

Management of risks and opportunities in the process of obtaining/maintaining the denomination protection of an agricultural or food product

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Abstract

The study presents a detailed analysis of the activity of obtaining European denomination protection of some agricultural or food products obtained only in certain delimited geographical areas or with a special reputation or according to traditional methods, products that are part of the national gastronomic heritage. The risks and opportunities for each stage of the process of European recognition of denomination protection are analyzed. The ways to solve/minimize the risks are described, in order to improve the process of obtaining denomination product protection.

Keywords: denomination protection, food product, risks, opportunities

1. Introduction

The European Commission pays special attention to the protection of reputable agricultural or food products, obtained by traditional methods, in direct connection with a certain region or country. These products are part of the gastronomic heritage of the member countries; maintaining culinary diversity, along with continuing to obtain and use specific products in food, represents a permanent objective in the policy of the European Commission.

In order to preserve the gastronomic heritage of the member countries and to protect products with a reputation for distortion or falsification, the European Commission issued a series of legislative acts (European Regulations^[1]) regarding the protection of their denominations. They describe the procedures by which the obtaining of reputable products is documented, the control of compliance with traditional recipes regarding raw materials and the stages of obtaining and the verification of specific characteristics. After meeting the conditions for recognition of the protection of the denomination of an agricultural or food product, the national authorities send the product file to the European Commission with the request for registration in the list of

protected products. After evaluating the file, the European Commission decides whether or not to grant product denomination protection.

Several parties are involved in this activity: producer groups, inspection and certification bodies, national authorities and the European Commission, each with a well-defined role. The article presents the risks and opportunities related to the activities of each party involved, for Romanian products with denominations protected at European level or in the process of obtaining denomination protection.

2. Methods

The study consisted of the evaluation of the files of Romanian products with a protected denomination/in the process of obtaining protection at the European level, for each stage and for each factor involved. At the time of the study, Romania had obtained denomination protection for a number of 13 products (1 DOP product - Protected Designation of Origin, 11 PGI products - Protected Geographical Indication, 1 STG product - Guaranteed Traditional Specialty); there are 3 files (2 IGP and 1 STG) pending European recognition of the protection of the denomination. Also, a number of 4 products are in the control/evaluation phase at the level of Control Bodies. The applicant groups each have a number from 1 to 11 operators controlled by the Control Bodies.

The list of Romanian products that have obtained denomination protection is available on the websites of the European Commission (Ambrozia[2]) and of the Competent Authority in Romania (Ministry of Agriculture and Rural Development[3]).

Table no. 1 lists the Romanian products that have obtained denomination protection; Table no. 2 presents the products under evaluation at the European Commission

Table no. 1. Romanian products that have obtained the recognition of the denomination protection

No.	Product	Protection (PDO, PGI, TSG)	Date of recognition	No. controlled operators (producers)
1	Topoloveni plum jam (<i>Magiun de Topoloveni</i>)	PGI	08.04.2011	1
2	Sibiu salami (<i>Salam de Sibiu</i>)	PGI	19.02.2016	7

3	Ibanesti white cheese (<i>Telemea de Ibanesti</i>)	PDO	15.03.2016	1
4	Smoked Novac from Tara Barsei (<i>Novac afumat de Tara Barsei</i>)	PGI	06.04.2017	1
5	Smokee Danube mackerel (<i>Scrumbie de Dunare afumata</i>)	PGI	03.12.2017	1
6	Plescoi sausages (<i>Carnati de Plescoi</i>)	PGI	04.10.2019	3 + 3*
7	Sibiu white cheese (<i>Telemea de Sibiu</i>)	PGI	16.10.2019	9 + 1*
8	Saveni fermented cheese (<i>Cascaval de Saveni</i>)	PGI	22.04.2021	2**
9	Salad with pike roe from Tulcea (<i>Salata cu icre de stiuca de Tulcea</i>)	PGI	20.07.2021	1
10	Traditional salad with carp roe (<i>Salata traditionala cu icre de crap</i>)	TSG	29.09.2021	2
11	Dobrogea pie (<i>Placinta dobrogeana</i>)	PGI	30.03.2023	2
12	Pecica bread (<i>Pita de Pecica</i>)	PGI	26.06.2023	3
13	Turda Saltworks (<i>Salinate de Turda</i>)	PGI	03.11.2023	1

Source: Own contribution

Table no. 2. Romanian products under evaluation at the European Commission

No.	Product	Protection (PDO, PDI, TSG)	Date of file registration	No. controlled operators (producers)
1	Deltaic sturgeon whip (<i>Batog de sturion</i>)	PGI	21.07.2023	1
2	Marinated sardine (<i>Sardeluta marinata</i>)	PGI	28.08.2023	1
3	Buzau sausages (<i>Babic de Buzau</i>)	PGI	22.09.2023	3

Source: Own contribution

Total controlled operators in the presented applications = 43; all operators are subject to annual inspections (announced or unannounced inspections); during the control, product samples are taken to determine the product characteristics in accredited testing laboratories.

For the risk assessment, all the specific situations encountered during the controls were taken into account.

In **Table no. 3**, the stages and factors involved in the process of recognizing the European denomination protection are described.

Table no. 3. Stages in the recognition process and factors involved

Nr. Crt	Stage	Factors involved
1	Establishment of the applicant group	The applicant group / members
2	File documentation (specification, single document, annexes, etc.)	The applicant group
3	Contracting control activities	The applicant group, Control Body
4	Performing control activities	Control Body, The applicant group / members
5	Evaluation of the control results, decision and issuance of the certification document	Control Body
6	Transmission of the file to the Competent Authority	The applicant group
7	Evaluation of the file	Competent Authority
8	National opposition	Competent Authority
9	Forwarding the file to the European Commission	Competent Authority
10	Receiving the file	European Commission
11	Evaluation of the file	European Commission
12	Clarification of the European Commission's observations related to the content of the file	The applicant group, European Commission
13	Opposition at the European level	European Commission
14	Registration of product denomination protection, drafting and issuance of the European Regulation for recognition of denomination protection	European Commission

Source: Own contribution

For each stage, the risks and opportunities identified from the evaluation files of the operators at the level of control bodies, National Authorities and the European Commission were identified.

The risks were evaluated according to severity (low, medium, high) and frequency (low, medium, high), according to Figure no. 1.

Figure no. 1. Risk assessment model

		Frequency		
		Low (1)	Medium (2)	High (3)
Severity	Low (1)	2	3	4
	Medium (2)	3	4	5
	High (3)	4	5	6

Risks rated at 2 or 3 (yellow)

–no corrective actions are required

Risks assessed at 4 (orange)

–management determines if it is necessary to apply corrective actions (cost/results ratio)

Risks rated at 5 or 6 (red)

-mandatory corrective actions

3. Results

The risks identified for each stage of the denomination protection recognition process are presented.

- Establishment of the applicant group

The applicant group (any form of association) must have at least 2 members (at least one producer operator); possible producers from the delimited geographical area are announced (mass media) by the formation of the group.

Identified risks - operators from the delimited geographical area (possible producers) who do not participate in the formation of the group, - risk with medium frequency and severity. Non-participating operators can intervene in the national opposition phase, resulting in delays in processing the file - 3 cases, *Salam de Sibiu, Carnati de Plescoi, Placinta dobrogeana*.

- File documentation

The applicant group prepares the necessary documentation (Specifications, Single document, annexes, group constitution documents)

Identified risks – Inadequate group constitution documents, specifications that do not meet the requirements – risk with medium frequency and severity. It is necessary to redo the documents establishing the group (delays in the preparation of the documentation) or to revise the Specifications during the evaluation phase (additional costs regarding the control of the documentation) – 4 cases, *Novac afumat din Tara Barsei* (apply the wrong initial, PDO instead of PGI) , *Telemea de Sibiu, Salata traditionala cu icre de crap, Placinta dobrogeana*)

- Contracting control activities

The inspection and certification body prepares the legal and economic documents related to the performance of the controls

Identified risks - omissions in the legal documents of some aspects (operators not affiliated to the applicant group, possible deviations of the operators not foreseen by the contractual clauses - risk with medium frequency and high gravity. Changes were made to the legal documents concluded between the Inspection and Certification Body and the applicant. 2 cases (*Carnati de Plescoi, Telemea de Sibiu*) - changes in the composition of the applicant group (affiliation or withdrawal of some operators) risk with medium frequency and low severity - resolved through annexes to the initial contractual documents - 5 cases, *Salam de Sibiu, Carnati de Plescoi, Telemea de Sibiu, Saveni cheese, Placinta Dobrogeana*.

- Performing control activities

The control team verifies compliance with the requirements of the specification by directly following the process of obtaining the product, verifying the traceability of previous batches selected at random and collecting product samples for testing.

Identified risks - inadequate results regarding the product characteristics, risk with medium frequency and high severity 3 cases *Telemea de Ibanesti, Novac afumat din Tara Barsei, Salata traditionala cu icre de crap*; - the tests were repeated from the counter-samples taken, with appropriate results; - the impossibility of carrying out the scheduled controls for sanitary reasons (pandemics), risk with low frequency and high gravity - there were no cases, the control teams reached the operators, ensuring the protective measures; - the impossibility of carrying out controls due to the opposition of the operators – 1 case, *Carnati de Plescoi*, led to the suspension of the operator's certification for non-compliance with the contractual clauses; possible falsification of the product (substitution of raw materials specified in the specifications), critical risk - no cases were registered; the inspection and certification body randomly requests tests to recognize the species of raw materials.

- Evaluation of control results. decision and issuance of the certification document

The results of the performed controls (control reports and the results of laboratory tests are evaluated compared to the specifications of the specifications; conclusions are presented to the management with the proposal for certification/rejection of certification

Identified risks - no

- Sending the file to the Competent Authority

The applicant group / individual operator has the obligation to submit to the Competent Authority

Identified risks – the delay in the transmission of the documentation, resulting in the non-updating of the website of the Competent Authority, low frequency, high gravity, 1 case, *Telemea de Sibiu*; the contract signed with the operators was revised with the introduction of a paragraph regarding this risk.

- Evaluation of the file by the Competent Authority

The Competent Authority evaluates the completeness of the file and the correctness of the documents; Identified risks – incomplete legal documents, low frequency, high severity, no cases were registered

- National opposition

The product documentation is posted on the website of the Competent Authority, so that the operators who can fulfill the requirements of the specifications can express their opinion;

identified risks - opposition from some potential operators medium frequency, medium severity (delay in processing the file), 4 cases - *Salam de Sibiu, Telemea de Sibiu, Salata traditionala cu icre de crap, Placinta Dobrogeana*. Unfounded oppositions were removed; those founded were resolved by admission to the applicant group, performing controls and completing the files.

Completing the groups with operators can be considered an opportunity to strengthen the reputation of the product

- Forwarding the file to the European Commission

It is done by the Competent Authority. No risks were identified

- Receiving the file

The European Commission records the receipt of the file. No risks were identified

- Evaluation of the file by the European Commission

The product file is checked by experts; they can request clarifications regarding the forms of the documents. No risks were identified

- Clarification of the observations of the European Commission

Clarification requests received from the European Commission are sent to the applicant group, which has the obligation to submit them to checks; if necessary, reformulate/eliminate/complete certain paragraphs from the specifications, which must not constitute major changes to it. The modifications are verified by the Inspection and Certification Body which can approve them after performing/not performing an additional control, depending on the case. The file is forwarded to the European Commission through the Competent Authority. Identified risks - ambiguities in the formulation of the answer, low frequency, medium severity (delay in the process of obtaining protection by repeating requests for clarification) - 1 case, *Cascaval de Saveni*.

- Opposition at European level

The product file is subject to opposition at the European level, the member states being able to express their point of view. Identified risks - motivated oppositions, average frequency, average severity, 3 cases - *Telemea de Ibanesti, Cascaval de Saveni, Placinta Dobrogeana*. The oppositions were resolved by the applicant group through the collection of additional evidence and negotiations between the Competent Authority from Romania and the Competent Authorities of the member states that filed the opposition.

- Registration of product denomination protection, drafting and issuance of the European Regulation for recognition of denomination protection

The European Commission drafts the Regulation for the recognition of the denomination protection in all the languages of the member states and registers the product on the corresponding website.

Identified risks – no; identified opportunities - applying groups can access European funds (partially or totally non-refundable) with priority for product promotion or operator development projects - 5 cases, *Magiun de Topoloveni*, *Salam de Sibiu*, *Novac fumat de Tara Barsei*, *Telemea de Ibanesti*, *Scrumbie de dunare afumata*.

4. Discussion

The risks and opportunities presented were identified during the activity of recognizing the European denomination protection of some Romanian products, carried out in the period 2013-2024 by the parties directly involved (applicant groups; inspection and certification bodies; the Competent Authority from Romania, respectively the Ministry of Agriculture and Rural Development; European Commission).

As new risks were identified, actions were established to reduce their impact, and the process is currently continuing. Also, the experience of similar bodies from the countries of the European community is taken into account. The actions undertaken consist in the modification of legal documents and control procedures, with the aim of preventing any deviation in the verification of the conformity of products with a denomination protected at the European level and implicitly, any attempt to defraud the product.

5. Conclusions

- Analysis and total or partial resolution of identification risks lead to avoiding deviations in the process of protecting the denomination of agricultural or food products and reducing the time and resources for completing an application.
- The register of risks that the involved factors must take into account is not limited to those identified so far; new risks can arise from concrete situations
- The risk analysis must be repeated periodically, in order to improve the process of protecting the denominations of some agricultural or food products

- Identified opportunities lead to increasing the reputation of the applying groups and to their economic development or the member operators.

6. Bibliographic References

[1] Regulation (EU) No. 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs.

[2] ec.europa.eu/agriculture/eambrosia/geographical-indications-register/

[3] madr.ro/industrie-alimentara/sisteme-de-calitate-europeana-si-indicatii-geografice.html