



BETTER TRAINING FOR SAFER FOOD

## **Modules Description & Syllabus**

Version: 22 November 2018

### **Course 4: Cross-sectorial training on market controls**

**Organisation and implementation of training activities  
on the protected designations schemes: PDO/PGI/TSG/GI  
under the "Better Training for Safer Food" initiative**

**Contract Number 2015 96 02 – Phase 2**





## TOPIC 1: EU single market and protection of geographical indication

### *Specific objectives of Topic 1:*

- understanding of the international context concerning the protection of geographical indications at international and EU level
- wider knowledge of protection of geographical indications on EU market, including GIs from Third Countries recognized in EU

### *Module 1.1: Participants presentation*

Tutor(s): Benedetto Francesco Ballatore  
Duration: 30 min  
Format: Open discussion

#### **Summary of contents**

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### *Module 1.2: EU single market*

Tutor(s): Benedetto Francesco Ballatore  
Duration: 15 min  
Format: Open discussion

#### **Summary of contents**

- ❖ Internal Market for Food in Europe, timeline from 1958 till 21st century.
- ❖ Case studies: cassis de Dijon case, dioxin and BSE crisis.
- ❖ White Paper, EU General Food law and EU Hygiene Package.
- ❖ General principles and rules governing EU Single Market.
- ❖ Control systems: way to implementation of rules and principles.
- ❖ Continuous improvement through enforcement.

#### **Important concepts / information / messages for this module**

In the EU market the horizontal legislation, a harmonized control system based on effective rules and principles and proper enforcement procedures are fundamental. Traceability also plays a key role in the control chain.



### **Module 1.3: Approaches to protection of GIs**

Tutor(s): Arnaud Faugas / Fanny Hennequin  
Duration: 30 min  
Format: Presentation and open discussion

#### **Summary of module contents**

- ❖ Approaches and systems regarding geographical indications (trademark regimes and *sui generis* protection)
- ❖ Key players in GIs area at international level (WIPO, WTO, OIV, EU, oriGIn)
- ❖ Protection of geographical indications in international law:
  - WIPO's Paris Convention, Madrid Agreement, WIPO's Lisbon Agreement
  - WTO's TRIPS Agreement - Negotiations on GIs from WTO's Doha Development Agenda.
- ❖ EU bilateral agreements with third countries
- ❖ Open discussion

#### **Important concepts / information / messages for this module**

GIs can be protected either as such through a specific scheme or through trademarks.

These two Intellectual property rights fulfil different goals and have various important differences. Trademarks are not tools to protect GI in the EU.

There are three key actors in the GI area at international level: the EU (bilateral agreements with third countries), WTO (TRIPS agreement) and WIPO (Lisbon agreement and Geneva Act). Bilateral agreements concluded between third countries and EU aim at strengthening protection of EU GIs in the Third countries thanks to mutual protection of GI from both parties.

### **Module 1.4 Protection of GIs in EU market:**

Tutor(s): Arnaud Faugas / Fanny Hennequin  
Duration: 45 min  
Format: Presentation

#### **Summary of module contents**

- ❖ Legal protection of GIs, including third countries GIs, on EU market (agricultural products and foodstuffs, wines, spirits):
  - scope of the protection;
  - relationship with trade-marks.
- ❖ Mechanism of protection of national or other MS products with PDS or Third Countries GIs:
  - protected names registers;
  - cooperation with institutions, other MS and Third Countries.
- ❖ Examples of successful collaborations in protection of GIs.



### ***Important concepts / information / messages for this module***

Protection of GIs is crucial since recognition without enforcement has limited effect. Protection is needed to prevent deceptive practices for consumers and to ensure fair competition among stakeholders. High level of protection of GIs is ensured in the EU market both for EU GIs and Third countries GIs. EU legislation provides specific rules dealing with coexistence between GI and prior and subsequent trademarks (subject to the compliance with certain conditions).

EU symbols and terms “protected designation of origin” and “geographical indication” + Acronyms PDO/PGI are either mandatory or optional considering the kind of products (wines, spirits, agricultural and foodstuff products).

Third countries GI can benefit from the EU symbols within the EU if they are included in the EU registers.

### ***Module 1.5 Case study on protection of Third Country GIs:***

Tutor(s): Arnaud Faugas/ Fanny Hennequin

Duration: 45 min

Format: Working groups and debriefing

### ***Summary of module contents***

- ❖ Clarify the scope of protection of a group of PDO/PGI/TSG products.
- ❖ Difficulties encountered during field controls.
- ❖ Exchange of ideas, good practices and common issues identification.

### ***Important concepts / information / messages for this module***

Once formally registered in the EU or enjoying protection in the EU through a bilateral agreement negotiated with the European Commission, Third countries GIs enjoys the same level of protection as EU GIs.

EU Member States can detect Third countries GI infringements by different means: trademarks registers monitoring, controls on the market and controls at the borders.

Good cooperation between Third Countries and EU Member States is very important on this regard.

### ***Reference documents Topic 1:***

- White Paper on Food Safety
- Agreement on Trade-Related Aspects of Intellectual Property Rights
- Madrid Agreement Concerning the International Registration of Marks
- Paris Convention for the Protection of Industrial Property
  
- REGULATION (EU) No 1306/2013 of the EUROPEAN PARLIAMENT and of the COUNCIL of 17 December 2013
- REGULATION (EU) No 1308/2013 of the EUROPEAN PARLIAMENT and of the COUNCIL of 17 December 2013



- REGULATION (EC) No 178/2002 of the EUROPEAN PARLIAMENT and of the COUNCIL of 28 January 2002
- REGULATION (EC) No 882/2004 of the EUROPEAN PARLIAMENT and of the COUNCIL of 29 April 2004
- REGULATION (EU) No 1151/2012 of the EUROPEAN PARLIAMENT and of the COUNCIL of 21 November 2012
- REGULATION (EU) No 608/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 12 June 2013



## TOPIC 2: Overview on the sectorial specificities for wine, spirit drinks and agricultural products and foodstuffs with protected designations schemes

### *Specific objectives of Topic 2:*

- a clear understanding of EU provisions under the quality schemes for wine, spirit drinks and agricultural products and foodstuffs sectors
- more extensive knowledge on specific control practices related to each sector and on harmonizing them with a comprehensive approach

### *Module 2.1: Specificities of PDO/PGI wine sector – part 1*

Tutor(s): Marie Derisson / Bartolomeo Filadelfia  
Duration: 30 min  
Format: Presentation

#### **Summary of module contents**

- ❖ General characteristics of the wine sector.
- ❖ Overview of quality schemes in the wine sector and EU provisions.
- ❖ Documentation chain: compulsory declarations, registers, accompanying documents and key elements of technical specifications.
- ❖ Labelling particularities of PDO/PGI wines.

#### **Important concepts / information / messages for this module**

Wine production is a very important sector in the EU economy due to the international position rank and the exportation value. In order to guarantee the origin and the quality of products to consumers and to protect producers from frauds, EU provides a protection through granting PDO or PGI to products. This scheme has to be asked by a producers group to the national authority before sending to the EU Commission the request for registration. Once registered, names are protected throughout the EU but also in third countries according to bilateral agreements.

However, to benefit from this protection, the competent authority from each member state shall implement controls at the production stage and on the market. Such controls are first based on traceability checks facilitated by mandatory registers and documents kept by every operator from the grapes to the bottle.

Moreover, EU regulatory framework also provides specific prescriptions regarding labelling of GI wines. For instance it is mandatory to have the mention of protected designation of origin on a bottle of PDO wine, unless there is a traditional term (example: “appellation d’origine contrôlée”).



## **Module 2.2: Open discussion on PDO/PGI wines control**

Tutor(s): Marie Derisson / Bartolomeo Filadelfia  
Duration: 30 min  
Format: Open discussion

### **Summary of module contents**

- ❖ Discussion on the organization of wine supply chain and particularities of GI wines.
- ❖ Share experiences regarding the best practices and common identified issues concerning labelling / technical specifications.

### **Important concepts / information / messages for this module**

This discussion will deal with sharing of best practices for wine controls implementation. The objective, besides finding best practices from the participants, is to warn them of the necessity to put in place adapted tools for such controls and to improve communication between CAs and between member states where relevant.

## **Module 2.3: Specificities of PDO/PGI wine sector – part 2**

Tutor(s): Marie Derisson / Bartolomeo Filadelfia  
Duration: 45 min  
Format: Presentation

### **Summary of module contents**

- ❖ Key actors involved in GIs wines control.
- ❖ Control methods and best practices concerning controls along the wine supply chain.
- ❖ Communication at national and EU level – key to an efficient control system.

### **Important concepts / information / messages for this module**

EU regulations provide details about production stages controls. Controls must include a verification of every steps mentioned in the product specifications and also control on the product including at the packaging stage. Control on the product shall include organoleptic and analytical testing for PDO wines, and either analytical testing only or both organoleptic and analytical testing for PGI wines. Product specifications controls shall include the supply chain in order to verify traceability and when relevant the labelling of wines.

When controls put in evidence an infringement dealing with a PDO or PGI wine from another member state, it is important to communicate with the relevant competent authority from the member state the product comes from. These contacts can be found on DG AGRI website (market sector / wine / list 01). In some cases, memoranda of understanding can be signed between member states in order to facilitate the mission of competent authorities from non-producing countries.



### **Module 2.4: Practical activity on PDO/PGI wines control**

Tutor(s): Marie Derisson / Bartolomeo Filadelfia + Benedetto Francesco Ballatore  
Duration: 60 min  
Format: Working groups and debriefing

#### **Summary of module contents**

- ❖ Describe the control activities for the verification along the whole chain, from field till retail stage of a PDO/PGI wine – product specification as a base + legal requirements (chain critical points).
- ❖ Describe the controls at wholesale/retail level concerning the bottled wine.
- ❖ Identify the best practices and harmonize the proposed control approaches.

#### **Important concepts / information / messages for this module**

Participants will be divided in six groups. They will have to draft control plans for the control of Prosecco PDO according to the given product specification. To wrap up, all production steps will be covered by every group and two of them will have to tackle the specific issue of infringements found abroad (one in another member state and the other one in third countries).

### **Module 2.5: Specificities of GI spirit drinks sector – part 1**

Tutor(s): Magdalena Glodek  
Duration: 30 min  
Format: Presentation

#### **Summary of module contents**

- ❖ General characteristics of the spirit drinks sector, production and commercial organization.
- ❖ Overview of quality schemes in the spirit drinks sector and EU provisions.
- ❖ Labelling of spirit drinks with GIs.
- ❖ Registers and key elements of technical specifications.

#### **Important concepts / information / messages for this module**

Spirit drinks with geographical indications form a very important part of the EU food production. Names of spirit drinks are protected only as Geographical Indications. They are registered in Annex III to the regulation of the European Parliament and the Council no 110/2008.

It is important to remember that spirit drinks are described in categories and a given sale denomination should always appear on a label. No trade mark, brand name or fancy name may be substituted for the sales denomination of a spirit drink however they may be replaced or supplemented by geographical indications registered in Annex III.





Sales denomination or a geographical indication cannot be used in a compound term or the allusion in the presentation of a foodstuff unless the alcohol originates exclusively from the spirit drink(s) referred to.

### *Module 2.6: Open discussion on GI spirit drinks control*

Tutor(s): Magdalena Glodek

Duration: 30 min

Format: Open discussion

#### **Summary of module contents**

- ❖ Discussion on spirit drinks supply chain organization.
- ❖ Spirit drinks categories and labelling rules.
- ❖ Share experiences regarding the best practices and common identified issues concerning labelling / technical specifications.

#### **Important concepts / information / messages for this module**

Labelling issues may provoke many questions especially when assessing whether there is evocation of a protected name. It should always be assessed on a case by case basis. Low accessibility of technical files of GIs registered before 2008 means that cooperation between CAs is needed.

### *Module 2.7: Specificities of GI spirit drinks sector – part 2*

Tutor(s): Magdalena Glodek

Duration: 45 min

Format: Presentation

#### **Summary of module contents**

- ❖ Key actors involved in GIs spirit drinks control.
- ❖ Control methods and best practices regarding controls along the spirit drinks chain.
- ❖ Communication at national and EU level – key to an efficient control system.

#### **Important concepts / information / messages for this module**

Member states are obliged to ensure that spirit drinks in their territory are controlled. They shall take the necessary measures to ensure compliance with the provisions on spirit drink definition, origin of ethyl alcohol, categories of spirit drink as well as description, presentation and labelling. GIs of spirit drink are subject to a dual control system. Verification of compliance with the provisions reported in the technical file in respect of the GIs must be ensured before placing the product on the market. In respect of technical files of spirit drinks there are three critical points to be controlled: raw material, processing and bottling.



### **Module 2.8: Practical activity on GI spirit drinks control**

Tutor(s): Magdalena Glodek + Benedetto Francesco Ballatore  
Duration: 60 min  
Format: Working groups and debriefing

#### **Summary of module contents**

- ❖ Describe the critical points of a spirit drink chain. Detail the control methods:
  - Spirit drinks categories;
  - Requirements on bottling - risk analysis
- ❖ Exchange of good practices and harmonization of control approaches.

#### **Important concepts / information / messages for this module**

Participants will perform a verification of compliance on the basis of a technical file.

Key points in the technical file for verification of compliance will be identified.

Risk analysis should be taken into account in this exercise.

Control plans must be designed for GI spirit drink and should reflect the risk presented by each operator.

### **Module 2.9: Specificities of PDO/PGI/TSG agri-food products sector – part 1**

Tutor(s): Ana Soeiro  
Duration: 30 min  
Format: Presentation

#### **Summary of module contents**

- ❖ General characteristics of the agri-food sector.
- ❖ Overview of quality schemes applicable for agri-food products and relevant EU provisions.
- ❖ Registers and key elements of products specifications.
- ❖ Labelling provisions concerning agri-food products with GIs/TSG.

#### **Important concepts / information / messages for this module**

EU Agri-food sector is a very important one considering economic, social and cultural aspects, namely level of employment, correct use of the territory, protection of the environment, sustainability, food security as well as volume of exports.

Some of the products are key elements of cultural heritage and they deserve a special treatment and a special level of protection in the market. That is the reason we develop “quality schemes” in the EU. Two of those schemes – Designations of Origin (DO) and Geographical Indications (GI) - are considered as Intellectual Property Rights (IPR). The 3rd scheme – Traditional Specialities (TS) is not an IPR but even so, the names of those traditional specialities benefit from a certain legal protection. It is important to understand that what is protected is the name of the products and not the products



themselves. To be protected as a PDO or as a PGI or as a TSG, names must be registered at EU level. To qualify a name as a DO or as a GI producers must demonstrate the existence of a certain link between the product and the region. To qualify a name as a TS, producers must demonstrate the use of traditional ingredients and or traditional methods of production. In all the cases is required to present a specification, describing for DOs and GIs, the name to be protected, product and its ingredients, description, production methods, geographical area, link with the geographical area and labelling details. For TS, specification must provide the name, the product and its ingredients description, production methods and traditional character. After the registration procedure, names remain legally protected against imitation, misuse, evocation, etc. EU can protect also names of agri-food products from third countries, under an EU similar procedure or under different types of treaties between EU and 3rd countries or groups of countries. The system must remain open to all the operators that fulfil the rules contained in the specification.

Concerning the labelling of the products, rules are quite simple: common rules on labelling must be fulfilled and when the protected name is used, it is mandatory to use the corresponding EU symbol in the same field of vision. The mentions and its abbreviations may also appear. For 3rd countries registered names, the use of EU symbol is voluntary.

EU Commission maintains an updated database – DOOR – of registered agri-food names (specifications are available in the registration language and single documents - a sort of resume of an application is available in all EU official languages).

In all the schemes specific controls are mandatory. Those specific controls - verification of conformity with specification – are a part of EU official controls and must be done to guarantee fair practices in trade and protecting consumer interests, considering the risk presented by each operator – from producers to traders and based in a specific control plan for each PDO, PGI or TSG product and production chain.

### ***Module 2.10: Open discussion on PDO/PGI/TSG agri-food products control***

Tutor(s): Ana Soeiro  
Duration: 30 min  
Format: Open Discussion

#### ***Summary of module contents***

- ❖ Discussion on particularities of various supply chains (meat products, cheese, olive oil, honey).
- ❖ Exchange of practices and common identified issues.

#### ***Important concepts / information / messages for this module***

Control plans must be designed for each specific product covered by a PDO or a PGI or a TSG and must consider the risk presented by each operator, depending on the type and nature of the concerned product, the dimension, the type and number of suppliers, the year season, the bottling or packaging of the products, the operator internal organisation, the type and nature of controls made by the operator and or made by the producers group, the existing records on each operator and all the specific relevant factor.



Common controls on common food hygiene, common food labelling, common food composition and others are not to be covered by these specific controls.

### ***Module 2.11: Specificities of PDO/PGI/TSG agri-food products sector – part 2***

Tutor(s): Ana Soeiro  
Duration: 45 min  
Format: Presentation

#### ***Summary of module contents***

- ❖ Key actors involved in the controls of PDO/PGI/TSG agri-food products.
- ❖ Controls' particularities regarding each quality scheme along the supply chain. Control methods and best practices.
- ❖ Reporting and communication related to control activity, national and EU level.

#### ***Important concepts / information / messages for this module***

Agri-food products with a PDO, a PGI or a TSG are covered by two different types of controls. As an agri-food product, they are covered by common controls on hygiene, composition, labelling, traceability. As beneficiary of a PDO or a PGI or a TSG they are also under a specific control entitled to verify the conformity with what is written in the specification concerning, depending on each product and case, on the localisation of premises, on the use of certain specific breed or variety or raw materials, on specific use of feed, on a specific geographical area, on a specific traceability, on a specific method of production, on specific rules of maturation or preparation or conservation or packing or slicing or bottling or labelling or any other specific requirement of each specification.

Key actors involved in PDOs/PGIs and TSGs agri-food products control (verification of compliance with specification) are competent authority (CA) (or authorities - being national and/or regional and/or local and/or specialized in a certain sector of activity), control bodies if CA delegates tasks to those bodies, producers' groups and producers.

All of them should cooperate on the design of the control plan and on the controls themselves. Producers group and producers are key elements because they have a special knowledge of key points to control on the production chain.

Key actors involved in PDOs/PGIs and TSGs agri-food products controls on the market are CA and producers' group and customs and or Consumers Associations, and/or CA(s) from other MS and 3rd countries, and or Professional associations of restaurants, fair dealers, wholesalers and retailers, transports, central purchasing and distribution units, slicers, bottlers and packers, storehouses, importers, exporters, internet and operators.

The involvement of those actors allows the complete view on the market and allows to understand where the weak points of the product chain are since farm to fork.

Always considering the risk, checks can be done along the production chain – in the farm, in the preparation unit, in the unit office's, in the packaging or slicing or bottling unit, or store or bar or restaurant or fair or any other place where the product is produced or stored or sold. But checks must be done also on the product itself above all on what concerns organoleptic characteristics and composition.



Each MS prepares a multiannual control plan, including controls of PDO/PGI and TSG covered products.

It is mandatory that CA of each MS send an annual specific report concerning controls of PDO/PGI and TSG covered products to the European Commission.

If CA delegates controls of PDO/PGI and TSG to control bodies, those bodies must send reports to CA with a frequency depending on each MS and depending on the nature and dimension of non-conformities found.

### ***Module 2.12: Practical activity on PDO/PGI/TSG agri-food products control***

Tutor(s): Ana Soeiro + Benedetto Francesco Ballatore

Duration: 60 min

Format: Working groups and debriefing

#### ***Summary of module contents***

- ❖ Describe critical control points of products' chains from each quality scheme, including retail stage. Base: product specification + legal requirements.
- ❖ Exchange of good practices and harmonization of proposed control activities.

#### ***Important concepts / information / messages for this module***

Participants will discuss the importance of share views on how to read a specification and on how to define key points to control and how to define when, where and how checks should be done. Not all the specification is to control, not all points are key points to control. Sometimes it is important to do some controls in a given season: but seasons in a farm or in a production unit or in a maturation store or in a selling point are totally different.

Checks must consider any existing legislation – for instance requiring a specific authorization to use the product as an ingredient of another product. However common legislation on hygiene, labelling, and so on is not covered.

The crucial role of co-operation among actors, existence of specific databases, international cooperation, customs co-operation will be also debated.

### ***Reference documents Topic 2:***

- REGULATION (EU) No 1306/2013 of the EUROPEAN PARLIAMENT and of the COUNCIL of 17 December 2013
- REGULATION (EU) No 1308/2013 of the EUROPEAN PARLIAMENT and of the COUNCIL of 17 December 2013
- COMMISSION REGULATION (EC) No 555/2008 of 27 June 2008
- COMMISSION REGULATION (EC) No 607/2009 of 14 July 2009
- COMMISSION DELEGATED REGULATION (EU) 2018/273 of 11 December 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register,



accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties, amending Commission Regulations (EC) No 555/2008, (EC) No 606/2009 and (EC) No 607/2009 and repealing Commission Regulation (EC) No 436/2009 and Commission Delegated Regulation (EU) 2015/560

- COMMISSION REGULATION (EC) No 606/2009 of 10 July 2009
- COUNCIL DIRECTIVE 2008/118/EC of 16 December 2008
- REGULATION (EC) No 110/2008 of the EUROPEAN PARLIAMENT and of the COUNCIL of 15 January 2008
- COMMISSION IMPLEMENTING REGULATION (EU) No 716/2013 of 25 July 2013
- REGULATION (EU) No 1151/2012 of the EUROPEAN PARLIAMENT and of the COUNCIL of 21 November 2012
- COMMISSION DELEGATED REGULATION (EU) No 664/2014
- COMMISSION IMPLEMENTING REGULATION (EU) No 668/2014 of 18 December 2013
- REGULATION (EC) No 178/2002 of the EUROPEAN PARLIAMENT and of the COUNCIL of 28 January 2002
- REGULATION (EC) No 882/2004 of the EUROPEAN PARLIAMENT and of the COUNCIL of 29 April 2014
- REGULATION (EU) No 1169/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL



## TOPIC 3: Cross-sectorial market controls, fraud detection and food authenticity protection

### *Specific objectives of Topic 3:*

- an understanding of market controls systems
- applying the risk based approach for planning of market controls
- a wider knowledge on the field procedures, challenges and best practices
- harmonization possibilities for the methods to conduct controls on PDO/PGI/TSG/GI certified products and for fraud detection
- a better knowledge on the other participants experience, identifying the best practices on cross border cooperation

### *Module 3.1: Market controls systems*

Tutor(s): Benedetto Francesco Ballatore

Duration: 30 min

Format: Presentation

#### **Summary of module contents**

- ❖ Main concepts and definition of official controls, food authenticity and food fraud. Contributing factors to food fraud growth.
- ❖ Market controls systems related to PDO/PGI/TSG/GI products

#### **Important concepts / information / messages for this module**

A risk analysis approach as well as common control procedures are fundamental to maintain an efficient market control.

### *Module 3.2: Open discussion on market controls' systems*

Tutor(s): Benedetto Francesco Ballatore

Duration: 30 min

Format: Presentation and open discussion

#### **Summary of module contents**

- ❖ Presentation of the Italian system approach – from farm to retail stage.
- ❖ Exchange of views on market controls' systems in the participants' countries.



### **Important concepts / information / messages for this module**

The open discussion will start from the example of the Italian control system, giving special emphasis on products' traceability procedures.

### **Module 3.3: Planning of market controls activities**

Tutor(s): Francesco Librandi / Benedetto Francesco Ballatore

Duration: 30 min

Format: Presentation

### **Summary of module contents**

- ❖ Risk based approach – fundamental tool for reducing costs of control activity. Importance of databases for planning.
- ❖ Key indicators of planning activity, particularly:
  - Frequency - calculate right number of inspections, the number and type of operators, which will be checked (depending on the size, frequency of irregularities, sector).

### **Important concepts / information / messages for this module**

Control plan and risk based approach are key elements of Official controls as provided either by Reg. (EC) n. 882/2005 and by Reg. (EU) 2017/625.

High attention to planning activities give a Control Authority the opportunity to optimize the use of the economical and physical resources and at the same time it provides good instruments to guarantee protection to consumers and to fair food business operators (FBO).

Moreover, in order to avoid higher than needed control pressure, consequently, being an obstacle to the productive and economical activities, it is very important to select the target of controls on a risk based approach. This means that the selection has to take into consideration many aspects related for example, to the economic impact of the production we are meant to inspect, the past records related to each FBO, consumers feedback, etc.

In order to associate a risk index to each FBO, that take under consideration all those elements, software of business intelligence can help.

### **Module 3.4: Case study on planning of market control activities**

Tutor(s): Francesco Librandi / Benedetto Francesco Ballatore

Duration: 45 min

Format: Working groups and debriefing

### **Summary of module contents**

- ❖ How market controls must be planned so as to be sure that controls are representative and are able to give a real picture of the market situation?





### ***Important concepts / information / messages for this module***

A case study on control planning activities it is useful to give participants some example of elements that need to be taken under consideration and to train participants to find solutions that are adapted to the resources they have available.

### ***Module 3.5: Market controls' coordination and control steps***

Tutor(s): Francesco Librandi/ Benedetto Francesco Ballatore  
Duration: 30 min  
Format: Presentation

### ***Summary of module contents***

- ❖ Practical examples of coordination tools and methods.
- ❖ Inspection procedures and sampling procedures for market controls. Practical guidelines on the elaboration of inspection procedures. Preparation for controls.
- ❖ Control steps:
  - Labeling compliance to the EU, national law;
  - Chemical analysis - recognized tool for fraud identification; Examples of standard methods of analysis;
  - Innovative tools: DNA analysis, sensor technology, data analysis, fingerprinting of products
  - Operators checks: documentation, traceability, analysis results vs technical specification, batch number verification and PDO/PGI/TSG/GI certificate.

### ***Important concepts / information / messages for this module***

Market controls need a systemic approach, from field inspections to laboratory analysis. Coordination tools and methods are fundamental, as well as proper inspection procedures and sampling procedures. On this regard the use of guidelines for inspectors is always recommended. All steps in the control chain are crucial, but special attention should be paid to labelling compliance to the European and National law and to the use of proper chemical analysis to detect frauds.

### ***Module 3.6: Case study on market controls***

Tutor(s): Benedetto Francesco Ballatore  
Duration: 45 min  
Format: Working groups

### ***Summary of module contents***

How to deal with a label evocating a PDO product:

- ❖ Evaluate the label and identify the problem.



- ❖ Describe the steps to follow in case of product coming from the same country, a MS or a third country.

#### ***Important concepts / information / messages for this module***

It is fundamental to know how to evaluate labels and to identify the different possible irregularities. During the exercise participants will see the steps to follow in case of a product coming from the same country, from a MS or from a Third Country.

### ***Module 3.7: Market controls' procedures in case of infringements***

Tutor(s): Benedetto Francesco Ballatore  
Duration: 15 min  
Format: Presentation

#### ***Summary of module contents***

- ❖ Management of infringements. Sanctions.
- ❖ Specific cases and issues:
  - Main targets of fraudulent activities and main fraud types;
  - Increased involvement of criminal organizations in food fraud.

#### ***Important concepts / information / messages for this module***

Criminal organisations are more and more active at international level as regards food frauds. It's therefore crucial that the different EU MSs Control Authorities cooperate and use in a harmonised way all the available legislative tools.

### ***Module 3.8: Case study on fraud detection***

Tutor(s): Francesco Librandi / Benedetto Francesco Ballatore  
Duration: 45 min  
Format: Working groups and debriefing

#### ***Summary of module contents***

- ❖ Describe the steps to be followed to control a certified product, from supermarket till producer. What would be the key documents to be checked to be able to detect a fraud?
- ❖ Exchange of best practices among participants.

#### ***Important concepts / information / messages for this module***

Through this practical activity the steps that must be followed to detect a food fraud, from the producer to the supermarket, will be analysed by participants, including the needed documentary checks.



### **Module 3.9: Communication and cross-border cooperation**

Tutor(s): Francesco Librandi / Benedetto Francesco Ballatore

Duration: 30 min

Format: Open discussion

#### **Summary of module contents**

- ❖ Communication and cooperation among MS and with Third Countries on market controls' and fraud related issues. Europol.
- ❖ Food Fraud Network tool: Administrative Assistance and Cooperation System.
- ❖ Exchange of good practices, identified issues.

#### **Important concepts / information / messages for this module**

The correct implementation of the steps to control certified products is fundamental for an effective control procedure. The process should start from the producer and reach the supermarket where the products are sold, and should also include documentary checks.

#### **Reference documents Topic 3:**

- REGULATION (EU) No 1151/2012 of the EUROPEAN PARLIAMENT and of the COUNCIL of 21 November 2012
- REGULATION (EC) No 178/2002 of the EUROPEAN PARLIAMENT and of the COUNCIL of 28 January 2002
- REGULATION (EC) No 882/2004 of the EUROPEAN PARLIAMENT and of the COUNCIL of 29 April 2014
- REGULATION (EC) No 110/2008 of the EUROPEAN PARLIAMENT and of the COUNCIL of 15 January 2008
- COMMISSION REGULATION (EC) No 607/2009 of 14 July 2009
- COMMISSION IMPLEMENTING REGULATION (EU) No 716/2013 of 25 July 2013
- REGULATION (EU) No 608/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 12 June 2013
- REGULATION (EU) No 1306/2013 of the EUROPEAN PARLIAMENT and of the COUNCIL of 17 December 2013
- REGULATION (EU) No 1308/2013 of the EUROPEAN PARLIAMENT and of the COUNCIL of 17 December 2013
- COMMISSION REGULATION (EC) No 555/2008 of 27 June 2008
- REGULATION (EU) No 1169/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
- REGULATION (EU) No 2017/625 of the EUROPEAN PARLIAMENT and of the COUNCIL of 15 March 2017



## TOPIC 4: E-commerce controls on agri-food products, wines and spirits with protected names

### *Specific objectives of Topic 4:*

- an up-to-date and harmonized knowledge on electronic commerce and specific issues related to it
- wider knowledge about good practices on e-commerce controls and other MS approaches and methods

### *Module 4.1 E-commerce and geographical indications: legal framework and main issues*

Tutor(s): Francesco Librandi / Fabrizio Gualtieri

Duration: 30 min

Format: Presentation

#### **Summary of module contents**

- ❖ Legal framework on electronic commerce.
  - Definition. Particularities (globally, increased trend in small consignments).
- ❖ Geographical indications and e-commerce: main issues (what courts have jurisdiction over disputes, various levels of protection in countries).
- ❖ Application of risk based approach for the e-commerce controls (ex: selecting countries with higher risk of fraud).

#### **Important concepts / information / messages for this module**

The e-commerce development in the last decades is quite evident and, especially in recent years, it is changing the approach of purchasing food and beverage by consumers. This trend is clearly shown by a video clip and some figures of the presentation and it represents the reason why e-commerce controls are necessary and nowadays more important.

Directive 2000/31/EC provides legal aspects related to electronic commerce in the Internal Market. At international level, the US Digital Millennium Copyright Act of 1998 has a great importance, so as the Trade Dispute Rules provided by the main e-commerce market places.

Regulation (EU) no. 1151/2012, Art.13 gives the legal basis for the protection against the misuse, usurpation, but principally evocation of protected designations of origin and protected geographical indications and gives the provision for the designation of ex-officio Authorities.



## **Module 4.2: E-commerce and geographical indications: controls and management of infringements**

Tutor(s): Francesco Librandi / Fabrizio Gualtieri  
Duration: 30 min  
Format: Presentation

### **Summary of module contents**

- ❖ E-commerce controls, from web-site to real producer location and inspection.
  - domain names, use of PDO/PGI/TSG logos on websites
- ❖ Management of infringements. Sanctions.
- ❖ Specific cases and issues.

### **Important concepts / information / messages for this module**

Performing e-commerce controls on GIs is a quite a recent inspection activity. It is really important the cooperation between all inspectors involved in this specific control area, in order to lead to best practices on performing e-commerce controls and managing the infringements.

The controls must take in consideration the risk based approaches, linked to products, FBOs, electronic market places.

The management of irregularities has to give extreme importance to gathering of evidence, writing a report of infringements and reporting procedures in relation to the actors involved in the case (e.g. websites owner or electronic market places, and all possible geographical origin of the responsible of infringements).

## **Module 4.3: National case study**

Tutor(s): Francesco Librandi / Fabrizio Gualtieri  
Duration: 30 min  
Format: Presentation

### **Summary of module contents**

- ❖ Italian case study: agreements between Italian CA and coordinators of websites such as Amazon, Alibaba and Ebay
- ❖ Real case study of notice and take down

### **Important concepts / information / messages for this module**

The Italian competent Authority is protecting the GIs on electronic market with increasing efforts since 2014.

In recent years of activity, gradually many lines of successful actions were defined, starting from acting as Italian *ex officio* Authority and collaborating with the main e-commerce players.



The success is driven principally by the well-designed procedures on the management of infringement found in electronic market places, starting from the Memorandum of Understanding, to the notice of infringement, till the take down of the irregular items.

#### **Module 4.4: Case study on e-commerce controls – part 1**

Tutor(s): Francesco Librandi/ Fabrizio Gualtieri  
Duration: 30 min  
Format: Working groups and debriefing

##### **Summary of module contents**

- ❖ Using risk based approach, specify the target of controls.
- ❖ PDO/PGI/TSG/GI products sold on a website:
  - Identify the non-compliances and clarify their type

##### **Important concepts / information / messages for this module**

Training on the process of selection of the target of e-commerce controls (GIs, FBOs, Market places) and finding some cases of infringements are very important on the first approach on protection of GIs sold via web.

Very important is the open discussion about the infringements found so that a standard *modus operandi* will be followed by all inspectors.

#### **Module 4.5: Case study on e-commerce controls – part 2**

Tutor(s): Francesco Librandi / Fabrizio Gualtieri  
Duration: 30 min  
Format: Working groups and debriefing

##### **Summary of module contents**

For a range of PDO/PGI/TSG/GI products sold on websites:

- ❖ Describe the control steps and methods.
- ❖ Identify who is empowered to judge the case and apply penalties.

##### **Important concepts / information / messages for this module**

The management of infringements found in the web is as important as the finding of illegal GIs. Consequently, the collection of evidence related to the infringements found and the writing of reports related to those cases are extremely important, in order to reach the target of the e-commerce control: getting the illegal items taken down.



*Reference documents Topic 4:*

- DIRECTIVE 2000/31/EC of the EUROPEAN PARLIAMENT and of the COUNCIL of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('DIRECTIVE ON ELECTRONIC COMMERCE')
- REGULATION (EU) No 1151/2012 of the EUROPEAN PARLIAMENT and of the COUNCIL of 21 November 2012