



Final 25-26/11/2020

## BACKGROUND PAPER

### PANEL: “EMPOWERING PRODUCERS”

#### 1. OBJECTIVES:

This panel addresses possibilities to improve the position of producers of geographical indications (GIs) in the food supply chain, being farmers or processors. GIs are already identified as instruments that empower producers:

- GIs are recognised in [Farm to Fork Strategy](#) as a tool that intrinsically protects the **value added** that producer groups give to GI-designated products.
- GIs are a way the producer can communicate **directly to the consumer** about the qualities of the product, since the product with a GI can only be presented to the consumer in the form, and with the origin, specified.
- All operators are prevented from **exploiting the GI name** other than on original product.
- GIs are not only labelling tools, they are **fundamental property rights**, belonging to the producers collectively, that flow from having the name protected as a GI and therefore as an intellectual property right.

However, GI producer groups can do more to help their members exert their collective rights in management of GIs. Their position could be further strengthened by allowing them a greater role in promoting, marketing and protecting their collective GI asset.

A **GI producer group** is defined in the [agricultural product and foodstuff GI scheme](#) as ‘any association, irrespective of its legal form, mainly composed of producers or processors working the same product’ designated as a GI. If well organised, the group can help their producers exert collective rights in management of GIs. Their position could be further strengthened by allowing them a greater role in promoting, marketing and protecting their GI asset.

## 2. CHALLENGES/TOPICS:

GI producer groups play an essential role in the **application process** for the registration of GI as well as in the amendment of product specifications and cancellation requests. The group can also **develop activities** related to the collective endeavour:

- surveillance of the enforcement of the protection of the registered names,
- verification of compliance of the production with the product specification,
- publicising information and promotion of the registered GI name as well as any activity aimed at increasing the value of the registered names and effectiveness of the quality schemes,
- monitoring the position of the products on the market.

GI groups can face difficulties in proving they have necessary **title to the GI rights** when seeking enforcement actions from public bodies. Do producer groups have the status they need to be officially designated and empowered to take action to enforce their GI right?

Special rules for the **management of supply** by producer groups are in place in certain sectors, i.e. for cheese and ham sold under a number of GIs participating in the initiative. These measures can help producers to react to price volatilities, to moderate supply of raw material into a premium product, and ensure balanced supply throughout the marketing year.

## 3. QUESTIONS :

- (1) How could the agricultural rules be adapted to enable Member States to strengthen the position of farmers (engaged in GI production) in the marketing chain? Should any existing powers currently attributed to producer groups be removed?
- (2) To what extent should producer groups be able to impose terms and conditions on members (such as compulsory bottling or packaging, or limitation on volumes), including individual producers who do not agree to the term or condition concerned?
- (3) How can producer groups be responsabilised to take own-initiative actions on behalf of all producers:
  - (a) to monitor and combat 'unfair contract terms' imposed by downstream buyers?
  - (b) to defend the collective GI rights from misuses and counterfeiting?
  - (c) to reply to inspectors, customs, police and anti-fraud agencies in cases of suspected infringement of a GI?
  - (d) to promote GIs and seek registration protection in non-EU countries?

- (4) What mechanism (if any) is needed to enable national authorities to recognise one producer group or a partnership of groups to represent and take action to defend the GI?
- (5) How can rural development interventions play a more important role to support actions by GI producer groups?

European Commission  
DG Agriculture and Rural Development  
Unit B.3. – Geographical indications

