décret du 7 septembre 1989 concernant l'attribution du label de qualité wallon, de l'appellation d'origine locale et de l'appellation d'origine wallonne.
<b>A.1.3.</b> What is your national jurisprudence about non geographical names which would have been requested to be registered as protected OLPs?	No case registered
<b>A.1.4.</b> What are the procedures for the definition of the product characteristics regulation and the area of production for protected OLPs in your country? Mention the consultation and decisions bodies which are involved in the procedures.	Proposal made by an association of producers and sent to the Minister of Agriculture (regional). Advice given by the "Commission des labels de qualité et des appellations d'origine". Decision by the Minister.
<b>A.1.5.</b> In your country, how would it be decided that a geographical name is a generic one? Mention the jurisprudence, the procedure and the decision bodies.	Tribunal of trade
<b>2. Institutional frame</b>	
<b>A.2.1.</b> Which are in your country the public and private institutions involved in the application of	Regional Ministry of Agriculture Commission des labels de qualité et des appellations d'origine (CLAO)

EC Regulation 2081/92?	Associations of producers Private certification organisms : asbl Promag accrédité par BELCERT et agréé par le Gouvernement wallon
<b>A.2.2</b> Which are in your country the public and private institutions involved in the application of legal systems of protection for OLPs other than EC Regulation 2081/92?	Regional Ministry of Agriculture General Direction of Agriculture of Agriculture Ministry of Walloon Region Commission des Labels et des Appellations d'Origine (CLAO) Associations of producers Private certification organisms
<b>A.2.3.</b> Which are the different regional levels for the application of legal systems of protection for OLPs, and which are the institutions linking these different levels?	The competence is completely regionalised since 1988 the three Belgian Regions (Flanders, Brussels, Wallonia) Legislation published at the national level
<b>A.2.4</b> What is the expected evolution for the institutional frame in your country?	The CLAO will become the consulting scientific commission for food products. More important role of interprofessions and of the para-regional agency for agricultural products promotion.

**General Remark (Ph. Burny) :** The Region of Wallonia is just under important reform concerning OLP. Its government approved two important legal texts in June 2002. These texts will be submitted to the Wallonian Parliament this autumn.

One text concerns the implementation of EU regulations 2081/92 and 2082/92. This long delay of ten years after the publication of EU regulation on PDO and PGI is mainly due to the fact that the Region already had a legislation on this topic, voted in 1989, and concerning all products, food and industrial ones.

The second text deals with the para-regional institution in charge of promotion of agricultural products. The present institution will be reformed in order to strengthen actions in favour of products which present specific quality characteristics and which are of Wallonian origin (at least for a minimal share). A collective trademark owned by the Region will be launched and will receive an important public financial support. Interprofessions dealing with specific products will be recognized as representative of their sector at the regional level and will receive more financial support. Their role will be reinforced as partners of the public powers, mainly in the definition of development plan proposals which will have to be concentrated on products with special qualities. These products, including PDO and PGI, but also other products, like OLP recognized under 1989 Wallonian legislation and organic products, will be evaluated by a scientific commission and controlled on the field by private organism as it is fore seen in EU regulation 2081/92.

All these new disposals should be implemented during the year 2003.

<b>3. Relations between OLPs and trademarks</b>	
<b>A.3.1.</b> What are the legal provisions concerning the indication of origin and the trademark with geographical indication in your country?	Federal law on trade
<b>A.3.2.</b> Could you give some cases of jurisprudence in your country concerning the conflicts between geographical indications (protected and non protected ones) and trademarks?	Very few cases. One concerned the "Beurre d'Ardenne", protected by EU Regulation 2081/92. The case was lost because of inappropriate arguments. Finally, an agreement was found between parties.
<b>A.3.3.</b> Could you give some cases in your country concerning the conflicts between previously registered trademarks and registered	No case

PDOs and PGIs?	
<b>A.3.4.</b> What are the procedures to provide protection to geographical indications of other countries which do not have a sui generis system of protection?	Tribunal of Trade
<b>4. Monitoring and certification for OLPs</b>	
<b>A.4.1.</b> How is the EC Regulation 2081/91 implemented in your country concerning the monitoring and certification of the PDOs and PGIs?	As far as know, Belgium doesn't play its functions which should be assumed by the Federal Ministry of Economic Affairs
<b>A.4.2.</b> Are the monitoring and certification of OLPs legally required for systems of protection out of EC Regulation 2081/92 in your country?	
<b>A.4.3.</b> Are the monitoring and certification of OLPs made by public or private institutions?	
<b>A.4.4.</b> Which is the role of the public institutions in the definition of the plans for monitoring and non conformities to the product requirements?	
<b>A.4.5.</b> What are the means of enforcement in relation with the monitoring and certification (financial sanctions, monitoring of the certification body...)?	
<b>A.4.6.</b> Are there public subsidies for monitoring and certification of OLPs in your country?	
<b>5. Action against misleading of the consumers</b>	
<b>A.5.1.</b> What are the legal bases for preventing misleading geographical indications in your country?	Ministry of Economic Affairs
<b>A.5.2.</b> Are the infringements in relation to geographical indications treated ex officio or only on the request of an interested party?	Only on request from wronged party
<b>A.5.3.</b> What are the institutions which are in charge of the repression of the misleading of the consumers? What are their means, and what are the sanctions?	

<b>B. Policies concerning OLPs production-marketing systems</b>	
<b>1. Competition and antitrust legislation</b>	
<b>B.1.1.</b> In your country, what is the national regulation regarding antitrust law ? When and how was the European regulation adapted? Mention the national texts and the authorities and legal proceedings (at the regional and national level).	Law on the Protection of Economic Competition in Belgium (coordinated law of 1 July 1999). Competition authorities : 1) Competition Service 2) Corps of Reporters 3) Competition Council 4) Competition Commission
<b>B.1.2.</b> Are there inquiries of your antitrust law authorities that concern(ed) an OLP supply chain ? a) Which was the reason for inquiry : fixing of global quantities, fixing of indicative prices on intermediary markets, attribution of production quotas to enterprises, disagreement on the relevant market size ...? 1. b) Which were the conclusions of the inquiry (please send documents such as law papers or trial decisions)? c) Did this recommendation or decision lead to a modification of the national law rules ?	There have not been any inquiries on the basis of the Belgian Competition Law that concerned an OLP supply chain.
<b>B.1.3.</b> If there was no inquiry in your country, why ? What is the philosophy of your national antitrust law authorities regarding the OLP supply chains ?	No complaints were introduced concerning anti-competitive practices in the OLP supply chain sector. The Belgian Competition Authorities are starting an inquiry on the basis of a complaint file.
<b>2. Collective institutions of the supply chain</b>	
<i>We call "interprofession" a multi-professional institution that has no commercial statute and whose mission is to co-ordinate the market operations between at least two levels of a given food product supply chain. An "interprofession" is generally an association that is composed of two bodies or more (such as producers, processors, traders, sometimes retailers...), which may negotiate and make decisions in order to improve the collective efficiency of the supply chain. (In France and Switzerland : interprofessions ; in Italy : consorzio ; in Germany : Branchenorganisationen).</i>	
<b>B.2.1.</b> Is this kind of institution at work in your country? Which are its national legal basis (texts) ?	Yes. Interprofessions exist in the bovine meat and horticultural sectors; and also in the sugar and milk sectors.
<b>B.2.2.</b> Do they concern a specific product (such	They concern a given product. On the regional level, there are "interprofessions" which have the role to

as milk, fruits, meat...), specific geographic areas (regional, national), specific quality labels, specific OLP products ? (please if possible send a list of these multi-professional entities)	collect and distribute information between the members. They concern pig production, poultry, horticultural products, sheep, potatoes.
<b>B.2.3.</b> Which are their possible missions : marketing studies, strategic analysis, promotion, quality control, negotiation of contract templates, fixing of indicative prices on intermediary markets within the supply chain, fixing of global quantities, attribution of production quotas to processing units...?	At present, the national interprofessions deal mainly with quality control, contract negotiations and CAP legislation. On the regional level, the existing interprofession mainly deal with the distribution of technical and economical information. In the future, they will have to define development plan proposals.
<b>B.2.4.</b> What are the punitive sanctions, when a decision is not respected by a member ?	No specific sanction
<b>B.2.5.</b> Is the extension of agreements to non-members authorised and supported par the State ? [can a decision taken by the interprofession become compulsory for non-members?].	Yes
<b>B.2.6.</b> Does the State control the institutions (assessment of the effectiveness, control of an eventual competencies violation, accounting control)?	No. Only legal obligations On the regional level, control of the activities supported by regional subsidies.
<b>B.2.7.</b> What are the financial resources of the interprofessions (subsidies from the state, contribution from the members, etc)?	Contribution of the members and regional subsidies for regional interprofessions.
<b>B.2.8.</b> Do you think that these multi-professional entities are going to develop or to decline in your country? Why (benefits and limits)?	The interprofessions should develop on the regional level, as they will receive more subsidies and will have to propose development plans to the regional government
<b>3. Public support to OLP supply chain management</b>	
<b>B.3.1.</b> Do you have programs in your country to support the leaders training and to improve the quality of management of OLPs supply chains ? <i>Training programs for leaders</i> <i>Marketing, Business, Quality control,</i> <i>Management Social leadership, Negotiation</i> <i>Communication tools within the supply chain</i> <i>Strategic analysis</i> <i>Quality control operations</i> <i>Programs at local regional or national scale</i>	No specific programs, but training opportunities do exist and can be dealt with case by case

<b>C. Policies concerning the links between OLPs and rural development</b>				
<b>1. What public subsidies can the OLPs sectors/producers get, as public support for rural/local development ?</b>				
# para-public institutions : public control institutions for PDO-PGI, public established interprofessional bodies, partly public funding NGOs, etc.				
	Local institutions	Regional institutions	National institutions	Para-public institutions (all scale)#
<b>C.1.1.</b> Financial subsidies for : investments - Production (enterprises equipment– buildings) - Transformation / elaboration (enterprises equipment– buildings) - Trade (enterprises equipment– buildings– transportation) - Communication (internal / external)		PDR mesure 1 : levée des restrictions sectorielle en cas de AOP ou IGP PDR mesure 7 : soutien aux projets de commercialisation des groupements de producteurs		
<b>C.1.2.</b> Financial subsidies : - How are they distributed? -Working of the professional structures: human resources, marketing operations		FIA pour investisse ment; Subsides PDR pour mesure 7		
<b>C.1.3.</b> Information : - Legal aspects (laws on trademarks <regional, collective, certification ones>, laws on PDO-PGI, ...) Means : easiness of access to the information (“guichet unique” ?...)		No “guichet unique” Lack of information concerning legal aspects	Federal law on trade. Ministry of Economic Affairs	
<b>C.1.4.</b> Training programs for people involved in the supply chain (marketing, management, economics, ...)		Yes, but case by case		
<b>C.1.5.</b> Administration support		Yes		

(application files for registration of PDO-PGI, for grants...)				
<b>C.1.6.</b> Technical support (public monitoring and control against misleading of the consumers, production technical research, scientific popularization, ...)		Agronomic research and extension	Ministry of Public Health and Consumers Protection	Federal Agency for Food Safety
<b>C.1.7.</b> Political support (support to application files for registration of PDO-PGI, for grants...)		Yes		
<b>C.1.8.</b> Material support (equipment, land,...)		Yes		
<b>C.1.9.</b> Legal incentives (regulations for the use of public goods, ...)				
<b>2. Integration and co-ordination of public policies</b>				
<b>C.2.1.</b> What are the public policies aiming at creating or strengthening the links between OLPs and other economic activities?; normative, financial, promotional, technical supports...				
<b>C.2.2.</b> Analysis of innovative projects based on OLPs within the frame of UE LEADER program				
<b>C.2.3.</b> What are the public policies aiming at facilitating the development of OLPs production in small and craft firms (information, training...)?				
<b>C.2.4.</b> What are the institutional tools aiming at integrating and co-ordinating different policy tools at a local scale (e.g. Contrats territoriaux d'Exploitation – CTE – in France, Agri-food Quality Districts and Rural Districts in Italy...)?				
<b>C.2.5.</b> Role of OLPs related interventions within the frame of the EC Regulation 1257/99 (rural development): regional plans, priorities, specific means, etc.)				

<b>D. Policies concerning the relations between OLPs and consumers</b>	
<b>1. PDO and PGI promotion</b>	
<b>D.1.1.</b> In your country and language, which term is used to indicate on a package or a promotional advertising that a product is a PDO product?	European Logo AOP Appellation d'Origine Protégée
<b>D.1.2.</b> In your country and language, which term is used to indicate on a package or a promotional advertising that a product is a PGI product?	IGP Indication Géographique Protégée
<b>D.1.3.</b> Is there any generic promotion of the PDO and/or PGI label in your country? <ul style="list-style-type: none"> <li>• When yes: <ul style="list-style-type: none"> <li>- Which kind(s) of organisation(s) is/are in charge of this generic promotion?</li> <li>- With which kind of financial means?</li> <li>- What is the basic strategy to communicate on the PDO and/or PGI label (a promotion focused on the label, a promotion on the AOC label in link with some AOC products, ....)?</li> </ul> </li> <li>• When no: <ul style="list-style-type: none"> <li>- Could a generic promotion on PDO and/or PGI label be financially supported by public funds? With which kind of money?</li> <li>- Do you think that such a generic promotion would be necessary?</li> </ul> </li> </ul>	The system is currently being reformed by the regional government (Wallonia)  The Regional Promotion Office has played a mitigated role in the pass The new policy of quality should reinforce that role
<b>D.1.4.</b> Do the PDO-PGI supply chains have any public financial resources to promote their denomination (as a collective product and not as private brand)? <ul style="list-style-type: none"> <li>• When yes : <ul style="list-style-type: none"> <li>- With which kind of public means, and under which conditions?</li> </ul> </li> <li>• When no : <ul style="list-style-type: none"> <li>- Do you think that such a support should be possible?</li> </ul> </li> </ul>	Yes, Reinforcement of User and Defence association of protected denomination



<p><b>D.1.5.</b> In general, do the supply chains promote their protected denomination with reference to the PDO label (messages linked with the PDO label such as “this product is protected by a official label, a PDO.....)?</p>	<p>There is a reference of the designation on the commercial label</p>
<p><b>D.1.6.</b> In your country, do the supply chains communicate within their supply chains to make the PDO label well known among all the producers? Can the communication within a supply chain be supported by public funds?</p>	<p>?</p>
<p><b>2. Other OLPs promotion</b></p>	
<p>Precise to which OLP you will refer (here after called regional label or product)</p>	
<p><b>D.2.1.</b> Is there any generic promotion of regional labels in your country?  <ul style="list-style-type: none"> <li>• When yes: <ul style="list-style-type: none"> <li>- Which kind(s) of organisation(s) is/are in charge of this generic promotion?</li> <li>- With which kind of financial means?</li> <li>- What is the basic strategy to communicate on this regional label (a promotion focused on the label, a promotion on the AOC label in link with some regional products, ....)?</li> </ul> </li> <li>• When no : <ul style="list-style-type: none"> <li>- Could a generic promotion on a regional label be financially supported by public funds? With which kind of money?</li> <li>- Do you think that such a generic promotion would be necessary?</li> </ul> </li> </ul> </p>	<p>By the users associations</p>
<p><b>D.2.2.</b> Do the regional organisation in charge of the regional label have any public financial resources to promote their denomination (as a collective product and not as private brand)?  <ul style="list-style-type: none"> <li>• When yes : <ul style="list-style-type: none"> <li>- With which kind public means, and under which conditions?</li> </ul> </li> </ul> </p>	<p>Occasional financial support. No structured policy</p>

<ul style="list-style-type: none"> <li>When no :</li> <li>- Do you think that such a support should be possible?</li> </ul>				
<b>3. Consumer survey</b>				
Who does the survey ?	Food survey in general	PDO-PGI labels surveys	PDO-PGI products surveys	Other OLP survey
State				
Public funds				
Region	<ul style="list-style-type: none"> <li>- VLAM</li> <li>- ORPAH</li> </ul>			Ministry of Walloon Region (General Direction of Agriculture)
Types of financial resources?	Public funds			Public funds (1995)
Research institutes				<ul style="list-style-type: none"> <li>- Fondation Universitaire Luxembourgeoise (FUL)</li> <li>- RUG (Gent)</li> <li>- UCL/ECRU</li> <li>- Fucam (divers)</li> </ul>
Types of financial resources?				<ul style="list-style-type: none"> <li>- Public funds (2000)</li> <li>- - ? (2000)</li> <li>- Public funds (2002)</li> <li>- Public funds (1997)</li> </ul>
Private organisations	<ul style="list-style-type: none"> <li>- Test-Achats</li> <li>- MG marketing-sélection</li> <li>- Censydiam</li> <li>- Inra-Belgium</li> </ul>			Dedicated Research
Types of financial resources?	<ul style="list-style-type: none"> <li>- Private funds (1988)</li> <li>- VLAM (1995)</li> <li>- VLAM (2001)</li> <li>- Bio sector (2001)</li> </ul>			- ? (2001)
Supply chains				
Types of financial resources?				
Other				
Types of financial resources?				