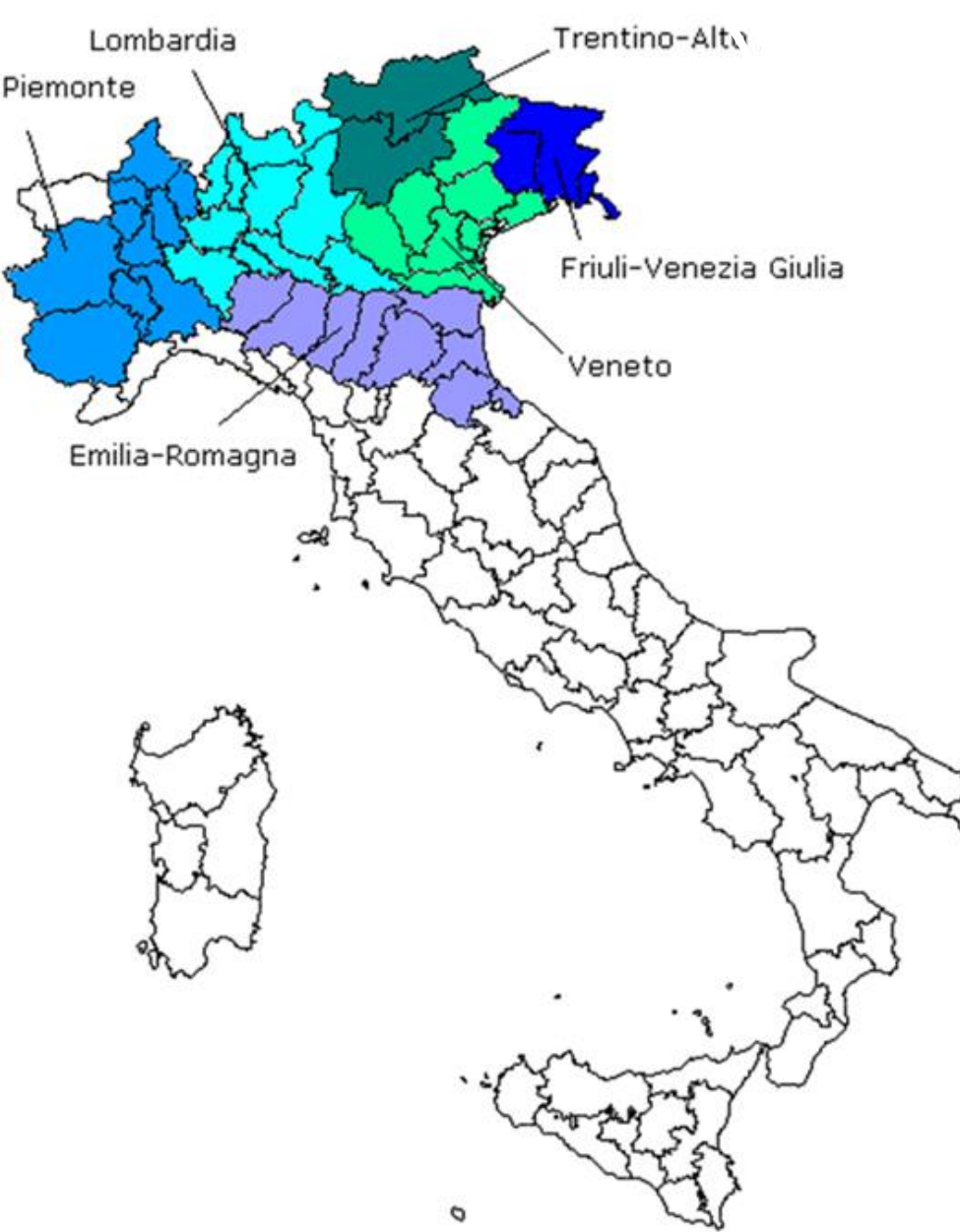


Control of GIs: Italian apples

20-05-2021

IP Key SEA Webinar Series on
Geographical Indications





Assomela

- The Association of the Italian apple producers
- Represents 75% of the national apple production and 20% of the European production.
- Our members are in different regions in the North of Italy and produce the majority of the recognized GIs apples in Italy



Mission

- Promote the production and consumption of apples through informative and promotional initiatives.
- Promote and sustain the opening of new markets and follow the issues related to export.
- Coordinate the activities of our members in the research, innovation and technical assistance sectors.
- Collect and organize production and consumption statistics.
- Represent the interests of producers regarding national and European authorities.



GIs in Europe - Regulation (EU) No 1151/2012



- **PDO = Protected Designation of Origin –**

identifies products that are made in a specific area/region or, exceptionally, in a country; whose production, processing or preparation all take place in a defined geographical area. The quality and/or characteristics of such products are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors.

- **PGI = Protected Geographical Indication –**

identifies products whose quality or reputation is strictly related to the geographical area where they are produced, processed or prepared, although the ingredients used need not necessarily come from that geographical area.

- **TSG = Traditional Specialities Guaranteed**

→ Necessity to adhere to a precise set of specifications



GIs in Europe

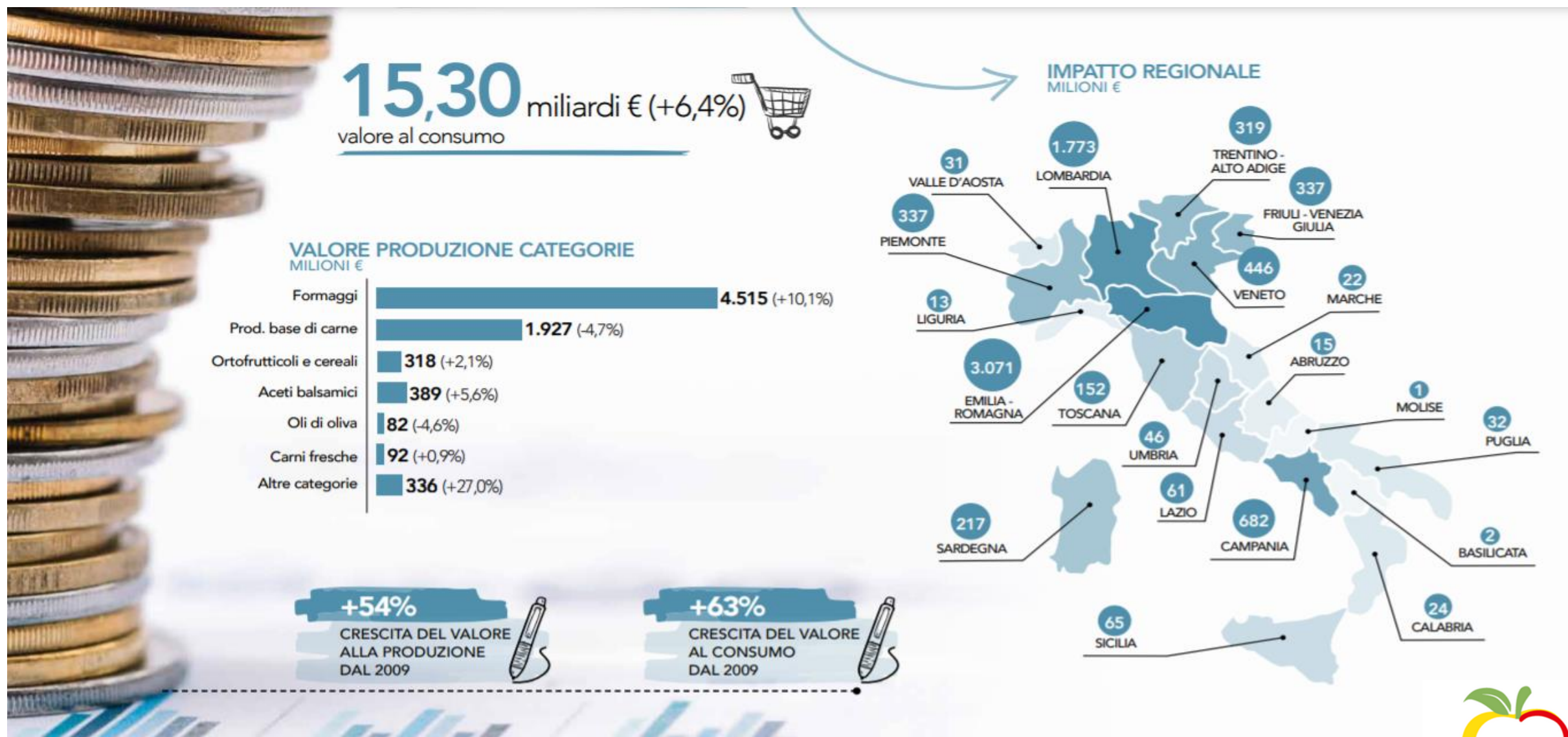
- In order to register a GI, **the product must comply with detailed specifications** including, at least:
- the **raw materials** and the principal physical, chemical, microbiological or organoleptic characteristics of the product.
- Moreover, **the evidence of the geographical area of production must be provided, together with the production method** demonstrating that the product originates from the defined geographical area, and that it complies with the labelling method.
- When requirements are met and the name is registered as a GI by the EU, the product can legitimately be marked with official logos.

→ **3093 GIs in Europe**

→ **838 in Italy** out of which **312 are agrifood** products



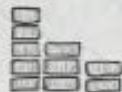
Italy: Agri-food GIs- 2019 production values



:: ORTOFRUTTICOLI DOP IGP



318 milioni € (+2,1%)
valore alla produzione



513 mila ton (+34,3%)
produzione certificata



116 PRODOTTI
NUMERO DI INDICAZIONI
GEOGRAFICHE FRA
DOP (37) E IGP (79)



894 milioni € (+27,1%)
valore al consumo



134 milioni € (-40,0%)
valore all'export



26% produzione esportata su totale

IMPATTO REGIONALE MILIONI €

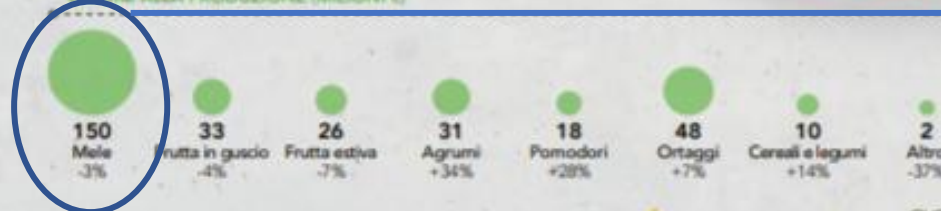


TREND IG

CRESCONO PRODUZIONE
E VALORE, SOPRATTUTTO
AL CONSUMO. L'EXPORT
RISENTE DELLE
DINAMICHE COMPETITIVE
EUROPEE NEL SETTORE
MELICOLO

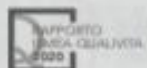


SOTTOCATEGORIE VALORE ALLA PRODUZIONE (MILIONI €)

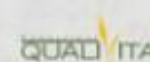


IGs F&V
Italy

GIs apples
150 million
euro



Indagine Ima - Qualità 2020 - Dati economici riferiti ai 112 prodotti DOP IGP STG registrati al 31.12.2019



838 IGs in Italy,
where the South
Tyrol apple “Mela
Alto Adige IGP”
has been ranked
nr 14 by
production value



The importance of origin for our products- Apples with indication of origin (PGI, PDO) in Italy

- Mela Alto Adige/Sudtiroler Apfel I.G.P.
- Mela Val di Non D.O.P.
- Mele del Trentino I.G.P.
- Mela di Valtellina I.G.P.
- Mela Rossa Cuneo I.G.P.
- Melannurca Campana I.G.P.



From application to recognition and control of a GI: the procedure




Scope of protection ensured by the EU regulations (sui generis protection)

- Any direct or indirect commercial use of registered name
 - Any misuse, imitation or evocation (ex. Style, type, method, mode..)
 - Against any false or misleading indication that is capable of implying a false impression about the origin of the product
- The EU establishes obligations and principles for a system of official controls that must be implemented by MS on users of a registered name.
- The scope of protection covers both the production phase and surveillance of the use of the protected name → MSs are responsible for such controls together with sanctioning and enforcement measures (e.g. ***ex officio protection***) both inside the state and in EU




Competent authorities and control bodies- Italy

- The **National Central Authority (NCA)** is the **Central Inspectorate for Quality Safeguarding and Anti-fraud of foodstuffs and agricultural products (ICQRF)** — a central department within the **Ministry of Agricultural, Food and Forestry Policies (MIPAAF)**.



DG for the accreditation of control bodies, certification and consumer protection (VICO)

Responsible for recognition/approval and withdrawal/suspension of Control Bodies for the inspections of GIs Approval of control plans and costs of inspections



DG for prevention and enforcement of agri food fraud - PREF

Responsible for planning and coordination + monitoring and assesment of the inspections



The general organisation for controls- Italy

- Field controls are implemented through the network of ICQRF regional offices and laboratories
- Public and private CB (Control Bodies) are delegated by the central authority to carry out controls on GIs to check whether operators follow the requirements set in product specifications



Control bodies in Italy (CBs)

- CB must be specifically authorised by the MIPAAF and accredited by the Italian accreditation body (ACCREDIA)
- Each GI is controlled by a single CB, chosen by the producers group (eg protection consortium) from the list of authorised CBs (authorisation valid for 3 years) – list on MIPAAF website
- All CBs must submit a **control plan** to the central ICQRF for approval
- Official document that includes the element to be verified for each of the operators of the supply chain, the frequency of controls and the way those controls are performed + the consequences of non-compliance
- CBs supported by Police forces – eg on IP rights and Fraud



Consortia for protection of GIs

- Consortia and/or PG associations are voluntary bodies defined in the Italian Civil Code
- With regard to agricultural product GIs, the consortia recognised by MIPAAF are assigned functions of
 - Protection
 - Promotion
 - Enhancement
 - Consumer information
 - General care of GIs
- Entrusted with important institutional tasks



What does a «protection consortium»? (1)

- Contribute to ensure that the quality, reputation and authenticity of its products are guaranteed on the market by monitoring the use to the name in trade
- Take action to adequate legal protection and the IP rights with which they are directly connected
- Develop information and promotional activities
- Develop activities related to ensuring compliance of a product to its specifications
- Take action to improve the performance of the scheme
- Take measures to enhance the value of the products



What does a «protection consortium»? (2)

- May present proposal for amendments to the registered GI
- It is in charge of the surveillance activity of GIs in the market (ex. Labelling controls) and may employ inspectors (agenti vigilatori)



Mela Alto Adige/Sudtiroler Apfel I.G.P.

- Recognition of the Mela Alto Adige/Sudtiroler Apfel I.G.P. in the protected GIs' EU- Vietnam FTA list



The specification for “Mele Alto Adige IGP”

1. Define the denomination for the protected geographic indication (PGI):

"Mela Alto Adige" (Italian)

"Südtiroler Apfel" (German)



2. Product description:

- skin colour, overlay colour,
 - commercial category «extra»/«prima»/«second» class,
 - size (diameter in mm)
 - sugar level (°Brix)
 - hardness (kg/cm²)
-
- **13 PGI varieties** in South Tyrol: a) Braeburn; b) Elstar; c) Fuji; d) Gala; e) Golden Delicious; f) Granny Smith; g) Idared; h) Jonagold; i) Morgenduft; j) Red Delicious; k) Stayman Winesap; l) Pinova; m) Topaz



3. Production zone:

- the territory of South Tyrol and specific municipalities
-

4. Origin:

- historical, cultural, social and economical elements
- Traceability (ensuring identification of the producer)



5. Production methods with low environmental impact

Factors influencing the quality:

- Plant density (single rows)
- Soil preparation (well drained)
- Pruning (balance = quality)
- Irrigation
- Production (manual harvest, max 68 t/ha)
- Storage (temp, % CO₂, % O₂, RH)



- **Processing, packaging and labeling:**

- Commercialization, marketing
- In order to avoid damages, packaging must take place in the defined geographical area (South Tyrol).
- The packages must ensure clear identification of the product



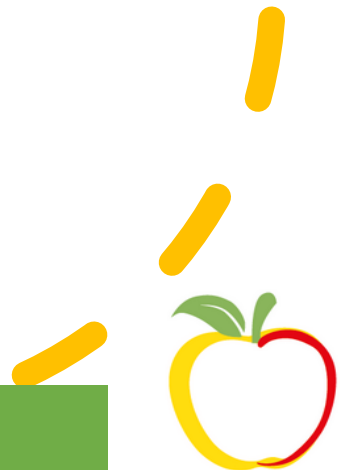
6. The environment of South Tyrol for the quality of the apples

- Temperature fluctuations between day and night affecting the quality of apples
- Light, well-aerated soils give apples with intense aroma, firm flesh and consequently a high shelf life.



Application and recognition

- In 2008 the specification was forwarded for recognition to the Ministry of Agriculture, Food and Forestry (MIPAAF) for a first step of evaluation
- The European Commission examined the application and decided the protection of «Mela Alto Adige» as a PGI.



«Mela Alto Adige IGP» consortium

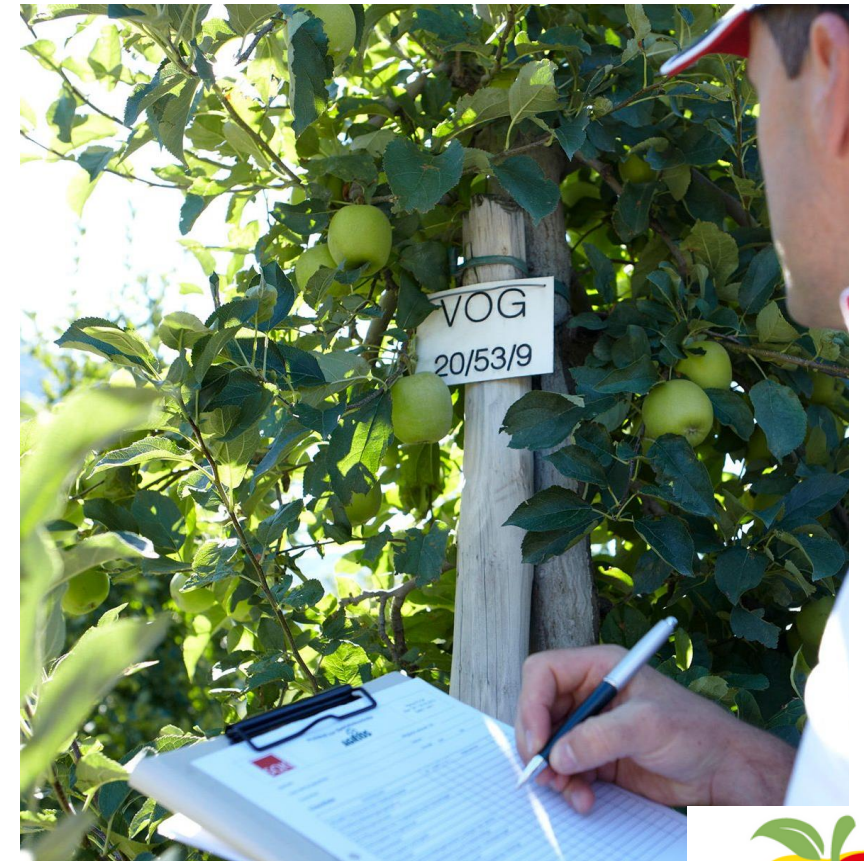


- The Consorzio Mela Alto Adige is the confederation of all fruit marketing organisations in South Tyrol. Since 2008, the Consorzio Mela Alto Adige has been the Protection Consortium of the PGI «Mela Alto Adige»
- It represents the interests of its members and is responsible for the protection of the «Mela Alto Adige IGP» trademark
- The consortium also performs the inspections in the supermarkets and in POS (point of sales) in Italy



Controls of productions

- As said, in all GI specifications, there is an obligation to perform checks by an independent inspection authority recognized by the Ministry (Mipaaf), to control that all the elements are fulfilled
- In South Tyrol these control plans are performed by:
 - SQK-SÜDTIROLER QUALITÄTSKONTROLLE (control body)
 - The farmer (self control)



SQK-Südtiroler Qualitätskontrolle

- SQK, the independent inspection authority defines a **control plan** for “Mela Alto Adige IGP” to inspect both the farmers and the packing houses
- Every year the inspectors monitor 33 (+2)% of all farms participating in the programme (to cover 100% in 3 years).
- Every 4000 tons. of apples are checked for the prescribed quality and packaging standards. The inspectors also re-check the self-controls of the farmers
- SQK receives data and figures regarding the GI apples' sales and the use of the GI logo in the packaging every 3 months



ICQRF and SQK

- Also ICQRF performs controls on the GI of the Mela Alto Adige once put in the market according to an annual control programme
- ICQRF controls the SQK activities and the compliance with the control plan originally approved.



GIs and IP

- The Italian industrial property code lays down certain provisions dealing with GIs
- GIs are registered by consortia or PGs associations at European level where they can benefit from a *sui generis* protection
 - Consortia, as officially recognized by the Mipaaf, as representatives of producers related to GIs, are also entitled to initiate legal proceeding against anyone who unlawfully uses or takes economic advantages by using the GIs and may demand compensation too.
- In EU the enforcement is also assured by customs surveillance which permits to block products at borders that come from outside the EU
 - If an infringement is detected the consortium is notified as it has the right to act in that country



The protection of GIs outside Europe

- Outside the EU, a general minimum guarantee of protection is assured by TRIPs (The Agreement on Trade Related Aspects of Intellectual Property Rights) among WTO members or more recently through the FTA made by the EU, which guarantees a higher level of protection
- «Mela Alto Adige IGP» is included in the list of recognized GIs in the EU FTA with Vietnam, Japan and Canada
- In all other countries «Mela Alto Adige IGP» is registered and protected as a normal trademark without any further guarantees





Thank you for your attention!

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