



Promoting Intellectual
Property Rights in the
ASEAN Region

SEMINAR ON GEOGRAPHICAL INDICATIONS

Denis SAUTIER, PhD
Senior Agrofood economist, CIRAD - FRANCE
Hanoi | 20 September 2019



Funded by the European Union



This Project is funded by the European Union and implemented by the European Union Intellectual Property Office (EUIPO)

MAINTAINING AND CONTROLLING MECHANISM OF A REGISTERED GI

Maintaining mechanisms: GI Quality management and Controls

Why controls ?

- Control of compliance with the GI specifications
- To keep the promise to the consumers
- To protect the producers/processors who make the effort to work on quality

2 types of controls :

- Control of farms, processing units, product **before commercialization** of the product
- Control on the market **after commercialization** by market surveillance authorities (enforcement)

Enforcement after commercialisation

- In the EU: one major actor, the **Fraud repression service**
 - Capacity for police: Inspection, seizure, fines..
- Administrative action: ex officio protection of GIs (Customs)
- Judicial actions: ex parte protection
 - By public authorities (in France: INAO)
 - By producers associations

Control before commercialisation

- **Control of the Specifications** (no other requirements)
 - Geographical area:
 - localization of the producer/processor
 - Production method:
 - inspection of farms, processing units, packaging units
 - Product:
 - physical and chemical analysis + sensorial analysis
 - Packaging, labelling
- **Traceability:**
 - Controls of the volumes

Who controls? In the EU

(EU Regulation 1151/ 2012)

- the competent authorities of the Member State/Third party State if adequate guarantees of objectivity and impartiality

and/or

- a control body accredited ISO 17 065 (rules for organization that certify products: objectivity and impartiality)

The controller is controlled

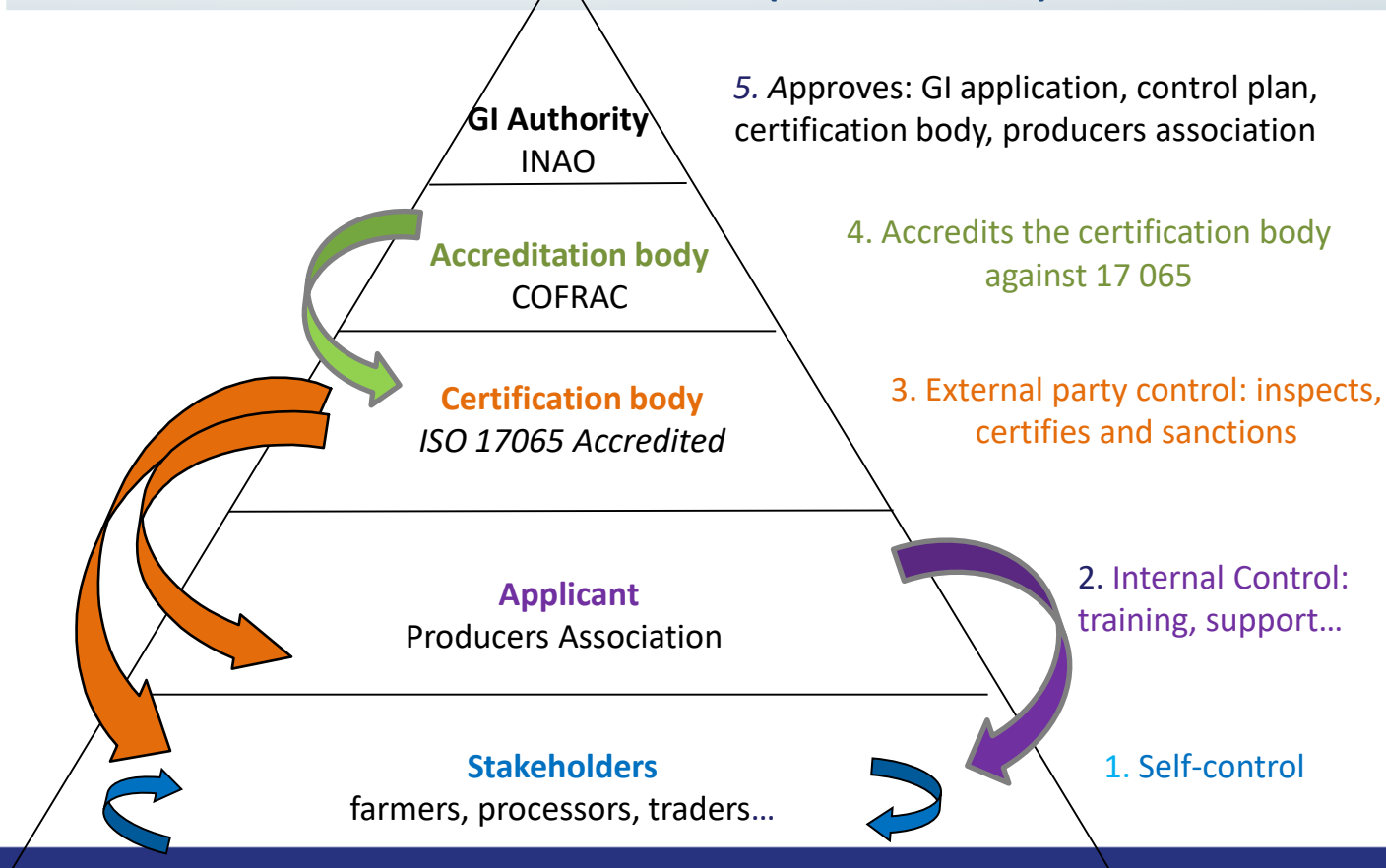
- in France: by a para-public body: COFRAC

against ISO/IEC 17065 for Certification Bodies:

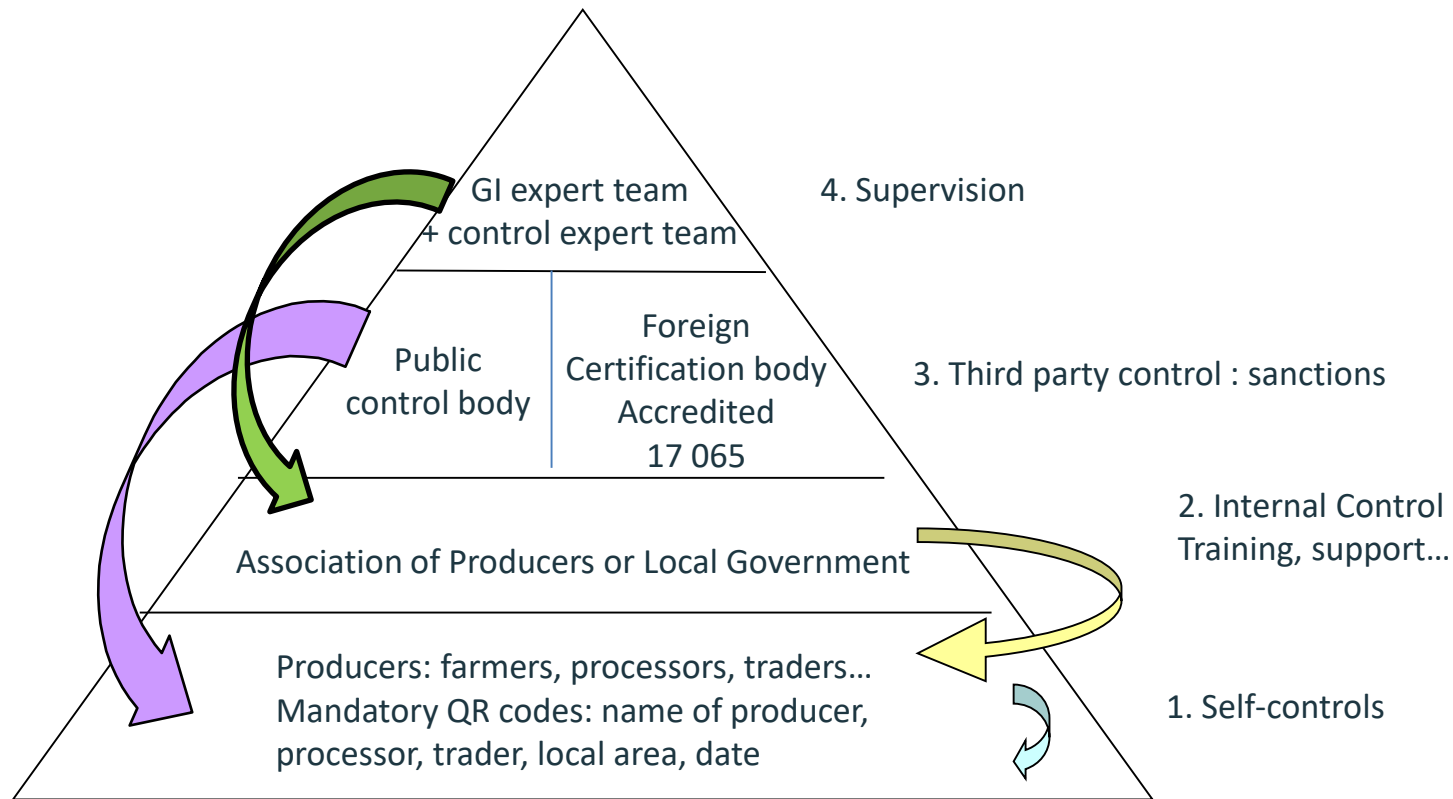
- Independence
 - Impartiality
 - Competence
 - Objectivity

COFRAC: para-public association, supervised by Min Agric.'s Directorate for Food.

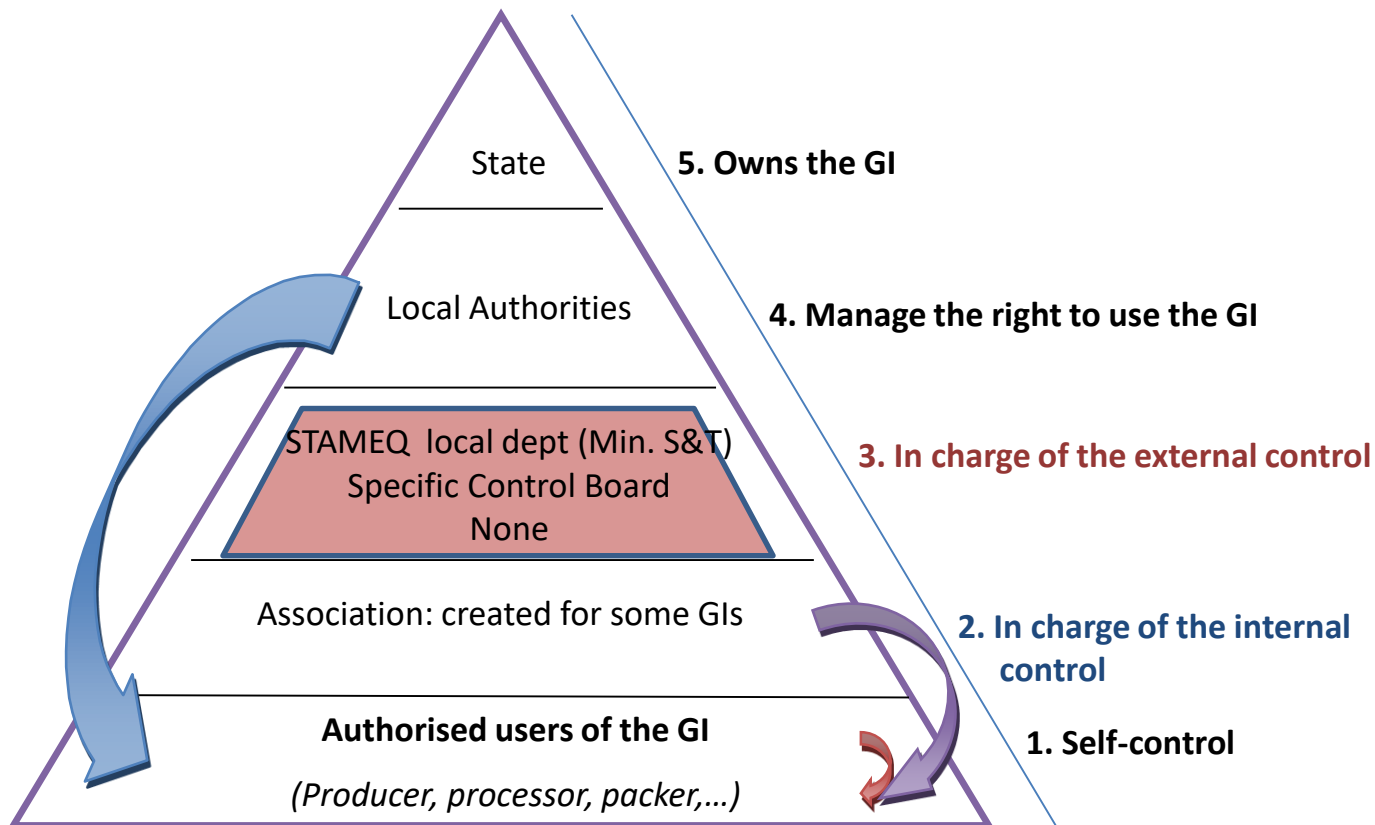
Who to control? In France (foodstuff)



Who to control: Indonesia



Right to use the GI: which governance?



How to control? The control plan

- Each statement in the GI specification becomes a "checkpoint"
 - Important to draft at the same time the specification and the control plan, to be sure each rule is controllable and that there are not too many rules!
- For each checkpoint:
 - control methods: either visual, documentary, laboratory analysis, sensorial analysis/tasting
 - control frequencies
 - Person in charge: self-control, internal control, external control
 - sanctions

The control plan

Criteria defined in the Specification		Monitoring plan			
Check point	Target value	Minimum frequency	Responsible for control	Corrective action Sanction	Reference documents / Evidence

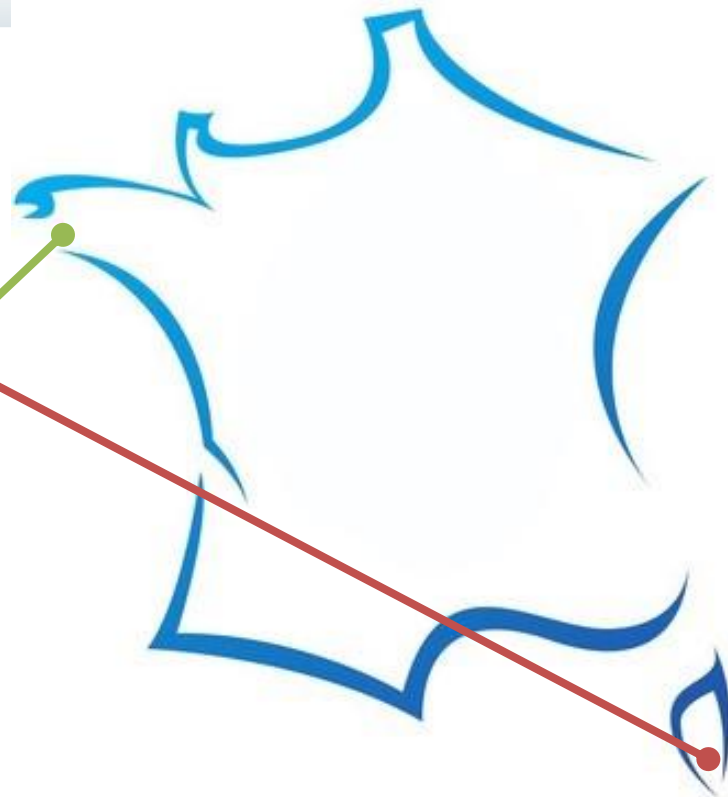
- Clementine from Corsica Island

Clémentine de Corse



- Brittany granite stone

Granit de Bretagne

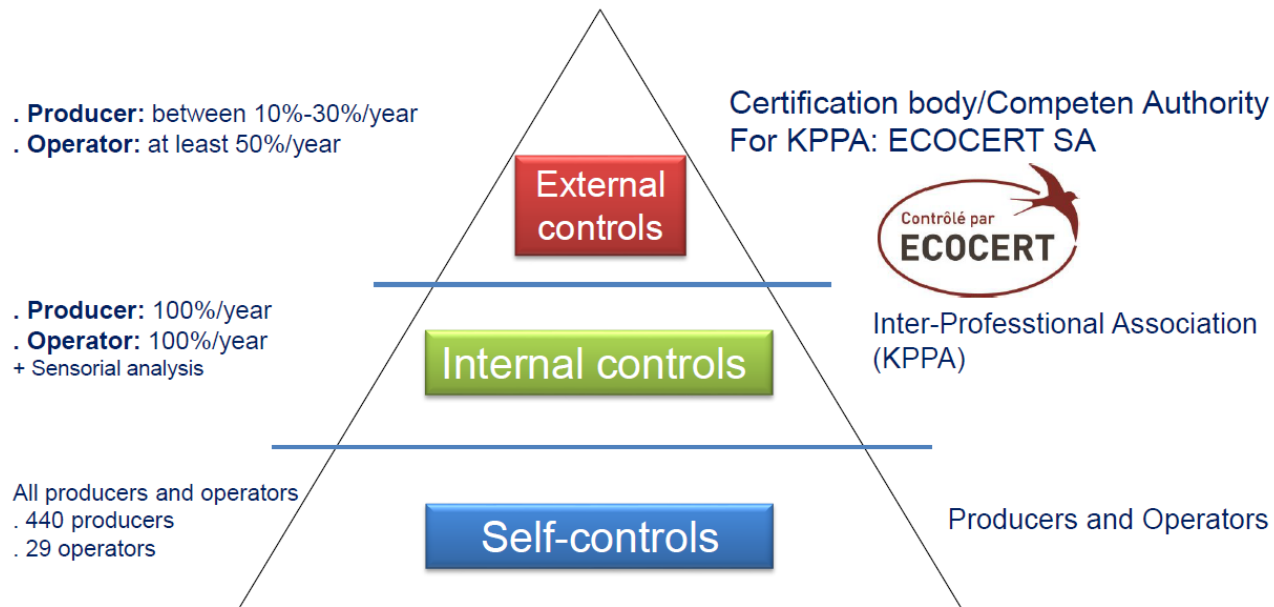


Clementine from Corsica, France (Certipaq)

	Object of the control	Target Value	Self-Control (SC) Internal Control (IC) External control (EC)		Minimum frequency	Responsible for the control
	Reference diameters sizes 1-5	Diameters from 46 to 68 mm	SC	Visual control	Every week	Packing House quality manager (producer)
			IC	Visual control of certifiable fruits	2 times/year	GI Association (APRODEC)
			ES	Visual and documentary control of certifiable fruits	1 time /year /station	Certipaq External auditor

Britanny Granite, France (Certipaq)

Code	Point to master	Target value	Self-control (SC) External control (EC)		Minimum frequency	Responsable du contrôle	Méthode	Documents de référence / preuves
PM2	Implantation of the quarry	Quarries located in Brittany Granite area	SC	-Cadastral map -Administrative authorization to operate -Solidarity guarantee act -Financial guarantee of rehabilitation in validity	Continuously	Quarry manager	Document	-Cadastral map -GI Membership agreement -Prefectural order of operation
			EC	-Verification of authorization to operate, solidarity guarantee act and Financial guarantee of rehabilitation in validity -Verification of the location of sites -Consistency verification between GI membership contract locations and cadastral plan	1 audit /3 years	External auditor	Document Visual	-Solidarity guarantee act -Financial guarantee of rehabilitation in validity
PM4	Geological signature of the quarry	Coherence of commercial denomination of granite with quarry geological signature	SC	DNA test for each carry	On initial audit	Quarry manager	Document	DNA identity file
			EC	-Documentary verification of DNA test achievement and conformity results - Verification of used commercial name	1 audit /3 years	External auditor	Document	GI positive granites list



Darjeeling Tea, India

- **independent certification agency appointed by Tea Board** to control the authenticity of the data collected through the online Darjeeling Tea Trade Supply Chain Integrity System: IMO Control Private Limited (fulfils norm ISP 65) .
- **Tea Board** important role in regulation of the production and cultivation of tea in India
 - improving Tea quality / research to regulate the sales and export of tea / Training in tasting and fixing grade standards
- Tea industry under the control of the Central Government since 1933:
 - **Indian Tea Act** of 1933
 - 1938: permanent enactment for the control of the export of tea and extension of the cultivation of tea.
 - Tea Board Act of 1949 : development of the tea industry under the control of the Central Government.
- **Warehouses are registered** with the Board under the Tea Warehouses Licensing Order.
- **Auction** norms and rules:
 - Auction Committee comprising of main buyers, growers and representatives of the Board.
 - The tea bought by wholesalers, retailers, packages or exporters are registered with the Auction Centers.
 - All buyers are registered with the Auction Committee.
 - All exporters are registered with the Board under the Tea (Distribution & Export Control) Order.
- **Panel of Tasters** competent to evaluate the distinctive characteristics of Darjeeling tea as a result of many years of practical training and experience and their highly refined sensory perception.

Internal Control by the GI Association

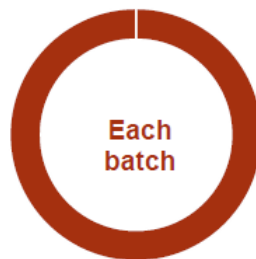
- List of members such as producers and operators (code number, name, date of entry, total land size, estimated productivity ...etc.)
- Internal inspection team
- Sensorial analysis committee: assessment of product acceptability by panel of technicians, connoisseurs, consumers
- Traceability system (Stock account data)

Sensorial Analysis: ex Chili Espelette, France



The « PIMENT D'ESPELETTE » PDO

Procedures and regulations : Organoleptic control



■ Espelette Podwer

- ☒ By the tasting panel : composed of producers, tasting experts and knowledgeable amateurs.
- ☒ Using strict guidelines developed by the producers.
- ☒ non -compliance : three times in one year, the producer loses his right to apply the label to his product in that year.

IN THE MOUTH

FLAVOUR PROFILE
 Sweet
 Hint of bitterness

SPICE PROFILE
 Sensation of heat
 Spiciness develops
 Flavour lingers

HEAT INTENSITY
 Medium



THE NOSE

FRAGRANCE
 Aroma of "hay" (dried hay)
 Aroma of "fruit" (ripe tomatoes, red peppers...)
 Aroma of "grilling" (roasting, toasting...)

INTENSITY
 Medium

WITH THE EYE

MILLING
 Grain size < 5mm

COLOUR
 Orange | Orange/Red | Red | Russet



Syndicat du Piment d'Espelette AOP
 EZPELETAKO BIPERRAREN SINDIKATUA



CHARACTERISTIC ORGANOLEPTIC QUALITIES

TO LOOK AT

Ground to less than 5mm From orangey to reddish brown.

TO SMELL

Dried hay aroma, fruity, grilled.
Aromatic balance Medium to intense aromatic intensity.

TO TASTE

Sweet, slight bitterness.
Medium to intensely spicy, progressively spicy, heat sensation, lingers in the mouth.

Traceability: control of volumes + tax to GI association

- Check the coherence of volumes purchased and sold
 - At producer level: record on raw material production, on sale
 - At processor level: certificate of delivery, purchasing record, relotting record, sale record, stock records.
- Knowing the quantities: allows the leverage of the Contribution per Volume =
 - main source of GI Association budget, used in particular for the implementation of the internal control
 - Sales of the Traceability mark/stickers – allows the collection of the Contribution per Volume



Cost of controls in France GIs

- Usually around 1% of final price (estimation by Certipaq)
- Cost borne by the GI association
- Ex of Sweet oignons from Cévennes (France)
 - Income: fees of 1% of sales with the AO
 - 60% for the GI Association internal control & promotion
 - 30% for the external control
 - 10% for INAO

Cost of controls for Kampot Pepper (Cambodia)

ACTIVITIES	BUDGET	%
Board and executive committee meetings	USD 954	3.3
Meeting with members to disseminate statutes, internal rules, BoS and training on book of matter accounting	USD 250	0.9
Registration of new members	USD 565	2.0
Training to internal inspectors	USD 100	0.3
Internal control	USD 4,000	14.0
External control	USD 6,700	23.4
Closing monthly balance	USD 204	0.7
Promotion and Marketing	USD 2,840	9.9
Annual General Assembly	USD 2,000	7.0
Fighting againts frauds	USD 3,000	10.5
Pepper analysis including sensorial anlysis	USD 1,200	4.2
Staff salary and others	USD 6,850	23.9
TOTAL	USD 28,663	
TOTAL INCOME FROM SERVICE FEE ONLY	USD 40,000	
BALANCE	+ 11,337 USD	

Challenges for control

- Challenge when final packaging is done outside the area of production: risk of blending, usurpation...
- Parma ham and Parma cheese have included final packaging in the specification: was challenged, but confirmed by the EU, and now part of the EU Regulation, providing possibility to localize the packaging step if important for quality control.
- On the contrary was not accepted for Darjeeling Tea, following the opposition from importing countries.

Challenges for control

- Important to have quality control
- But should be cost-efficient and adapted to the value chain: public and/or private
- Impartiality of the controls but at the same time need to know well the product: include producers, traders, connoisseurs in the control system

- Rely on existing control systems for organic agriculture, food safety, and domestic control/certification body
- Importance of internal control
 - To strengthen the GI association
 - To be sure the GI specification is properly drafted to be controllable
 - To couple training with control
 - To be efficient at local level, since inspectors are trained producers
 - To lower the costs of external control which can be focus on checking the efficiency of the GI association, with very little direct control of the producers
- Need to Strengthen authorities for the repression of frauds in the market.

HOW TO RECOGNIZE THE PIMENT D'ESPELETTE AOP :

The stamp is the distinct collective branding of our high-quality sector !

Each product, whether it be a string of chillies or ground chilli, is required to feature a tamper-evident system provided by the Syndicate which bears the collective branding as well as the AOP community logo.



DON'T MAKE A MISTAKE :
Only chillies stamped with these logos
is Piment d'Espelette AOP !



Press Dossier Chili Espelette France

GI Maintaining actions rely on GI associations, value chains ..

But are also a State responsibility :

- Promote / train the potential users on GIs
- Control and certification / accreditation
- Define the national GI logo and its use
- Build awareness on GIs (in general) and the national logo to consumers : Promotion campaigns
- Fight against frauds and misuse.



Thank you for your attention

denis.sautier@cirad.fr





Promoting Intellectual Property Rights in the ASEAN Region

THANK YOU



Funded by the European Union



This Project is funded by the European Union and implemented by the European Union Intellectual Property Office (EUIPO)