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# The control plan of agricultural and non-agricultural GIs: the Cinderella of collective action?

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**Abstract** – Compared to the product specifications, the control plan is often at the background of the operationalisation and analysis of collective action in GIs. This article shows that analysing the control plan allowed to unravel key differences in collective action between agricultural and non-agricultural GIs. **Keywords** – *collective action, controls, agricultural and non-agricultural GIs.*

## INTRODUCTION

The extension of the European system of Geographical Indications (GIs) for agricultural products and foodstuffs to non-agricultural products is currently discussed at the European level. In France, a system of protection of GIs for industrial and artisanal products (IGPIA) has been established in 2014 and is administered by the *Institut National de la Propriété Intellectuelle* (INPI). Contrary to the system managed by the Ministry of Agriculture (INAO) of GIs for agricultural products and foodstuffs, in the IGPIA system, the product specifications (PS), the statutes of the GI Defence and Management Organisation (ODG) and the control plan are always public documents. This facilitates the access to crucial information and suggests a shift in perspective both for producers and academics to the operationalisation and understanding of collective action, one of the pillars of GIs. Built upon the analysis of the control plan (an often-underestimated document), this paper aims to better understand key issues on collective action in IGPIA in France. The paper compares the IGPIA *Absolue Pays de Grasse* with a similar agricultural GI, the PDO *Huile Essentielle de Lavande de Haute-Provence*. This innovative approach allows to highlight how the control management (1) qualifies the link to origin, and (2) impacts on collective action for GI registration and governance.

## METHODS

This paper involves the comparative analysis between the French legal framework on agricultural GIs and IGPIA. The PS, the statutes of the ODG, the control plan for the PDO on the Essential Oil and the IGPIA on the Absolute were analysed. 13 semi-structured interviews were conducted involving the stakeholders of the value chain of both GIs, national authorities, and representatives of French control bodies.

## FINDING COMMON GROUNDS

The comparison between the PDO on the Essential Oil and the IGPIA on the Absolute is particularly relevant due to common characteristics.

**Common agricultural raw materials.** The GI products involved are processed products derived from the same agricultural raw materials: local species and/or varieties of aromatic plants. The Essential Oil is obtained through steam distillation of Population Lavender. In contrast, the Absolute is obtained through numerous processing steps, involving the extraction of plant raw material and the transformation of the primary extract into absolute.

**Similarities in the value chain.** For the PDO, there are 86 lavender growers, 12 processors (including cooperatives and associative distilleries), about 19 stakeholders are both lavender growers and distillery owners/processors. For the IGPIA, 7 industries produce the Absolute and most aromatic plant growers are represented by an association.

**Coexistence of heterogeneous know-how.** The pedo-climatic conditions, and the know-how on the cultivation of aromatic plants constitute a common baseline for the Essential Oil and the Absolute, as they influence the distinctive characteristics and qualities of the GI product. In both cases, the local know-how related to processing coexists and interacts with the agricultural practices involving aromatic plants.

These similarities would suggest similar approaches to the product characterisation. However, the analysis of the PS and control plan revealed remarkable differences between the PDO and IGPIA products.

## CONTENT OF THE PS

**The PS of the PDO product.** It shows the producers' choice to prioritize the quality of the raw materials over the processing in defining the link to origin. Strict rules identify the characteristics of the plant variety, the Population Lavender, which grows in the geographical area under specific pedo-climatic conditions and altitude. The steam distillation process is not described in detail in the PS, the distillery must be in the geographical area. The description of the product is punctual and involves both the olfactory and analytical distinctive attributes.

**The PS of the IGPIA product.** It is mainly focused on the specific characteristics of the processing, explicitly linked to local reputation. A list of 28 species

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of aromatic plants historically harvested in the identified geographical area constitute the raw materials for producing the Absolute. Contrary to the PDO, the pedo-climatic conditions and the agricultural practices are not described as a main justification for the link to the origin. The criterion used to localise of the raw materials is the historical relationship between aromatic plant growers and processors. The product characteristics are described using three broad elements: the plant-dependent olfactive properties of the absolute, the high olfactory concentration and the solubility in ethanol.

#### CONTENT OF THE CONTROL PLAN

**Controls for the PDO product.** They are conducted on the lavender field plot and on the processed product. The distillation process is subject to documental control. Yet, strict analytical and olfactory controls on the characteristics of the PDO product are considered enough accurate to verify the distillation process and the compliance with the agricultural practices. The internal control (by the ODG) and the external control (by the control body) target the same elements and mutually contribute to ensure the reliability of the control system.

**Controls for the IGPIA product.** They are concentrated at the processing stage. Besides controls on the processing steps, the local sourcing and nature of the plant species is subject to documental and visual control by the control body at the processors' premises. The compliance to the specific characteristics of the product is managed through self-control (analytic and olfactory) by each processor, individually. The ODG does not perform internal controls on stakeholders' compliance to the PS.

#### LEARNING FROM THE CONTROL PLAN

The analysis of the control plan allowed to identify key issues on collective action.

**Issues derived from the legal framework.** In the IGPIA system, external control is directly implemented through a contract between each GI beneficiary and the control body. Nevertheless, the ODG is free to sign a contract with the control body for third party control. As a result, each GI beneficiary independently manages the relationship with the control body for the certification. This could discourage the mutualisation of costs and the collective approach to control management. Moreover, art L 721-6 Industrial Property Code does not mention the duty of the ODG to perform internal controls on stakeholders' compliance to the PS. In other words, in the IGPIA system, control management is not formally centralised upon the ODG, a factor that could weaken collective action. In the case of the Absolute, this approach is also suggested by the choice of self-control (instead of external or internal control) to verify specific characteristics of the product (i.e., olfactory, and analytical attributes), broadly identified in the PS. In French agricultural GIs, the contract for third party external control between the ODG and the control body is compulsory and the control management for certification is always centralised upon the ODG, also in charge of

mandatory internal controls (art 4.1.2.1. ISO 17065 and art L 642-22 CRPM).

**Issues derived from control distribution along the value chain.** In the PDO controls are distributed along the value chain, involving both lavender growers and processors. Therefore, control management shows a horizontal integrated approach to PS design and GI management. In the IGPIA the concentration of controls upon the processors helps to better understand the role of the plant growers in the GI initiative and management. On the one hand the plant growers' association, recognised as the ODG, is the catalyst for collective action: it started the GI project, formalised the local sourcing of the plants in the PS, facilitated the compromise between aromatic plant growers and industrial processors. On the other hand, this core role is less prominent in the PS and in the control plan, where the criterion of the provenance and plant species, checked at the processing stage, reveals an original approach to the product characterisation. The link to origin is primarily qualified through the traditional know-how on the process, and the local sourcing of the raw materials is based on historical factors. As also confirmed by the analysis of the statutes of the ODG, plant growers and processors have different responsibilities on the GI management. Yet, there is a vertical coordination, where two separate decision-making centres are characterised by different degrees of collective engagement. The first is on the plant growers' association (initiator and 'pilot' of the GI), and the second is on the processors, who interact with the association to engage in the GI management.

#### REDISCOVERING THE CONTROL PLAN

In France, the system does not impose the publication of the control plan for PDOs and PGIs. This lack of accessibility has over time hidden its significance in GI research and practice.

This paper showed the added value of the control plan for identifying key elements of collective action in GI management, which could remain implicit in the PS. Public control plans would promote the transparency of the GI system, important to understand producers' choices to justify the link to origin. In conclusion, as Cinderella, public and accessible control plans, would finally be recognised at their true value, as key operational and diagnostic tools for GI collective action.

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#### REFERENCES

- Marie-Vivien D. and Carimentrand A. et al. (2019), *Controversies around geographical indications*. British Food Journal 121(12):2995-3010.
- Marie-Vivien, *A comparative analysis of GIs for handicrafts: the link to origin in culture as well as nature?* (2016) In: Gangjee D. (eds) *Research Handbook on Intellectual Property and geographical Indications*, pp. 292-326.
- Quiñones-Ruiz X. F. et al. (2016) *Insights into the black box of collective efforts for the registration of Geographical Indications*, Land Use Policy 57: 103-116.