

DOLPHINS WP 6 CHECKLIST FINLAND

Authors:

Ms Sirpa Karjalainen, Finnish Ministry of Agriculture and Forestry

Ms Leena Anttila, Finnish Ministry of Agriculture and Forestry

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| A. Legal protection for OLPs | |
| 1. Legal frame for the protection of OLPs | |
| A.1.1. What are the legal provisions in order to implement the EC Regulation 2081/92 in your country? | Ministerial Decision, concerning the protection of denominations of agricultural products and foodstuffs N:o 933 /1995 |
| A.1.2. What are the other legal regulations and provisions to provide protection for OLPs in your country, out of the EC Regulation 2081/92? | None |
| A.1.3. What is your national jurisprudence about non geographical names which would have been requested to be registered as protected OLPs? | There is no national system to protect any OLPs. The legislation is prepared to put the EU -legislation in force. What concerns trademarks is the international system. |
| A.1.4. 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 decision bodies which are involved in the procedures. | The application has to be delivered to the regional administration body of the Ministry of Agriculture. They make the statement of the application -and the geographical characteristics to the ministry. In the ministry we have two persons working with the applications (part time) and a working party of denominations consisting delegates from different bodies where the application is inspected before the application is sent to the Commission. The procedure is consultative all the way. |
| A.1.5. 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. | Case by case. Ministry of Agriculture after having heard the working party of denominations. There has been a list sent to the Commission of such generic nominations, but the commission has not put the art 3, 3 in force. |
| 2. Institutional frame | |
| A.2.1. Which are in your country the public and private institutions involved in the application of EC Regulation 2081/92? | Ministry of Agriculture and its regional administrative bodies. No private bodies. |
| A.2.2. 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? | None |

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| A.2.3. 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? | Just one regional administrative body in the NUTS III level. The Labour and Business Center. |
| A.2.4 What is the expected evolution for the institutional frame in your country? | The frame is functional and simple as it is now. |
| 3. Relations between OLPs and trademarks | |
| A.3.1. What are the legal provisions concerning the indication of origin and the trademark with geographical indication in your country? | The trademark legislation is harmonised with the EU-legislation. As a rule, the trademark with geographical indication can not be formed, like "Helsinki", but there are some exceptions like "NOKIA". The trademark shall not mislead the consumer of the origin of the product or service. The indication of origin follows the principles of TRIPS -agreement. |
| A.3.2. Could you give some cases of jurisprudence in your country concerning the conflicts between geographical indications (protected and non protected ones) and trademarks? | None |
| A.3.3. Could you give some cases in your country concerning the conflicts between previously registered trademarks and registered PDOs and PGIs? | None |
| A.3.4. What are the procedures to provide protection to geographical indications of other countries which do not have a sui generis system of protection? | If the product has a trademark, the procedure has its legal base. No other protection is possible. |
| 4. Monitoring and certification for OLPs | |
| A.4.1. How is the EC Regulation 2081/91 implemented in your country concerning the monitoring and certification of the PDOs and PGIs? | The procedure follows the national legislation of the plants, foodstuff and drinks. The monitoring is made by the same institutions that have the responsibility of the monitoring and inspections of the agricultural product (potato) its packing and the packages in the shelves of the shop. The list of the registered PDOs is updated also in the Patent and Registration Board. |
| A.4.2. Are the monitoring and certification of OLPs legally required for systems of protection out of EC Regulation 2081/92 in your country? | There is no system out of the 2081/92. |
| A.4.3. Are the monitoring and certification of OLPs made by public or private institutions? | Public |
| A.4.4. Which is the role of the public institutions in the definition of the plans for monitoring and non conformities to the product requirements? | |
| A.4.5. What are the means of enforcement in | The use of the registered denomination and the mark can be denied. |

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| relation with the monitoring and certification (financial sanctions, monitoring of the certification body...)? | |
| A.4.6. Are there public subsidies for monitoring and certification of OLPs in your country? | The system has public finance by the state. |
| 5. Action against misleading of the consumers | |
| A.5.1. What are the legal bases for preventing misleading geographical indications in your country? | The legal basis is the Regulation 2081/92 that is binding. The legislation of trademarks. |
| A.5.2. Are the infringements in relation to geographical indications treated ex officio or only on the request of an interested party? | No experience. Both would be possible. |
| A.5.3. 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? | The consumer protection against misleading marketing is surveyed by the Consumer Ombudsman in the Consumer Agency. The Ombudsman can act independently and the consumers has right of appeal /inform the ombudsman. The Ombudsman and the Market Court can order a prohibition of the misleading marketing with a conditional imposition of a fine. The prohibition could be fixed for a term or permanent. |

B. Policies concerning OLPs production-marketing systems

1. Competition and antitrust legislation

B.1.1. 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).

1. The assessment of competition restrictions is mainly based on the Act on Competition Restrictions (<http://www.kilpailuvirasto.fi/english/index.html>). The national competition legislations have not been harmonized on the EC level, but the Finnish Competition legislation largely corresponds to that of EC.
The **Finnish Competition Authority** investigates competition restrictions and seeks to promote competition to increase the efficiency of the economy. It intervenes with major restrictive practices of both public and private sector undertakings, which are harmful to sound economic competition. Upon application, the Finnish Competition Authority may grant exemptions to the forbidden restraints. The Finnish Competition Authority also makes initiatives and issues statements to adjust the rules, regulations and administrative orders that impede the functioning of the markets. The application of the forbidden restrictions may lead to a proposal to impose a competition infringement fine. **The Market Court** decides about the prohibition of a competition restriction and imposes the fines. The decisions of the Market Court can be appealed to **the Supreme Administrative Court**. A permission of the Finnish Competition Authority is required to carry out concentrations if a certain combined turnover of the parties is exceeded. The authority may attach conditions to the concentration as a first order and it may also make a proposal to the Market Court on the prohibition of the arrangement. **The Provincial State Offices** act as regional competition authorities and investigate competition restrictions both on their own initiative and at the request of the Finnish Competition Authority.

B.1.2. 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 ...?

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 ?

So far the markets of origin labelled products have not been investigated by the Finnish Competition Authority.

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| <p>B.1.3. If there was no inquiry in your country, why ? What is the philosophy of your national antitrust law authorities regarding the OLP supply chains ?</p> | <p>Competition problems that would have required intervention of the Finnish Competition Authority have not been reported; the list of OLPs only covers one Finnish product. Should a case regarding OLPs be investigated by the Finnish Competition Authority, it would be assessed along the same lines as competition problems regarding other product markets.</p> |
| <p>2. Collective institutions of the supply chain</p> | |
| <p>B.2.1. Is this kind of institution at work in your country? Which are its national legal basis (texts) ?</p> | <p>In the history there has been large co-operative dairies, slaughterhouses etc. Today there are just few co-operatives working on the regional level, mainly in organic farming, potatoes, vegetables, berries. Their task is to take care of the marketing and logistics of small amounts of goods. Sometime they also pack the goods. The Finnish Horticultural Products Society works for the quality of vegetables, the training of farmers and shop keepers. They also make some promotion for vegetables but they have no control of farmers, markets or intervene in the market. No specific legal base.</p> |
| <p>B.2.2. Do they concern a specific product (such 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)</p> | <p>The "Pure Finnish" -symbol is the symbol of Finnish Horticultural Products Society. The quality assurance and control covers only Finnish vegetables.</p> |
| <p>B.2.3. 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...?</p> | <p>Marketing studies, promotion, studies, publications, training of farmers and shop keepers. The basis of the quality assurance and label are the quality conditions of EU and/ or national qualifications. Only the vegetables in the First Quality class or Extra class can wear the symbol. The auditing of the classification is made by the authorities (normal procedure) and the use of the symbol is controlled by the association. The association can not intervene in the negotiations of prices or amounts of goods.</p> |
| <p>B.2.4. What are the punitive sanctions, when a decision is not respected by a member ?</p> | <p>The association controls only the use of the symbol of the society as the sign of quality.</p> |
| <p>B.2.5. 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?].</p> | <p>The agreement are made between the society and the farmers.</p> |
| <p>B.2.6. Does the State control the institutions (assessment of the effectiveness, control of an eventual competencies violation, accounting control)?</p> | <p>Yes, the MAF is controlling the activities according the guidelines of the Commission (2001/C 252/03).</p> |
| <p>B.2.7. What are the financial resources of the interprofessions (subsidies from the state,</p> | <p>Some public aid for research, training and quality work and contributions from the members.</p> |

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| contribution from the members, etc)? | |
| B.2.8. Do you think that these multi-professional entities are going to develop or to decline in your country? Why (benefits and limits)? | There is no tradition of such entities and it is not likely, that there would develop such. The scope of the societies like "pro organic farming", "pro vegetables" or "pro fish" have very limited scope of action and limited resources, but they are active in the marketing. |
| 3. Public support to OLP supply chain management | |
| <p>B.3.1. Do you have programs in your country to support the leaders training and to improve the quality of management of OLPs supply chains ?</p> <p><i>Training programs for leaders</i></p> <ul style="list-style-type: none"> • <i>Marketing</i> • <i>Business</i> • <i>Quality control</i> • <i>Management</i> • <i>Social leadership</i> • <i>Negotiation</i> <p><i>Communication tools within the supply chain</i> <i>Strategic analysis, Quality control operations</i> <i>Programs at local regional or national scale</i></p> | <p>There is lot of training available for all actors in the local, regional and national level. Usually they are connected to EU co-financed development projects.</p> <p>There is no special programmes for OLP -chains.</p> |

| C. Policies concerning the links between OLPs and rural development | | | | |
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| 1. What public subsidies can the OLPs sectors/producers get, as public support for rural/local development ? | | | | |
| <i># para-public institutions : public control institutions for PDO-PGI, public established interprofessional bodies, partly public funding NGOs, etc.</i> | | | | |
| | Local institutions | Regional institutions | National institutions | Para-public institutions (all scale)# |
| C.1.1. Financial subsidies for : investments - Production (enterprises equipment– buildings) - Transformation / elaboration (enterprises equipment– buildings) - Trade (enterprises equipment– buildings– transportation) - Communication (internal / external) | Note: There is only one product protected acc. 2081/92. According the notified legislation, all institutions can apply aid for rural development projects, training, investments etc. | | | |
| C.1.2. Financial subsidies : - How are they distributed? -Working of the professional structures: human resources, marketing operations | The decisions are made in the regional administration. | | | |
| C.1.3. Information : - Legal aspects (laws on trademarks <regional, collective, certification ones>, laws on PDO-PGI, ...) Means : easiness of access to the information (“guichet unique” ?...) | All the legislation and information can be found in the internet-pages. All help is available in the administration. | | | |
| C.1.4. Training programs for people involved in the supply chain (marketing, management, economics, ...) | See above | | | |

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| C.1.5. Administration support (application files for registration of PDO-PGI, for grants...) | All administrative support is available for all appliers. | | | |
| C.1.6. Technical support (public monitoring and control against misleading of the consumers, production technical research, scientific popularisation, ...) | No special support for OLP. | | | |
| C.1.7. Political support (support to application files for registration of PDO-PGI, for grants...) | ? | | | |
| C.1.8. Material support (equipment, land,...) | No special support | | | |
| C.1.9. Legal incentives (regulations for the use of public goods, ...) | No special support | | | |
| 2. Integration and co-ordination of public policies | | | | |
| C.2.1. What are the public policies aiming at creating or strengthening the links between OLPs and other economic activities?; normative, financial, promotional, technical supports... | As the interest of OLPs is not very high, there is no idea of creating systems for that. We target on new products and consumer oriented quality chain. | | | |
| C.2.2. Analysis of innovative projects based on OLPs within the frame of UE LEADER program | ? None | | | |
| C.2.3. What are the public policies aiming at facilitating the development of OLPs production in small and craft firms (information, training...)? | No special policy. See C.2.1. | | | |
| C.2.4. 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...)? | Regional administration, Rural districts and on local level "local action groups" all over the country. | | | |
| C.2.5. Role of OLPs related interventions within the frame of the EC Regulation 1257/99 (rural development): regional plans, priorities, specific means, etc.) | Few projects under art. 33. under measure p and LEADER program. | | | |

| D. Policies concerning the relations between OLPs and consumers | |
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| 1. PDO and PGI promotion | |
| D.1.1. 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? | "Suojattu alkuperänimitys" , SAN and the logo acc. 2081/92 |
| D.1.2. 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? | " Suojattu maantieteellinen merkintä" , SMM and the logo acc. 2081/92 |
| D.1.3. Is there any generic promotion of the PDO and/or PGI label in your country? <ul style="list-style-type: none"> • When yes: <ul style="list-style-type: none"> - Which kind(s) of organisation(s) is/are in charge of this generic promotion? - With which kind of financial means? - 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,)? • When no: <ul style="list-style-type: none"> - Could a generic promotion on PDO and/or PGI label be financially supported by public funds? With which kind of money? - Do you think that such a generic promotion would be necessary? | Just in few occasions in agricultural food fairs. Promoted by MAF or EU -commission The best promotion is the news via radio/tv/ newspapers. All the generic promotion is made by public funding. |
| D.1.4. 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"> • When yes : <ul style="list-style-type: none"> - With which kind of public means, and under which conditions? • When no : <ul style="list-style-type: none"> - Do you think that such a support should be possible? | For promotion purposes there are possibilities to get support from regional administration. By the EU regulations and guidelines. |

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| <p>D.1.5. 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> | The one we have: yes. |
| <p>D.1.6. 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> | Yes |
| <p>2. Other OLPs promotion</p> | |
| <p>Precise to which OLP you will refer (here after called regional label or product)</p> | "Lapin puikula" -potatoe. |
| <p>D.2.1. Is there any generic promotion of regional labels in your country?</p> <ul style="list-style-type: none"> • When yes: <ul style="list-style-type: none"> - Which kind(s) of organisation(s) is/are in charge of this generic promotion? - With which kind of financial means? - 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,)? • When no : <ul style="list-style-type: none"> - Could a generic promotion on a regional label be financially supported by public funds? With which kind of money? - Do you think that such a generic promotion would be necessary? | <p>No</p> <p>Yes. According the EU -regulations and guidelines, but that is quite limited.</p> <p>Yes, maybe.</p> |
| <p>D.2.2. 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)?</p> <ul style="list-style-type: none"> • When yes : <ul style="list-style-type: none"> - With which kind public means, and under which conditions? | They have the possibility, but they have not used it!! |

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| <ul style="list-style-type: none"> • When no : - Do you think that such a support should be possible? | | | | |
| 3. Consumer survey | | | | |
| Who does the survey ? | Food survey in general | PDO-PGI labels surveys | PDO-PGI products surveys | Other OLP survey |
| State | X | - | - | - |
| Public funds | X | - | - | - |
| Region | X | - | - | - |
| Types of financial resources? | EU-co-financed | - | - | - |
| Research institutes | X | - | - | - |
| Types of financial resources? | public, partly private | - | - | - |
| Private organisations | X | - | - | - |
| Types of financial resources? | private and occasionally public | - | - | - |
| Supply chains | X | - | - | - |
| Types of financial resources? | private | - | - | - |
| Other | | - | - | - |
| Types of financial resources? | | - | - | - |