

## DOLPHINS WP 6 CHECKLIST UNITED KINGDOM

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<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?	Trading Standards Authorities and the civil courts enforce the regulation
<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?	Intellectual property rights and trademark law (Trade Marks Act 1994 & Trade Mark Rules 2000)
<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?	Question wording is unclear. No definitive answer available from sources at this time
<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.	No definitive answer available from sources at this time
<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.	This can be a legally grey area, involving reference to the Food Labelling Regulations 1996, Food Safety Act 1990 and the Trade Descriptions Act 1968. For guidance see <a href="http://www.foodstandards.gov.uk/multimedia/pdfs/origin.pdf">http://www.foodstandards.gov.uk/multimedia/pdfs/origin.pdf</a>
<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 EC Regulation 2081/92?	Department of the Environment, Food and Rural Affairs (DEFRA), United Kingdom Trade Marks Registry, Regional Food Groups, trade associations, e.g. specialist cheese makers
<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?	Principally the United Kingdom Trade Marks Registry, which is a component of the Patent Office

<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?	Regional differences between England, Wales and Northern Ireland are minimal, although the different Scottish legal framework can present more differences. This differentiation does not become any more regional than that. Contacts are Department of the Environment and Rural Affairs (DEFRA) for England, National Assembly for Wales (Ag. Dept) for Wales, Scottish Executive (SEERAD) for Scotland and Department of Agriculture and Rural Development (DARD) for N. Ireland
<b>A.2.4</b> What is the expected evolution for the institutional frame in your country?	No one within relevant organisations willing to make forecasts in this area
<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?	Legislative activity based in wider, non food specific, Acts of Parliament, such as the Trades Description Act 1968 & Sale of Goods Act 1994as well as more specific Food Labelling Regulations 1996
<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?	Consorzio del Prosciutto do Parma & Salumificio S. Rita SpA v. Asda Stores Ltd & Hygrade Foods Ltd. Ongoing case of Asda Stores slicing and packaging Parma Ham outside of Italy in contravention of Italian law.
<b>A.3.3.</b> Could you give some cases in your country concerning the conflicts between previously registered trademarks and registered PDOs and PGIs?	Taittinger v. Allbev Ltd, 28 <sup>th</sup> June 1993, Court of Appeal. Use of the term Elderflower Champagne deemed to misrepresent the drink as being linked to Champagne.
<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?	The Asda Parma Ham case (noted above) has relevance here as the case was brought by an Italian company citing Italian law, not applicable in the UK
<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?	Applications for designation are made through the Department of the Environment and Rural Affairs (DEFRA), or other relevant regional body as noted earlier
<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?	No
<b>A.4.3.</b> Are the monitoring and certification of OLPs made by public or private institutions?	Both. All products registered under the designations are subject to inspection to ensure that the requirements of the registered specification are met. Applicants must nominate an inspection body. The inspection body may be a public body e.g. Local Authority Trading Standards Services or a private body. There is a requirement in the Council Regulations that inspection bodies must comply with European Standard EN 45011

<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?	The public institutions usually involved i.e. DEFRA, FSA, Local Authorities have limited role in definition of plans as adherence to laid down EC guidelines usually takes precedence.
<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...)?	Enforcement would only occur if existing legislation infringed e.g. Sale of Goods Act 1994 or Trade Descriptions Act 1968 and then by Trading Standards Authorities within Local Authorities. Certification issues monitored and dealt with at DEFRA stage
<b>A.4.6.</b> Are there public subsidies for monitoring and certification of OLPs in your country?	No
<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?	Most legal issues based in wider legislation principally e.g. Sale of Goods Act 1994 and the Trades Description Act 1968,, enforced by Trading Standards Authorities within Local Authorities
<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?	Can be either although in practice most infringements require highlighting to the relevant authorities by the interested party
<b>A.5.3.</b> What are the institutions which are in charge of the repression of the <b>misleading of the consumers</b> ? What are their means, and what are the sanctions?	The Food Standards Agency is an independent food safety watchdog set up by an Act of Parliament in 2000 to protect the public's health and consumer interests in relation to food. Responsibility for enforcement is shared between central and local government bodies. While the making of legislation in the UK is the function of central government, the enforcement of food law is primarily the responsibility of the 499 local authorities in the UK, and more specifically Environmental Health Officers (EHOs) and Trading Standards Officers (TSOs).

<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).	In reference to business monopolies the main legal framework is the Fair Trading Act 1973, possibly supported by elements of the Competition Act 1980 (repealed by the Competition Act 1998) with referrals made by Director General of Fair Trading, Secretary of State or certain Utility Regulators. Agencies involved include the Department of Trade and Industry (DTI) but principally with regard to antitrust will be the Competition Commission (formerly the Monopolies and Mergers 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 ?	No specific cases relating to an OLP supply chain are noted. A general investigation into the activities of Milk Marque (although not an OLP related organisation) may provide some background to the structures and procedures, see <a href="http://www.competition-commission.org.uk/fulltext/429a8.1.pdf">http://www.competition-commission.org.uk/fulltext/429a8.1.pdf</a>
<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 ?	Not applicable
<b>2. Collective institutions of the supply chain</b>	
<b>B.2.1.</b> Is this kind of institution at work in your country? Which are its national legal basis (texts) ?	This type of organisation is not at work in the UK. The most similar organisation can be highlighted as the Institute of Grocery Distribution (IGD), which has key aims of information provision and promotion of the industry, however it is nevertheless a company limited by guarantee with trading activities. Other similar organisations might include e.g. Milk Marque, a collective marketing and distribution company for milk products but again this is a commercial business
<b>B.2.2.</b> Do they concern a specific product (such as milk, fruits, meat...), specific geographic areas (regional, national), specific quality labels, specific	Not applicable

OLP products ? (please if possible send a list of these multi-professional entities)	
<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...?	Not applicable
<b>B.2.4.</b> What are the punitive sanctions, when a decision is not respected by a member ?	Not applicable
<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?].	Not applicable
<b>B.2.6.</b> Does the State control the institutions (assessment of the effectiveness, control of an eventual competencies violation, accounting control)?	Not applicable
<b>B.2.7.</b> What are the financial resources of the interprofessions (subsidies from the state, contribution from the members, etc)?	Not applicable
<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)?	Not applicable
<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 ? Training programs for leaders <i>Marketing, Business, Quality control, Management , Social leadership, Negotiation</i> <i>Communication tools within the supply chain</i> <i>Strategic analysis and Quality control operations</i> <i>Programs at local regional or national scale</i>	Institute of Grocery Distribution provides general training e.g. Foundation Certificate in Management and Post Graduate Certificate in Food & Grocery Industry Management covering all these areas as well as more specialised training. Some more general agricultural training via the IGD managed Farmers Fund  The Foundation for Local Food Initiatives also provides training specific to local initiatives

<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>				
<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)#
<b>C.1.1.</b> Financial subsidies for : - Production (enterprises equipment– buildings) - Transformation / elaboration (enterprises equipment– buildings) - Trade (enterprises equipment– buildings– transportation) - Communication (internal / external)	None	Regional Development Agencies (RDAs)	DEFRA provide limited support, planning to expand into marketing. Food from Britain (FFB) Countryside Agency (CA) New Opportunities Fund (NOF)	Not applicable
<b>C.1.2.</b> Financial subsidies : - How are they distributed? -Working of the professional structures: human resources, marketing operations	Not applicable	Distributed via sub regional partnerships	DEFRA directly distributed, FFB via RDAs and Regional Food Groups, NOF via RSNC's SEED programme	Not applicable
<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" ?...)	Very limited support in this area	Some support from RDAs and Business Link but PDO/PGI awareness low currently. Information access not easy	PDO/PGI info via DEFRA, laws on trademarks via UK Trade Marks Registry or Trading Standards Offices SEERAD in Scotland	Not applicable
<b>C.1.4.</b> Training programs for people involved in the supply chain (marketing, management, economics, ...)	Currently very limited public agency local support in this area	RDAs offering funding towards marketing and new business start ups in this sector	No specific support schemes noted	Not applicable

<b>C.1.5.</b> Administration support (application files for registration of PDO-PGI, for grants...)	None	Limited, potentially some from Business Link	Limited, potentially some advice from DEFRA directly during process	Not applicable
<b>C.1.6.</b> Technical support (public monitoring and control against misleading of the consumers, production technical research, scientific popularization, ...)	None	Trading Standards Offices within local authorities	Nationally via Trading Standards Offices and Food Standards Agency	Not applicable
<b>C.1.7.</b> Political support (support to application files for registration of PDO-PGI, for grants...)	<i>Not applicable</i>	<i>Not applicable</i>	<i>Not applicable</i>	<i>Not applicable</i>
<b>C.1.8.</b> Material support (equipment, land,...)		<i>Support at all levels focused principally on marketing &amp; advice</i>		<i>Not applicable</i>
<b>C.1.9.</b> Legal incentives (regulations for the use of public goods, ...)	<i>Not applicable</i>	<i>Not applicable</i>	<i>Not applicable</i>	<i>Not applicable</i>
<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...	See below			
<b>C.2.2.</b> Analysis of innovative projects based on OLPs within the frame of UE LEADER program	See below			
<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...)?	This a relatively new area for involvement of public policies. Most visible evidence relevant to all four questions relates to the Countryside Agency's 'Eat the View' programme (web link detailed below)			
<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...)?	See above			
<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.)	Council Regulation (EC) 1257/1999 has relevance to the English Rural Development Plan. As a component of this, the Countryside Agency's 'Eat the View' programme of promoting local sustainable produce is relevant. Details available at <a href="http://www.eat-the-view.org.uk/">http://www.eat-the-view.org.uk/</a>			

<b>D. Policies concerning the relations between OLPs and consumers (ex-WP4)</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?	There is no standardised or universally accepted term, although the words 'genuine' or 'original' might be used in some circumstances, but the advertising of the PDO status remains at the discretion of the manufacturer. This may be in some way due to the lack of public awareness of the PDO label Scotch Beef and Scotch lamb use the relevant EU marques to indicate product certification and control to EN 45011 and the logo to show product protection under EC Regulation 2081/92 for Protected Geographic Indication (PGI). The PGI logo is used to promote beef sold to continental Europe, the US and Japan.
<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?	There is no standardised or universally accepted term, although the words 'genuine' or 'original' might be used in some circumstances, but the advertising of the PGI status remains at the discretion of the manufacturer. This may be in some way due to the lack of public awareness of the PGI label Scotch Beef and Scotch Lamb use the PGI logo itself.
<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>	No  Possibly. As the registration process takes place via DEFRA, funding might be sought from them or via other funding agencies such as the Countryside Agency (via Eat the View) or the Food Standards Agency
<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</li> </ul> </li> </ul>	No



<p>which conditions?</p> <ul style="list-style-type: none"> <li>• When no :</li> </ul> <p>- Do you think that such a support should be possible?</p>	It would be advantageous
<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>	In general, no
<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>In some cases yes, but further work is required</p> <p>Unknown at this stage, requires further investigation</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>	e.g. Northumbrian Lamb, b) Scotch Beef, Scotch Lamb
<p><b>D.2.1.</b> Is there any generic promotion of regional labels in your country?</p> <ul style="list-style-type: none"> <li>• When yes:</li> </ul> <p>- 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, ....)?</p> <ul style="list-style-type: none"> <li>• When no :</li> </ul> <p>- 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>	<p>Yes</p> <p>Regional Food Groups (e.g. Taste of the West), Meat &amp; Livestock Commission, Supermarkets (e.g. Safeway promoting Northumbrian Lamb), Food from Britain, b) The Scottish beef, lamb and pork promotional body: Quality Meat Scotland.</p> <p>Food from Britain and Regional Food Groups are funded by producers, sponsorship and selective grant aid, sometimes from Regional Development Agency sources. MLC raises funds via a levy from producers and abattoirs. Supermarkets are private limited companies using own funds. B) MCL levy, Regional Development Agency funding and especially a levy on members of the Quality Meat Scotland assurance schemes which cover the entire beef and lamb supply chains. Scotch Beef and Scotch Lamb marques are promoted sometimes using the PGI logo.</p> <p>Basic strategies generally promote added value aspects of quality traceability and sometimes seasonality</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</p>	

collective product and not as private brand)? • When yes : - With which kind public means, and under which conditions? • When no : - Do you think that such a support should be possible?	There is rarely one agreed, specific, regional label and funding may be sought from sources such as the Countryside Agency's 'Eat the View' scheme, for example
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### 3. Consumer survey

Who does the survey ?	Food survey in general	PDO-PGI labels surveys	PDO-PGI products surveys	Other OLP survey
State				
Public funds				
Region				
Types of financial resources?				
Research institutes				
Types of financial resources?				
Private organisations				
Types of financial resources?				
Supply chains				
Types of financial resources?				
Other				
Types of financial resources?				