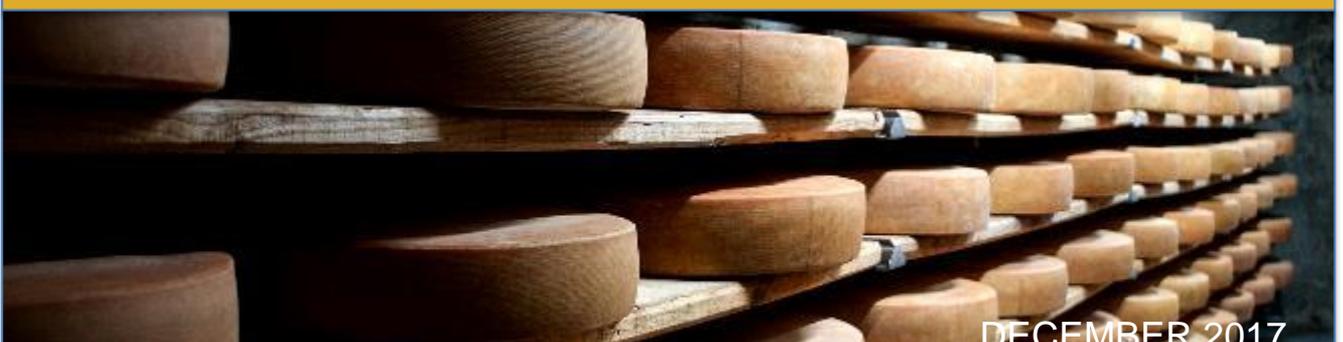


PROTECTION AND CONTROLS OF GEOGRAPHICAL INDICATIONS FOR AGRICULTURAL PRODUCTS IN THE EU MEMBER STATES

APPENDIX GOOD PRACTICES IN NATIONAL CONTROLS



DECEMBER 2017

INTRODUCTION

APPENDIX - GOOD PRACTICES IN NATIONAL CONTROLS

This Appendix is a collection of good practices identified in the course of the elaboration of the ‘*Study on protection and controls of agricultural geographical indications*’.

These good practices were presented at a 2-day conference on “Better Control & Enforcement of Geographical Indications in the EU”, which was organised by the European Commission, Directorate-General Agriculture and Rural Development (DG AGRI) and held in Brussels on 26 and 27 October 2017. The Conference aimed to improve the understanding of control systems for geographical indications in the agri-food sector (GIs) within the EU, relying on contributions from experts in the GI field and addressing officials in Member States and key stakeholders (e.g. administrations, producers, consumers).

The cases presented at that event and collected in this document are examples or success stories about various aspects of controls of GIs, which may serve as inspiration and guidance for Member States in the implementation of the European regulations on GIs¹.

Good practices presented refer to the following three topics:

- Performance of controls before the product is placed on the marketplace;
- Surveillance of the use of the name in the market;
- *Ex officio*² protection measures.

Notwithstanding valuable practices are quite widespread across several MSs, nine experiences have been identified as particularly relevant and were rated as good practices. In detail:

- Performance of controls before the product is placed on the marketplace:
 - Romania - CERTIND S.A.: The Romanian experience: control practice on the *Salam de Sibiu* - PGI;
 - Italy - The Italian Customs and Monopoly Agency: Certification of spirit GIs through the Customs chemical laboratory;
 - Portugal - Douro and Porto Wine Institute (IVDP): Best practices in controls on PORTO and DOURO wines;
 - Germany - Bavarian State Research Centre for Agriculture, Institute for Food Economy and Market (LfL): Implementation of the ‘control concepts’ and use of checklists for harmonised standards for producer controls in Bavaria;
- Surveillance of the use of the name in the market:

¹ - Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1); Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 992/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671); Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89 (OJ L 39, 13.2.2008, p. 16); Regulation (EU) No 251/2014 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of GIs of aromatised wine products and repealing Council Regulation (EEC) No 1601/91 (OJ L 84, 20.3.2014, p. 14).

² - In order to ensure that a complete protection is guaranteed to registered names, MSs are also called by EU Regulations on GIs to take appropriate measures, in particular administrative and judicial steps, to prevent or stop unlawful use of protected designations of origin and protected geographical indications that are produced or marketed in that MS. This general obligation falls under what is usually indicated as “ex officio” protection measures.

- Italy - *Consorzio Tutela Aceto Balsamico di Modena*: The surveillance activity of the Italian ‘*Agenti Vigilatori*’;
- Portugal - Boticas Agricultural Cooperative (CAPOLIB): Monitoring agri-food products in the Portuguese market: available enforcement measures against infringements and practical cases;
- Italy - *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco*: Surveillance and monitoring on the Prosecco DOC;
- *Ex officio* protection measures:
 - Italy - Department of Central Inspectorate for Fraud Repression and Quality Protection of Agri-food Products (ICQRF): The Italian international cooperation actions to protect GIs;
 - France - Directorate for Competition Policy, Consumer Affairs and Fraud Controls (DGCCRF) – Ministry of Economy and Finance: *Ex officio* protection measures in France.

For each practice, contents are presented in two Sections: ‘Background Information’ and ‘Case Description’. The first Section frames the Organisation in scope providing information on its role, mission, interests and commitment towards the protection and control of GIs. The second Section provides specific information on the good practice, detailing the sector of application, major elements of the case, challenges, results (success factors, benefits, lesson learned) and possibility of reuse.

This document has been drafted in collaboration with the reference contact person of the responsible authority/organisation on the basis of a common ‘good practice template’, aiming at gathering information on national successful experiences. Contents have been further elaborated so as to include additional topics discussed during the Conference ³.

³ - Contact details and where possible website information of each of the entities mentioned in this document are given in the Annex to the Study.

THE ROMANIAN EXPERIENCE: CONTROL PRACTICE ON THE *SALAM DE SIBIU* - PGI

APPENDIX - GOOD PRACTICES IN NATIONAL CONTROLS



Member State	Romania	
Name of the organisation	CERTIND SA	
Type of organisation	Private Control Body	
Application field of the practice	Agricultural products and foodstuffs	



1. BACKGROUND INFORMATION

APPENDIX - GOOD PRACTICES IN NATIONAL CONTROLS

1.1 Name of the organisation

CERTIND SA – Romanian Certification body for management systems and products.

1.2 Specific role of the organisation

CERTIND SA is a private Control Body (CB) established in 2003, accredited by the National Accreditation Body RENAR and recognised by the Romanian Competent Authority for GIs (CA) that is, the Romanian Ministry of Agriculture (MADR). In its role of CB, it performs controls before agri-food products are placed on the marketplace. It counts about 178 employees (28 full time and about 150 part-time), of whom four carry out GIs control and protection activities.

1.3 Mission, interest and commitment of the organisation

CERTIND SA's mission is to provide accredited certification services in Romania⁴ under the recognition of the MADR. In other words, it carries out controls on agri-food operators and related products in order to issue the certification of the product and/or verify the compliance with product specifications after the certificate has been issued.

The mission is pursued with a strong commitment to ensuring that the accreditation is issued in compliance with the European and national legislation and the accreditation requirements.

Furthermore, CERTIND SA is engaged in promoting Romanian branded products abroad.

⁴ - As regards other fields, CERTIND provides certification services in several countries (Romania, Italy, Serbia, Bulgaria, Germany, Albania, Bosnia, Macedonia, Moldova or Montenegro)

2. CASE DESCRIPTION

APPENDIX - GOOD PRACTICES IN NATIONAL CONTROLS

2.1 Sector

The case refers to agricultural products and foodstuffs.

2.2 Description of the practice

The case applies to the organisation of controls. In detail, it refers to the activities performed by the CB to control operators producing agri-food products ('Applicant Group'). The control procedure implemented for PGI *Salam De Sibiu* gives an exhaustive example.

In detail, CERTIND SA performs certification, after-certification and surveillance activities.

Certification activities include:

- registering and analysing the requests of certification submitted by the Applicant Group;
- concluding legal contract forms with the Applicant Group, necessary to proceed with the certification process;
- controlling the documentation submitted by the Applicant Group;
- in case of nonconformities in the submitted documentation, providing proper information to the Applicant Group;
- checking the revised documentation;
- planning and communicating control activities to operators;
- performing controls on operators in terms of checking raw materials/provenance, verifying technological stages, performing a traceability check (with a minimum of two batches);
- carrying out controls on the Applicant Group (internal procedures and legal protection);
- sampling, namely, taking and transmitting samples to accredited laboratories and evaluating results;
- issuing the certification.

After-certification activities include:

- submission of the product 'single document' and of the product specifications by the Applicant Group to the CA;
- making the changes requested by the CA from the Applicant Group;
- transmission of the file to the EU by CA.

Surveillance activities refer to annual checks on all members of the Applicant Group to verify that the certification conditions are maintained.

In addition to the activities detailed above, CERTIND SA has developed an 'Applicant's Guide', available free of charge on its website. All information resulting from practices or from international training is disseminated to CA and stakeholders.

The case of PGI Salam De Sibiu

A group of five meat processors asked CERTIND SA to certify the product '*Salam de Sibiu*'.

In order to start the certification process, the Applicant Group performed the preliminary activity of drafting the necessary documentation compliant with Regulation (EU) No 1151/2012. Afterwards, the operators contacted CERTIND SA and signed a contract for checking the conformity of the product '*Salam de Sibiu*'.

The CB assessed the submitted documentation by controlling its technical contents and, accordingly, performed checks on the five operators, took samples for laboratory tests and verified the obtained results. On the basis of the results of all control activities, CERTIND SA issued the certification to the product '*Salam de Sibiu*' (PGI).

The Applicant Group submitted to the CA the request for European protection of the name of the product '*Salam de Sibiu*'.

During the national opposition period, two opposition objections were filed and rejected by the CA as recognised being unintentional. At the end of the national opposition period, the file was submitted to the EU Commission.

After the file submission, a sixth operator asked to be certified. In order to avoid the rejection of the submission by the EU Commission, an effective communication between the CA, the Applicant Group and the sixth Applicant was set up. As a result, the EU Commission verified the dossier and granted the European protection of the product name '*Salam de Sibiu*'.

Afterwards, the Applicant Group communicated to all stakeholders (manufacturers and distributors of meat preparations) the EU Commission decision and related legal consequences.

The sixth manufacturer has asked the certification body to start the controls. Results were positive and communicated to the Applicant Group. The sixth producer fully adhered to the Applicant Group. The registration of the name entitled the Applicant Group to undertake legal actions in case of violation/misuse. In fact, the Applicant Group identified an operator who introduced on the market (small) quantities of '*Salam de Sibiu*' without meeting the requirements and without being under the control of a certification body and begun the legal proceedings (currently in progress).

2.3 Key success factors, benefits and lessons learned

The case suggests that, in order to succeed in performing control activities, key factors are:

- appropriate training/experience of staff involved into control activities: indeed, the personnel should be properly selected by considering training requirements, practical experience in production, scientific research and laboratory testing and the staff should be trained on a continuous basis;
- effective communication between involved stakeholders;
- development of a system of procedures.

The experience can be applied by replicating the practice of developing an 'Applicant's Guide'. Such a Guide is available on CERTIND's website.

THE ITALIAN CUSTOMS AND MONOPOLY AGENCY: CERTIFICATION OF SPIRIT GIs THROUGH THE CUSTOMS CHEMICAL LABORATORY

APPENDIX - GOOD PRACTICES IN NATIONAL CONTROLS

Member State	Italy	
Name of the organisation	Italian Customs and Monopoly Agency	
Type of organisation	Public Control Body	
Application field of the practice	Spirit drinks	

1. BACKGROUND INFORMATION

APPENDIX - GOOD PRACTICES IN NATIONAL CONTROLS

1.1 Name of the organisation

Italian Customs and Monopoly Agency.

1.2 Specific role of the organisation

The Italian Customs and Monopoly Agency acts as public certification body for spirit drinks GIs performing controls before placing products on the marketplace. It ensures that products comply with the characteristics reported on the technical data sheet through the implementation of a specific control plan from raw material to the packaged product.

1.3 Mission, interest and commitment of the organisation

The Italian Customs and Monopoly Agency, responsible for institutional controls for fiscal and extra fiscal issues, has been committed to the protection of 'Made in Italy' and the fight against counterfeiting since many years. Under this perspective, its efforts are towards ensuring products 'quality' and 'safety', and that the demand for compliance is fulfilled, including in the distillate and alcoholic beverage market.

2. CASE DESCRIPTION

APPENDIX - GOOD PRACTICES IN NATIONAL CONTROLS

2.1 Sector

The case refers to spirit drinks.

2.2 Description of the practice

The case refers to the role of the Italian Customs and Monopoly Agency in carrying out controls on the spirit GI '*Genepi del Piemonte*', a liquor produced in the Italian northern region Piedmont, in terms of:

- controlling products from the raw material up to the packaged product through a plan of controls which includes verification of the entire production chain by Customs inspectors and laboratories based on electronic accountancy;
- verifying the authenticity of products bearing designation of origin or quality label, including a specific technology that empowers consumers and enforcers through a mobile application.

The Italian Customs developed a fully dematerialised accountancy system for operators including registry keeping and documents archive. This system allows for the Customs to implement quick, safe and reliable documentary checks aimed at verifying the correct taxation on one hand (excise duties on spirits) and verification of compliance for the correct use of the GI on the other. All documents entering into and exiting from distilleries are in electronic format and can be traced and verified by inspectors.

As regards verification of products authenticity including Intellectual Property Right (IPR), the Italian Customs has developed the GLIFITALY service.

The service is based on the adoption of a standard QR code generable with open source software (adhering to ISO/IEC18004 standards) which ensures worldwide QR code reading by using common mobile devices without the need of a specific software.

In detail, the producer prints a specific QR code on the product label upon the Italian Customs and Monopoly Agency's authorisation. The consumer reads the QR code via a free mobile app and gets access to the Fully Automated Logical SysTem Against Forgery Fraud system (FALSTAFF - centralised repository of data on product covered by IPRs). Within the FALSTAFF system, the consumer has access to information on the product so as to identify the producer and the product, check the authenticity and verify production batches and results of the analysis. Providing access to further level of information on the IPR, GLIFITALY empowers as well enforcers in customs and market controls in combating counterfeiting.

Application of GLIFITALY is currently under implementation for the '*Genepi del Piemonte*' GI spirit and soon for other agri-food classes of products.

2.3 Key success factors, benefits and lessons learned

Within the above reported case, the following key success factors have been identified:

- staff knowledge on alcoholic drinks;
- effectiveness of the operational structure set up by the Customs and Monopoly Agency.

As a main advantage, it is important to mention, the capability of the Agency to guarantee, as a public body, complete autonomy in the certification of GI products.

With special regards to GLIFITALY, several benefits are expected from the introduction of such service for '*Genepi Piemonte*' GI. Overall, it enhances GIs protection by guaranteeing the authenticity of the products, more control over the production chain and more reliability of product safety. From producers' and consumers' standpoint, it ensures the availability of online information on the GI through interoperability with the FALSTAFF database, accessible by means of a free software QR code.

The experience gained by the Italian Customs and Monopoly Agency can surely be extended to other products eligible for obtaining a GI. In detail, the Italian Customs and Monopoly Agency is in facts currently in the process to extend the use of GLIFITALY to olive oil GIs.

BEST PRACTICE IN CONTROLS ON PORTO AND DOURO WINES

APPENDIX - GOOD PRACTICES IN NATIONAL CONTROLS

Member State	Portugal	
Name of the organisation	Douro and Porto Wine Institute (IVDP)	 IVDP, I. P. Instituto dos Vinhos do Douro e Porto, I. P.
Type of organisation	Public Control Body	
Application field of the practice	Wine	

1. BACKGROUND INFORMATION

APPENDIX - GOOD PRACTICES IN NATIONAL CONTROLS

1.1 Name of the organisation

Douro and Porto Wine Institute (IVDP).

1.2 Specific role of the organisation

The IVDP is a Certification and Control Body (CB) concerning the PDO *Porto*, PDO *Douro* and PGI *Duriense*.

Besides, it has protection, defence and promotion tasks of those PDO and PGI.

1.3 Mission, interest and commitment of the organisation

As the *Douro* and *Porto* wines are expected to have a significant increase in sales in the next years and they are recognised to be highly valuable, a strong level of control and protection is required.

Within this scenario, the mission of IVDP is to promote the control of the quality and quantity of *Porto* wines, regulating the production process, the defence and protection of the *Douro* and *Porto* denominations of origin and the GI of the *Douro* Region.

IVDP duties are as follows:

- development of strategic guidelines and execution of the viticultural and winemaking policies;
- protection and promotion of the PDO *Porto*, PDO *Douro* and PGI *Duriense*, both nationally and internationally;
- identification of rules on production: method of production, elaboration, quality, ageing, bottling, labelling, traditional expressions;
- execution of controls (quality and quantity) and supervision on PDO *Porto*, PDO *Douro* and PGI *Duriense* production;
- certification of GIs, by verifying the conformity with the specifications, conducting physical and chemical analyses (thanks to accredited laboratory) and considering organoleptic analyses (thanks to accredited tasting chamber);
- market regulation (in accordance with the European rules).

2. CASE DESCRIPTION

APPENDIX - GOOD PRACTICES IN NATIONAL CONTROLS

2.1 Sector

The case refers to the wine sector.

2.2 Description of the practice

The case applies to the organisation of controls. In detail it focuses on the type of controls carried out by the IVDP and the protection mechanisms in place.

Controls

The following eight types of controls are performed by the CB .

- Control on vine in terms of classification of parcels according to criteria legally established and acquisition of detailed data on the owners and tenants (or with other legal title) for each parcel.
- Control during harvest and elaboration.
- Control of the quality, that is, physical and chemical analysis and organoleptic tests performed by accredited laboratories and tasting chambers. Samples are collected from the wine that are still in bulk or during the bottling process.
- Control of the yield per hectare and of the compulsory registrations according to EU regulations.
- Control during bottling: in the *Porto* wine and *Douro* wine sector all the wine must be bottled inside the region or inside the restricted area ('*Entrepoto*') of *Vila Nova de Gaia* (an extension of the *Douro* region). In fact, it is not allowed to cross the line of the Douro region or the '*Entrepoto*' of *Vila Nova de Gaia* with any wines in bulk from outside. So, inside the *Douro* region and the '*Entrepoto*' of *Vila Nova the Gaia* it is possible to find only wines that are produced in the *Douro* region.
- Control on facilities (wineries and cellars) in terms of quantity, quality and labels. A check of the annual declarations of stock and the minimum quantity of *Porto* wine stored is also performed.
- Control on the market, in terms of quality and information (labels). In order to ensure an effective control on the market, the IVDP buys *Porto* and *Douro* wines all around the world to verify the conformity with the internal database of the Institute. Regarding labels, they must be previously approved and IVDP has stricter rules on this than those established by European Regulations. Moreover, the shipper is not allowed to sell all the quantity of *Porto* wine that are in its cellars and the volume of export is controlled and validated in cooperation with customs authorities by means of the European excise duties accompanying documents ('e-AD').
- If necessary, the IVDP can also control the financial books (accounting). Furthermore, all wines must have a guarantee seal.

Controls are performed systematically and arbitrarily on all producers. If nonconformities are detected, penalties (especially fines) can be applied by the CB and criminal measures by the competent Court.

In addition, there are some procedural aspects to consider:

- all the producers and traders must be registered at the IVDP;
- in case of Harvest and Production Declaration (DCP) the 'Current account' (database) is opened;
- the *Porto* and *Douro* wines are registered according to their categories as, for example, 'Vintage', 'Late Bottled Vintage', 'Aged Port', 'Reserve', 'Quinta'.

Protection

In order to ensure an effective protection of the PDO *Porto*, PDO *Douro* and PGI *Duriense*, the IVDP has:

- organised a legal department with a network of several lawyer's offices all around the world;
- become an active member of the International Organisation of Vine and Wine (OIV), of the European Federation of Origin Wines (EFOW) and other organisations;
- established a wide collaboration with the National Government through, namely, the Foreign Affairs Ministry;
- set up an extensive collaboration with the Portuguese Government on the analysis of bilateral and multilateral agreement's negotiations.

Nowadays, the IVDP deals with more than 400 cases of imitations or usurpations all around the world, including trade mark infringements of PDO *Porto* and *Douro*.

2.3 Key success factors, benefits and lessons learned

The case suggests that performing in-depth controls, ensuring a high level of quality and setting up intensive protection activities at the national and international level, are key success factors for effective controls on GIs. Indeed, main benefits includes:

- increasing product quality;
- improving the image of PDO and PGI;
- assuring the maintenance of the notoriety and prestige of the PDO *Porto* and PDO *Douro*;
- assuring fair competition among producers;
- guaranteeing quality to the consumer and increasing trust.

The IVDP experience could be applied to any PDO or PGI. Indeed, since the level of quality and controls depends on the importance of the single GI, the more important a GI is, the more the producers will demand for quality and control in order to protect the value of the GI.

Therefore, if the producers are willing to increase the value on the market and to improve the image of their GI products, they should invest to guarantee a high level of quality and structured controls.

IMPLEMENTATION OF THE ‘CONTROL CONCEPTS’ AND USE OF CHECKLISTS FOR HARMONISED STANDARDS FOR PRODUCER CONTROLS IN BAVARIA

APPENDIX - GOOD PRACTICES IN NATIONAL CONTROLS

Member State	Germany	
Name of the organisation	Bavarian State Research Centre for Agriculture, Institute for Food Economy and Market (LfL)	
Type of organisation	Competent Authority	
Application field of the practice	Agricultural products and foodstuffs	

1. BACKGROUND INFORMATION

APPENDIX - GOOD PRACTICES IN NATIONAL CONTROLS

1.1 Name of the organisation

Bavarian State Research Centre for Agriculture, Institute for Food Economy and Market (LfL).

1.2 Specific role of the organisation

The LfL is the Competent Authority (CA) for GI producer controls in Bavaria/Germany.

1.3 Mission, interest and commitment of the organisation

LfL's mission is the verification of compliance with the product specifications prior to placing the product on the marketplace. LfL is responsible for the control of 30 GIs in Bavaria which are produced by about 750 operators (e.g. farmers, producers, processors).

2. CASE DESCRIPTION

APPENDIX - GOOD PRACTICES IN NATIONAL CONTROLS

2.1 Sector

The case refers to the agricultural products and foodstuffs.

2.2 Description of the practice

The case applies to the general organisation of the control system and the organisation of controls. In detail, it refers to the supervision and instruction to Control Bodies (CBs) by the CA.

In order to ensure a harmonised approach to controls, LfL has drawn a 'Control Concept' (CC) and 'Checklists'.

Control Concept

In Bavaria, two approaches for controls exist:

- a single-step process, where accredited CBs are given authorisation to perform annual controls of producers (usually big operators);
- a two-step process, in which CBs are authorised to undertake controls of Producers Groups (PGs) in bundles or groups (usually small operators).

The Control Concepts attains to the two-step approach and describes the control procedure for each specific PDO/PGI/TSG as follows:

- control contents;
- control procedure, which refers to risk analysis;
- annual control on the register of producers/processors which should be undertaken by the PG;
- on-the-spot controls and sample checks.

The CC is signed by CB and PG (bundler). Currently, it is only used for smaller producers (e.g. farmers).

Checklists

As most product specification are not really clear to understand and therefore they have to be interpreted and explained by the CA before starting controls, LfL has drafted Checklists and has enforced their use to CBs performing spot controls.

The Checklist is a document based on the relevant product specification which contains the minimum requirements that must be checked.

2.3 Key success factors, benefits and lessons learned

In implementing the described control tools, the CA faced two main challenges:

- create a reliable system which is general on the one hand, but on the other hand quite specific for the product specifications and involved producers;
- create a system which is in step with actual practice and not too bureaucratic (especially for small producers).

This being said, the key success factor of the case is setting up ‘good contacts’ with PGs in order to gain information about control mechanisms which are already in place and can be applied to GI controls.

The main benefit of the case is the harmonisation of standards in controls. As controls can be carried out by several CBs and producers/processors can choose the CB, the standardisation of procedure ensures uniformity in performing control activities.

In this light, as the case refers to the definition of a harmonised procedure of controls, it could be potentially replicated for other GIs. In facts, it is noteworthy that that ‘Control Concepts’ is applied to around 13 registered products with possible increase and similar system appears in Baden-Württemberg. Therefore, the practice could be applied by other CAs dealing with CBs.

As regards check-lists produced by the CA, actually they are provided for (almost) all specifications in Bavaria and could be used for each product.

THE SURVEILLANCE ACTIVITY OF THE ITALIAN 'AGENTI VIGILATORI'

APPENDIX - GOOD PRACTICES IN NATIONAL CONTROLS

Member State	Italy	
Name of the organisation	<i>Consorzio Tutela Aceto Balsamico di Modena</i>	
Type of organisation	Consortium	
Application field of the practice	Agricultural products and foodstuffs	

1. BACKGROUND INFORMATION

APPENDIX - GOOD PRACTICES IN NATIONAL CONTROLS

1.1 Name of the organisation

Consorzio Tutela Aceto Balsamico di Modena (Consortium for protection of Balsamic Vinegar of Modena)⁵.

1.2 Specific role of the organisation

The Consortium for protection of Balsamic Vinegar of Modena is a Producer Group (PG) established in 2013 and formally recognised by the Italian Ministry of Agricultural, Food and Forestry Policies (MIPAAF) in 2014. To date, it brings together 50 companies belonging to the Balsamic Vinegar of Modena (*Aceto Balsamico di Modena*) production chain.

1.3 Mission, interest and commitment of the organisation

The mission of the Consortium is to carry out, in collaboration with MIPAAF, public functions of promotion, defence and protection of the product.

Within its mission, the Consortium performs the following activities:

- business and market monitoring, in order to control the correct labelling and presentation of Balsamic Vinegar of Modena and to detect imitations;
- surveillance and legal protection activities relating the protected designation of origin Aceto Balsamico di Modena;
- promotion of Balsamic Vinegar of Modena and dissemination of its culture and characteristics, taking part in trade fairs and events and communicating with the media.

⁵ - To be noted that, in Italy, the term “Consortium” stands for “Producer Group”.

2. CASE DESCRIPTION

APPENDIX - GOOD PRACTICES IN NATIONAL CONTROLS

2.1 Sector

The case refers to the agricultural products and foodstuffs (PGI Balsamic Vinegar of Modena).

2.2 Description of the practice

The case refers to the implementation of market surveillance.

Within its mission, the Consortium carries out several activities as, for example, business monitoring, labelling approval, product analysis, point-of-sale checks, producers audit, registering of trade marks, legal actions. To this end, the Consortium collaborates with the Institute of Quality Control and Fraud Repression (ICQRF), *Carabinieri* Anti-fraud Units (NAC), Agri-food and Forestry Unit (NAF), the Control Body CSQA Certifications and is part of national and international organisations such as the Italian Association of Geographical Indication (AICIG) and the Organisation for an International Geographical Indications Network (OriGIN).

The aforementioned tasks are carried by specialised personnel, the so called 'Supervisory Agents' (*Agenti Vigilatori*). Supervisory Agents are professionals appointed by the MIPAAF to perform control tasks for the Consortium by which they are employed.

Enforcement powers accorded to Supervisory Agents vary at national and international level: while in Italy they can initiate an administrative proceeding that can lead to a sanction, they do not have any such public power in foreign countries.

At national level, Supervisory Agents:

- perform different kind of investigations on privates and companies, including acquiring and exam of copy of legal documents;
- seize counterfeit products or imitations or evocations;
- provide official report to the National Authority.

At international level, they can only perform commercial monitoring that can lead to two different scenarios:

- *ex officio* protection, pursuant to Article 13(3) Regulation (EU) No 1151/2012;
- civil action.

Within the first scenario, the Supervisory Agent provides official reports to the National Authority which, in turn, sends the alert to the Authority of the competent Member State (depending on the domicile of the party committing the wrongdoing). The latter Authority will act *ex officio*.

Civil action is the action undertaken by the Consortium in civil proceedings at local Courts. In this case, the Supervisory Agent provides official reports to the Consortium which, in turn, involves its law firm in the relative Member State. A warning letter might be sent in the first place. If the infringer keeps misusing the GI, the right holder(s) may start a legal proceeding.

To date, *ex officio* protection and civil action have been respectively applied to protect the following GI products: *Vinaigre Balsamique – Aged Balsamic Vinegar of Modena 30 years* and *Vinaigre Balsamique – Deutscher Balsamico Traditionell*.

Both the national and international controls include web audits, which are carried out through a dedicated software created by specialised companies and through the application of standard procedures.

Key success factors, benefits and lessons learned

In performing controls after the product is placed on the marketplace, the Consortium faces two main challenges:

- supervisory agents are not formally entitled to hold inspections and enforcement activities outside Italy;
- there is a lack of collaboration with local Public Authorities.

In order to address those challenges, the Consortium asked for a change of legislation.

However, the activity of the Supervisory Agents proved successful for being focused on the problem, perseverant, and based on professional skills. For this reason, the lesson learned is that, sometimes, control activities need time to be effective and to produce the expected results.

The experience of the case can be extended by adopting the same principles and mechanisms to the other fields or products.

MONITORING AGRI-FOOD PRODUCTS IN THE PORTUGUESE MARKET: AVAILABLE ENFORCEMENT MEASURES AGAINST INFRINGEMENTS AND PRACTICAL CASES

APPENDIX - GOOD PRACTICES IN NATIONAL CONTROLS

Member State	Portugal	
Name of the organisation	Boticas Agricultural Cooperative (CAPOLIB)	
Type of organisation	Cooperative	
Application field of the practice	Agricultural products and foodstuffs	

1. BACKGROUND INFORMATION

APPENDIX - GOOD PRACTICES IN NATIONAL CONTROLS

1.1 Name of the organisation

Boticas Agricultural Cooperative (CAPOLIB).

1.2 Specific role of the organisation

Established in 1952, the Boticas Agricultural Cooperative owns the Protected Designations of Origin (PDO) of *Carne Barrosã* (*Barrosã Meat*) and *Mel de Barroso* (*Barroso's Honey*) and supports related Producer Groups (PGs).

1.3 Mission, interest and commitment of the organisation

The mission of the Cooperative attains to guaranteeing the production and commercialisation of *Barrosã Meat* and *Barroso's Honey* at a fair price and respecting the highest quality and authenticity. The Cooperative aims to ensure a satisfactory economical outcome to producers, granting the sustainability of the product and, at the same time, promoting the occupation of the rural spaces, the preservation of landscapes and the biodiversity of the *Barroso Region*.

Within this scenario, the Cooperative's and its Control Institute SATIVA monitor all phases of the production process, from the farms and apiaries to the final product placed on the market.

2. CASE DESCRIPTION

APPENDIX - GOOD PRACTICES IN NATIONAL CONTROLS

2.1 Sector

The case refers to agricultural products and foodstuffs (beef and apiary industry).

2.2 Description of the practice

The case applies to the organisation of controls. In detail, it refers to controls performed at all phases of *Barrosã* Meat and *Barroso's* Honey production and at the commercialisation stage. In fact, in the *Barrosã* Meat and *Barroso's* Honey production, the Cooperative is responsible for the whole process from the farm to point-of-sale.

First, the Cooperative performs controls at the producer stage by verifying the compliance of GIs production with product specifications in terms of:

- for *Barrosã* meat: geographical area of production, breed (registration in the herd-book), feed, animal welfare, animal sanity, animal age, animal age and weight, sanitary obligations, production methods;
- for *Barroso's* honey: apiaries location, surrounding flora, control of transhumance, medicines used.

The above mentioned controls are carried out by the Cooperative's staff (technicians) and its Control Institute SATIVA, by performing:

- frequent inspections to farms so as to safeguard the genuineness of places and related products. The controls refers to a geographical area consisting of 21 municipalities and 4 districts;
- administrative controls and field visits on/to all apiaries on a regular basis. Samples are collected to perform various types of analyses: physical-chemical, microbiologic, parasitic, pollen analysis and for detection of antibiotic or pesticides residues.

Moreover, the Cooperative carries out controls on:

- animal transportation;
- slaughter process;
- meat and honey processing;
- meat distribution;
- packaging requirements;
- labelling requirements;
- point-of-sale control.

The controls on transformation and point-of-sale aim to verify and guarantee the authenticity of products and to avoid frauds.

The Cooperative main concern arises with the inadequate utilisation of the *Barrosã* meat mark or a similar denomination by butchers and restaurants. In order to perform controls on the PDO misuse, the Cooperative sets up web search aimed at finding intermediaries who advertise the PDO mark, trying to trick consumers. Moreover, it uses several information channels such as clients, commercial delegates, other PGs, consumers.

In case of detected misuse of *Carne Barrosã* and *Mel de Barroso* on the marketplace, the Cooperative works in collaboration with the ASAE – Food Safety and Economic Agency: the Cooperative requests an inspection at the referred store to ASAE.

2.3 Key success factors, benefits and lessons learned

The main challenge is to deeply involve Competent Authorities (CAs) in controlling the abusive utilisation of the protected designation of origin, particularly *Barrosã* Meat.

The intervention of CAs should not depend on the formalisation of a complaint by PGs, as stated in Article No 329, Code for Industrial Property of Portugal, since Regulation (EU) No 1151/2012, setting out obligations for the national authority to take action, should prevail. The CAs should therefore be able to work autonomously, although collaborating with PGs in order to share crucial information and provide support on judicial processes claiming the payment of indemnities.

The above mentioned difficulties increase in case of controls performed at the international level.

To face these challenges, the Cooperative proceeds to directly perform controls and inspections through internet monitoring, reports from commercial partners/promoters and other parties and to communicate findings to ASAE.

Other key success factors in the enforcement experience are:

- at producer level, the implementation of a pricing system based on quality (that is, the price per kg of Barrosã meat and the price per kg of Barroso honey paid by the Cooperative to the farmers⁶), in order to standardise production and ensuring quality. Moreover, producers not fulfilling specifications and not compliant with control plans are prevented or excluded from commercialisation;
- at client level, drafting a document detailing PDOs commercialisation rules in order to prevent illegal use of the GI by traders. Moreover, the imposition of fines and disclosure of the traders caught in cases of detected frauds have helped to limit the number of infringements.

The experience of the Cooperative can be applied to other products/fields in two ways:

- protection and control strategies, particularly referred to the abusive utilisation of GIs by third parties;
- Cooperative's knowledge, gathered through a widespread network including CAs and other control entities and associations involved in GIs protection and control.

In order to replicate the Cooperative's successful experience, the following guidelines should be applied:

- producers should be clearly informed about the product specifications to be compliant with;
- controls must be carried out on a regular basis;
- operators trading GI products should be informed, since the very beginning, about rules of commercialisation, promotion, divulgation and defence of the protected name in order to avoid GI misuse due to lack of knowledge;
- collaboration with partners, authorities and official entities should be established/enhanced;
- proactive strategies in searching violations of GI rights, reporting detected infringements to authorities, supporting judicial processes claiming the payment of indemnities and in disseminating related information should be adopted.

⁶ - CAPOLIB acts as an intermediary between the farmers and the market. That is, the Cooperative buys all the production of Barrosã meat and Barroso honey produced by the farmers and sells it to the retailers.

SURVEILLANCE AND MONITORING ON THE *PROSECCO DOC*

APPENDIX - GOOD PRACTICES IN NATIONAL CONTROLS

Member State	Italy	
Name of the organisation	<i>Consorzio di Tutela della Denominazione di Origine Controllata Prosecco</i>	
Type of organisation	Consortium	
Application field of the practice	Wine	

1. BACKGROUND INFORMATION

APPENDIX - GOOD PRACTICES IN NATIONAL CONTROLS

1.1 Name of the organisation

Consorzio di Tutela della Denominazione di Origine Controllata Prosecco (also, *Consorzio di Tutela della DOC Prosecco*).

1.2 Specific role of the organisation

The Organisation is a Consortium of producers⁷, established in 2009 with the role of coordinating and managing the GI *Prosecco*. It brings together voluntarily groups of producers (individual, associated vine-growers, wine producers) to ensure the GI's promotion and that the production regulations are complied with.

1.3 Mission, interest and commitment of the organisation

The mission of the *Consorzio di Tutela della DOC Prosecco* is to safeguard the protected designations. It aims to defend consumers' and *DOC Prosecco* wine producers' interests by:

- protecting the name *Prosecco* against cases of evocation, imitation or counterfeiting at the national and international level in order to prevent mistakes in the perception of the name and avoid the GI to be perceived as a commonplace product;
- communicating and promoting the designations and their historic and qualitative characteristics, in order to improve the perception of the designation and rise GIs sales in Italy and abroad.

⁷ - To be noted that, in Italy, the term "Consortium" stands for "Producer Group".

2. CASE DESCRIPTION

APPENDIX - GOOD PRACTICES IN NATIONAL CONTROLS

2.1 Sector

The case refers to the wine sector.

2.2 Description of the practice

The case refers to the organisation of controls, with specific focus on the marketing/sales stage in order to verify the placing of GIs on the national and international market. In fact, controls carried out by the Consortium aim to check the correct labelling and presentation on-the-shelf of *Prosecco* wines as well as to detect counterfeiting or imitation phenomena.

Annually, the Consortium implements a control plan, specifying the number of controls and their geographical distribution, information about ‘Supervisory Agents’ (*Agenti Vigilatori*), samples, test in accredited laboratories and reporting obligations towards the Department of Central Inspectorate for Fraud Repression and Quality Protection of Agri-food Products (ICQRF) within the Italian Ministry of Agriculture, Foodstuffs and Forestry Policies (MIPAAF). To be noted that ‘Supervisory Agents’ are inspectors in charge of carrying out control activities, being employees of the Consortium and specifically appointed by MIPAAF. The plan is subject to ICQRF approval.

Specific rules applies to inspection and sampling activities, as follows:

- Supervisory Agents’ obligations in performing inspections: inspectors’ identification via personal badge, presence of a National Army’s representative during controls, checks on labels, product presentation, commercialisation and GI misuse, drafting three copies of the inspection report, communication of anomalies to ICQRF;
- Supervisory Agents’ obligations in performing sampling: inspectors’ identification via personal badge, taking five samples per lot, drafting four copies of the sampling report, transmission of samples to the accredited laboratories identified within the control plan, communication to producers about samples, check on compliance between analysis results and production specifications, communication of anomalies to ICQRF.

Controls are widespread, being performed in/on retail outlets, bars, restaurants, supermarkets, wine e-commerce websites and social networks (Facebook, Twitter, Instagram).

In addition to controls on the market performed at the national level, control and monitoring at the European and international level are carried out. Specifically, they are focused in countries where *Prosecco* is particularly popular. To this end, the Consortium operates in collaboration with ICQRF, other countries (USA, Moldavia, Ukraine and Switzerland), internet providers (Alibaba, Amazon, eBay) and social networks (Facebook).

Moreover, a trilateral Agreement Protocol between the Consortium, ICQRF, and the German Federal Ministry of Food and Agriculture (BMEL) was signed as many violations have been detected in Germany.

The agreement aims to protect *Prosecco* designation by empowering the Consortium, with ICQRF and BMEL support, to directly warn operators violating the *Prosecco* designation.

The aforementioned collaborations strongly enhanced the Consortium ability to detect infringements and take actions on them. For example:

- the collaboration established with ICQRF helped to detect more than 500 instances of Prosecco designation violation at the European and international level to date;
- the trilateral Agreement Protocol allowed an intensification of controls and a more incisive action in Germany, resulting in 70 detected violations with 80% successful cases to date.
- to this regard, *Prosecco Käse* is an important example of intervention. In force of the trilateral Agreement Protocol, a product commercialised under the name *Prosecco Käse* was detected, distrusted, renamed without any reference to *Prosecco*. Moreover, the brand registered at the EU level was removed.

2.3 Key success factors, benefits and lessons learned

A key factor leading to the successful protection of GIs is the development of collaborations/ cooperation agreements with national, European and international actors in order to streamline controls on the marketplace.

THE ITALIAN INTERNATIONAL COOPERATION ACTIONS AND *EX OFFICIO* MEASURES TO PROTECT GIs

APPENDIX - GOOD PRACTICES IN NATIONAL CONTROLS



Member State	Italy	
Name of the organisation	Department of Central Inspectorate for Fraud Repression and Quality Protection of Agri-food Products (ICQRF)	
Type of organisation	National Competent Authority	
Application field of the practice	Agricultural products and foodstuffs, wine and spirit drinks	



1. BACKGROUND INFORMATION

APPENDIX - GOOD PRACTICES IN NATIONAL CONTROLS

1.1 Name of the organisation

Department of Central Inspectorate for Fraud Repression and Quality Protection of Agri-food Products (ICQRF).

1.2 Specific role of the organisation

ICQRF is the National Competent Authority (CA) responsible for the control and inspection activities aiming to guarantee consumers and fair producers about the integrity of Italian GIs products.

1.3 Mission, interest and commitment of the organisation

At EU level, in accordance with Article 13 of Italian Decree of October 14th 2013, implementing Regulation (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, the ICQRF is the Authority responsible for adopting measures to prevent or stop the unlawful use of PDO/PGI/TSG registered names that are produced or marketed in Italy. Furthermore, ICQRF ensures communication with authorities of other Member States (MSs) in order to stop the unlawful use in Italy of PDO/PGI/TSGs registered by other MSs.

For this purpose, ICQRF established a specific 'flat organisational structure', under the direct control of the Head of the Department, composed of officers working in different offices of the Inspectorate, each one with a specific expertise in the same field, from different points of view. The workflow of such 'task force' is primarily coordinated by group-emails and periodical meetings.

The staff carries out a constant market monitoring, in order to keep a real-time awareness of the risk profiles of the main Italian GI products and, at the same time, identifies illicit uses of GIs or brands that unlawfully evokes Italian GI products.

As from 2014, ICQRF has initiated 313⁸ *ex-officio* procedures in order to stop the unlawful use of the most popular Italian GI products on the EU territory. The administrative procedure is usually generated by a report from a Producer Group (PG), a consumer or following up the web market researches carried out in-house.

At EU level, in accordance with the Italian Decree of June, 17th 2014, implementing Regulation (EC) No 555/2008, ICQRF is the Italian liaison body responsible for contacts with the liaison bodies of other MSs and the Commission. In particular, the liaison body receives and forwards requests, and represents Italy *vis-à-vis* other MSs or the Commission.

In this framework, the ICQRF plays the role of the liaison authority for the protection of GI wines throughout the EU.

As from 2014, ICQRF has initiated 866⁹ procedures in order to stop the unlawful use of the most popular Italian PDO and PGI wines on the European Union territory. The administrative procedure is usually

⁸ - Data updated 18 October 2017.

⁹ - Data updated 18 October 2017.

generated by a report from a Producer Group (PG), from a consumer, or following up the web market researches carried out in-house.

In the framework of EU co-operation in the wine sector, in 2015 the ICQRF and the Federal Ministry of Agriculture of Germany (BMEL) concluded a simplified 'Agreement' through exchange of letters, enabling the Prosecco Producers Group (PPG) to protect all PDO Prosecco wines in Germany.

In short:

- 1) if the PPG finds an infringement on a German website related to the Prosecco wines, directly contacts the German operator involved serving him a letter of 'formal notice' (the form of this letter has been approved both by the Italian and German CA) and giving him a period of 15 days in order to remove any infringements;
- 2) if the German Operator doesn't comply with the notice, the PPG informs the ICQRF who successively requests the assistance of the BMEL, in accordance of Article No 85 of Regulation (EC) No 555/2008.

As from January 1st 2017, the PPG has notified 70 letters of formal notice (around 85% of them have been fulfilled).

2. CASE DESCRIPTION

APPENDIX - GOOD PRACTICES IN NATIONAL CONTROLS

2.1 Sector

The case refers to agricultural products and foodstuffs, wine and spirit drinks.

2.2 Description of the practice

The ICQRF has long yet initiated a successful process to monitor the e-commerce of Italian quality agri-food products based on agreements with main actors of this kind of trade and developing specific business models aiming at web surveillance and prompt an effective actions against detected infringements.

About controls on e-commerce, the very heart of the strategy relies on specific ‘agreements’ with the main global players, the Internet Hosting Providers (IHPs) on which e-commerce is gradually concentrating, that recognise the Inspectorate as the GIs right holder, together with the relevant Consortia and allow it to take down irregular listings on the platforms:

- a Memorandum of Understanding (MoU) between the ICQRF, eBay and the PGs has been stipulated in 2014 and renewed in June 2016. Main goals of the MoU are enforcing protection, promotion and information on Italian GIs on the platform, thus supporting the authenticity and the quality of Italian food products. By now, the agreement has led to the removal of 643 irregular listings¹⁰ from the marketplace misusing and evoking Italian GIs foodstuffs;
- a similar cooperation started with Alibaba in 2015, and has led to the removal of 123 irregular listings¹¹, misusing and evoking Italian GIs foodstuffs, preventing a conspicuous quantity of generic products from being sold to the European B2B market as GIs. The cooperation was strengthened in September 2016, with the signing of an official MoU, that extended the protection to the Alibaba Group’s B2C platform as well, shortened further the irregular listings removal time, and provided for education and training initiatives on the meaning and the importance of the European GIs aimed at sellers and consumers;
- finally, in 2016 a similar protection activity started with Amazon, leading to the removal of 197 irregular listings¹² misusing and evoking Italian GIs.

In respect of the above, the ICQRF has been using the legal tools and powers in connection with the Regulation (EU) No 1151/2012, Regulation (EU) No 1308/2013, Directive (EC) No 2000/31 on e-commerce, and the implemented Italian Legislative Decree No 70/2003.

2.3 Key success factors, benefits and lessons learned

Three key success factors can be identified:

- cooperating with MSs and international organisations;
- developing new types of IP protection;
- setting up a specific Web Control System.

¹⁰ - Data updated 18 October 2017.

¹¹ - Data updated 18 October 2017.

¹² - Data updated 18 October 2017.

The main suggestion is to introduce a new approach on controls. It is necessary to organise bilateral meeting and discussion on particular food fraud case within the EU context.

'EX-OFFICIO' PROTECTION MEASURES IN FRANCE

APPENDIX - GOOD PRACTICES IN NATIONAL CONTROLS

Member State	France	
Name of the organisation	Directorate for Competition Policy, Consumer Affairs and Fraud Controls (DGCCRF) – Ministry of Economy and Finance	
Type of organisation	Competent Authority	
Application field of the practice	Agricultural products and foodstuffs	

1. BACKGROUND INFORMATION

APPENDIX - GOOD PRACTICES IN NATIONAL CONTROLS

1.1 Name of the organisation

Directorate-General for Competition Policy, Consumer Affairs and Fraud Controls (DGCCRF), within the French Ministry of Economy and Finance.

1.2 Specific role of the organisation

The DGCCRF and the National Institute of Origin and Quality (INAO) are the competent authorities (CAs) in charge of verifying compliance with the legislation governing PDOs, PGIs and TSGs related to agricultural products and foodstuffs, wine and spirits sectors. Specifically, INAO performs controls before placing the product on the market, while the DGCCRF is responsible for the surveillance of the use of the name in the marketplace.

The DGCCRF consists of 3 067 officers, with a central administration in Paris and decentralised inter-ministerial services.

1.3 Mission, interest and commitment of the organisation

The DGCCRF fulfils a market regulatory role and performs a broad range of control activities on the market.

Within its regulatory role, the following aims are pursued:

- regulation of market competition, fighting cartels, unfair practices and trade mark infringements;
- economic protection of consumers, guaranteeing honest information on products, fair practices and price monitoring;
- consumer safety.

Regarding the execution of controls, they are performed at all stages in the market.

2. CASE DESCRIPTION

APPENDIX — GOOD PRACTICES IN NATIONAL CONTROLS

2.1 Sector

The case refers to agricultural products and foodstuffs.

2.2 Description of the practice

The case refers to the organisation of controls, with particular reference to controls in the marketplace enforced by the DGCCRF.

The DGCCRF central administration is involved in developing policies on labelling and GI issues. Official controls are planned at national, regional or local level, while control activities and enforcement measures are essentially carried out at departmental level, with the regions playing a coordinating role.

Each year, the DGCCRF central administration develops a specific plan within the *Programme National d'Enquêtes* (PNE), in order to prioritise controls aiming to verify the conformity of French and foreign products with Regulation (EU) No 1151/2012 and its implementing provisions and the European Commission's guidelines on GI labelling.

The plan covers controls on:

- products claiming a PDO, PGI or TSG;
- products likely to be mistaken for a PDO, PGI or TSG;
- processed products made with PDOs, PGIs or TSGs.

Specifically, controls focus on:

- the right to use a protected designation, in force of the authorisation issued by CBs approved by the INAO;
- compliance with transitional national protection and transition periods;
- compliance with European labelling requirements;
- compliance with product specifications, by considering the composition of products and their related processes and specific labelling rules;
- a product's traceability;
- misuse of protected designations, by examining the combined application of all relevant regulations (depending on the product, Articles 13 and 14 of Regulation (EU) No 1151/2012, Regulation (EU) No 1169/2011 on food information and Regulation (EU) No 1308/2013 on the common organisation of the markets in agricultural products).

The abovementioned controls are carried out at all stages of the production chain (producers, processors, importers, wholesalers, distributors — including internet distributors, and restaurants), taking care not to interfere with the controls performed under the INAO's responsibility.

A protocol on cooperation (except for wines and spirits) has been signed in order to regulate the interaction between the Ministry of Agriculture, the DGCCRF and the INAO.

In France, the applicable provisions for protection of agri-food are included in the French Rural and Maritime Fishing Code, the Consumer Code, the Commercial Code and the Intellectual Property Code.

The great complexity in performing controls is due to the fact that European rules in force, especially concerning labelling, are dealt with in the following different legal texts.

- Regulation (EU) No 1151/2012 and its implementing texts, as well as the regulations registering the protected designations;
- Product specifications;
- For controls on compliance with the rules on origin, the combined application of all relevant regulations, depending on the product: Articles 13 and 14 of Regulation (EU) No 1151/2012; Regulation (EU) No 1169/2011 on food information and Regulation (EU) No 1308/2013 on the common organisation of the markets in agricultural products;
- International agreements (e.g. *Gruyère Suisse*).

In order to face this complexity, the DGCCRF has developed a specific methodology for its control activities. Especially, controls are carried out on a random basis, taking account of previous findings, regional characteristics and any complaint or alert received from the INAO, the European Commission or other countries' inspection services. A specific system for managing alerts received or sent to the INAO, industry professionals, the European Commission and other Member States has been set up.

Searches for irregularities are based, in particular at the distribution stage, on the examination of photographs of products and samples in order to verify, on a case-by-case basis and by consulting databases, whether the labelling and composition of the product are consistent. If infringements are detected, investigators have a range of tools at their disposal to stop the illicit use of GIs, such as administrative measures, warnings and judicial proceedings. The INAO and any interested party may bring a civil action in any case referred to the public prosecutor by the DGCCRF.

Moreover, several actions have been undertaken to harmonise policy and inspection procedures. For example, the DGCCRF has elaborated a control framework for national and regional investigations and controls on PDO/PGI/TSG (excluding wines and spirits), which is composed of a series of methodological sheets.

Moreover, a national network of experts and an intranet have been set up.

According to the DGCCRF 2016 PNE, 610 operators were checked in the marketplace including producers, importers, food processors, wholesalers, retailers, markets and trade fairs, restaurants and others. In detail, a wide range of French and foreign products were checked, which included, inter alia:

- at least 190 PDO/PGI/TSG products;
- products not covered by GIs;
- foodstuffs using PDOs/PGIs/TSGs.

The results of investigations were as follows:

- 39.51 % non-compliant operators;
- 31.43 % non-compliant analysed samples (% of dry matter, sulphur dioxide, % of fat and others).

Several follow-up actions have been undertaken in order to face the above reported infringements.

Specifically:

- 35 legal actions: fees of at least EUR 55 925;

- 44 administrative measures;
- 178 official warnings.

Where appropriate, information has been sent to INAO and other Member States.

Moreover, *ex officio* protection has been applied in cases of information on non-compliance shared with EU CAs via the Administrative Assistance and Cooperation (AAC) system, and on the basis of complaints received. In this regard, the following three examples can be reported.

- Case 1 – *Feta*: following a change of regulation, a letter was sent to the trade associations and companies, and controls on complaints and routines were performed;
- Case 2 - *Parmigiano-Reggiano*: checks were carried out following complaints relayed by the Consortium representing French *Parmigiano-Reggiano*;
- Case 3 - *Jamón Serrano*: checks were carried out following a complaint from the '*Fundación Jamón Serrano*' relayed by the EU Commission.

2.3 Key success factors, benefits and lessons learned

There are some challenges faced by the organisation in performing its control plans.

On-the-spot controls to verify compliance with Regulation (EU) No 1151/2012 are difficult to carry out as:

- for each product, a great deal of background information is required that is unavailable on the spot. Legal rules in force are dealt with in different legal texts, such as Regulation (EU) No 1151/2012 and its implementing texts, specifications, GI regulations, and also international agreements (e.g. *Gruyère Suisse*);
- some legal concepts are subject to interpretation (i.e. 'comparable product');
- there is little knowledge about the flows of goods coming from other countries:
 - a Member State has no information about the products that are imported or introduced within the national market;
 - the use of the symbol is not compulsory for imported products;
 - there is no customs code to identify the products;
- difficulties exist in identifying products and related specifications, in case of third countries' products protected under an international agreement to which the Union is a contracting party.

Further to the specific control methodology as above detailed, in order to face these challenges, for the DGCCRF a good coordination with INAO and foreign CAs is necessary to focus checks on non-compliant products. Finally, specific awareness actions must be implemented for professionals and consumers.

Within the developed practice however, two key success factors can be identified:

- the implementation of a specific methodology, in terms of
 - photos of labelling on the spot to be studied at the office;
 - several national tools implemented to harmonise policy and inspection procedures (e.g. control frame, network and intranet, computer applications);
 - specific training;

- exchange of information:
 - information flows between the DGCCRF and the INAO and foreign CAs, particularly through the AAC;
 - a specific communication for professionals and consumer.

Among lessons learned, it appeared that two main efforts should be undertaken:

- the different labelling rules in force should clearly appear in the European Commission Database of Origin & Registration (DOOR) for each product, including products registered via international agreements;
- information between MSs should be exchanged via the EU Commission's AAC in order to allow information and problems sharing and manage potential follows-up.