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# **CONCLUSIONS FROM THE CONSULTATION ON AGRICULTURAL PRODUCT QUALITY**

## Table of content

|   |    |
|---|----|
| 1. INTRODUCTION .....                       | 3  |
| 2. THE CONSULTATION .....                   | 3  |
| 2.1. Number of contributions received ..... | 4  |
| 2.2. Categories of respondent .....         | 5  |
| 2.3. Number of responses by question.....   | 6  |
| 2.4. Methodology.....                       | 7  |
| 3. OUTCOME OF THE CONSULTATION.....         | 8  |
| 3.1. Question 1.....                        | 8  |
| 3.2. Question 2.....                        | 9  |
| 3.3. Question 3.....                        | 10 |
| 3.4. Question 4.....                        | 10 |
| 3.5. Question 5.....                        | 11 |
| 3.6. Question 6.....                        | 12 |
| 3.7. Question 7.....                        | 13 |
| 3.8. Question 8.....                        | 14 |
| 3.9. Question 9.....                        | 14 |
| 3.10. Question 10.....                      | 15 |
| 3.11. Question 11.....                      | 15 |
| 3.12. Question 12.....                      | 15 |
| 3.13. Question 13.....                      | 17 |
| 3.14. Question 14.....                      | 17 |
| 3.15. Question 15.....                      | 18 |
| 3.16. Question 16.....                      | 19 |
| 3.17. Question 17.....                      | 19 |
| 3.18. Question 18.....                      | 20 |
| 3.19. Question 19.....                      | 20 |

## **1. INTRODUCTION**

EU regulations lay down some of the most stringent baseline production requirements in the world covering safety and hygiene, product identity and composition, environmental care, and plant and animal health and animal welfare, thus reflecting the clearly stated democratic wish of EU consumers and citizens. Moreover, consumers want food to be affordable and good value for money. But consumers and traders have many other demands on the value and quality of the products they buy, apart from price. Meeting these demands is the quality challenge faced by farmers.

Instead of seeing these demands as a burden, the Commission is convinced that EU farmers have a real opportunity to turn them to their advantage – by delivering exactly what consumers want, clearly distinguishing their products in the marketplace, and gaining premiums in return.

The Commission is committed to support the European farmers' efforts to win the quality challenge. For this reason, it intends to develop a coherent and efficient EU agricultural policy that would protect and promote quality of agricultural products without creating additional costs or burdens. In order to know if it has the right instruments to do so, the Commission decided to launch a reflection on how to ensure the most suitable policy and regulatory framework.

The Commission adopted on 15 October 2008 a Green Paper<sup>1</sup> asking open questions to know whether the existing instruments were adequate, how they could be improved and what new initiatives could be launched. The release of the Green Paper launched an EU-wide consultation open to all stakeholders.

Based on the comments received, a Communication of the Commission is expected to be released in May 2009.

## **2. THE CONSULTATION**

The consultation was open from 15th October until 31st December 2008.

Stakeholders were invited to contribute to the consultation by sending their responses via an on-line questionnaire available in 22 languages on the Your Voice website (<http://ec.europa.eu/yourvoice>), by e-mail or mail. Stakeholders were also consulted through Commission advisory group meetings.

New web pages on quality were developed on the DG AGRI website to present the EU quality policy, make the Green Paper available on-line in all EU languages and provide background information: [http://ec.europa.eu/agriculture/quality/policy/index\\_en.htm](http://ec.europa.eu/agriculture/quality/policy/index_en.htm)

The European Parliament and the Council of the Regions also contributed. The report from the European Parliament Committee on Agriculture and Rural Development (expected to be adopted in plenary on 12 March) and the report from the Committee of the Regions called in particular for more communication and/or promotion on EU farming requirements, the indication of the country of origin including for raw material of processed products, a simplification of the marketing standards, as long as it is not a

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<sup>1</sup> Green Paper on agricultural product quality: product standards, farming requirements and quality schemes COM(2008) 641 final

pretext to withdraw them, the definition of optional reserved terms; a simplification and an acceleration of the procedures to register geographical indications (GIs), more controls in Member States to protect GIs, a recognitions of the European GI system in the WTO, guidelines for certification schemes and the creation of a European Agency responsible for GIs applications.

### 2.1. Number of contributions received

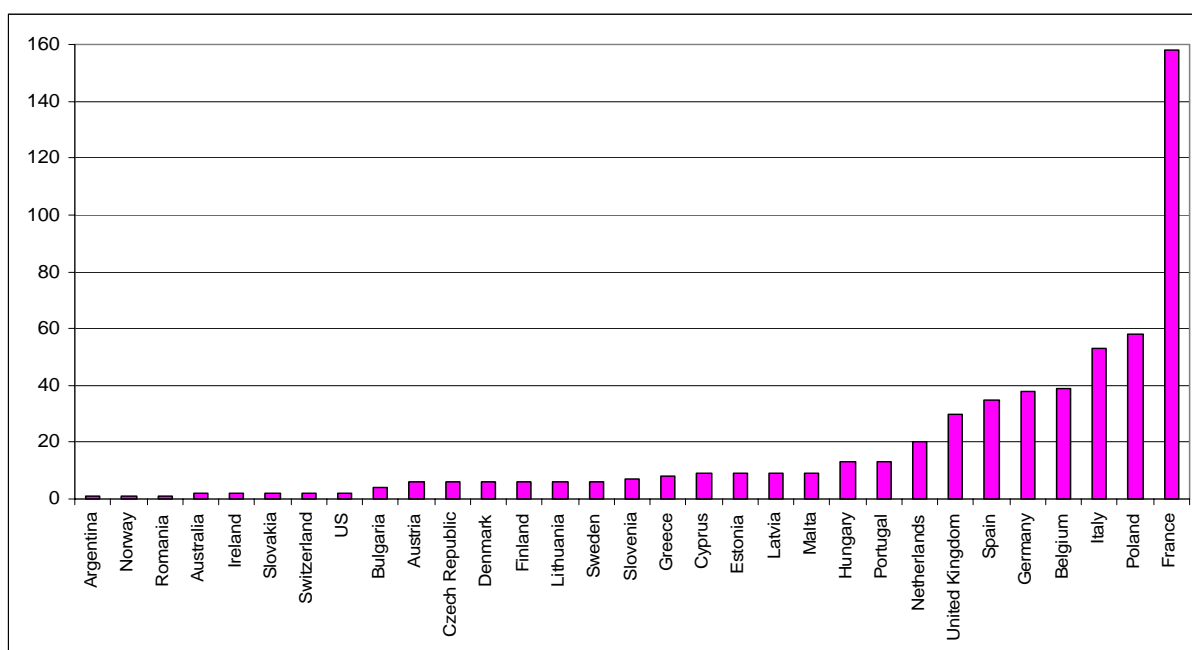
560 contributions came from 26 Member States and 5 third countries: Argentina, Australia, Norway, Switzerland and the United States.

All the contributions except a confidential one were published on the DG AGRI website:

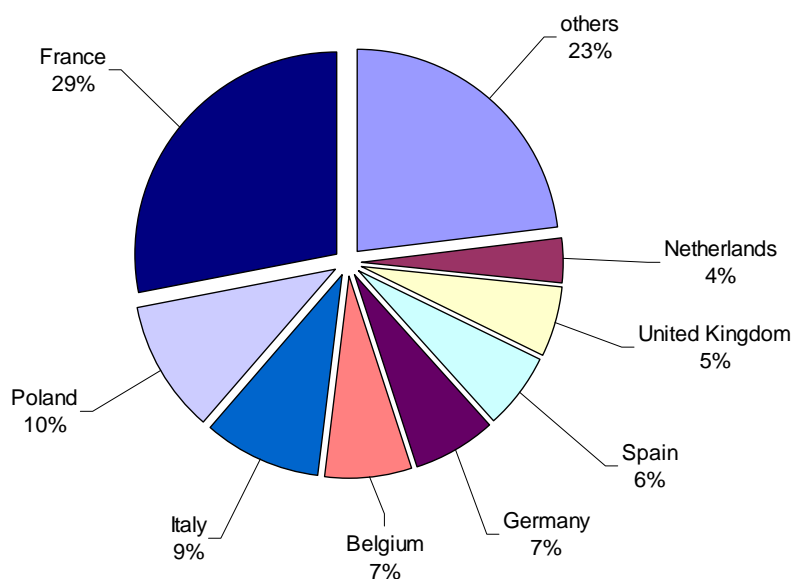
[http://ec.europa.eu/agriculture/quality/policy/opinions\\_en.htm](http://ec.europa.eu/agriculture/quality/policy/opinions_en.htm).

Some of these contributions were published anonymously at the demand of the contributor.

**Figure 1: Number of contributions received per country**



**Figure 2: Number of contributions received per country, in percentage**



Almost 50% of the contributions came from 3 EU countries (France, Poland and Italy) and another 25% of the contributions from 5 EU countries. One would notice that these 8 countries represent also 75% of the EU population.

Belgian contributions came mainly from Europe-wide Federations based in Brussels (24 out of 39 i.e. 4% of the total number of contributions received).

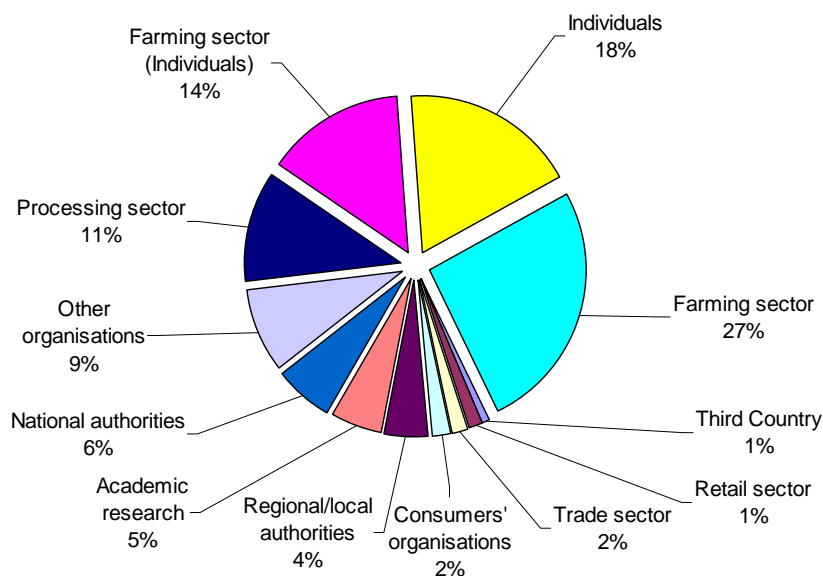
35 contributions received from French farming organisations and individuals were identical. 44 Polish individual contributions were also identical.

## 2.2. Categories of respondent

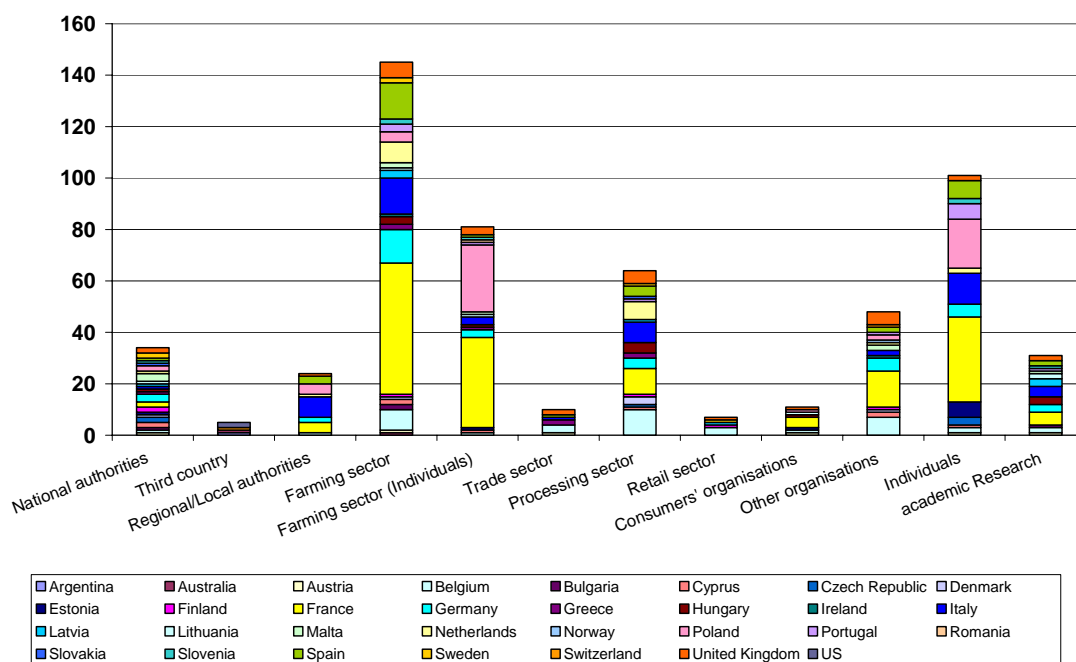
Different stakeholder categories of respondents were identified. These categories were determined by the Commission in order to simplify the analytical process.

- **National authorities** (6%): 23 Member States national administrations provided the Commission with their contribution to the Green Paper (AT, PL, NL, DE, SE, DK, HU, EL, CY, BE, FR, SK, ES, EE, MT, LV, LT, FI, BG, SL, CZ, IT, UK). Other contributions came from a national food safety authority and national Parliaments.
- **Regional and local authorities** (4%): mainly regional authorities from France, Germany, Italy, Poland and Spain contributed.
- **Third countries** (1%): contributions came from national administrations (AR, AU, CH, US), a Chamber of Commerce and NGOs.
- **Organisations from the farming sector** (27%): the main contributors to the consultation, they gathered very different organisations, from the European farmers' lobby organisation to the small local producers' organisation. They represented a wide range of sectors, from the olive oil to the pig sector, from the milk to the mushroom sector.
- **Organisations from the trade sector** (2%): 3 contributions were received from Europe-wide federations; the others came from national organisations, chambers of commerce and private companies.
- **Organisations from the processing sector** (11%): with mainly European or national Food and Drink Federations as well as sectoral federation and some private companies having contributed, many agricultural sectors were represented, like the meat sector, the fruit and vegetables sector or the milk sector or the spirit drinks.
- **Organisations from the retail sector** (1%): among the contributors are one European Federation and one important retail chain.
- **Consumers' organisations** (2%): French organisations were particularly present in this category.
- **Academic and research institutes** (5%): this category gathered contributions from think tank, research institutes and university.
- **Others** (9%): this category is an extremely diverse group of different organisations: consultancies, certification bodies, lobbies dealing with geographical indications, trademark, environmental as well as animal welfare organisations, and many others.
- **Individuals**: these contributors were split between those from the **farming sector** (14%) and those from the **consumers/general public** side (18%). 75% of the individuals from the farming sector and around 50% of the individuals from the consumers'/general public side were Polish or French.

**Figure 3: Categories of respondents to the Green Paper Consultation**



**Figure 4: responses by Category and Country**



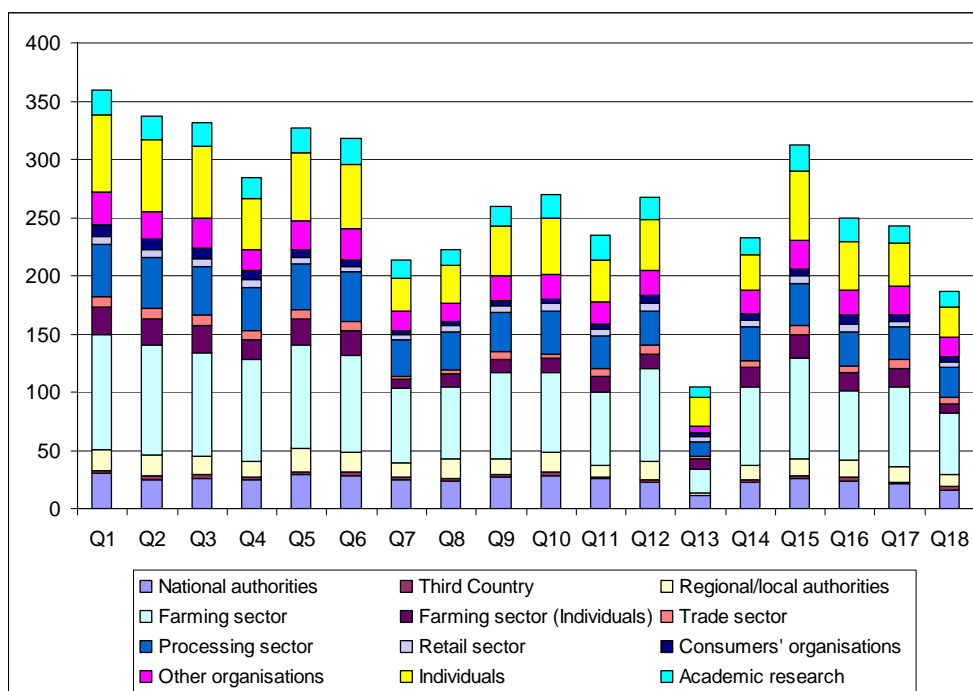
### 2.3. Number of responses by question

Not all contributors answered all questions. In particular, some responded to only specific questions. For example, certain organisations replied only to questions related to geographical indications or organic farming while other organisations ignored those to concentrate on marketing standards and certification schemes.

It is however interesting to notice that (figure 5) the proportion of responses coming from a specific category of respondent is the same whatever the question considered. It is also coherent with the proportion of contributions represented by this category in the total of contributions received. It can be concluded that the questions generated a similar interest from all actors of the food chain.

Question 13 received the fewer contributions, which can be explained by the fact that it was about the outermost regions scheme which is an issue concerning few Member States and organisations.

**Figure 5: Number of responses per questions and by sector.**



## 2.4. Methodology

Every contribution was registered, categorized and then analysed. The responses to every sub question were summarized in an excel table. Identical contributions were considered as representing one point of view.

Tables were then issued, one per question. They gathered all the summaries related to one question, sorted out by category of respondent and by country of origin.

Syntheses of those tables were then prepared (see 3.Outcome of the consultation) and used in the impact assessment exercise.

The aim of this report is to give the main messages expressed by the contributors. Not all contributions having responded to all questions, the percentages or quantities ("majority", "mainly"... ) mentioned in this report consider only those who specifically answered the question. The detailed arguments and "fresh" ideas expressed were used to feed the impact assessment. They will be published in annex of the impact assessment. It has been decided not to include them in this report to avoid a too long report.

While systematically a distinction was made between registered and non-registered organisations<sup>2</sup>, this distinction only appears when it was deemed relevant (enough organisations in each category and different opinions expressed).

<sup>2</sup> [In the interests of transparency, organisations have been invited to provide the public with relevant information about themselves by registering in the Interest Representative Register and subscribing to its code of conduct. See https://webgate.ec.europa.eu/transparency/regrin/welcome.do?locale=en#en](https://webgate.ec.europa.eu/transparency/regrin/welcome.do?locale=en#en)

### **3. OUTCOME OF THE CONSULTATION**

#### **3.1. Question 1**

***How could the requirements and standards met by farmers that go beyond product hygiene and safety be made better known?***

The overwhelming majority of respondents suggested publicly-funded promotion campaigns and a variety of media methods to get the message across, such as new bar-code technology to convey information about a food. Farmers and retailers should participate.

Most respondents said the message should concentrate on the positive input of farmers in meeting requirements. However, some also wanted there to be a focus on requirements not followed (allegedly) in third countries.

***What would be the advantages and disadvantages of developing new EU schemes with one or several symbols or logos indicating compliance with EU farming requirements, other than those related to hygiene and safety? Should a non-EU product which complies with EU production requirements be also eligible to use such an EU quality scheme?***

The vast majority of respondents in all sectors opposed the creation of an EU logo to signal compliance with EU requirements.

Arguments given were that it would confuse consumers who would think that the logo indicated a positive attribute beyond the baseline, costs of control and paperwork, feasibility of developing a scheme.

***What would be the advantages and disadvantages of having an obligatory indication of the place of production of primary products (EU/Non EU)?***

Most national authorities, regional authorities, producers and consumer groups supported the indication of the place of farming. About half thought 'country' labeling would be better than 'EU' and a minority insisted that only country or region would suffice.

Processors opposed almost unanimously, citing the difficulties of traceability and costs. They also claimed the consumer was not interested in origin of raw materials for processed foods.

A number of producers and other organisations recognized that for some sectors and for some processed products, place-of-farming labelling would be very difficult to implement. They recommended a product-sectoral approach. Several asked for meat to be compulsorily labelled for origin as soon as possible.

#### ***Other comments on question 1***

Other comments on EU farming requirements included the suggestion to add the name of producer on packaging, the request that any scheme must apply to all product from inside the EU and outside, the fear that consumers would be confused if the indication of the place of farming appeared alongside a Protected Denomination of Origin (PDO) label, and the warning that too many logos would confuse consumers.

### 3.2. Question 2

***How does laying down product identities in marketing standards in EU legislation affect consumers, traders and producers? What are the benefits and drawbacks?***

The vast majority of respondents was in favour of keeping EU-level product identity definition as they were. Support was lower from national administration but still majority. Some asked for simplification of the present rules – including a significant number of national administrations. Few supported the deletion of EU-level product identity definitions.

Given the support, a large number of benefits were quoted. They focused in majority on two aspects: consumer protection and consumer information on one hand; fair competition and transparency of the market on the other hand.

Drawbacks mentioned included extra costs, reduction of choice for consumers and increase of waste, bureaucracy and the need for flexibility for local conditions or old varieties.

***Should the retail sale of products that do meet hygiene and safety requirements, but do not meet the marketing standard for aesthetic or similar reasons, be allowed? If so, should such products require specific information for the consumer?***

Most of respondents were in favour of allowing retail sales of such products, except a significant minority of farming organisations including some European Federations. They were afraid that it would define a lower quality standard vis-à-vis the current production and will increase price pressure on quality products.

There was no clear trend as to the need of any specific labelling for such products. However, some ideas were expressed such as the products could be labelled "non-standard products" or "indented for processing". They it could be sold under other names or on different display units and the harvest/picking date could be indicated.

***Could compulsory quality and size classifications be made optional as 'optional reserved terms'?***

Opinions were in general split as to the need for such classifications to be compulsory or voluntary. National administrations, producers and processing operators appeared to favour *compulsory* classification.

Arguments against these optional reserved terms included fears that this would lead to a lack of information (problem of market transparency), and that producers would be weakened vis-à-vis the retailers. On the other hand voluntary classifications may open markets to new products and reduce costs.

### 3.3. Question 3

*To what extent is it necessary to lay down definitions of "optional reserved terms" in marketing standards at EU level? Should definitions for general terms describing farming methods in particular sectors, such as "mountain products", "farmhouse" and "low carbon" be laid down by the EU?*

There was a very large consensus in favour of "optional reserved terms" to be defined at EU level in marketing standards. Only one category of stakeholders (processors) was rather against such definitions.

The same arguments in favour of reserved terms were often found: harmonisation, transparency for consumers, facilitation of intra trade, and protection of added value for producers. However, it was also commonly agreed that proliferation and unnecessary costs should be avoided.

Terms to be defined in priority would be "mountain" and "farmed", as there seemed to be a real lack of harmonisation and minimum criteria for them. The support for a "low carbon" definition was less unanimous.

### 3.4. Question 4

*To what extent could the drafting, implementation and control of marketing standards (or parts of them) be left to self-regulation?*

A clear majority of respondents was against self-regulation. This was a particularly shared opinion among National authorities, regional and local authorities, farming registered organisations with only one respondent in favour in each of those categories of respondent. Processing and retail organisations were also clearly against.

Their arguments against self regulation included the fact that marketing standards are useful tools to compare prices and quality, the fact that self-regulation would lead to lower quality. The risk that the strongest actors of the food chain would impose their rules on the others as a result of the imbalance of power in the food chain was also mentioned. It may also create different standards in the single market and therefore lead to distortions of competition between producers and between operators.

Most of the respondents in favour of self-regulation were also in favour of safeguards: rules drafted by all actors in a transparent way; responsibility of the controls left to the EU authorities or at least comparable and compatible with EU legislation.

*If marketing standards (or parts of them) remain governed by EU law, what would be the advantages and disadvantages, including in respect of the administrative burden, of:*

*– using co-regulation?*

Co-regulation received a mitigated support from the majority of respondents. Some organisations from the wine sector and the trade sector considered that co-regulation would lead to more relevant practices but also to higher costs for the operators while national authorities as well as farming organisations largely opposed it, warning that the power in the food chain is unbalanced and that this would lead to some actors imposing their rules.

***– referring to international standards?***

Referring to international standards was in general not opposed, as long as it neither lowers EU standards nor reduces the EU capacity to modify its standards. As far as the trade, processing and retail sectors were concerned, they were overwhelmingly in favour of such standards.

***– keeping the current legislative approach (while simplifying the substance as much as possible)?***

A clear majority would favour keeping the current legislative approach while simplifying. Simplification should mean simplification of procedures and not a lowering of EU standards. The retail sector would also like more harmonisation.

Some organisations of the farming sector however supported co-regulation suggesting achieving it through voluntary code of practices or applying it for innovative products.

### **3.5. Question 5**

***Is there a need to clarify or adjust any aspects of the rules laying down the rights of geographical indication users and other users (or potential users) of a name?***

About half of the contributions made clear that the current framework laying down the rights of geographical indication users and other users is sufficient. Different issues have been raised by the other half of contributions. Among the aspects for which clarifications have been asked most often, were the need to clarify the rights, duties and tasks of applicant groups (National Authorities did not raise it though); the application of articles 13 and 14 of Regulation (EC) No 510/2006 and the use of geographical indications as ingredients (this issue is treated more extensively under question 8).

***What criteria should be used to determine that a name is generic?***

Through all the contributions which have been received in answer to this question, the jurisprudence of the European Court of Justice has been highlighted as the most important source to take into account when determining if a name is generic or not. Some suggested working on a case by case basis on the basis of this jurisprudence of the European Court of Justice (ECJ) and the current criteria included in Regulation (EC) No 510/2006.

In addition several respondents highlighted one or more specific criteria, like: situation in the country of origin; perception of the consumer; lack of a link with the geographical area; existence of a standard in the Codex Alimentarius; duration of the use of a name etc. There were mixed feelings on establishing (or not) a list of generic names. In total more than 20 different criteria have been proposed.

***Are any changes needed in the geographical indications scheme in respect of:***

***– the extent of protection?***

Whereas a majority of processing organisations, general public and academic organisations expressed against any changes with regard to the extent of protection, a majority of farming organisations, regional authorities and quality organisations (category 'other') were in favour. As for national authorities opinions were equally divided.

It was requested by several respondents to extend the TRIPS (Trade-Related aspects of Intellectual Property Rights) protection of wines and spirits to all other products and to create an international register for geographical Indications (GI's). At the same time it was asked to improve the protection outside the EU through bilateral agreements with third countries (this issue is treated also under question 7).

***– the enforcement of the protection?***

Within all categories it was estimated there is a need for a better administrative enforcement of protection within and between Member States. To a lesser degree, some indicated the enforcement of protection in third countries is a problem.

A majority of respondents emphasized that this should be done by clarifying and harmonizing at EU level the responsibilities, investigation procedures and sanctions of national control bodies to guarantee an equal application in all Member States.

***– the agricultural products and foodstuffs covered?***

In contrast to the processing sector where a clear majority expressed against any extension, a majority of the general public, national and regional authorities, academic organisations/think tanks and quality organisations expressed in favour for extension of the scope of products. About as many farming organisations were in favour and against an extension.

Suggestions for new products to be covered included processed products, distillates for human consumption not made from wine, natural products (e.g. wild berries), ice-cream based on milk and water, artisan products, textile, cigars, silk or wood. However, some organisations explicitly expressed against including non-agricultural products.

***Should the use of alternative instruments, such as trademark protection, be more actively encouraged?***

A majority of respondents stated that geographical indications and trademarks are not alternatives but two systems distinct in nature that should co-exist.

Some stated both systems could be complementary. Several farming organisations indicated that collective trademarks could be interesting to use in the case of international trade in certain 3<sup>rd</sup> countries. Collective trademarks could be an alternative to geographical indications for certain typical local productions linked to an area having a limited economical impact. Few processing organisations, within the dairy sector, asked to encourage the use of collective trademarks not linked to protected denominations of origin/protected geographical indications (PDOs/PGIs).

### **3.6. Question 6**

***Should additional criteria be introduced to restrict applications for geographical indications? In particular, should the criteria for protected geographical indications, as distinct from protected designations of origin, be made stricter to emphasise the link between the product and the geographical area?***

The majority of respondents were against introducing additional stricter criteria for geographical indications. It is not the high number of names which weaken the system but the lack of communication. A vast majority of respondents asked for a better communication on current schemes and European symbol before adding new criteria.

More flexible criteria regarding the origin of raw materials were asked mainly by French contributions. The origin of the raw materials should be indicated if there would be a risk of misleading the consumers (see also question number 9 below).

Reinforcement of control by the Member States and a harmonised application among them was part of the raised issues as well as the need for an Agency to help the registration and management, harmonisation of implementation of legislation and controls. Besides, there was a proposal to merge the PDO and PGI schemes with a more flexible approach to origin and use of raw materials from outside the area.

***Should specific sustainability and other criteria be included as part of the specification, whether or not they are intrinsically linked to origin?***

***If so, what would be the benefits and drawbacks? If not, please explain***

A large majority of respondents from different sectors, with the exception of National authorities and individual consumers/farmers, were opposed to specific sustainability and other criteria. Among the number of those who expressed against such criteria, main disadvantage mentioned were the risk of consumers confusion and the risk of a reduction of benefits. Some who objected thought that this criterion could be made voluntary.

Respondents in favour underlined as main advantages better consumer information or the need to introduce environmental criteria. They also suggested that the criteria be voluntary.

### **3.7. Question 7**

***What kind of difficulties do users of geographical indications face when trying to ensure protection in countries outside the EU?***

There was a general concern of the lack of protection of GI in 3<sup>rd</sup> countries, mainly expressed by farming organisations and some Member states, but also by consumers (France).

Stakeholders identified problems they face when exporting EU products bearing geographical names protected as PDO and PGI. Third country organisation mentions that international trademark and fair trading regimes provide enough protection for brands.

The first set of problems concerned the protection provided by TRIPS. Stakeholders underlined the difficulties to enforce the protection provided by TRIPS, mainly because it was complex to prove the GI "status". Infringements of GI rights were also difficult to prove. Major problem was also the low level of protection provided by TRIPS (especially for products other than wine and spirits), and that the protection was reduced by the scope exceptions enshrined in Article 24.

The second set of problems was the relation to trademarks, when a previous trademark had already registered the name.

The third set of problems referred to the generic use of the protected name or its translation.

Problems related to counterfeiting were often mentioned as well as the fact that the EU did not sufficiently enforce bilateral agreements.

***What should the EU do to protect geographical indications in the most effective way in third countries?***

A majority of respondents supported the negotiation of bilateral and multilateral agreements in the framework of the World Trade Organisation (WTO) - a majority mentioned the TRIPS Council. Some stakeholders did ask for more proactive and strong positions in both arenas, bilateral and multilateral. As regard multilateral negotiations, a majority of stakeholders supported the creation of a legally binding register for GI's, for wine and spirits but also open to all goods. It was also mentioned the inclusion of GI's in the scope of Anti-Counterfeiting Trade agreement (ACTA). In bilateral agreements, although GI provisions should be included in every agreement, the idea to select strategic countries was raised by stakeholders in several responses.

**3.8. Question 8**

***Have any difficulties arisen from advertising of PGI/PDO ingredients used in processed products/prepared foods?***

While negative answers (i.e. no difficulties arisen) were expressed explicitly, in a significant number of answers respondents simply declared themselves in favour of new rules on the advertising of PDO/PGI as ingredients without explicitly indicating whether actual difficulties had already arisen. Half of national authorities answers declared explicitly that no difficulty have arisen so far.

A majority of respondents was in favour of laying down rules on the use/advertising of PDO/PGI as ingredients so as to prevent misleading consumers.

**3.9. Question 9**

***What are the advantages and disadvantages of identifying the origin of raw materials in cases where they come from somewhere else than the location of the geographical indication?***

All sectors, besides the processing organisations, were in a large majority favourable to the identification of the origin of raw materials, mentioning as the main advantage better consumer information and awareness. Many mentioned that it would be justified and/or positive in the case of PGI. Some expressed that this information should stay rather optional.

The processing organisations were in a large majority against identifying the origin of raw material, mainly mentioning as a disadvantage the confusion of consumers. Some expressed the fact that it would not add anything to quality, or that it would be irrelevant for PGI.

Among the other sectors, a minority was against, mentioning as the main disadvantage the risk of confusion of consumers (underlining it in the case of PGI) and higher costs.

### **3.10. Question 10**

***Should the three EU systems for protection of geographical indications be simplified and harmonised? If so, to what extent?***

***Alternatively, should they continue to develop as separate registration instruments?***

The majority was in favour of the harmonisation of the 3 systems: agricultural products, wine and spirits, but keeping their specificity. The processing and trade organisations majority supported the current situation with 3 harmonised but separate systems.

The merging of the 3 systems, with a single register, was supported by third countries' respondents and some of the farmers' organisations.

The consumers were generally in favour of simplification and more coherence.

### **3.11. Question 11**

***Given the low take-up of the Traditional Specialities Guarantee (TSG) scheme, is there a better way of identifying and promoting traditional speciality products?***

Several stakeholders saw the way forward in simplifying and streamlining the provisions of the scheme: most pronounced ideas seemed to be that only registration with reservation of the name would be possible. Other improvements that were suggested are simplification of the procedure and control provisions, new logo, and extending the scope.

Some stakeholders called for a communication and/or promotion scheme while others were in favour of *status quo*.

As an alternative to TSG stakeholders most frequently proposed that a reserved term be defined. Other suggestions included its replacement by the introduction of guidelines or "code des usages" at EU level, conversion of existing TSG to GIs system, replacement with a national system, and to have recourse to trade marks. Sometimes simply a deletion of the scheme was proposed.

It has to be noted that in the consultation considerable support was expressed to TSGs scheme while pointing out its importance.

There were also claims that traditional products were linked to local know-how and therefore an instrument of protection at regional level for local artisanal products made according to traditional methods is needed.

### **3.12. Question 12**

***What factors might inhibit the development of a single EU market in organic products?***

There was a very wide range of suggestions of factors that could be inhibiting the development of a single EU market in organic products. However, there were also voices saying that there is no problem at all and that it is premature to ask that question since new EU-wide legislation applies only from 1 January 2009.

Many comments focused on the consumers and their lack of information in general. Other comments indicated that consumers tend to associate organic production with local production and that they really prefer local or regional produce. Supplying local market is more in line with the organic idea (protecting the environment).

Many contributions also mentioned the difficulties linked to the still small scale of production explaining that the local market is more in reach. Another great obstacle identified was the lack of one well-known logo – even if opposed by others. The foreseen ECO label on food would be a threat for such a logo. Other comments, often coming from new Member States, were that the organic market is not structured enough in some places (lack of distribution channels, little interest of the processing sector...)

The organic trade indicated the many different private organic standards – only recognised in one Member State – as a potential obstacle to trade as well as local, regional or national origin denominations.

There were quite a few comments on the lack of common rules in the EU and the problem of different interpretations of EU legislation. Many comments, in majority from Spain and Italy, underlined the need for improved controls.

There were some voices concerned about imports, saying that controls and certification should be the same as in the EU.

### ***How can the single EU market in organic products be made to work better?***

Many contributions suggested that there should be significantly more promotion towards consumers: public and private, with EU giving support to stakeholder promotion campaigns and education of stakeholders on promotion.

Protecting high confidence in organic products would also be important. To strengthen consumer confidence, it would be essential for different private standards to be completely transparent. Private labels should be able to demonstrate their additional claims.

It was suggested that there was a need for a new development plan or a complete implementation of the action plan. It was particularly suggested by the new Member States to support the development of an organic market, strengthen marketing and create better conditions for distribution channels, in order to reach all the shops.

It was also suggested to develop a common system for the operation of an organic market with well-established import controls and information mechanisms.

The trade sector suggested that the EU monitor the derogation granted by the Member States, in order to avoid distortions of trade.

The need to check the functionality of the new legislation before taking up new issues was also mentioned. It was emphasised that the Commission should work closer together with professionals and stakeholders that work on a national level. Harmonised interpretation of EU legislation would be needed. It was suggested that there should be a better cooperation between the authorities of the different Member States.

Another important issue was the improvement of control systems and their auditing both by the MS and by the Commission. There were many different suggestions ranging from centralised controls at EU level to controls by private bodies that need to be EN 45011 accredited.

### ***Other comments on question 12***

Many other comments were made related to organic farming while often not directly related to the functioning of the single market.

In particular, Genetically Modified Organisms (GMOs) were regularly mentioned. Fears were expressed that GMOs may destroy the organic farming sector.

### **3.13. Question 13**

***To what extent has use of the graphic symbols for the EU's outermost regions increased awareness of products from the outermost regions?***

Contributions underlined the limited awareness of consumers and the fact that the logo is not noticeable on their territory.

Several contributions suggested communication campaigns to better inform consumers.

***How should these initiatives be developed in order to increase the volume of quality agricultural products originating from the outermost regions?***

Several contributions suggested that this scheme would be more relevant to consumers if it had a strong message or offered them added-value, which could be fair-trade, quality or taste.

Some contributions also suggested that GIs should be encouraged in this context while others underlined that a clear marketing strategy would be more effective.

Collective promotion actions should also be put in place.

### **3.14. Question 14**

***Are there any pressing issues for which existing schemes and arrangements are inadequate and for which there is a strong case for an EU level scheme? Should the Commission consider mandatory schemes in certain cases; for example, those with a complex legal and scientific background or those needed to secure high consumer participation? If so, how can the administrative burden on stakeholders and public authorities be kept as light as possible?***<sup>3</sup>

The majority of respondents was against introducing new EU schemes (although some made specific reference to mandatory schemes and did not express their views of voluntary schemes – see footnote). Some saw possibilities for new schemes if certain conditions are fulfilled, and one fourth were of the opinion that new schemes would be needed in certain policy areas.

Only among regional/local authorities, retail organisations, and environmental NGOs was there a majority of view that new schemes would be useful. Consumers were evenly split between proponents and opponents of new schemes.

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<sup>3</sup> Please note that the three sub-questions were in general perceived as one single question. Some respondents refer specifically to the need of a new mandatory scheme, while in the majority of cases it is unclear whether respondents mean voluntary or mandatory schemes.

Some respondents proposed criteria for deciding whether a new scheme would be needed or how it should operate, e.g. if there is a threat to the functioning of the single market. Suggestions were also made on what to do instead of developing new EU schemes (e.g. simplify and/or harmonise existing schemes).

Some respondents also made suggestions of issues that should either be addressed in the context of a new EU scheme or for which common definitions at EU level (not necessarily through a new scheme) would be needed.

### **3.15. Question 15**

#### ***To what extent can certifications schemes for quality products meet the main societal demands concerning product characteristics and farming methods?***

A majority of respondents supported the idea that food quality certification schemes (FQCS) structure the demand, create confidence or increase it on the market, especially between farmers and consumers. Moreover, private schemes are more flexible, can rapidly adapt to new criteria, are more open to societal demands, e.g. kosher or fair trade and create added value.

There were frequent references to the usefulness of FQCS for geographically marginal areas, as well as references to organic labelling or (French contributors) to Label Rouge, seen as an exemplary case of strong link from producers to consumers.

Producers were more reluctant to responding to new demands. Certification should aim more at providing information than at improving quality according to them. Development NGOs mentioned that it would help opening the EU market to producers from developing countries. Consumers objected that it was not logical to answer societal expectations through labelling. FQCS were efficient only when and if control would be independent.

#### ***To what extent is there a risk of consumers being misled by certain schemes assuring compliance with baseline requirements?***

The schemes assuring compliance with baseline requirements should only be used in business to business operations and not communicated to the public. They could create confusion and mislead consumers. A risk of confusion between private labels and public ones was mentioned as well as the fact that too numerous FQCS would create confusion.

National authorities and consumers in particular considered that FQCS should go further than minimal requirements, and that baseline requirements had to be controlled by public authorities. There was a risk that consumers would believe that only the labelled products fulfil the minimum requirements, whereas all do so.

Retailers supported the idea that one should communicate only when there is a real added value.

The need of complementary information to be given to consumers (Internet was mentioned as a possibility or information campaigns) was also mentioned.

#### ***What are the costs and benefits for farmers and other producers of food (often small and medium-sized enterprises) in adhering to certification schemes?***

Greater added value and better market access were mentioned in a majority of contributions as a benefit for farmers and other producers of food.

Benefits mentioned included: it was a good way to fight unfair competition and to help structuring the food chain; if the schemes were well managed, costs were limited and profits might be important (trade organisations).

There was an added value expected as well through product advertising, fame, promotion. SMEs have more difficulties; FQCS gave better confidence to consumers, allowed harmonisation for international trade and more transparency (processors).

Costs mentioned included: private controls were very expensive; too many FQCS would lead to confusion; multiplication of criteria meant high costs; procedures, multiplication of controls (farmers' organisations); constant evolution of societal expectations made it difficult for producers to follow and adapt; adhering to FQCS meant additional costs and not adhering to them meant being excluded from certain markets.

### ***Should a more active involvement of producers' organisations be promoted?***

All responses were positive except from 4 contributors (3 consumers and one academic) who feared that this would lead to conflicts of interest.

### **3.16. Question 16**

#### ***Could EU guidelines be sufficient to contribute to a more coherent development of certification schemes?***

The majority of respondents was of the view that EU guidelines would be sufficient to contribute to a more coherent development of certification schemes.

This opinion was most pronounced among national/regional authorities; the farming community; processing organisations; consumers and general public (even though a sizeable number here thinks that guidelines are not sufficient); and academic organisations. Somewhat more undecided are trade organisations and environmental NGOs, but overall numbers of respondents in these categories are small.

Respondents who disagreed with the idea of guidelines either thought that guidelines were not sufficient and stricter measures (legislation) would be necessary (an opinion most pronounced among the consumers and general public group); or they thought that not even guidelines would be needed since the market was capable of solving the problem without any sort of official intervention (most prominent among the farming community). The latter group pointed to ongoing harmonisation initiatives in the private sector or at the international level which would make EU involvement unnecessary (some even said that EU guidelines will do more harm than good).

### **3.17. Question 17**

#### ***How can the administrative costs and burdens of belonging to one or more quality certification schemes be reduced?***

The most frequently mentioned suggestions for reducing the administrative costs and burdens of belonging to one or more quality certification schemes can be grouped into ideas related to the further development of schemes: (e.g. mutual recognition), ideas related to the certification and control process: (e.g. group certification; combine audits; encourage competition in certification market), ideas related to financial support of scheme participants: (e.g. provide subsidies for small scale producers; tax returns; certification by public authorities for free) and ideas related to information and

communication: (e.g. inform consumers about scheme benefits so that they are willing to pay higher prices; common platform for farm background data).

Some respondents stated that since schemes are private, participation is voluntary, and schemes will only survive if benefits are greater than costs.

### **3.18. Question 18**

***How can private certification schemes be used to assist EU exports and promote European quality products in export markets?***

The majority of the respondents were in favour of receiving assistance to export EU products. They stressed the need for promotion, information and communication. Some proposed recognition of international standards. Many people highlighted the need for a credible system, which will have a real export value.

***How can the EU facilitate market access for producers in developing countries who need to comply with private certification schemes in order to supply particular retailers?***

Many of the contributors proposed technical and financial aid. A lot of them proposed equivalent standards even if this idea was opposed by a majority of farmers' organisations and some national and regional authorities who did not want to facilitate the access to the EU market. Few organisations proposed to lower the standards for developing countries. Finally, several organisations mentioned origin issues, ethics, animal welfare, organic products and fair trade.

### **3.19. Question 19**

***Respondents are invited to raise any other issues concerning agricultural product quality policy that have not been covered.***

This last question generated respondents' conclusions on the GP as well as very many divergent comments. The largest amount of replies concerned the support of promotion campaigns and better communication of the agricultural quality policy to the citizens.

A large number of replies concerned the simplification issue, the limitation of the role of the State and the need for harmonisation of the control practices at EU level.

Voices advocated the review the colour scheme of the new PDO logo and to use symbols in different colours for products from third countries. A few respondents mentioned the creation of a European Agency for Quality while there were also voices clearly against the creation of such an agency.

Some others concerned the obligatory labelling of GMO products or their offspring. One respondent suggesting that meat from animals fed with GMO should be labelled.

Few respondents wanted climate change issues and environment to be addressed more efficiently, an obligation to mention carbon balance and take into consideration the employment factor in the quality policy.

Some respondents underlined the importance to ensure the respect of high standard for all products processed and/or commercialized within the EU.