FAO’s Legal Advisory Work: Basic Principles and How They Apply to GIs

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FAO Legal Office
Content overview

1. Introducing the Development Law Service, its methodology and guiding principles
2. How they apply to GIs
3. Forthcoming GI-related projects
What is the Development Law Service?

- A group of 8 legal specialists
- Providing Member Nations with assistance in upgrading national legal frameworks
- In the areas covered by FAO’s mandate
Guiding Principles

- Balancing of interests
  
  *Equity and sustainability concerns, food and ecological security, individual and collective rights*

- Involvement of people
  
  *Decentralisation of authority and empowerment of local actors for decision making, resource management, and benefit sharing*

- Ensuring enforceability
  
  *Realistic laws, socially acceptable, financially bearable, and institutionally enforceable*

- Compliance with international law
  
  *Conform national legislation to international/regional principles and requirements*
How do those principles apply to GIs?

- **Balancing of interests**
  - Transparency in titularity of applications, delimitation of area of production, accuracy of product description

- **Involvement of people**
  - Role of local producers and professional associations in the development of application packages
  - Contain certification and other administrative costs

- **Ensuring enforceability**
  - Effective system of control and enforcement (e.g. accreditation of certification bodies)
  - Clear rules in cases of conflicts with TMs

- **Compliance with international law**
  - Bilateral negotiations with EU Commission
Methodology

• Good law making require a multi-disciplinary approach (collaboration between legal experts and national/international specialists)

• Countries can learn a great deal from each other (national projects in the same region, regional projects)
Forthcoming projects

- Morocco (Reconnaissance de Signes Distinctifs d'Origine et de Qualité des produits agricoles et des denrées alimentaires)
- Tunisia (Appui au développement et à la mise en place d’un système de contrôle des produits de qualité liée à l’origine)
- Jordan (Strengthening the implementation of food quality linked to geographical origin schemes)

* Requests made by governments following a FAO’s regional workshop on “Quality food products linked to geographic origin and traditions in the Mediterranean”
The situation in the three Countries

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<th>Scope of the main law in place</th>
<th>Objectives of the subsidiary legislation</th>
<th>Policy context</th>
<th>Institutional set up</th>
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| **Morocco**    | (* draft law) AOPs, IGPs and LAs | - Establishment of the National Consultative Commission  
- Procedures for application, evaluation, registration  
- Commission’s internal guidelines                      | Sustainable agricultural development                                              | Department of Agriculture, National Consultative Commission, IP Office, control and certification organizations |
| **Tunisia**    | AOPs and IGPs                    | - Procedures for application, evaluation, registration  
- Control and enforcement system                           | Diversification of agricultural production                                        | MoA, National Consultative Commission                                                   |
| **Jordan**     | GIs                             | Not envisaged as the law needs amendments (or reformulation) in order to establish the coexistence regime with collective TMs | Counterbalance to WTO-driven liberalization impacting on small producers          | IP Office (Ministry of Industry and Trade), National GIs Commission (not operative yet) |

*FAO Legal Office*
Content of forthcoming legal assistance

- Morocco (drafting of regulations accompanying the law on signes distinctifs d'origine et de qualité des produits agricoles et denrées alimentaires)
- Tunisia (drafting of regulations accompanying the law on appellations d’origine contrôlée et aux indications de provenance des produits agricoles)
- Jordan (amendments to the law on geographical indications)
Thanks for your attention

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