Support to Enforcement of the Intellectual Property Rights

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GUIDE

on

PRACTICES OF OFFICIAL CONTROLS IN SCOPE OF PDO, PGI, TSG AGRI-FOOD PRODUCTS IN THE EU

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The aim of the Guideline is to present the system of official controls dedicated to agricultural products and foodstuffs which have registered name as protected designation of origin (PDO), protected geographical indication (PGI), traditional specialities guaranteed (TSG). These products are covered by Food Quality Schemes. The added value of the geographical indications and traditional specialities guaranteed is based on consumer trust. It is only credible if accompanied by effective verification and controls:

a) verification that a product complies with the corresponding product specification; and

b) monitoring of the use of registered names to describe product placed on the market.

Chapter 1 describes the system of verification of compliance of products with registered names as PDO, PGI, TSG with their specification. It gives the main concept of this kind of control. Understanding the nature of verification of compliance with the product specification is a key issue for setting up the effective system of control. In order to present clear concept the following topics will be described: what specification is and why it has fundamental meaning for verification of compliance; what is the main objective of verification of compliance, what are the critical points in this control, main rules of verification of compliance, rules on traceability, competences of inspectors carrying out verification of compliance with specification. Moreover, this chapter delivers practical examples of each step of the system of control – from planning, through carrying out, to summarize and reporting control.

Chapter 2 gives information on ex officio controls in the scope of PDO, PGI, TSG products. The notion of ex officio protection does not correspond to any of the legal categories established by EU regulations for controls on GIs. Rather it refers to implementation of better guarantee protection for names in the market for all GIs registered in the EU, in addition to the national official control plans. This chapter provides case studies on identified infringements and effective actions taken by competent authorities in order to eliminate unlawful practices.

This guideline provides information for authorities which are in charge of carrying out official controls covers agricultural products intended for human consumption listed in Annex 1 to the Treaty and other agricultural products and foodstuffs listed in Annex 1 to the regulation European Parliament and Council no 1151/2012.

The aim of the Guideline is to provide information based on the EU practices in order to improve the activity of the Republic of Moldova with the competences of verification of compliance PDO, PGI, TSG products with specification and ex officio controls. The content of the Guideline may be used for establishing internal procedures on official controls of PDO, PGI, TSG by Moldavian competent authorities.
# DEFINITIONS AND ABBREVIATIONS

## DEFINITIONS

**Certificate of conformity** – formal document issued by a control body which confirms compliance of production of a product with the registered name as PDO, PGI, TSG with the specification

**Certificate of compliance** - formal document issued by competent authority (Voivodship Inspector of Agricultural and Food Quality Inspection) which confirm compliance of production of a product with the registered name as PDO, PGI, TSG with the specification

**Competent Authority** - the central authority of the Member State competent for the organisation of official controls or any other public authority to which that competence has been conferred.

**Certification body** – control body (usually private) to whom were delegated tasks of official control in the scope of PDO, PGI, TSG

**Control body** – competent authority or certification body

**Quality schemes** - means the schemes established under protected designation of origin, protected geographical indication, traditional guarantee specialities

**Group of producers** - means any association, irrespective of its legal form, mainly composed of producers or processors working with the same product;

**Production step** - means production, processing or preparation;

**Processed products** - foodstuffs resulting from the processing of unprocessed products. Processed products may contain ingredients that are necessary for their manufacture or to give them specific characteristics.

## ABBREVIATIONS

- **MS** - Member State
- **PDO** – Protected Designation of Origin
- **PGI** – Protected Geographical Indication
- **TSG** – Traditional Specialities Guaranteed
- **CCA** – Central Competent Authority
- **CA** – Competent Authority
- **CB** – Control Body
- **MANCP** - Multi-Annual National Control Plan
CHAPTER 1. VERIFICATION OF COMPLIANCE OF PROCESS OF PRODUCTION PRODUCTS WITH REGISTERED NAMES AS PDO, PGI, TSG WITH THE SPECIFICATION

I. PDO, PGI, TSG AGRI-FOOD PRODUCTS IN THE CONTEXT OF EU QUALITY POLICY

The food quality schemes (protected designation of origin – PDO, protected geographical indication – PGI, traditional specialties guaranteed - TSG) were created in order to promote and protect names of products which have specific quality due to their production in particular geographical area which has influence on particular characteristics, and can not be obtain in different region (PDO, PGI) or they are produced with traditional methods or by using traditional ingredients (TSG).

Food quality schemes aim to help producers of agricultural products and foodstuffs to communicate the product characteristics and farming attributes of those products and foodstuffs to buyers and consumers, thereby ensuring:

a) fair competition for farmers and producers of agricultural products and foodstuffs having value-adding characteristics and attributes;
b) the availability to consumers of reliable information pertaining to such products;
c) respect for intellectual property rights; and
d) the integrity of the internal market.

Food quality schemes provide the basis for the identification and, where appropriate, protection of names and terms that, in particular, indicate or describe agricultural products with:

a) value-adding characteristics; or
b) value-adding attributes as a result of the farming or processing methods used in their production, or of the place of their production or marketing.

These schemes encourage diverse agricultural production, protect product names from, misuse, evocation and imitation and help consumers by giving them information concerning the specific character of the products:

- **PROTECTED DESIGNATION OF ORIGIN (PDO)**

  ‘designation of origin’ is a name which identifies a product:

  a) originating in a specific place, region or, in exceptional cases, a country;
  b) whose quality or characteristics are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors; and
  c) the production steps of which all take place in the defined geographical area.

- **PROTECTED GEOGRAPHICAL INDICATION (PGI)**

  ‘geographical indication’ is a name which identifies a product:
a) originating in a specific place, region or country;

b) whose given quality, reputation or other characteristic is essentially attributable to its geographical origin; and

c) at least one of the production steps of which take place in the defined geographical area.

- **TRADITIONAL SPECIALITIES GUARANTEED (TSG)**

A scheme for traditional specialities guaranteed is established to safeguard traditional methods of production and recipes by helping producers of traditional product in marketing and communicating the value-adding attributes of their traditional recipes and products to consumers.

1) A name shall be eligible for registration as a traditional speciality guaranteed where it describes a specific product or foodstuff that:
   
a) results from a mode of production, processing or composition corresponding to traditional practice for that product or foodstuff; or

b) is produced from raw materials or ingredients that are those traditionally used.

2) For a name to be registered as a traditional speciality guaranteed, it shall:
   
a) have been traditionally used to refer to the specific product; or

b) identify the traditional character or specific character of the product.

‘**traditional**’ means proven usage on the domestic market for a period that allows transmission between generations; this period is to be at least 30 years;

‘**specific character**’ in relation to a product means the characteristic production attributes which distinguish a product clearly from other similar products of the same category.

Protection of designations of origin and geographical indications has specific goals like: securing a fair return for farmers and producers for the qualities and characteristics of a given product, or of its mode of production, and providing clear information on products with specific characteristics linked to geographical origin, thereby enabling consumers to make more informed purchasing choices.

II. CONCEPT OF VERIFICATION OF COMPLIANCE OF PDO, PGI, TSG PRODUCT’S WITH SPECIFICATION

Systematic control of the conformity of the production process of PDO, PGI and TSG products with the specification gives guarantees of high and specific quality, which is the added value of the product and for which consumers are able to pay more.

A certificate of conformity is a document issued by independent and external control bodies, which formally confirm the quality of PDO, PGI, TSG products. This document ensures fair competition between producers and is important in building consumer confidence.
1. GENERAL RULES ON THE VERIFICATION OF COMPLIANCE WITH SPECIFICATION

A producer who is going to use a registered name as PDO, PGI, TSG is submitted of regular control, which includes verification of compliance process of production PDO/PGI/TSG products with the specification. It is conducted before placing product PDO, PGI, TSG on the market. Verification of compliance with the specification is voluntary – only producers who intend to use the registered name as PDO, PGI or TSG is covered by verification of compliance with the specification.

The aim of this control is a guarantee that the product fulfils requirements contained in the specification. This control covers all stages of production, processing and distribution. The scope of verification of compliance is defined in the specification of product with the registered name as PDO, PGI or TSG. Control is focused on these steps of production and characteristic which determine the specific quality of the product which allowed to register the name as PDO, PGI, TSG. Verification of compliance with specification results in issuing a certificate of compliance (if the process of production complies with the specification) or administrative decision which prohibits placing on the market product labelled as PDO, PGI, TSG. A certificate is a formal guarantee that product fulfils requirements of the specification and it authorizes producer to use a protected name and EU logo of PDO, PGI, TSG.

The costs of this control are covered by a producer. The cost of certification depends on the type of body that is carrying the control (private, public), type of product (for example seasonal), a degree of the requirement established in the specification, on the average of inspection visits, processing etc. Cost of certification can be an annual fee or depend on volume.

<table>
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<tr>
<th>Costs of control conducted by CA (AFQI) - Polish example</th>
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<td>Costs of control are counted according to the national regulation of Minister of Agriculture and Rural Development. Costs of verification of compliance with the specification, include:</td>
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- distance to the place of control counted one way - according to the price list from above regulation
- document evaluation - PLN 21 (5 Euro) x number of products controlled by one producer - evaluation of the documentation includes, for example, production registers, registers of raw materials used, product sales registers, labels, manufacturer's obligations to comply with the specification
- assessment of compliance with the specification - the number of hours x PLN 34 (8 Euro) for each started hour of work - assessment of compliance with the specification includes, for example, checking what raw materials were used for production, checking the individual stages of production, etc.
- sampling for tests (if it is provided for in the control program) - PLN 27 (7 Euro) x number of samples taken from each controlled product,
- sending a sample for laboratory tests - 100% of the cost of sending a sample for testing, e.g. a courier company,
- laboratory tests (if provided for in the control plan/not always needed) - according to the price list included in the above Regulation
- organoleptic examination on site (if samples are not sent to the laboratory) - PLN 21 (5.5 Euro),
- issuing a quality certificate for one product - PLN 7 (2.5 Euro)
The added value of official controls of PDO, PG, TSG products is expected by producers, competent authorities and consumers in the following scope:

Producers  
- avoid unfair competition  
- efficient protection  
- low control prices  
- low control frequencies regarding their activities

Authorities  
- reliable control at a reasonable cost  
- reliable decisions

Consumers  
- guarantee of provenance and quality  
- high level of control  
- inexpensive products

2. SCOPE OF VERIFICATION OF COMPLIANCE WITH SPECIFICATION AND METHODOLOGY OF CONTROL

The scope of verification of compliance is based on PDO, PGI, TSG product’s specification and it is focused on the key elements which have particular meaning for specific characteristics of PDO, PGI or TSG. The product specification is a fundamental document for the EU system because it represents an actual identity card of the product. If the products do not fulfil all requirements of the product specification, it can not use either the register name or the EU logo. Moreover, the content of specification defines the scope control plan.

Checks on the authenticity and quality of PDO, PGI, TSG products are carried out at several stages, from production through to the finished product on the market. This multi-stage monitoring makes for a coherent supervisory system designed to ensure that the final product is of the proper quality.

Verification of compliance uses different kinds of methods of control, such as:

- physical control,  
- documentary check,  
- organoleptic tests  
- if needed, laboratory tests  
- interview with producer and a group of producers.
Choice of method of control depends on product, stage of production as well as kind of control (comprehensive control usually use all methods but risk control may be focused only on documentary check or only on laboratory tests). This method should be chosen aiming the most effective way of control.

- **Physical control**

Verification of compliance with the specification is carried out in the place of products’ production. During control, is checking if each step of production described in specification meets the requirements defined in the specification. CA/CB in cooperation with a group of producers shall identify critical points at the step or steps of control where control is essential, for instance: production steps, on which are most likely to occur irregularities.

*For example for the cheese PDO “oscypek”*

**DESCRIPTION**

Oscypek is a cheese made of sheep’s milk or sheep’s and cow’s milk. The amount of sheep's milk used in oscypek production must not be less than 60 %. Oscypek has the shape of a double cone or spindle. It is between 17 and 23 cm in length, between 6 and 10 cm in width at its widest point and weighs between 0.6 — 0.8 kg. When cut it has a light cream colour, darker at the rind, but a shade closer to white is also permissible. The rind has a straw-coloured gleam, light brown, and a soft shine. Oscypek is produced exclusively in the period from May to September and may only be sold as a whole. The milk used in the production of Oscypek comes from the breed ‘Polish Mountain Sheep’. Cow's milk, if used at all for production, comes from the ‘Polish Red Cow’.

**Critical points identified:**

- Using milk provided only from cows
- Using milk provided from different breeds of animals than it is required by the specification.

**Technics of control:**

- Verification of registers where amount of milk used for producing and amount of final products are recorded
- Laboratory tests in order to check the proportion of sheep’s milk and cow’s milk

*For instance for the honey from Kurpie region - MIÓD KURPIOWSKI (PGI)*

**DESCRIPTION**

‘Miód kurpiowski’ is a nectar honey from Kurpie (region of Poland), with the possible inclusion of honeydew. It is a polyfloral honey; pollen from any one plant species must not account for more than 30 % of the total, and pollen from crop plants may not exceed 10 % of the total. ‘Miód kurpiowski’ is produced exclusively by bees of the following races: the European dark bee (Apis mellifera mellifera),
the Carniolan honeybee (Apis mellifera carnica) and the Caucasian honeybee (Apis mellifera caucasica) and bees resulting from the interbreeding of these races.

**Critical points identified:**

Pollen composition

**Technics of control:**

Laboratory tests in order to check if the proportion of a different kind of pollen complies with the requirements of the specification.

- **Documentary check**
  
  Documentary check covers verification of registers provided by producers in order to assess the balance between input and output. At the place of production, each producer keeps registers in which they enter information relating to the production process. This allows checking the balance between raw materials using for production and amount of the final products as well as enables the history of a product to be recreated, so that product can be traced.

  Operators shall be able to identify:
  
  a) the supplier, quantity, and origin of all batches of raw material and/or products received;
  b) the recipient, quantity and destination of products supplied;
  c) the correlation between each batch of inputs referred to in point (a) and each batch of outputs referred to in point (b).

<table>
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<th>The evidence provided by the producer and producer group and checked by inspector</th>
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<tr>
<td>• records of quantity produced (correlation between inputs and outputs)</td>
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<tr>
<td>• records of purchase and sale</td>
</tr>
<tr>
<td>• records of suppliers and recipients</td>
</tr>
<tr>
<td>• records of quantities of labels issued by producers</td>
</tr>
<tr>
<td>• sale documents (invoices, bills etc.)</td>
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Information on proof of origin, including product, raw materials, feed and other elements that, according to the specification, must come from the defined geographical area is provided in the specification.

- **Organoleptic tests**

  Organoleptic features are described in a specification. In order to carry out it effectively inspector has to know its characteristics which distinguish this PDO/PGI/TSG product from other, similar products. Organoleptic tests include checking: shape, weight, structure, colour, smell, taste,

- **Laboratory tests**
Laboratory tests are obligatory only if a specification requires them. Laboratory tests should be focused on characteristics which are specific for particular PDO/PGI or TSG product. Samples for laboratory tests should be always taken in case of suspicion of non-compliance. For example, there is no correlation between an input of raw materials and output of the final product. In this situation, there is a suspicion that for the production were added raw materials which do not correspond with the specification. Also, if the organoleptic test gives a result which not comply with the characteristics described in the specification, the samples may be taken for laboratory tests. Next example, is honey PDO which composition of pollen is strictly defined in the specification. In this situation, the laboratory tests are usually necessary because there is no other way to check it with the high assurance.

- **Interview with producer and group of producers**

  Complementation of the control is an interview with the producer. It helps control body to understand the specific process of production and focus on the critical points. Moreover, control bodies should use information about producers gathered in association (a group of producers). The producer is helpful in describing the process of production and indicate the key points of production.

  Group of producers usually has a list of producers who produce PDO, PGI, TSG products (the list should contain information about the production: volume of input and output, localization, information of the operator who is responsible for packaging, provide one model of label etc.). Also, sometimes group conducts internal control, which results are useful for an inspector who carries out verification of compliance.

**Approach of control of PDO, PGI and approach of control of TSG**

The approach of control of PDO, PGI and approach of control of TSG is different because there are different elements in control of GI’s and TSG.

In case of PDO or PGI products it is verified in particular:

- if raw materials and feed (when required) are coming from the geographical area and

- if production and eventually other operations are located in the geographical area(s), where those activities must take place.

There are some specific issues which have important meaning in PDO’s/PGI’s control such as, for example:

- if process of production takes place in geographical area defined in specification,
- process of production at all stages,
- origin of feed as established in art. 1 of Regulation (EU) No 664/2014
- breeds and varieties involved,
- boundaries of geographical area,
- methods of harvesting or dealing with raw materials,
- materials used in production,
- technologies, tools used in production,
• length of some operations or time of year that must elapse, packaging requirements,
• labelling requirements,
• correct use of the symbol

c) In case of TSG products it is verified in particular:
The key elements establishing the product’s traditional character.
During verification of compliance CB confirm that product is produced:
• in accordance with traditional method of production, processing
• has composition corresponding to traditional practice for that product or foodstuff
• if raw materials or ingredients used in the production are traditional.

TSG’s control specific issues
• Final product including its main physical, chemical, microbiological or organoleptic
  characteristics (showing the products’ specific character)
• production methods, including, where appropriate, the nature and characteristics of the
  raw materials or ingredients used, and the method by which the product is prepared
• The key elements establishing the products' traditional character

Certificate

Verification of compliance results in issuing a certificate of compliance, in case if control was
conducted by control body or another document which confirm compliance with a specification, in
case if control was conducted by competent authority. The certificate, which is issued by
independent control body is a formal guarantee that product has specific and high quality. In the
result, the product may be labelled with a protected name (PDO, PGI, TSG) and EU logo.

This document is also important from consumers confidence point of view. Moreover, certification
makes the product more valuable or easier to market.

III. COMPETENCES OF INSPECTORS CONDUCTING VERIFICATION OF
COMPLIANCE WITH SPECIFICATION

The competent authorities to verify compliance with the legal requirements related to the quality
schemes must offer adequate guarantees of objectivity and impartiality, and shall have at their
disposal the qualified staff and resources necessary to carry out their functions.

They should have a sufficient number of suitably qualified and experienced staff and possess
adequate facilities and equipment to carry out their duties properly. The competent authorities for
performing official controls should meet a number of operational criteria so as to ensure their
impartiality and effectiveness. The official controls should be carried out using appropriate
techniques developed for that purpose, including routine surveillance checks and more intensive
controls such as inspections, verifications, audits, sampling and the testing of samples. The correct
implementation of those techniques requires appropriate training of the staff performing official
controls.
The inspector, who conducts verification of compliance with specification, has to have broad knowledge about the process of production of PDO/PGI and TSG covered product and key factors which allowed to obtain specific character of PDO/PGI/TSG product (raw materials, specific varieties or species, breeds used in production, etc., technology of process production as well as characteristics of final product).

Requirements that must be met by the inspector conducting verification of compliance with specification:

- knowledge about the process of production (on each level of production), especially about the factors which allowed to obtain the specific character of PDO/PGI/TSG product (raw materials, specific varieties or species, breeds used in production, etc., the technology of process production)
- knowledge about the key product’s and production processes’ features i.e. animal breeds, plants varieties, geographical area, methods of harvest/crop, the origin of the raw materials/ingredients, the length of each production process’s step
- knowledge of the documentation indispensable to track the production process
- knowledge of production chain and product flow-chart (from producer to consumer) in order to have a clear picture, anticipate problems/critical key points
- knowledge of the whole production chain: producers (farmers), transport, food-processing plants, storehouses, sale
- knowledge of the characteristics of the final product i.e. taste, smell, weight, size, the way of presenting a product, label, advertisement.
- possessing information about the internal controls: a set of actions to ensure and maintain compliance requirements for the PDO or PGI product in accordance with the principles included in the control plan.

CA should ensure appropriate qualifications of inspectors who deal with control of PDO, PGI, TSG products. The institution should have implemented procedures which ensure developing employees’ competences, which include theory as well as practical skills and experience related to the particular group of agri-food products and to the technics of control. Acquisition competences by inspectors are ensuring, for example, by:

- regular trainings provided by for example, CCA (increase level of knowledge, focus on coordination and the same approach)
- external trainings: for example BTSF (Better Trainings for Safer Food)
- participation in control unexperienced employees as „shadows”
- studying specifications
- meetings with producers before first control
- trainings in scope of organoleptic tests

IV. CONTROL SYSTEMS RELATED TO PDO, PGI, TSGS FOR AGRI-FOOD PRODUCTS AND ORGANIZATIONAL STRUCTURE OF CONTROL SYSTEM IN SCOPE OF PDO, PGI, TSG
1. GENERAL REQUIREMENTS REGARDING ORGANIZATION OF OFFICIAL CONTROLS IN SCOPE OF PDO, PGI, TSG

Verification of compliance with the product specification, before placing the product on the market, shall be carried out by:

- one or more of the competent authorities; and/or
- one or more of the control bodies operating as a product certification body.

Control bodies shall be accredited in accordance with European Standard EN 17065 or ISO/IEC Guide 65 (General requirements for bodies operating product certification systems).

Specific tasks may be delegated to a particular control body only if:

- there is an accurate description of the tasks that the control body may carry out and of the conditions under which it may carry them out;
- there is proof that the control body:
  • has the expertise, equipment and infrastructure required to carry out the tasks delegated to it,
  • has a sufficient number of suitably qualified and experienced staff, and
  • is impartial and free from any conflict of interest as regards the exercise of the tasks delegated to it;
- there is efficient and effective coordination between the delegating competent authority and the control body.

When the control tasks are delegated to control body there must be designated the competent authority which is responsible for supervision of these CBs. In the frame of supervision, competent authorities shall organise audits or inspections of control bodies as necessary. If, as a result of an audit or an inspection, it appears that such bodies are failing to carry out properly the tasks delegated to them, the delegating competent authority may withdraw the delegation. It shall withdraw it without delay if the control body fails to take appropriate and timely remedial action.

When a MS confers the competence to carry out official controls at regional or local level, efficient and effective coordination shall be ensured between all the competent authorities involved, including where appropriate in the field of environmental and health protection.

When, within a competent authority, more than one unit is competent to carry out official controls, efficient and effective coordination and cooperation shall be ensured between the different units.

Cooperation between authorities guarantees uniform approach (especially when one product is controlled by more than one control bodies).

Written procedures, easy communication, clear definition of tasks and responsibilities and qualified staff are mandatory.

2. EXAMPLES OF STRUCTURE OF THE CONTROL SYSTEM IN SCOPE OF PDO, PGI, TSG

ORGANIZATION OF CONTROL’S SYSTEM IN POLAND

CENTRAL AUTHORITIES
The national central authority of the Polish GI control system is the Ministry of Agriculture and Rural Development (Ministerstwo Rolnictwa i Rozwoju Wsi — MARD), which is responsible for setting up policies and strategies, as well as for maintaining contact with the European Commission concerning GIs.

Moreover, the MARD is responsible for authorising control bodies (CBs) and is the competent authority (CA) for assessing requests for registration of products.

**GENERAL STRUCTURE OF THE SYSTEM**

There are two Competent Authorities (CA) for controls in the Polish national system for controls on GIs:

- the Agricultural and Food Quality Inspection (Inspekcja Jakości Handlowej Arykułów Rolno-Spożywczych IJHARS — AFQI and 16 voivodship (provincial) inspectorates) – Voivodeship Inspectorates of AFQI,
- **Office of Competition and Consumer Protection (Urząd Ochrony Konkurencji i Konsumentów - UOKiK)** and 16 voivodship (provincial) inspectorates - Trade Inspection (Inspekcja Handlowa IH — TI).

AFQI acts as competent authority responsible for supervision of the quality of agri-food, wines and spirits, in particular for the control of those products at the stage of production and importation.

Trade Inspection is the competent authority for controls at the stage of retail.

**The authorities and bodies involved in the control and certification system of products registered as PDO and PGI are (control of compliance with specification):**

- The Minister with competence in agricultural markets
  who authorises the certification bodies to carry out controls and to issue and withdraw certificates confirming that products registered as PDO, PGI meet the requirements laid down in the specifications.

- The Chief Inspector of Agricultural and Food Quality Inspection (Chief Inspector of AFQI):
  who supervises the certification bodies authorised by the minister with competence in agricultural markets.

- Authorised certification bodies
  which carry out verification of compliance with specifications of products with PDO, PGI. (at producer’s request)

- The Voivodship (Province) Inspector of Agricultural and Food Quality Inspection (AFQI):
  who carries out verification of compliance with specifications of products with PDO, PGI (at producer’s request)

- Agricultural and Food Quality Inspection (AFQI)
  which supervises the production of agricultural products or foodstuffs with PDO, PGI (during the validity of certificates).

AFQI carries out its activities under the Commercial Quality of Agri-Food Act and other legal provisions concerning, inter alia, organization of fruits and vegetables market, hops market, production and bottling of wine products and the manufacture of spirits.
AFQI is subordinated to the Minister with competence in agricultural markets.

**The tasks of AFQI are performed by:**
- Chief Agricultural and Food Quality Inspector and
- 16 voivodeship (provincial) inspectorates with the help of voivodship (provincial) agricultural and food quality inspectors (VAFQIs).

Competences of AFQI:
- control of food and agriculture products marked as PDOs or PGIs registered in accordance with the provisions on the registration and protection of agricultural products and foodstuffs designations and indications, or names that invoke the registered PDOs and PGIs and cooperation with entities exercising such control in other countries,
- control of wine products marked as PDOs or PGIs, registered under the provisions of the production and bottling of wine products, marketing of these products and organization of wine market, or names that invoke the registered PDOs or PGIs and cooperation with entities exercising such control in other countries,
- control of spirits marked as protected geographical indications, registered under the provisions on production of spirits and the registration and protection of geographical indications of spirit drinks, or names that invoke the registered protected geographical indications and cooperation with entities exercising such control in other countries.

In particular, the AFQI is in charge of the following tasks: control of conformity of the production process of GI products with the technical specifications; control of specificity of the product, its particular features and high quality and protection against unfair trade practices and any direct or indirect commercial use, any misuse, imitation or evocation, as well as any other practice that may mislead consumers about the true or origin of the product; cooperation with bodies carrying out controls on GIs in other countries; supervision of the CBs authorised by the MARD.

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

The AFQI also has competence for controlling the use of registered names in the marketplace, with the aim of eliminating products from the market that are unlawfully labelled as GIs or with names imitating GIs.

In particular, the objective of this control is to ensure that registered names are protected against any misuse, imitation or evocation and against any other practice liable to mislead the public about the true origin of the product. This refers only to controls on producers or wholesalers supplying enterprises, while the AFQI does not control products on the retail market.

**CONTROL BODIES (CB)**

CBs are selected by producers. There are five CBs that are authorised by the MARD with competence in agricultural markets:

- PNG Sp. z o.o.;
- COBICO Sp. z o.o.;
- BIOCERT MAŁOPOLSKA Sp. z o.o.;
- QA Solutions Sp. z o.o.;
Polskie Centrum Badań i Certyfikacji.

The bodies that are interested in becoming CBs for GIs must submit their application to the MARD (GI Unit), providing the following documents together with the application for authorisation: an accreditation certificate to carry out inspections, issuing and revoking certificates attesting the compliance of the production process of the agricultural products and foodstuffs with a protected GI; official confirmation of running business activity; the organisational chart of the body with a clear indication of the organisational unit that is responsible for conducting checks, issuing and revoking certificates attesting conformity of the production processes of agricultural products and foodstuffs with a protected GI; contact data.

In particular, CBs can only be approved after their accreditation in accordance with EN 17065:2013 by the national accreditation body.

SUPERVISION OF COMPETENT AUTHORITIES AND CONTROL BODIES

A uniform approach by the VAFQIs in verifying compliance with product specifications is ensured by control programmes issued by the Chief Inspector of the AFQI and by the procedure ‘Instruction regarding verification of compliance with the product specifications for agricultural products or foodstuffs’.

Supervision of CBs

The PCA assesses these procedures and the AFQI evaluates the efficiency of controls carried out by different bodies, as a part of its surveillance duties.

A uniform procedure for the verification of compliance is ensured by the control plan for individual products. These control plans are prepared by CBs and then approved by the Chief Inspector of the AFQI.

The GI Registration and Protection Act regulates the AFQI supervision of CBs. The Chief Inspector of the AFQI supervises CBs through audits and inspections. The AFQI carries out controls on their registered offices and on the premises of producers controlled by these CBs.

The objective of controls on the registered offices of CBs is to verify whether a CB: is provided with and applies appropriate procedures relating to the control and certification of products; has an office with appropriate technical equipment; has properly qualified inspectors; carries out control activities in a reliable, efficient and objective manner.

The Chief Inspector: checks the documentation concerning the controls on producers of agricultural GI products; analyses the data submitted by the CBs; transmits the conclusions from controls to the CBs with the time limits set for correcting the noncompliance; imposes on the CBs adequate corrective measures to implement during the specified period; approves the plan for the verification of compliance.

If the Chief Inspector deems the CB not to be implementing its tasks or the corrective measures properly, it is possible to issue a decision prohibiting the CB from accepting new requests for compliance checks and to impose additional corrective measures on the CB. The corrective measures have to be implemented over a prescribed period.

The main objective of the control on producers is to verify whether the CB carries out controls in a reliable, efficient and objective manner, in accordance with the applicable legislation and the control plans approved by the Chief Inspector.
PERFORMANCE OF CONTROLS PROTECTION AND CONTROLS OF GEOGRAPHICAL INDICATIONS FOR AGRICULTURAL PRODUCTS IN THE EU MEMBER STATES

**Verification of compliance with product specifications**

The Chief Inspector elaborates guidelines concerning proceedings of the VAFQIs during official controls on GIs. The control includes at least one of the following activities: checking the identification documents of the product, quality certificates, laboratory results and other documents attesting the quality; examination of the packaging, labelling, presentation of the product and the conditions for its storage and transport; visual inspection of the product; sampling and performance of laboratory tests; determining the quality class of the product; checking the method of production or the correctness of the technological process.

During the verification of compliance, inspectors also check the labelling of products to verify whether the product bearing a GI logo complies with the product specifications. Only products meeting the set conditions can be placed on the market with the relevant designation of quality (GI).

After each control, the inspector drafts a report, which contains information regarding the period of control, the name of the inspector and the auditees and a description of facts (including irregularities identified and persons responsible).

In the event of irregularities, the inspector issues recommendations and requires corrective actions to be implemented within a set period. The head of the audited entity has the right to provide comments and/or refuse to sign the report.

Costs of verification of compliance with the product specifications are borne by the producer and are calculated on the basis of the relevant regulation of the MARD.

Organoleptic controls are carried out on food products during verification of compliance.

**CONTROLS ON THE MARKET**

The CA for surveillance of the use of the name in the marketplace at retail and wholesale level is the TI.

The product is placed on the market, the AFQI is officially in charge of checks on wholesalers that supply goods to other enterprises (e.g. individual shops). As regards warehouses where end-users might buy products, TI performs controls, even if this is not clearly stated in the legal provisions.

The TI performs its tasks on the basis of periodic control plans. Moreover, if justified in the interests of consumers, unplanned national or local controls can also be carried out.

The control activities are planned, determining the lines of action, control plans and VAFQIs’ control plans.

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**ORGANIZATION OF CONTROL’S SYSTEM IN ITALY**

**CENTRAL AUTHORITY**
The National Central Authority (NCA) is the Central Inspectorate for Quality Safeguarding and Anti-fraud of foodstuffs and agricultural products (Ispettorato Centrale della Tutela della Qualità e della Repressione Frodi dei prodotti agroalimentari — ICQRF) — Department of Central Inspectorate for Quality Safeguarding and Anti-Fraud of Foodstuffs and Agricultural Products — a central department within the Ministry of Agricultural, Food and Forestry Policies (Ministero delle Politiche Agricole, Alimentari e Forestali — MiPAAF).

The NCA has a central office in Rome, ten decentralised inspection offices and nineteen local units, as well as six laboratories. From an organisational point of view, the ICQRF is divided into two main offices:

The Directorate-General for the Accreditation of Control Bodies, Certification and Consumer Protection (Direzione Generale per il riconoscimento degli organismi di controllo e certificazione e tutela del consumatore — VICO);

The Directorate-General for Prevention and Enforcement of Agri-Food Fraud (Direzione Generale della prevenzione e del contrasto alle frodi agro-alimentari — PREF).

The VICO is responsible for recognition/approval and withdrawal/suspension of Control Bodies (CBs) for the inspection of GIs and TSG products, as well as for the approval of control plans and the associated costs of inspections by CBs and public control authorities. However, the PREF is responsible for planning and coordination, as well as for monitoring and assessment of the inspections carried out by the ICQRF’s decentralised offices and laboratories. It is also responsible for the supervision of CBs (in cooperation with the regional authorities and the autonomous provinces of Trento and Bolzano).

Italian GI products are protected beyond national borders. In this respect, the ICQRF is the national authority for the implementation of ex officio protection (i.e. a procedure that is meant to be started by public authorities without a request), a tool first introduced by Regulation (EU) No 1151/2012, in order to improve the European protection of a registered designation, to further official control plans.

The control bodies base their official controls on control plans. The percentage control rate set out in the control plans takes account of the risk assessment and is based on 20 years of experience. Market controls carried out by the group of producers (PG) are based on the national law on cooperation with the ICQRF with respect to monitoring activities and the protection and conservation of products with a Designation of Origin. The control bodies themselves are monitored by the ICQRF and by the Regions in accordance with specific procedures. The central ICQRF stated that the frequency of official controls undertaken at PDO/PGI/TSG operators depends on risks identified on each production step in the Product Specification. There are trends in specific areas, for example for fruit and vegetables where the frequency would be based on the
quantities produced. For a cheese product where the registration of the animals providing the raw material is controlled, at least 10% of the farms are controlled. Because the registration of the animals is considered a low risk for the integrity of the product, the central ICQRF accepts that controls which occur once in a decade is an acceptable frequency for some cheeses, whereas for other cheeses the frequency is higher.

Control frequency for the grating of a cheese was recently increased from 30% to 100% to reflect the fact that this step has been considered a high risk for fraud. Control plan, preparing by PG is reviewed by the central ICQRF and approved. The Ministry can confer certain powers to the PGs exclusively for the control of the product(s) they are responsible for, if the PG is staffed with the MiPAAF approved 'Surveillance Agents'. These Surveillance Agents must attend a course.

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ORGANIZATION OF CONTROL’S SYSTEM IN CROATIA

CENTRAL AUTHORITIES

In the Republic of Croatia, the Ministry of Agriculture (Ministarstvo Poljoprivrede — MP) is the national central authority for the organisation of official controls related to GI foodstuffs, wines, aromatised wine and spirits.

More in detail, official controls in all sectors are carried out by the Directorate for Agriculture and Food Industry (Uprava poljoprivrede i prehrambene industrije — UPPI) within the MP, through its Sector of Inspection in Agriculture (Sektor inspekcija u poljoprivredi), hereinafter also referred to as ‘Agricultural Inspection’, as the CA.

CONTROL BODIES

CBs in the agri-food sector are authorised by the UKHFP (through its Sector for Food, Service for Food Quality Indications). Applications must be submitted to the MP and there are specific requirements for obtaining the authorisation such as, inter alia: a valid certificate of accreditation in accordance with ISO/IEC 17065:2013 issued by the Croatian Accreditation Agency (Hrvatska akreditacijska agencija — HAA) together with information related to solvency and tax compliance; a list of employees and external partners that will carry out controls.

These CBs perform the following tasks: preparation of the control plans (or modification of control plans) on the basis of product specifications for GIs; performing compliance controls; issuing certificates of compliance; keeping records on issued and revoked (limited or withdrawn) certificates of compliance; keeping the list of users of registered GIs and the list of all subjects participating in the production, processing and distribution chain, data on quantities of the products that are compliant with the product specifications; informing the CA (i.e. the Agricultural Inspectorate) in cases of serious non-compliance; submitting to the CA semi-annual reports using
standard form; submitting to the MP upon request the data needed to prepare the Report of official controls conducted in accordance with the multi-annual national official control plan.

SUPERVISION OF COMPETENT AUTHORITIES AND CONTROL BODIES

In particular, the supervision of the CBs is carried out in three independent ways: control by the Agricultural Inspection; administrative supervision by the Expert Committee of the Service for Food Quality indications of the UKHFP; audit by the Autonomous Service for Internal Audits of the Ministry of Agriculture.

Control by the Agricultural Inspection

Agricultural inspectors indirectly control the work of the approved CB by controlling relevant documentation while carrying out the controls in the production chain. If irregularities are detected, they contact the CB and decide to carry out supervision. For irregularities detected in the work of approved CBs, fines are applied.

V. PLANNING CONTROL AND ORGANIZATION OF CONTROL ACTIVITY ON PDO, PGI, TSG PRODUCTS

1. PLANNING OFFICIAL CONTROLS IN SCOPE OF PDO, PGI, TSG

Official controls should take place on the basis of documented procedures so as to ensure that these controls are carried out uniformly and are of a consistently high quality. Thus the Competent authorities should develop the Plan of control which contains general information on the structure and organisation of its official control systems.

Planning of official controls is a complex process which aiming harmonization of approach each CA involved in verification of compliance with the specification.

a) Multi Annual National Control Plan (MANCP)

According to the regulation no 1151/2012, information on control activities for geographical indications and traditional specialities guaranteed should be included in the multiannual national control plans (MANCP) and an annual report prepared by the Member States in accordance with Regulation (EC) No 882/2004.

These are reported on annually to the European Commission. MANCP include general information on the structure and organisation of the systems of control, in particular on:

- the strategic objectives of the plan and on how the prioritisation of controls and allocation of resources reflect these objectives;
- the risk categorisation of the activities concerned;
• the designation of competent authorities and their tasks at the central, regional and local level, and on resources available to these authorities;
• the general organisation and management of official controls at national, regional and local level.

MANCP is based on existing control arrangements. It identifies control requirements for all sectors/products and levels of production. It should include assignments of responsibilities and tasks as well as a review of management, organisation and control procedures.

b) Annual Control Plan

CA develops Annual Control Plan which includes part dedicated to PDO, PGI, TSG. This annual framework control plan defines the basic directions of control activities of the Competent Authority, for a given year.

Annual control plan takes into account the following information:

• the scope of the control according to the national regulations (Acts, other regulations),
• the results and experience from the control activities carried out last year by regional/local inspectorates,
• signals that may influence the scope of control and selection of entities (signals from regional/local inspectorates, other inspections, complaints),
• the specificity and character of individual regions of the country,
• the possibility of implementing the planned control (taking account financial resources, staff, competences etc.).

c) Guidelines for inspectors

In order to achieve more coherent approach, CA may develop and transfer to regional/local inspectorates guidelines, which are issued periodical (for example quarterly) or ad hoc. Guidelines for inspectors cover detailed technical information on conducting control, for example, the specific purpose of control, organizing assumptions (number of samples taken during control, the minimum number of producers who will be covered by control), indication laboratories in which laboratory tests will be carried out, the timeframe for conducting controls.

d) Plan of verification of compliance PDO/PGI or TSG specific product with specification

Each product registered in the system of PDO, PGI, TSG is different. Thus, for each product must be prepared an individual control plan. The basis for the development of control plans is the specification required for the application for registration of the name as a PDO, PGI or TSG. The scope of verification of compliance is focused on the key elements which have particular meaning for specific characteristics of PDO, PGI or TSG. Plan of control covers all stages of production,
from raw materials using for production, through production, processing to the final product, packaging, and distribution.

A control plan is based on the product specification and the relevant national rules and regulations. All the relevant points set out in the product specification have to be covered by control plan. The control plan related to the verification of compliance with specification contains some specific elements, such as:

- description of the product (physical aspects of the product PDO/PGI/TSG: size, weight; sensory aspects: texture, flavour, colour; chemical composition; microbiological characteristics; breed/variety; ageing; etc.);
- ingredients and raw materials using for production (breed/variety; agronomic/feeding practices; collection – time/conditions, treatment (physical/chemical) of raw materials);
- definition of the stages of process of production (timings, temperatures/humidity, materials/equipment/tools using for production);
- specificity of the geographical area (PDO/PGI): definition and link (administrative list of territories, historical anteriority) and key elements establishing the traditional character of the product (TSG);
- rules on packaging and specific labelling (GI identification marks and logo on the product – original, bottled/packed; conditioning/operations to be carried out in the geographical area)
- documents concerning results of internal control conducted in a group of producers.

### 2. THE BASIC ELEMENTS OF CONTROL PLAN

#### PURPOSE OF CONTROL:

The aim is to verify the conformity of production PDO/PDO/PGI product with the specification.

#### LEGAL BASIS

rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs

- Single document Publication of an application pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs
- Regulation registering product as PDO, PGI or TSG
- national legislation related to the control on PDO, PGI, TSG products.

### ORGANISATIONAL ISSUES

- Reference to the related documents: Multiannual National Control Plan (MANCP), Annual plan of control, guidelines for inspectors etc. (the guidelines contain information on the frequency of control, as well as the list of producers who will be submitted additional control are provided by CA)
- Who is going to carry out verification (list of inspectorates involving in verification of compliance the PDO product)
- Rules related to submission and acceptance application for verification of compliance with the specification
- Rules on costs of verification of compliance with the specification (how costs will be calculated, according to which Act, when costs are covered etc.)
- Period of control

### KEY ISSUES FOR PRODUCTION PDO/PGI/TSG

A plan of control should indicate the key elements of PDO/PGI/TSG products which establish its specific characteristics. It helps inspectors focus on the most important issues. For example, for PDO product the key element may be origin of raw materials and for TSG – traditional raw materials or ingredients.

### ACTION TAKEN AFTER CONTROL ACTIVITIES

**Actions in case of compliance**

If the production process of the agricultural product or food with the specification is confirmed as well as there are the positive results of laboratory tests, and costs of control are covered by the producer, the inspector issues a quality certificate based on the inspection report.

**Actions in case of non-compliance**

When the CA/CB identifies non-compliance, it shall take action to ensure that the producer remedies the situation. The list of measures such as: restriction or prohibition of the placing on the
market, recall, withdrawal and/or destruction of product, suspension or closure of all or part of the products, is provided in control plan. It should establish rules on sanctions applicable to infringements. The sanctions provided must be:

- effective
- dissuasive
- proportionate (graduation depending on the seriousness of the non-compliance: minor, major or severe, and measures in accordance with:
  - warning,
  - additional control,
  - suspension or withdrawal of the certificate by CB partially or fully on products

However, CB can request producers to take corrective actions/measures/treatments to remedy non-compliances, in the framework of the control process, if they are specified in the control plans approved by CA. They are in charge of the issue, upholding or withdrawal of the “certificate” attesting the compliance with the specification. Sanctions (monetary fines) can’t be delegated to CB. CB’s gave a list of measures such as: restriction or prohibition of the placing on the market, recall, withdrawal and/or destruction of product, suspension or closure of all or part of the business.

### French example of actions in case of non-compliance taken by CB

The level of seriousness of non-compliances (minor, major, severe) is fixed in the grid for each point to control of the specification.

In the case of a minor non-compliance ("m" in the grid) the treatment is as follows:

- first observation: warning with corrective actions and delays
- first observation not corrected: warning with an in-depth documentary check
- second observation: control visit paid by the producers or product withdrawal
- third observation: suspension or withdrawal.

In the case of a major non-compliance ("M" in the grid) the first observation provokes a warning with the minimum of an in-depth documentary control or an exam during the next visit.

All severe non-compliance ("S" in the grid) has to be treated at minimum with an in-depth control payed by the operator, the other measures being withdrawal of the name of the product and/or a suspension or withdrawal of identification.

### Polish example of actions in case of non-compliance taken by CA (AFQI)

In case of non-compliance, producer is ordered to rectify non-compliances.

If non-compliances are not rectified, CA issues:

- a decision prohibiting the marketing of a product,
- a decision prohibiting the use of the protected name,
- a decision ordering withdrawing product from the market
In the report of control, inspector includes also recommendations for producers, related to the non-compliance.

### RULES ON REPORTING

Plan of control contains rules on transfer information from the regional to the central competent authority. Regional inspectorates providing reports on carried out verifications of compliance of PDO, PGI, TSG products with the specification, including: number of control, list of controlled producers, certificates – issued, suspension and withdrawal, annually reports including also the number and description of non-compliances.

This data is gathering in CCA, analyse and used for assessment of risk. On the base of results of risk assessment, list of producer for announced controls is set up and providing to the regional inspectorates.

Information on official controls in scope of PDO, PGI, TSG is reported annually to the Commission by CCA. This report may, where appropriate, include recommendations on:

- possible improvements to official control and audit systems in the Member States, including their scope, management and implementation;
- specific control actions concerning sectors or activities, regardless of whether these are covered by multi-annual national control plans;
- coordinated plans aiming at addressing issues of particular interest.

### CONTROL MODE

**Technics of control:**

- documentation review and checking registers providing by producer, such as: records of quantity produced (correlation between inputs and outputs), records of purchase and sale, records of suppliers and recipients, records of quantities of labels issued by producers, sale documents (invoices, bills etc.)
- physical control each stage of production
- final product:
  - labelling
  - organoleptic tests
  - scope of laboratory tests
- interview with producer
Besides of technics of control, plan of control contains general information about the scope of control and key issues of verification of compliance PDO product. Detailed scope of control is provided in the check list.

Check list

The checklist is an optional document consisting of a list of key points or questions to ask. Checklist may be elaborate by CA in cooperation with a group of producers. It helps to carry out a logical and coherent control. This is a useful tool in verification of compliance because it helps inspectors remember to verify the most important aspects and can be used to record the results of interviews.

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

Using check list brings benefits for inspectors, as well controlled producers.

<table>
<thead>
<tr>
<th>Benefits for inspectors</th>
<th>Benefits for producers</th>
</tr>
</thead>
<tbody>
<tr>
<td>• useful guide for the inspectors,</td>
<td>• producers can know the basic lines that the inspectors are going to follow</td>
</tr>
<tr>
<td>• helps the inspectors remember to verify the most important aspects,</td>
<td>• transparency</td>
</tr>
<tr>
<td>• can be used to record the results of interviews</td>
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3. PRACTICAL EXAMPLE OF CHECK LIST FOR CONDUCTION VERIFICATION OF COMPLIANCE PDO, PGI TSG PRODUCTS WITH SPECIFICATION

Example of checklist using by inspectors in verification of compliance with specification PDO product – Oscypek

<table>
<thead>
<tr>
<th>CONTROL ACTIVITY (description of checked elements)</th>
<th>Assessment (yes/no)</th>
<th>References (legal basis: specification, regulation 1151/2012, national acts)</th>
<th>Method of control (documentary check, physical control, interview)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. The formal and legal side of the business</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Producer is member of the association</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Declarations of producers with the following information</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) address of place of production,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) copies of documents confirming that the producer has all the required permits needed for production and sales,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) declaration by the producer that undertakes to comply with the specification.</td>
<td></td>
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<table>
<thead>
<tr>
<th>Results of internal control conducted in the association</th>
<th></th>
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<tbody>
<tr>
<td>The producer has a veterinary certificate on the health of sheep and cows given for grazing.</td>
<td></td>
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<thead>
<tr>
<th>II. Control of raw materials</th>
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</thead>
<tbody>
<tr>
<td>The producer has a production register in which the following items must be found:</td>
<td></td>
</tr>
<tr>
<td>• date</td>
<td></td>
</tr>
<tr>
<td>• number of sheep, including milked ones – Polish Mountain Sheep (PMS) breed</td>
<td></td>
</tr>
<tr>
<td>• number of dairy cows – Polish Red Cow (PRC) breed</td>
<td></td>
</tr>
<tr>
<td>• place of grazing sheep and cows of recognized breed</td>
<td></td>
</tr>
<tr>
<td>• the amount of sheep's milk obtained (l)</td>
<td></td>
</tr>
<tr>
<td>• the amount of cow's milk obtained (l)</td>
<td></td>
</tr>
<tr>
<td>• supplier of milk – if milk is buying from other farmer</td>
<td></td>
</tr>
<tr>
<td>• the amount of sheep's or sheep's and cows' cheese produced (kg)</td>
<td></td>
</tr>
<tr>
<td>• the amount of oscypek produced (kg)</td>
<td></td>
</tr>
<tr>
<td>• the recipients of oscypek</td>
<td></td>
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<tr>
<td>• the quantity and destination of oscypek</td>
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</table>
the correlation between each batch of inputs referred and each batch of outputs is correct

III. Geographical area

All stages of production take place in specific geographical area.

Animals from which milk is using in production are grazed in the specific geographical and are fed on fodder from the geographical area

IV. Organoleptic tests of final product

shape of a double cone or spindle

It is between 17 and 23 cm in length, between 6 and 10 cm in width at its widest point

weighs between 0.6 — 0.8 kg

when cut it has a light cream colour, darker at the rind, but a shade closer to white

rind has a straw coloured gleam, light brown, and a soft shine

V. Control of process of production

Oscypek is producing in traditional premises with using traditional tools

- registers conducted by producers allow trace product from the row material to final product and enables the history of a product to be recreated
- cheeses can be traced.

Product is producing in the period from May to September

Stage 1 — Sourcing raw materials

— the milk used in the production of ‘Oscypek’ comes from the breed ‘Polish
Mountain Sheep’. Cow's milk, if used at all for production, comes from the ‘Polish Red Cow’.

<table>
<thead>
<tr>
<th>Stage 2 — Cold maturation (acidification)</th>
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<tbody>
<tr>
<td>— the milk is kept at room temperature so as to increase its acidity</td>
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<tr>
<th>Stage 3 — Warm maturation (acidification)</th>
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<tbody>
<tr>
<td>— involves mixing soured milk with sweet milk. The proportion of sheep's milk used in ‘Oscypek’ production must not be less than 60%</td>
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<thead>
<tr>
<th>Stage 4 — Adding rennet</th>
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<tbody>
<tr>
<td>— rennet is added to the milk</td>
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<tr>
<th>Stage 5 — Coagulation</th>
</tr>
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<tbody>
<tr>
<td>— formation of coagulum</td>
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<table>
<thead>
<tr>
<th>Stage 6 — Beating of the coagulum</th>
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<tbody>
<tr>
<td>— using traditional tools, e.g. a ‘ferula’</td>
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<thead>
<tr>
<th>Stage 7 — Settling</th>
</tr>
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<tbody>
<tr>
<td>— lumps of cheese settle on the bottom of the container</td>
</tr>
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<table>
<thead>
<tr>
<th>Stage 8 — Removal of whey</th>
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<tbody>
<tr>
<td>— up to 50% of the whole</td>
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<table>
<thead>
<tr>
<th>Stage 9 — Removal of cheese</th>
</tr>
</thead>
<tbody>
<tr>
<td>— pressing of grains and removal of cheese</td>
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<thead>
<tr>
<th>Stage 10 — Grinding</th>
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<tbody>
<tr>
<td>— the mass of cheese is ground by hand, a ball is formed and placed in a container with whey</td>
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<table>
<thead>
<tr>
<th>Stage 11 — Pressing of the ball</th>
</tr>
</thead>
<tbody>
<tr>
<td>— the ball is shaped and then pierced (opened) with a skewer</td>
</tr>
<tr>
<td>Stage 12 — Shaping</td>
</tr>
<tr>
<td>---------------------</td>
</tr>
<tr>
<td>the ball is pressed along the skewer until it takes on the shape of a double cone. A ring is placed round the cheese at its widest point.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Stage 13 — Final smoothing</th>
</tr>
</thead>
<tbody>
<tr>
<td>the ring is removed and the cheese is squeezed and smoothed by hand. It is then placed in cold water in order to preserve the shape obtained</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Stage 14 — Soaking in brine</th>
</tr>
</thead>
<tbody>
<tr>
<td>for up to 24 hours.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Stage 15 — Drying</th>
</tr>
</thead>
<tbody>
<tr>
<td>the cheeses are dried over a period of between 12 and 24 hours.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Stage 16 — Smoking</th>
</tr>
</thead>
<tbody>
<tr>
<td>maturation — smoking is carried out using cold smoke and lasts between 3 and 7 days.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>VI. Control of labelling</th>
</tr>
</thead>
<tbody>
<tr>
<td>The name of the product: „osypek” or „oszczypek” is on the label.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>The logo of PDO is on the label</th>
</tr>
</thead>
<tbody>
<tr>
<td>The oscypek packaging contains information about milk used for production. Information is provided on whether oscypek is made exclusively from sheep's milk or a mixture of sheep's milk and cow's.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>In case that oscypek is sold without packaging, the necessary information specified in legal</th>
</tr>
</thead>
</table>
regulations and in the specification are available for inspection by the customer.

VII. Control placing on the market

Records are maintained and there is financial records or other documentation commodity trading and sales invoices of "oscyika"

The level of sales of the product corresponds to the level of production

Product is placing on the market in whole

Check list for verification of compliance with the specification „suska sechlońska”

The name ‘suska sechlońska’ comes from the local dialect. ‘Suska’ signifies a dried item of fruit, i.e. a dried and smoked prune. The adjective ‘sechlońska’ comes from the place-name Sechna, in the municipality of Laskowa, from where the tradition of drying originates.

‘Suska sechlońska’ is an unpitted or pitted prune which has undergone drying and smoking.

<table>
<thead>
<tr>
<th>CONTROL ACTIVITY (description of checked elements)</th>
<th>Assessment (yes/no)</th>
<th>References (legal basis: specification, regulation 1151/2012, national acts)</th>
<th>Method of control (documentary check, physical control, interview)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
I. The formal and legal side of the business

<table>
<thead>
<tr>
<th>Producer is member of the association</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Declarations of producers with following information</td>
<td></td>
</tr>
<tr>
<td>a) address of place of production,</td>
<td></td>
</tr>
<tr>
<td>a) copies of documents confirming that the producer has all the required permits needed for production and sales,</td>
<td></td>
</tr>
<tr>
<td>a) declaration by the producer that undertakes to comply with the specification.</td>
<td></td>
</tr>
<tr>
<td>Results of internal control conducted in the association</td>
<td></td>
</tr>
<tr>
<td>The producer has register containing amount of raw plums, amount of “suska sechłońska”, sales volume</td>
<td></td>
</tr>
</tbody>
</table>

II. Control of raw materials

| Only fruits of Prunus domestica L. ssp. domestica and varieties derived therefrom are used for the production of ‘suska sechłońska’: Promis, Tolar, Nektawit, Valjevka and Stanley. (Fruits of these varieties have desirable characteristics for the drying and smoking process, including a high sugar content and a relatively low water content). |  |
| The fruit are healthy, without signs of rotting or mechanical damage and it must be free of visible damage caused by insects, mites or other pests. The fruit used are free of any other damage, impurities or other unspecified organisms which would make it unfit for consumption. |  |

III. Geographical area
In the geographical area indicated in the specification of Suski sechłońskiej, ie in the municipalities of Laskowa, Iwkowa, Łososina Dolna and Żegocina, there are dryers and the whole process of drying and smoking is performed. Raw material for the production of Suski sechłońska and wood used in the drying and smoking process may come from outside area.

IV. Organoleptic tests of final product

| Size depends on the size of the fruit of the plum variety used and ranges from 1,5 to 4,5 cm, with a weight of 44 to 99 prunes per kg. |
| Shape depends on the variety of the fruit destined for drying and may range from oblate to prolate. |
| ‘Suska sechłońska’ is characterised by an elastic, pulpy flesh as well as a wrinkled and sticky skin of deep blue to black. |
| It is slightly sweet in taste, with a smoky aftertaste and aroma. |
| The water content of the finished product is between 24 and 42 % at the time of sale. |

V. Control of process of production

Dryer

The entire production process is carried out in traditional, sechlonian dryers.

The dryer consists of:

– foundations with a hearth
- a sheltered chamber with average dimensions of approx. 2 m in width and approx. 3.5 m in length, which can be divided into parts

- grate lined with wooden sticks, on which plums are laid.

There is one grate for one drying chamber.

The distance between the hearth and grate is approx. 180 cm.

### Raw

For the production of Suski sechłońskiej, the producer uses the fruits of home plum varieties with seeds – Węgierki and its derivatives: Promis, Tolar, Nektawit, as well as Valjevka and Stanley.

### Wood used for smoking

For drying the dryer, the manufacturer uses only hard and dry wood from deciduous species.

### Stages of production of suska sechłońska

#### Submerging and drying

- filling the grid with fruit and start smoking

and drying plums with hot smoke - duration up to 3 days,

- the pre-drying and pluming temperature is from 45 °C to 60 °C,

- the production process of Suski sechłońska lasts from 4 to 6 days; this is conditioned by the variety of fruit used, the temperature maintained in the dryers and external atmospheric factors
in particular, ambient temperature and air humidity.

**Storage and drying**

− smoked fruits are stored in dry and airy rooms,

− in the case of the moisture content of the stored fruit exceeding the desired level, they are subjected to re-smoking and drying, according to the technology described,

− the drying process lasts about one day.

**Pling (optional)**

− the stoning process is carried out in a careful manner, which does not lead to undesirable changes in the product characteristics,

− stoning is done manually or mechanically (both forms allowed).

**Sale**

Suska is sold in bulk or in packaging (both forms are allowed).

### VI. Control of labelling

<table>
<thead>
<tr>
<th>The name of the product: „suska sechłońska” is on the label.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The logo of PGI is on the label</td>
</tr>
<tr>
<td>In case that “suska sechłońska“ is sold without packaging, the necessary information specified in</td>
</tr>
</tbody>
</table>
legal regulations and in the specification are available for inspection by the customer.

VII. Control placing on the market

Records are maintained and there is financial records or other documentation commodity trading and sales invoices of “suska sechlońska”

The level of sales of the product corresponds to the level of production

1. Frequency of control, selection of operators and risk analyze
The frequency of official controls should be regular and proportionate to the risk, taking into account the results of the checks carried out by feed and food business operators under HACCP based control programmes or quality assurance programmes, where such programmes are designed to meet requirements of feed and food law, animal health and animal welfare rules.

Ad hoc controls should be carried out in case of suspicion of non-compliance. Additional ad hoc controls could be carried out at any time, even where there is no suspicion of non-compliance.

The effectiveness of control depends, among others, on the frequency of control and appropriate selection of operators. Thus, the CA should ensure that official controls are carried out regularly, on a risk basis and with appropriate frequency, taking account of:
- identified risks associated with animals, feed or food, feed or food businesses, the use of feed or food or any process, material, substance, activity or operation that may influence feed or food safety, animal health or animal welfare;
- feed or food business operators past record as regards compliance with feed or food law or with animal health and animal welfare rules;
- the reliability of any own checks that have already been carried out; and
- any information that might indicate non-compliance.

Risk analysis, mainly is based on the size of the production site, the volume of production or previous experiences with the business operator.

The first annual control shall consist of a complete physical control. This type of control involves full verification of compliance of specification by the specific operator.

Risk controls can only focus on the aspects in which non-compliances are identified in the previous inspection. These checks and random checks are recorded as regular monitoring for the purpose of compliance with pre-established control frequency. Wherever possible, checks should be carried out in periods in which the operator is working the product concerned or of the respective raw materials.

<table>
<thead>
<tr>
<th>Example of different types of controls</th>
</tr>
</thead>
<tbody>
<tr>
<td>There are different types of controls. Competent Authority may decide which kind as well as technics will be the most sufficient. One of the good solutions is divided controls into: initial controls, regular controls and risk controls, where:</td>
</tr>
<tr>
<td>• <strong>initial control</strong> - applies as a rule to carry out an initial visit to the operator (production unit and / or premises of production) in order to verify if operators fulfil required specific conditions in order to produce, to pack, to slice etc. PDO, PGI, TSG products. This control is compulsory for all operators inside the production chain.</td>
</tr>
<tr>
<td>• <strong>regular controls</strong> - are made within the specified time intervals, according to the risk associated with operator or product PDO, PGI, TSG concerned, resulting from the application of the risk matrix. Regular monitoring of a processed product also involves regular monitoring of farms / farm where they produce the respective raw materials. In regular checks should be checked full compliance with all applicable requirements of specifications PDO, PGI or TSG (physical inspection).</td>
</tr>
<tr>
<td>• <strong>risk controls</strong> are performed to check whether the non-compliance detected in an earlier inspection have been corrected by the operator. Risk controls are required and can only focus on the aspects in which non-compliances are identified in the previous inspection. These additional checks should be conducted preferably without notice. The minimum number of visits resulting from random checks is x% of all operators subject to control that year.</td>
</tr>
</tbody>
</table>
The risk management process should be transparent, consistent and fully documented. The decisions should be made documented to facilitate a broader understanding of the risk management process by all interested parties. The results of preliminary activities related to risk management and risk assessment should be combined with the assessment of available methods of risk assessment in order to make a specific decision regarding the management of a given risk.

First of all, in order to carry out risk analyse, appropriate criteria should be set up. Then for each producer should identify risk. For example, if raw materials using for production are expensive, it is a possibility to change them others, cheaper, which do not comply with the specification. Then risk should be calculated. Usually in risk assessment is the calculating level of materiality and effect. Base on this assessment scale, scope and frequency of controls are set up.

Risk assessments include following steps:
In a risk assessment of PDO/PGI/TSG products following criteria are always taken into account:

- scale of production
- non-compliances

Non-compliance are examined taking account such indicators as:

- compliance with specification
- origin of the product and/or ingredients
- traceability
- labelling

Moreover, in risk assessment may be taken into account results of internal controls conducted by operators in a group of producers and other important factors such as: availability of raw materials, price of ingredients, steps of production which are the most difficult etc.

There are several methods of evaluation risk. Choosing a method of estimation of risk, the effectiveness should be taken into account. The risk analyze should be adjusted to the reality.

Below is an example of calculating risk.

Criteria are evaluated in the scale from 1 to 10, where 1 means the lowest risk and 10 – the highest risk of non-compliance, which are assessed according to the following classification of risk:

<table>
<thead>
<tr>
<th>Scale</th>
<th>Type of risk</th>
<th>Description</th>
</tr>
</thead>
</table>
In a risk based situation, the CA/CB would consider a number of factors related to the likelihood of a producer being unable to comply with the specification, and the severity of that inability to comply in relation to the integrity of the final product. In the case of products covered by quality systems for critical stages are: using not allowed raw materials or technologies, possibility of mixing certified products with products not covered by the certification (storage, packaging, distribution) etc.

In identification risk of PDO, PGI, TSG production, besides general types of risks as scale of production, previous non-compliances, should be taken into account such specificity of particular product PDO, PGI, TSG. For example:

<table>
<thead>
<tr>
<th>PDO, PGI control specific issues</th>
<th>TSG’s control specific issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>In case of PDO or PGI covered products it is verified:</td>
<td>The key elements establishing the product’s traditional character (traditional nature of the product and its specific character).</td>
</tr>
<tr>
<td>• if raw materials and feed (when required) are coming from geographical area and</td>
<td>During verification of compliance CB confirm that product is produced:</td>
</tr>
<tr>
<td>• if production and other operations are located in the geographical area(s), where those activities must take place.</td>
<td>• in accordance with traditional method of production, processing</td>
</tr>
<tr>
<td></td>
<td>• has composition corresponding to traditional practice for that product or foodstuff</td>
</tr>
<tr>
<td></td>
<td>• if raw materials or ingredients used in the production are traditional.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Risk factors for PDO, PGI</th>
<th>Risk factors for TSG</th>
</tr>
</thead>
<tbody>
<tr>
<td>• limited access to rare raw materials used in production of PDO (example: OSCYPEK PDO - cheese made of</td>
<td>• using ingredients different than traditional in the production</td>
</tr>
<tr>
<td></td>
<td>• using industrial methods method of production instead of traditional:</td>
</tr>
</tbody>
</table>
mostly ship milk with addition of cow milk – fraud: to use in production only cow milk which is cheaper than ship milk
- using ingredients of PDO product from the area out of the region indicated in the specification
- processing/ packaging in other area than production (PGI)

<table>
<thead>
<tr>
<th>Honey PGI</th>
<th>Cheese PGI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Critical points</td>
<td>Scope/technics of control</td>
</tr>
<tr>
<td>Incorrect laboratory test results – while the product is labelled as PGI</td>
<td>Documentary check</td>
</tr>
<tr>
<td>addition of sugar</td>
<td>Laboratory tests at each level of production and distribution</td>
</tr>
<tr>
<td>mixing honey PGI with other/common and cheaper honey</td>
<td>Verifying the proof of origin (records of input and output)</td>
</tr>
</tbody>
</table>

Examples of risks controls (focused on the most risky elements)

Honey PGI

<table>
<thead>
<tr>
<th>Critical points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Incorrect laboratory test results – while the product is labelled as PGI</td>
</tr>
<tr>
<td>addition of sugar</td>
</tr>
<tr>
<td>mixing honey PGI with other/common and cheaper honey</td>
</tr>
</tbody>
</table>

Cheese PGI

<table>
<thead>
<tr>
<th>Critical points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Misleading information and recalling registered names on the label</td>
</tr>
<tr>
<td>Use of raw materials that do not comply with the specification</td>
</tr>
<tr>
<td>Production process inconsistent with the specification (eg failure to comply with the time of individual production stages)</td>
</tr>
<tr>
<td>Marking not in accordance with the specification and provisions of Regulation 1151/2012</td>
</tr>
<tr>
<td>Sales not in accordance with the rules of the specification (eg grated cheese)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Scope/technics of control</th>
</tr>
</thead>
<tbody>
<tr>
<td>Documentary check</td>
</tr>
<tr>
<td>Laboratory tests at each level of production and distribution</td>
</tr>
<tr>
<td>Physical verification of compliance with the specification particularly these stages of production which are specific for the product (raw materials, timing – too short)</td>
</tr>
</tbody>
</table>

4. LABORATORY CAPACITY
Laboratories involved in the analysis of official samples should work in accordance with internationally approved procedures or criteria-based performance standards and use methods of analysis that have, as far as possible, been validated. Such laboratories should in particular have equipment that enables the correct determination of standards. The designation of Community and national reference laboratories should contribute to a high quality and uniformity of analytical results. This objective can be achieved by activities such as the application of validated analytical methods, ensuring that reference materials are available, the organisation of comparative testing and the training of staff from laboratories. The activities of reference laboratories should cover all the areas of feed and food law and animal health, in particular, those areas where there is a need for precise analytical and diagnostic results.

**Requirements in scope of laboratory capacity for PDO, PGI, TSI – French example**

The Competent authority (CA) INAO approves laboratories that may carry out analysis of PDS official controls according to articles 5, 11 and 12 of Regulation (EC) 882/2004 and French law, and a CA-INAO document.

The main approval criteria is accreditation according to standard ISO 17025, for analysis covered by the accreditation, or prove its competence if the standard doesn’t exist for the analysis required in the specification. There is some complementary obligation (such as to respect the legal units of measurement, the results of analyses have to appear on the analysis form altogether with the method used and uncertainties, and some commitments such as refuse samples non anonymous).

The content of the application: precision on the type of sign, the categories of products, analytic parameters, name of the method, uncertainties of measure, document of accreditation.

**VI. PERFORMANCE OF VERIFICATION OF COMPLIANCE WITH SPECIFICATION**

At the beginning of control, inspectors must show their authorization to carry out control and announce that the control is starting. Inspector should explain the purpose, scope and objective of the control.

Verification of compliance with the specification is conducting according to the control plan and checklist. The control includes the following activities: checking documents related to the process of production, laboratory results and other documents attesting the quality; examination of the packaging, labelling, presentation of the product and the conditions for its storage and transport; visual inspection of the product; sampling and performance of laboratory tests; checking the method of production or the correctness of the technological process. Organoleptic controls are carried out on food products during verification of compliance. Controls should be conduct in certain year seasons, or in specific premises, or during particular operations. The scope and technics
of control are described in detail in the subtitle “Scope of verification of compliance with specification and methodology of control” (page 11)

After control, inspectors are obliged to prepare an control report which copy is delivered to the controlled producer. The report includes among others, following issues:

- the indication of the legal provision defining the competent control authority for the execution of the control;
- the description of the findings of the control, referring to the current status of the matter, indicating the shortcomings and the legal regulations that have been breached, including any documentation on which the findings are based.

In the event of irregularities, the inspector issues recommendations and requires corrective actions to be implemented.

### Polish example of conduction verification of compliance with specification conducting by CA (AFQI)

Each control on verification of compliance with the specification is conduct on request of the producer. Producers are cover costs of this control. After first verification of compliance with specification inspector issues, in case of compliance, the certificate of quality (according to the regulation of the Ministry of Agriculture and Rural Development). The duration of the certificate is no longer than one year. After this year, if the producer is still willing and able to produce according to the specification, should submit the request for the control once again. On the base of the request, inspector conducts verification of compliance with the specification. If during the second control inspector doesn’t state any irregularities, he shall issue a certificate for period three year or shorter.

During the three years period, when the certificate is validated, is possible to conduct additional controls (under the supervision of production). The aim of these controls is checking if producer fulfils requirements of the specification for all time of validation the certificate. In comparison with controls on producer’s request, this control is usually unannounced. Moreover, the scope of the control covers not only requirements of specification but also other requirements of food law which are in the competence of Agricultural and Food Quality Inspection, such as labelling, organoleptic and physical characteristic which must be fulfilled by common foodstuffs. These controls are conducted on the base of risk analyses. Risk analysis is perform, at the central level, by Main Inspectorate of AFQI taking account results of controls carried out by regional voivodeship inspectorates and certification bodies. On the base of risk analyse producers are indicated to risk controls. The frequency with which controls will be carried out as part of the supervision over the production of ChNP / PGI / GTS products depends on the combination of two criteria (risk factors), i.e.:

- production volume
- irregularities found during previous inspections carried out as part of the supervision over the production of ChNP / PGI / GTS products, related to the number of producers producing a given product.

Data for the last year are used to analyze the risk (as at 31.12 of the previous year).

Selection of producers for inspection
After determining the number of checks for a given product, the producer with whom the inspection will be carried out is selected. The producers are selected based on the information available regarding production volume, the number of irregularities detected by a given producer in previous years, the period which has elapsed since the date of issuing the quality certificate.

If the number of producers of a given ChNP / PGI / GTS product is lower than or equal to 5, no risk analysis is carried out. In this case, producers of a given product are inspected at a frequency of once every three years, unless irregularities are found in a given producer, then the frequency of inspections is increased. This control (under the supervision of production) is conducted by voivodship inspectorates of AFQI, because it is beyond the competences of certification bodies. Nevertheless, certification bodies also carry out risk control, but the scope of control is limited to verification of compliance with the specification.

Model of verification of compliance with the specification in Poland.

<table>
<thead>
<tr>
<th>First request of producer</th>
<th>First VERIFICATION of compliance with specification</th>
<th>Certificate of quality – issuing for 1 year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Positive result of verification (without irregularities)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subsequent request</th>
<th>VERIFICATION of compliance with specification</th>
<th>Certificate of quality – issuing for maximum 3 year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Positive result of verification (without irregularities)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Supervision of production</th>
<th>Supervision of production</th>
<th>Supervision of production</th>
</tr>
</thead>
<tbody>
<tr>
<td>year</td>
<td>year</td>
<td>year</td>
</tr>
</tbody>
</table>

**COMPARISON**

<table>
<thead>
<tr>
<th>VERIFICATION OF COMPLIANCE WITH SPECIFICATION CONDUCTED ON REQUEST OF PRODUCERS</th>
<th>CONTROL UNDER SUPERVISION OF PRODUCTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>• carrying out before the PDO, PGI, TSG product are placed on the market</td>
<td>• initiate by CA</td>
</tr>
</tbody>
</table>
VII. COPING WITH NON-COMPLIANCES

CA/CB takes appropriate measures in case of non-compliance. These measures depend on the severity of non-compliance. It should be graduated from a warning, restriction of the certificate, suspension to withdrawal the certificate or imposing a financial penalty. In case of non-compliance producer should be first ordered to rectify non-compliance. If the non-compliance is rectified the certificate may be issued (see also Planning of control, “The basic elements of control plan”, page 31-32).

Very often inspectors meet non-compliance which is related with lack of registers or that they are conducted inappropriately. In this case, there is no possibility to check the history of production. Thus, the compliance can’t be confirmed. However, the inspector should take into account also the final product. If verification confirms that product fulfils requirements of the specification and the results of laboratory test are correct it is possible to issue a certificate but producer should be worn and ordered to observe this requirement because next time the measure will be more severe. Information concerns non-compliance should be included in the report of control which is signed by the inspector as well by the producer. It is important from the point of view of transparency. Certainly, this situation should be taken into account in risk analysis and probably it will lead to a change the level of risk. It’s mean this producer will be indicated for additionally control during valid certificate. In case if during additional control, non-compliance won’t be eliminated, the producer may be ordered to rectify non-compliance once again or the certificate is withdrawal. When the certificate is withdrawal, the producer is obliged to inform all recipients of producer about withdrawal certificate. Moreover, in this case, the producer is forbidden to use the registered name as PDO, PGI, TSG.

In case of non-compliance stated during control approaching on supervision of production or monitoring using registered names, which is initiated by the CA (not for producer request), the
financial penalty may be also imposed. The level of the financial impose depends on non-compliance.

CA, CB’s should have procedures in place which defined a variety of categories of non-compliances including ‘severe non compliances’ and the relevant corrective measures. It may include time limits for such actions to be implemented.

The example of action taken by CB’s in case of different kind of non-compliances

<table>
<thead>
<tr>
<th>Category of non-compliances</th>
<th>Description of non-compliances</th>
<th>Actions taken by CB’s, Sanctions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Severe non-compliance</td>
<td>non-compliance with specification or lack of proofs that the product comply requirements or authenticity of the product PDO, PGI, TSG systematic and repeated irregularities in the same requirement</td>
<td>The withdrawal of certification can occur when the producer can no longer meet the requirements Suspension of certificate Corrective actions</td>
</tr>
<tr>
<td>Major non-compliance</td>
<td>Non-compliance with specification which makes impossible to ensure the authenticity of the PDO / PGI / GTS product.</td>
<td>Suspension of the certificate partially or fully Additional control Warning Corrective actions</td>
</tr>
<tr>
<td>Minor non-compliance</td>
<td>Non-compliance, which does not question the authenticity of a PDO or PGI product, but which should be the subject of remedial action</td>
<td>Warning Corrective actions</td>
</tr>
<tr>
<td>Low</td>
<td>compliance with specification</td>
<td>-</td>
</tr>
</tbody>
</table>
Major control functions and tasks are clearly described by Regulation (EC) No 882/2004. Appropriate procedures should be available for the cooperation of the competent authorities in and between the Member States, in particular when official controls reveal that feed and food problems extend to more than one country. In order to facilitate such cooperation, countries should designate one or more liaison bodies with the role of coordinating the transmission and reception of requests for assistance. In establishing rules on the official controls of feed and food from third countries, it should be ensured that the competent authorities and the customs services work together.

The competent authorities should ensure that where different control units are involved in carrying out official controls, appropriate coordination procedures are in place and effectively implemented. The competent authority shall develop and implement written procedures for regional units and for certification bodies involved in official controls. Control conducted by different units shall be conducted similar and give the same effect.

Guidelines for inspectors should be included in written procedures which are transfer to control bodies involved in control. CA shall also develop a system of internal audits or have external audits and shall take appropriate measures in the light of their results in order to verify if controls are performed effectively. These audits shall be subject to independent scrutiny and shall be carried out in a transparent manner.

### Polish example of uniform approach of different control bodies involved in verification of compliance with specification ensuring by the competent authority

<table>
<thead>
<tr>
<th>regional inspectorates</th>
<th>certification bodies</th>
</tr>
</thead>
<tbody>
<tr>
<td>- developing control plans</td>
<td>- approval of control plans of certification bodies by the Chief Inspector AFQI</td>
</tr>
<tr>
<td>- conducting internal audits</td>
<td>- conducting audits, inspections and follow up actions</td>
</tr>
<tr>
<td>- guidelines on verification of compliance production process of PDO, PGI, TSG products the specification</td>
<td>-</td>
</tr>
<tr>
<td>- meetings and trainings at least once per year</td>
<td>-</td>
</tr>
<tr>
<td>- gathering information on controls, analyzing by CA and on the base of results preparing guidelines</td>
<td>-</td>
</tr>
</tbody>
</table>

### CHAPTER 2. EX-OFFICIO CONTROL IN SCOPE OF PDO, PGI, TSG PRODUCTS

#### I. CONCEPT OF EX OFFICIO PROTECTION
The added value of the geographical indications and traditional specialities guaranteed is based on consumer trust. It is only credible if accompanied by effective verification and controls. Those quality schemes should be subject to a monitoring system of official controls, on each stage of production, processing and distribution.

Consumer’s safe and fair competition of Food Business Operators (FBO) is ensured by a system of control related to the EU Quality schemes which covers:

- verification that a product complies with the corresponding product specification; and
- monitoring of the use of registered names to describe product placed on the market, in conformity with Article 13 of Regulation no 1151/2012 for names registered as PDOs and PGIs and in conformity with Article 24 of Regulation no 1151/2012 for names registered as TSGs.

The EU regulations establish obligations and principles for a system of official controls that must be implemented by the Member States on users of a registered name. The scope of protection covers both the production phase and the surveillance of the use of the protected name once the product has been placed on the market. Both kinds of control are the responsibility of the Member States. Nevertheless, protection must be ensured in EU as well as in Third Countries.

In order to ensure that protection is guaranteed to registered names, CA are obliged 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 (although this notion has no legal recognition). Ex officio protection should provide a safeguard for all producers of GIs with actions undertaken without any prior claim or request having been made, including when infringements are committed in another Member State.

II. ORGANIZATIONAL STRUCTURE OF THE SYSTEM OF CONTROL AND MODELS OF EX OFFICIO CONTROLS IN EUROPE

In order to ensure the effectiveness of official controls of PDO, PGI, TSG products on the market must be clearly designated competent authorities. CAs are responsible for planning, prioritization and conducting these controls. Moreover, if several CAs are involved in official controls good cooperation and coordination in place should be guaranteed.

| ORGANIZATION OF CONTROL’S SYSTEM IN POLAND |

Both the Agricultural and Food Quality Inspection (AFQI) and the Trade Inspection (TI) carry out controls on Polish and foreign GIs independently from without a specific request.
Control programmes for commercial quality inspections include separate chapters on the obligation to pay attention to the correct use of registered names. The AFQI also conducts ad hoc controls in the case of suspected infringements concerning the use of registered names.

The penalties provided by the GI Registration and Protection Act in the event of the unlawful use of protected names apply to all products from the EU. If such products are detected on the market, the TI may impose penalties under the GI Registration and Protection Act.

ORGANIZATION OF CONTROL’S SYSTEM IN ITALY

Over the years, Italian GI products have also been protected beyond national borders. In this respect, the Central Inspectorate for Quality Safeguarding and Anti-fraud of Foodstuffs and Agricultural Products (ICQRF) is the national authority for the implementation of *ex officio* protection (i.e. a procedure that is meant to be started by public authorities without a request), a tool first introduced by Regulation (EU) No 1151/2012, in order to improve the European protection of a registered designation, to further official control plans.

The ICQRF has been officially assigned with this task by a Ministerial Decree of 14 October 2013 (Article 16) implementing Regulation (EU) No 1151/2012.

Among measures undertaken under the umbrella of *ex officio* protection in Italy, multiple Memoranda of Understanding are signed by the Italian Ministry for Agriculture with the major global e-commerce players (eBay, Amazon and Alibaba). They are effective tools for the ICQRF to quickly halt any illegal use of Italian GI products in many EU countries and to remove from the web any offers for sale referring to the most emblematic products of the Italian gastronomic heritage.

The ICQRF established a specific ‘flat organisational structure’, under the direct control of the head of the department, composed of officers working in different services of the inspectorate, each with specific expertise.

Objectives and priorities are set at a meeting at the end of each year and they are usually updated and revisited in progress, due to the extremely dynamic nature of the context.

Staff members participate in advanced specific training, via courses and seminars about foreign languages, foreign markets, international law, e-commerce, etc. They carry out constant market monitoring, to maintain real-time awareness of the risk profiles of the main Italian GIs and, at the same time, identify unlawful uses of GIs or brands evoking Italian GIs.

The producer groups (PGs) and the regional ICQRF agree on a plan for market controls every year. This plan is transmitted to the central administration of the ICQRF for the final ‘green light’. The PGs have to report regularly on their activities to the competent regional ICQRF. If there are any deviations from the plan, they must be communicated to the regional ICQRF and approved by the central administration of the ICQRF.

ORGANIZATION OF CONTROL’S SYSTEM IN CROATIA
Protection against infringements of GIs in the Croatian market is ensured also ex officio. This means that all irregularities may be prosecuted administratively and/or judicially, and that all users can receive protection (including users of GIs registered in other EU Member States), without the obligation of said users to submit a claim to the competent administrative or judicial authority.

To this regard, the General Administrative Act (basic national legal act of the public administration), inter alia, provides for a mandatory procedure of the Inspectorate regardless of the request of the party concerned (rights holder).

If agricultural inspectors, while performing the planned, targeted or requested controls at the retail level, detect any other irregularity related to a GI (i.e. products marked with a protected sign without being entitled to do so), they must register such irregularity and act according to the law. Furthermore, agricultural inspectors may, at any time, control products at the retail level to determine whether the products are unlawfully marked with protected signs.

**ORGANIZATION OF CONTROL’S SYSTEM IN FRANCE**

The (National Institute of Origin and Quality) INAO has competence for the protection of GIs both in France and abroad in the application of the Rural and Maritime Fishing Code. Moreover, the INAO may take any action against uses that infringe a GI under the Intellectual Property Code 271.

The controls on the national market are ensured by the authority in charge of labelling and ‘fair trading’ - the Directorate-General for Competition Policy, Consumer Affairs and Fraud Control (DGCCRF). These controls concern all products marketed in the national territory, independently of their geographical origin.

The market controls also verify compliance with certification, labelling, product composition and traceability, national transitional protections and transitional periods. Inspectors also investigate any misuse or imitation of the GI brand reputation, any unauthorised use or misappropriation of the GI logos and any misleading representation and fraud.

Planning and prioritisation of controls are made through the National Survey Programme (Programme national d’enquêtes — PNE). Risk analysis is carried out at two levels: national and regional. For all types of inspection (national, regional and local), one thousand operators are inspected each year at all stages of production, processing and distribution, at catering establishments, on the internet, on importation etc., making sure that these controls do not interfere with the checks being made by the INAO.

**ORGANIZATION OF CONTROL’S SYSTEM IN SPAIN**

Specific measures and initiatives are taken in this field. The following are some examples:

- all trade marks registered in Spain and at the EUIPO are subject to review;
- a ‘digital society’ collaboration is in place to combat online fraud. Special groups have been created to meet with online platforms providers, such as Amazon, to provide guidance and to find solutions to online fraud problems;
• different campaigns are organised by enforcement authorities, such as those carried out in collaboration with the SEPRONA of the Guardia Civil, targeting different issues, included quality of foods;
• participation is ensured in international enforcement operations, such as the joint Operation Opson under the coordination of EUROPOL and INTERPOL against counterfeited and substandard food products.

In addition, within the ex officio protection, actions are taken by the CAs to ensure protection in the Spanish market of EU GIs held by producers of other Member States, and to follow up on violations detected or communicated.

VI. PLANNING CONTROL

The effectiveness of control depends, among others, on frequency of control and appropriate selection of operators. Thus, the official controls shall be based on risk approach. Market control is conducted according to the control plan, which includes prioritization of controls aiming to verify the conformity of national and foreign PDO, PGI, TSG products with the regulation (EU) No 1151/2012.

Plan of control covers:

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

Surveillance of the use of the name of GIs on the market takes place on an ad hoc and risk analysis basis. The main risk indicators include:

- previous records and non-compliance;
- type of marketplace (shops, etc.);
- production of similar products within the same company;
- complaints from consumers, producers or others.

Market controls are focused on:

• the right to use a protected designation,
• 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)
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 other Competent Authorities responsibilities. In order to regulate the coordination and exchange information between different Competent Authorities with competences in food control, a Memorandum of cooperation is usually signed between relevant institutions.

The 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, such as:

- 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.

In order to face this complexity, CA should develop 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 other institutions, the European Commission or other countries’ inspection services. A specific system for managing alerts received or sent to the CA, industry professionals, the European Commission and other Member States has to be set up.

According to the regulation no 1151/2012, information on control activities for geographical indications and traditional specialities guaranteed should be included in the multiannual national control plans (MANCP) and an annual report prepared by the Member States in accordance with Regulation (EC) No 882/2004.

National authorities implement multi-annual plans (MANCP) for the control of particular GIs. Reports include results of controls (number of inspections, number of controlled products, number and type of infringements, etc.).

VIII. SCOPE OF PROTECTION
Food Quality Schemes are set up to maintain high and specific quality food products, wine, spirits drinks. These products are protected from any unlawful practices. The scope of protection of agri-food products is described in article 13 reg. 1151/2012).

Registered names shall be protected against:

- any direct or indirect commercial use of a registered name in respect of products not covered by the registration where those products are comparable to the products registered under that name or where using the name exploits the reputation of the protected name, including when those products are used as an ingredient;
- any misuse, imitation or evocation, even if the true origin of the products or services is indicated or if the protected name is translated or accompanied by an expression such as ‘style’, ‘type’, ‘method’, ‘as produced in’, ‘imitation’ or similar, including when those products are used as an ingredient;
- any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product that is used on the inner or outer packaging, advertising material or documents relating to the product concerned, and the packing of the product in a container liable to convey a false impression as to its origin;
- any other practice liable to mislead the consumer as to the true origin of the product.

Protection must be assured against any false or misleading indication (related to the origin, or essential qualities of the product, packaging, advertising or related documents) that is capable of implying a false impression about the origin of the product.

The labelling of agricultural products and foodstuffs should be subject to the general rules laid down in regulations relating to the labelling, presentation and advertising of foodstuffs, and in particular the provisions aimed at preventing labelling that may confuse or mislead consumers.

According to the Regulation No 1151/2012 ‘labelling’ means any words, particulars, trade marks, brand name, pictorial matter or symbol relating to a foodstuff and placed on any packaging, document, notice, label, ring or collar accompanying or referring to such foodstuff.

Specific rules on labelling of PDO, PGI, TSG products may be described in the specification.

Protected designations of origin and protected geographical indications may be used by any operator marketing a product conforming to the corresponding specification.

In the case of products originating in the Union that are marketed under a protected designation of origin or a protected geographical indication, the Union symbols associated with them shall appear on the labelling. In addition, the registered name of the product should appear in the same field of vision. The indications ‘protected designation of origin’ or ‘protected geographical indication’ or the corresponding abbreviations ‘PDO’ or ‘PGI’ may appear on the labelling. In addition, the following may also appear on the labelling: depictions of the geographical area of origin, and text, graphics or symbols referring to the Member State and/or region in which that geographical area of origin is located.
In the case of products originating in third countries marketed under a name entered in the register, the indications or the Union symbols associated with them may appear on the labelling.

<table>
<thead>
<tr>
<th>Protected Designation of Origin (PDO)</th>
<th>![PDO Emblem]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protected Geographical Indication (PGI)</td>
<td>![PGI Emblem]</td>
</tr>
<tr>
<td>Traditional Specialities Guaranteed (TSG)</td>
<td>![TSG Emblem]</td>
</tr>
</tbody>
</table>

**Examples of unlawful practices related to labelling**

<table>
<thead>
<tr>
<th>Registered name – correct name</th>
<th>Real examples of incorrect labelling and description of Infringements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>KIELBASA LISIECKA PGI</strong></td>
<td>“Kielbasa lisiecka drobiowa” (Poultry lisecka sausage)</td>
</tr>
<tr>
<td>Kielbasa lisiecka PGI is a polish sausage registered as PGI (Lisiecka sausage). According to the specification Kielbasa lisiecka PGI is a sausage made from pork meat. Any other kind of meat is not allowed.</td>
<td>commercial use of a registered name “kIELBASA LISIECKA” in respect of products not covered by the registration. It is also exploitation the reputation of the protected name</td>
</tr>
<tr>
<td><strong>FETA PDO</strong></td>
<td><strong>Aceto balsamico di Modena PGI</strong></td>
</tr>
<tr>
<td>-------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>Is a brined curd white cheese made, using traditional methods, in Greece from sheep's milk or from a mixture of sheep and goat's milk.</td>
<td>Italian Balsamic Vinegar of Modena is made using traditional methods</td>
</tr>
<tr>
<td>Correct label</td>
<td>In this case the translated name Aceto Balsamico di Modena registered as PGI was used in label of the product which not complies requirements of the specification and it wasn’t controlled by any control body.</td>
</tr>
<tr>
<td><img src="image1.png" alt="Feta PDO Image" /></td>
<td><img src="image2.png" alt="Aceto Balsamico di Modena Image" /></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>„cheese type of Feta”</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>use of a protected name Feta in the name of the product that does not comply with the specification, as it was produced in a Polish company from Polish milk,</td>
<td></td>
</tr>
</tbody>
</table>
Parmigiano-Reggiano PDO (also known as Parmesan cheese) is a typical Italian product.

Parmesan

the use of the name, reminiscent of the original Parmiggiano-Reggiano and its Polish translation - Parmeser, benefits from the reputation of the protected name

PDO, PGI as ingredients

To help operators, EU develop guidelines concerning the conditions under which names registered as a PDO or PGI can be used in the labelling, presentation and advertising of foodstuffs containing such names as ingredients. The guideline presents good practice to ensure that names registered as a PDO or PGI and employed as ingredients in food products are not used in a manner that damages the reputation of the product benefiting from such a designation or misleads consumers as to the composition of the product produced.
A name registered as a PDO or PGI may legitimately be included in the list of ingredients of a foodstuff.

Moreover, a name registered as a PDO or PGI may be mentioned in or close to the trade name of a foodstuff incorporating products benefiting from a registered name, as well as in the labelling, presentation and advertising relating to that foodstuff, provided that the following conditions are met:

- The foodstuff in question should not contain any other ‘comparable ingredient’, i.e. any other ingredient which may partially or totally replace the ingredient benefiting from a PDO or PGI. As a non-restrictive example of the concept of ‘comparable ingredient’, the Commission considers that a blue-veined cheese (commonly known as ‘blue cheese’) could be considered comparable to ‘Roquefort’ cheese.
- This ingredient should also be used in sufficient quantities to confer an essential characteristic on the foodstuff concerned. However, given the wide range of possible scenarios, the Commission is not able to suggest a minimum percentage to be uniformly applied. As an example, the incorporation of a minimum amount of a spice benefiting from a PDO/PGI in a foodstuff could, if appropriate, be sufficient to confer an essential characteristic on that foodstuff. By contrast, the incorporation of a minimum amount of meat benefiting from a PDO/PGI in a foodstuff would not a priori be sufficient to confer an essential characteristic on a foodstuff.
- Finally, the percentage of incorporation of an ingredient with a PDO or PGI should ideally be indicated in or in close proximity to the trade name of the relevant foodstuff or, failing that, in the list of ingredients, in direct relation to the ingredient in question.

On the assumption that the abovementioned terms, abbreviations or symbols accompanying the registered name should be used in labelling, within or close to the trade name or in the list of ingredients of the foodstuff only if it is made clear that the said foodstuff is not itself a PDO or PGI. Otherwise, it may result in exploitation of the reputation of the PDO or PGI and result in consumers being misled. For example, the trade names ‘Pizza au Roquefort’ (Pizza with Roquefort) or ‘Pizza élaborée avec du Roquefort AOP’ (Pizza prepared with Roquefort PDO) would hardly give rise to a dispute in the eyes of the Commission. By contrast, the trade name ‘Pizza au Roquefort AOP’ (Pizza with Roquefort PDO) would clearly be ill-advised, in as much as it could give the consumer the impression that the pizza as such was a product benefiting from a PDO.

If an ingredient comparable to an ingredient benefiting from a PDO/PGI has been incorporated in a foodstuff, the name registered as a PDO/PGI should appear only in the list of ingredients, in accordance with rules similar to those applicable to the other ingredients mentioned. In particular, it would be appropriate to use characters that are identical in terms of font, size, colour, etc.

The use of a name registered as a PDO or PGI in the labelling of other foodstuffs should not be included, in principle, in the specification for that name; compliance with existing EU legislation by economic operators should constitute an adequate guarantee. They may be included by way of exception only in order to resolve a specific, clearly identified difficulty and provided they are objective, proportionate and non-discriminatory. In any case, any provisions contained in the specifications could not be aimed at or result in modifying the legislation in force.

<table>
<thead>
<tr>
<th>Example of a labelling with PDO/PGI as an ingredient</th>
<th>Description</th>
</tr>
</thead>
</table>

...
Correct labelling.
Jam is made only from cherries PDO. Thus the registered name as well as logo, may be used close to the trade name.

Incorrect labelling
In this case the logo of PGI can not be used close to the trade name “traditional dried fruits”, because this product is mix of different fruits, where only plum is PGI. This practice may mislead consumer that all fruits are PGI.

IX. CONDUCTION EX OFFICIO CONTROLS AND RESPONSIBILITIES

Public authorities are responsible for putting in place a system to check compliance with the legal requirements and ensure fair competition. These controls are carried out regardless of any actions taken by the producer or by competent authorities in order to protect rights of registration of PDO, PGI, TSG. The producer does not bear the costs of control. Ex officio protection aims to ensure the authenticity of PDO, PGI, TSG and fair competition as well consumer protection. The obligation to ensure of ex officio protection not only in the country from which the products originates but also from different countries.
Market controls shall cover not only retail level, but also controls on the distribution and transport chains, including packaging, import, wholesaling activities.

During a control, inspectors examine the products bearing the particular GI and also the non-GI products susceptible of infringing the rights of the inspected GI. Irregularities may originate from the GI products themselves (non-conformity with product specifications) or from other products that have misleading GI labels, or that imitate or evoke the inspected GI.

1. TRACEABILITY

For PDO/PGI/TSG products traceability should be ensured. Traceability of foodstuffs is cited by the Commission as an important element for consumer confidence and allows the verification that all the operators involved at all stages of production, preparation and distribution have applied the EU requirements on production of PDO/PGI/TSG products. It allows, when a non-compliance has been identified, to trace it back to its source and isolate the problem, preventing the concerned products from reaching consumers.

Regulation (EC) 178/2012, introduced the “traceability procedure”, an instrument which allows to trace product from a shop’s shelf to raw materials. This procedure is defined as “the ability to trace and follow a food, feed, food-producing animal or substance intended to be or expected to be incorporated into food or feed, through all stages of production, processing and distribution”. It means, that movements of product must be recorded so that the company which markets the finished product can trace the original ingredients. The traceability obligation referred also to all agri-food products. Such operators shall have in place systems and procedures which allow for this information to be made available to the competent authorities on demand.

Food and feed business operators at all stages of production, processing and distribution within the businesses under their control shall ensure that foods or feeds satisfy the requirements of food law which are relevant to their activities and shall verify that such requirements are met.

The traceability of food, feed, food-producing animals, and any other substance intended to be, or expected to be, incorporated into a food or feed shall be established at all stages of production, processing and distribution. Food and feed business operators shall be able to identify any person from whom they have been supplied with a food, a feed, a food-producing animal, or any substance intended to be, or expected to be, incorporated into a food or feed.

Food and feed business operators shall have in place systems and procedures to identify the other businesses to which their products have been supplied. This information shall be made available to the competent authorities on demand.

Food or feed which is placed on the market or is likely to be placed on the market shall be adequately labelled or identified to facilitate its traceability, through relevant documentation or information in accordance with the relevant requirements of more specific provisions.
The group can also develop activities related to the surveillance of the enforcement of the protection of the registered names, the compliance of the production with the product specification, the information and promotion of the registered name as well as, in general, any activity aimed at improving the value of the registered names and effectiveness of the quality schemes. Moreover, it should monitor the position of the products on the market.

Role of producers groups:

- contribute to ensuring that the quality, reputation and authenticity of their products are guaranteed on the market by monitoring the use of the name in trade and, if necessary, by informing competent authorities as referred to in Article 36, or any other competent authority within the framework of Article 13(3) Regulation No 1151/2012;
- take action to ensure the adequate legal protection of the protected designation of origin or protected geographical indication and of the intellectual property rights that are directly connected with them;
- develop information and promotion activities aiming at communicating the value-adding attributes of the product to consumers;
- develop activities related to ensuring compliance of a product with its specification;
- take action to improve the performance of the scheme, including developing economic expertise, carrying out economic analyses, disseminating economic information on the scheme and providing advice to producers;
- take measures to enhance the value of products and, where necessary, take steps to prevent or counter any measures which are, or risk being, detrimental to the image of those products.

Group of producers has a significant role in providing information of creating system of traceability. Control body should use information gathering by group of producer in order to ensure more effective protection of PDO, PGI, TSG.

CB/CA use the data collected by the Group to monitor compliance with the specifications:

- obtaining information on operators,
- obtaining information about the packagers,
- review of the register of issued labels and their use by operators,
- check the results of the internal controls

Afterwards, producers should obtain reliable and accurate information which allows them to:

- track details of all stages of production
- intervene during production when the collected data exceeds
- identify the sources of ingredients used in or allocated for food production
- identify businesses operators to which products have been supplied
- adequately label or identify products
- make tracing information available to authorities on demand

**Italian example of activities taking by group of producers – good practices**
Consortium of Aceto Balsamico di Modena

The mission of the Consortium is to carry out, in cooperation with Italian Competent Authority (MIPAAF), public function 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 detect the 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 communicating with the media.

2. CONTROL OF PACKAGING, DISTRIBUTION AND PLACING ON THE MARKET

„Placing on the market” means the holding of food or feed for the purpose of sale, including offering for sale or any other form of transfer, whether free of charge or not, and the sale, distribution, and other forms of transfer themselves market controls shall cover not only retail level, but also controls on the distribution and transport chains, including packaging, import, wholesaling activities.

Control of packaging, distribution and placing on the market is usually focused on documentary check: purchase and sale documentation: invoices, registers, bills etc. (including quantity of products) and labelling. Control covers traceability. Moreover, inspection can include chemical and organoleptic analyses, if necessary, under a suspicion of fraud on the product quality.

Packaging of an agricultural product or a foodstuff or operations concerning its presentation, such as slicing or grating, restricted to a defined geographical area, constitute a restriction on free movement of goods and freedom to provide services. Such restrictions can only be imposed if they are necessary, proportionate and capable of upholding the reputation of the geographical indication or the designation of origin. As referred to in point (e) of Article 7(1) of Regulation 1151/2012, product specific justifications for such restrictions shall be provided.

Describing requirements for packaging of product in the specification but also in the single document (point 3.5. Specific rules concerning slicing, grating, packaging, etc. of the single document) has significant meaning in identification product and protection. This allows to minimize the likelihood of irregularities in product packaging.

Example of frequent problems related to the packaging and labelling.
In order to assure that PDO/PGI/TSG products placed on the market are produced according to the specification, effective verification of compliance with specification shall be conduct at primary production and at any other stages of production (e.g. packaging, slicing, labelling).

Problem: In supermarkets PDO/PGI/TSG products were prone to be labelled incorrectly once they are divided and relabeled at in-house delicatessen counters or others. Almost invariably these newly repackaged products lacked some critical information and in many instances, such products lacked any indication that they were a PDO/PGI/TSG product.

Good practice: a marketing company had pre-prepared labels to ensure that product which was subdivided at retail level did not lose its PDO/PGI/TSG identity.

One of the most important elements which has a significant influence on the effectiveness of control is good coordination of control tasks and cooperation.

To ensure an effective protection of PDO, PGI, TSG products is necessary good coordination and communication between:

- institutions, the Member States and Third Countries
- National Authorities
- the bodies in charge of protection of GIs (group of producers and Public authorities)
- the bodies in charge of protection of GIs and a given State Intellectual Property Office
- collaboration with other Member States
- competent Authorities following GIs infringements
- Member States and Third Countries
- authorities in charge of protection

There are different models of coordination in market control, for example:

| Within Authorities | - Central coordination office  
|                    | - Suggests product and period of control (internal notes)  
|                    | - Decides the local office involved in case of co-competences |
| Within each Member State | - Technical meetings of all Authorities  
|                        | - Multi Annual National Control Plan (MANCP)  
|                        | - Multilateral meetings to plan activities in specific action  
|                        | - Tools: National Database of Food Business Operators, National Database of Inspections, National Database of Surveillance (CBs activities control by Control Authorities). |
| Between States Member States | - Ex-officio protection – good exchange of information, support from other countries, EC |
3. COPING WITH DIFFERENT CASES OF INFRINGEMENTS

For implementing and conducting ex officio controls CA is responsible. CA in case of non-compliance issues orders on changing labelling and may impose financial sanctions. However, producers have the right to appeal against the decision of CA to a court. The final decision belongs to the court.

**Polish example how CA cope with unlawful labelling**

The inscriptions and drawings on the label are a direct reference to the area, cultural traditions and Greek civilization. Label being part of the sales strategy, it suggests a link between the name "Feta" and Greece, and thus violates applicable laws. The following is the assessment of the "Fetikos" salt packaging:

- The name "Fetikos" refers to the name "Feta" - the first three letters are the same, which is the result of the action to give the product a name of the associate with the protected designation of origin 'Feta'. In addition, the name "Fetikos" was written in a font referring to the Greek alphabet, especially the letter "e" reminiscent of epsilon from the Greek alphabet. Citing Article C-87/97 'Gorgonzola / Cambozola', paragraphs 25 and 26: 'Allusion covers situations in which the term used in the product name it forms part of the protected name in such a way that when the consumer encounters this name, it is associated with a product that originally has a protected name ", it is obvious that the product marked with a part of the registered name uses the full reputation registered product name.

- Drawings representing the background of the packaging refer to the Mediterranean. White houses with red roofs are characteristic of the areas where "feta" cheese can be produced, ie for the Greek island of Lesbos and the mainland of Greece. (photo 1)
• The ending "-os" is derived from the Greek language, it is the end of the declension of the second masculine nouns in Greek.
• The statement: "Fetikos for salads and Mediterranean dishes" indicates the connection with the Mediterranean area, as well as the tradition of consuming Greek dishes, which is evidenced by the photo of the Greek salad, the key ingredient of which is the Greek "feta cheese".

between the name "Fetikos" and the protected name "Feta", there is a considerable similarity, which results in the possibility of misleading the consumer, both as to the type (identity) of the article, as well as its origin and production. In addition, there is a phonetic and visual similarity with regard to the use of the name.

The introduction of cheese in Poland into the market under the name "Fetikos", which does not meet the requirements of the specification for the protected designation of origin "feta", violates art. 57 of the amended Act of 17 December 2004 on the registration and protection of names and designations of agricultural products and foodstuffs and on traditional products.

If the violations referred to in the preceding sentence are found, the Voivodship Inspector of Trade Quality of Agricultural and Food Products is obliged to submit a motion for punishment to the District Court.

Inspector acting in accordance with Act, performs control of agricultural and food products with registered (...) protected designations of origin, protected geographical indications or traditional specialities guaranteed (...).

In case of discrepancies detected during the inspection, aimed at eliminating products marked in the manner suggesting the protected designation of origin "Feta", the voivodship inspector is authorized to issue a decision under Art. 29 para. 1 point 1, and also point 2 of the Act on commercial quality of agri-food products, under which it may:

1. prohibit the marketing of agri-food products which do not meet the requirements of commercial quality (...).
2. order to subject the agri-food article to specific treatments.

The above decisions may be issued before the end of the inspection and are also immediately enforceable.

Moreover, inspector imposes financial penalty.

4. SANCTIONS

In order to ensure protection of PDO, PGI, TSG, an administrative sanction system for GI users not complying with product technical specifications (including precautionary measures) in the form of fines and marketing or processing prohibitions should be developed. Categorisation and
classification of administrative fines depend on the national systems. They could be very detailed on more generic.

The current European framework protects GIs by delegating to the Member States the responsibility of enforcing *ex officio* protection, leaving it to the Member States to determine the modalities of its execution. Indeed, the lack of concrete measures related to *ex officio* protection may hamper the proper enforcement of GI rights, especially when infringements are perpetrated in a different Member State’s market or using e-commerce.

Apart from the implementation of administrative and penal sanction systems, most Member States have been reluctant to provide details on additional initiatives or provisions to enforce GIs. On the contrary, in some Member States, such as Italy, where a specific body is appointed by law for *ex officio* protection, successful actions are taken on a permanent basis, including, but not limited to, controlling e-commerce and entering into specific cooperation agreements with major e-commerce platforms.

The criminal legal protection system is also fragmented, albeit to a lesser degree. Most national legislation of EU Member States provides for specific criminal sanctions in cases of infringements of GIs, while in some, for example, Belgium, Greece, Hungary, Latvia, Lithuania and the Netherlands, general criminal offences and penalties that are envisaged in cases of IPR infringements apply. Furthermore, as far as civil enforcement is concerned, there are several legal tools in national laws, such as trademark laws, unfair competition and consumer protection laws, which provide for efficient remedies for users of GIs, as well as for consumers.

As part of the enforcement systems, are cooperation measures among States to ensure that infringement cases are effectively followed up. For example, the European Commission’s European Food Fraud Network and the Rapid Alert System for Food and Feed (RASFF) as the environment for exchanging information and alerts on cases affecting GIs. Moreover, the Administrative Assistance and Cooperation (AAC) system, a dedicated IT tool for handling administrative assistance, is a tool for cooperation on GI cases.

### Administrative sanctions system - Polish example

The GI Registration and Protection Act regulates the verification of compliance with product specifications.

In particular, in cases of non-compliance, the producer is asked to find a remedy to the situation within a predefined time limit. If no remedy is available, the CBs refuse or withdraw the certificate of compliance and inform the Chief Inspector of the AFQI, the MARD and the other entities involved in controls.

One of the aims of the new Act of 10 June 2016, which amended the GI Registration and Protection Act, is, inter alia, to increase the effectiveness of sanctions imposed on producers illegally using GIs. The previous sanctions were considered disproportionate to the irregularities. The marketing of products labelled as GIs and non-compliance with the product
specifications were treated as a criminal offence, and the offender could be punished with a fine or even imprisonment of up to 5 years (if these offences provided the perpetrator with a regular source of income or if the offences concerned products of significant value).

According to the new provisions, the inappropriate use of names registered as GIs is punished with fines. These may be imposed by the Voivodeship Inspectors of the AFQI or TI on the basis of an administrative decision, taking into account the harmfulness, scope of the infringement, current activities of the infringing entity and volume of its turnover.

REFERENCES AND LEGISLATION

- Regulation (EC) No 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety;
- Regulation (EC) No 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules;
- Regulation (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs;
- Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs,
- Commission Delegated Regulation (EU) No 664/2014 of 18 December 2013 supplementing Regulation (EU) No 1151/2012 of the European Parliament and of the Council with regard to the establishment of the Union symbols for protected designations of origin, protected geographical indications and traditional specialities guaranteed and with regard to certain rules on sourcing, certain procedural rules and certain additional transitional rules,
• EUIPO “Protection and control of geographical indications for agricultural products in the Member States”, December 2017

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