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**THE GAP ANALYSIS REPORT ON THE SYSTEM OF  
MANAGEMENT AND PROMOTION OF GI  
IN THE REPUBLIC OF MOLDOVA**

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# **THE GAP ANALYSIS REPORT ON THE SYSTEM OF MANAGEMENT AND PROMOTION OF GI IN THE REPUBLIC OF MOLDOVA**

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### INTRODUCTION

Europe enjoys plenty of products, the quality and specific features of which are based on a relationship with the region of their origin or on traditional production methods. Throughout years a lot of the products have become credits to the regions and turned into 'must taste' tourist attractions. These prestigious products, due to their popularity and high sales levels, are very often subject to fraud and their names are abused by producers from other regions and states. Such practices mislead consumers as to the origin of a given product and contribute to unfair competition. As a consequence, the producers using traditional methods of production lose potential profits and the region positive image.

The system of protection and promotion of quality products is one of the most important factors having an influence on the sustainable development of rural areas and achieving the objectives of the second pillar of the Common Agricultural Policy. It contributes to the diversification of employment in rural areas by creating, non-agricultural livelihoods and increase incomes of agricultural producers. This is important, especially for remote areas or in less favoured areas as it prevents the depopulation of these areas. Through the system of protection and promotion of regional and traditional products, cultural heritage is also protected, which largely contributes to the attractiveness of rural areas and the development of agro-tourism.

This report aims at evaluating the adjustment of the legislation on the geographical indication in the Republic of Moldova to the EU legislation. It was prepared on the basis of analysis of documents and legal acts, meetings with producers and representatives of institutions responsible for system implementation and materials prepared within the project. The author also lists recommendations which, in his opinion, should be implemented into GI's system in the Republic of Moldova in order to achieve full harmonization with the EU legislation. They are followed by certain indications, based first and foremost on the author's experience, to facilitate efficient implementation of the system.



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### EU RULES ON GEOGRAPHICAL INDICATIONS

EU agricultural products quality policy concept includes Geographical Indications, Designations of Origin and Traditional Specialties Guaranteed whose geographical or traditional names are associated with quality of original products giving them reputation and specific characteristics. GI system is internationally recognized as a tool that combines aspects of IPR and rural development, with concerns about quality and marketing opportunities.

Provisions on GI's are contained in the various Community Regulations, according to the different categories of products. For example, the foodstuffs benefit from a different system than wines and spirits.

The European legislation governing the protection of GI is represented by:

- REGULATION (EU) No 1151/2012 Of The European Parliament And Of The Council of 21 November 2012 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 specialties guaranteed and with regard to certain rules on sourcing, certain procedural rules and certain additional transitional rules
- COMMISSION IMPLEMENTING REGULATION (EU) No 668/2014 of 13 June 2014 laying down 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
- REGULATION (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (CMO Regulation);
- COMMISSION REGULATION (EC) No 607/2009 of 14 July 2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labeling and presentation of certain wine sector products, amended and supplemented;
- REGULATION (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91;
- REGULATION (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labeling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89, amended and supplemented.



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To ensure full transparency, the protected names are entered in a public register of the European Commission. Thus, the list of EU protected geographical indications for agricultural products and foodstuff is available at:

<http://ec.europa.eu/agriculture/quality/door/list.html>,

while the protected names for wines can be viewed on the following link:

<http://ec.europa.eu/agriculture/markets/wine/ebacchus/index.cfm?event=pwelcome&language=EN>

and for spirits, was made available following address:

<http://ec.europa.eu/agriculture/spirits/index.cfm?event=searchIndication>

### DESIGNATIONS OF AGRICULTURE PRODUCTS AND FOODSTUFFS

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The protection of products' names is ensured by listing a given names in the Register of Protected Geographical Indications and Protected Designations of Origin or the Register of the Traditional Specialities Guaranteed.

Categories of protected names include:

#### **Protected Designation of Origin (PDO)**

It means the name which identifies a product originating in a specific place, region or, in exceptional cases, a country, whose quality or characteristics are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors. The production steps of which all take place in the defined geographical area.

Producers applying for a PDO must clearly demonstrate a very close relationship between the product features and the geographical features of the region concerned, such as e.g. soils, sunlight intensity, specific micro-climate of the geographical area, etc.

Thus, a Protected Designation of Origin relates to products which are very closely related to the area of production.

#### **Protected Geographical Indication (PGI)**

It means a region, specific site or, in exceptional cases, a whole state, the name of which is used to describe an agricultural product or a foodstuff originating from that region, site or state. The product should have a specific quality, reputation, acknowledgment or other features which are ascribed to a given geographical origin. The quality may result from natural or human factors such a climate, specific wildlife, specific soil or landscape or unchangeable over time and traditional production method.

Unlike Protected Designation of Origin, one of the three processes, i.e. production, processing or preparation must take place within the designated area.



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### **Traditional Speciality Guaranteed (TSG)**

A name is eligible for registration as a traditional speciality guaranteed where it describes a specific product or foodstuff that:

- results from a mode of production, processing or composition corresponding to traditional practice for that product or foodstuff; or
- is produced from raw materials or ingredients that are those traditionally used.

For a name to be registered as a traditional speciality guaranteed, it must:

- have been traditionally used to refer to the specific product; or
- identify the traditional character or specific character of the product.

### **Scope of the regulations**

The protection system for regional and traditional products has been provided to register the products listed in Annex I to the Treaty on the European Union, which are intended for human consumption as well as products listed in annexes to particular Regulations.

Basic categories include:

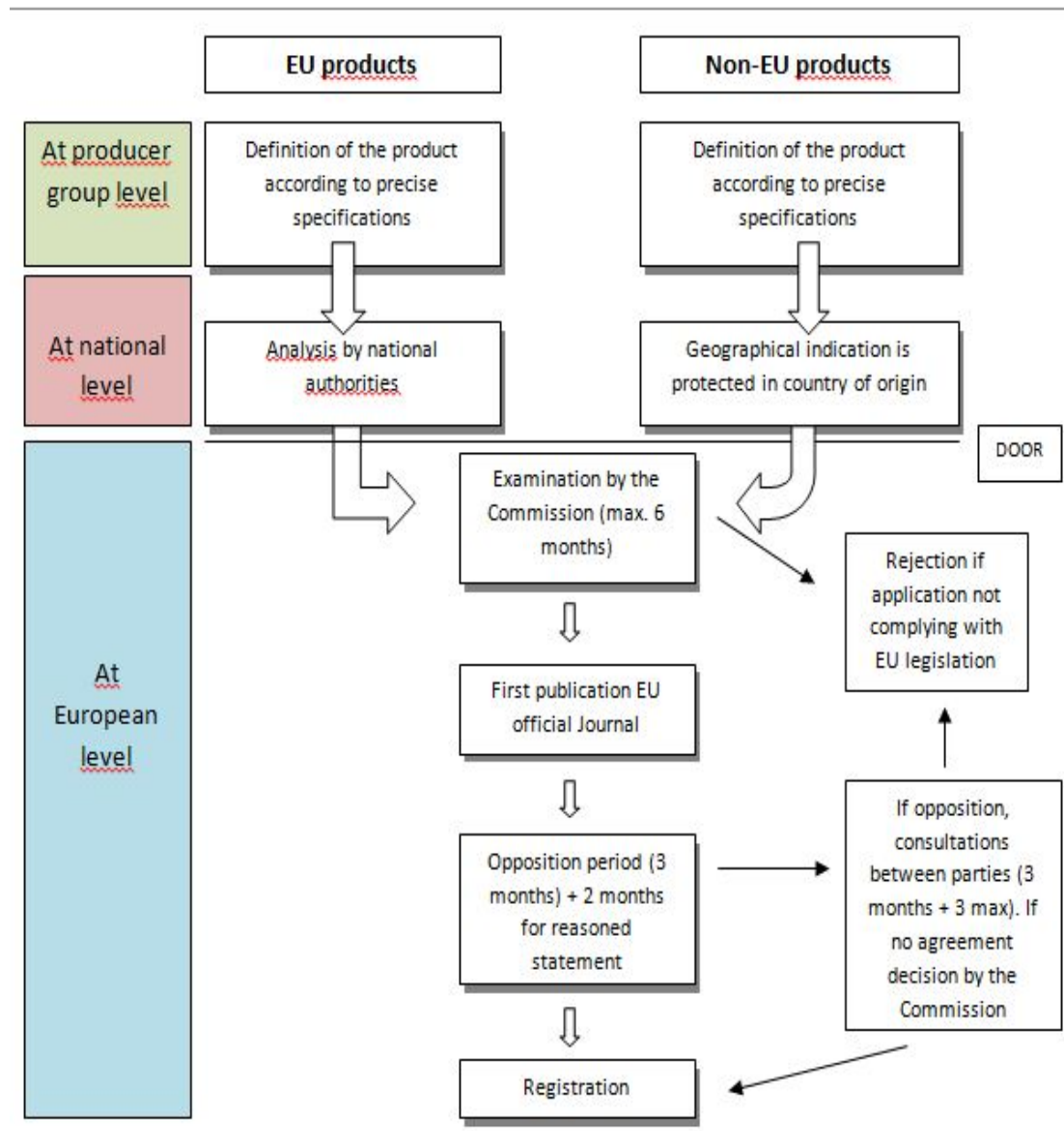
- Fresh meat and edible offal;
- Meat products;
- Cheese;
- Oil;
- Fruit, vegetables, fresh or processed;
- Fresh fish, molluscs, crustaceans and their products;
- Bread, pastries, cakes, biscuits and other confectionery.

### **Protected names and symbols**

Producers of registered products, possessing certificates issued by the certification body, which confirms that the requirements of the specifications are met are entitled to use protected designation and place the appropriate logo on the product label.



REGISTRATION PROCEDURE FOR AGRICULTURE PRODUCTS AND FOODSTUFFS







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### Application for registration

Applications for registration of names under the PDO, PGI, and TSG may only be submitted by groups who work with the products with the name to be registered. A single natural or legal person may be treated as a group where it is shown that both of the following conditions are fulfilled:

- The person concerned is the only producer willing to submit an application;
- With regard to protected designations of origin and protected geographical indications, the defined geographical area possesses characteristics which differ appreciably from those of neighbouring areas or the characteristics of the product are different from those produced in neighbouring areas.

### Product specification

A PDO or PGI shall comply with a specification which shall include at least:

- The name to be protected as it is used, whether in trade or in common language and only in the languages which are or were historically used to describe the specific product in the defined geographical area;
- A description of the product, including the raw materials, if appropriate, as well as the principal physical, chemical, microbiological or organoleptic characteristics of the product;
- The definition of the geographical area;
- Evidence that the product originates in the defined geographical area;
- A description of the method of obtaining the product and, where appropriate, the authentic and unvarying local methods as well as information concerning packaging, if the applicant group so determines and gives sufficient product-specific justification as to why the packaging must take place in the defined geographical area to safeguard quality, to ensure the origin or to ensure control;
- The link between the quality or characteristics of the product and the geographical environment;
- The name and address of the authorities or, if available, the name and address of bodies verifying compliance with the provisions of the product specification;
- Any specific labelling rule for the product in question.

### National examination of the application

The Member State shall scrutinise the application in order to check that it is justified and meets the conditions of the respective scheme. As part of the scrutiny, the Member State shall initiate a national opposition procedure that ensures adequate publication of the application and that provides for a reasonable period within which any natural or legal person having a legitimate interest and established or resident on its territory may lodge an opposition to the application. The Member State shall examine the admissibility of oppositions received and ensure that its favourable decision is made public and that any natural or legal person having a legitimate interest has an opportunity to appeal. Also shall be ensured that the version of the product specification on which its favourable decision is based, is published and electronic access to the product specification shall be provided.



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### Scope of protection

Registered names are 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.

## ENSURING QUALITY AND INSPECTION PROCEDURES

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### Verification of compliance

Pursuant to the requirements set out in Regulation 1151/2012, all the producers who participate in the system of registration and protection of agricultural products and foodstuffs must be submitted to control by authorized certifying bodies.

The task of developing the procedures and setting up relevant control bodies has been transferred to the Member States. Information on the control bodies established by a Member State must be provided by each state to the European Commission. The data is published by the Commission in the Official Journal of the European Communities.

Checking whether the production processes of agricultural products and foodstuffs are in line with specifications may be provided by private certifying bodies or national body. The producers may select an entity to perform checks. All the private certifying units must be accredited pursuant to a standard 17065:2012 Conformity assessment — Requirements for bodies certifying products, processes and services. That standard defines the requirements to be fulfilled by certification bodies in order to be acknowledged as competent and reliable.

The provisions concerned provide that all the costs concerning inspections of regional and traditional products are borne by the producers.

The Member States shall undertake checks, based on a risk analysis, to ensure compliance with the requirements and, in the event of a breach, shall apply appropriate administrative penalties.



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### Ex officio controls

Official controls shall cover:

- 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.

Competent authority or authorities

Regulation (EC) No 882/2004 describes in detail how the official food and feed controls shall be implemented by the Member States. Official controls are defined as "any form of control that the competent authority or the Community performs for the verification of compliance with the feed and food law, animal health and animal welfare rules". The Member States shall designate the competent authorities responsible for performing the official controls for food and feed. The responsibility for the official controls can be shared among several competent authorities according to the sector or administrative level in one Member State. However, in this case, an appropriate coordination shall be ensured. Member States shall prepare an integrated Multi-Annual National Control Plan (MANCP). The MANCP shall contain general information on the structure and organisation of the systems of official controls in the Member State concerned.

### DESIGNATIONS OF ALCOHOLIC BEVERAGES AND WINES

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Issues concerning the protection of distilled alcoholic beverages have been regulated by Regulation (EC) No 110/2008 of the European Parliament and of The Council of 15 January 2008 *on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89*. Protection of wine have been regulated by Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (CMO Regulation). While the indications of aromatized wines in Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91

Due to a significant importance of spirits and wines for the economy, the separate pieces of legislation have been passed to this end. It is worth noting that the first geographical indications which appeared in Europe were issued just with regard to the spirits.

Requirements concerning names of the products applying for protection are similar to those concerning agricultural products and foodstuffs. One principal difference is that the spirits can be registered only in one category, namely Protected Geographical Indication, rather than it is the case with agri-food products and wines, where the registration takes place also in the category of Protected Designation of Origin.



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### Registration procedure

For an alcoholic beverage and wines to be protected, producers must prepare an application which, following an evaluation at the Member State level, is filed with the Commission in one of the EU official languages or translated into one of those languages. The application must be well justified and include technical documentation with relevant specifications to be followed. In regard of geographical indications within the Community, the application is filed by a Member State from which a given beverage originates. In relation to geographical indications of a third country, the application concerned is sent to the Commission directly or through institutions of a given third country and it contains a proof that a given designation is protected in the country of origin. Technical documentation provides for at least the following basic specifications:

- a) name and category of alcoholic beverage, including geographical indication;
- b) description of alcoholic beverage, including basic physical, chemical or sensory features, and particular characteristics of that beverage in comparison to a relevant category;
- c) designation of a given geographical area;
- d) description of the method of production of the alcoholic beverage and, if applicable, authentic and unchanged local methods of production;
- e) detailed information indicating a relationship with geographical environment or geographical origin;
- f) requirements established by the Community or local or state regulations;
- g) name and address of applicant;
- h) any additional information concerning geographical indication or detailed requirements concerning labelling, in accordance with relevant technical documentation.

The Commission examines the compliance thereof with the Regulation concerned. If the Commission finds the application compliant, the basic specifications, referred to in paragraph 4, are published in the Official Journal of European Communities, C Series.

### Objection procedure

A natural person or a legal entity who has a justified interest may file an objection against a given geographical indication within six months (or two months in case of wines) the date of publication of technical documentation, due to noncompliance with conditions provided for in the Regulation. The objection, which must be well grounded, should be submitted to the Commission in one of the official languages of the EU or with an attached translation into one of those languages. The Commission decides on registration of a given geographical indication in accordance with a regulatory procedure accompanied by an inspection which takes account of all the objections filed.

### THE BENEFITS OF GIS

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Quality assurance      all products before placing on the market must be controlled by an independent certification body. Mandatory logo distinguishes the protected products;



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Open system	the system is open to all manufacturers producing in accordance with the requirements of the specification who have successfully passed the certification process;
Fair competition	only producers complying with the specification may use the name
Protection	all registered products are protected against unauthorized use by entities that do not meet the conditions of the specification. Each Member State must implement a system of control (ex officio) providing supervision on the market for those products;
Price premium	the study showed that GI products are sold (in average) 2.23 times as high as comparable non-GI products;
Promotion	both the European Commission and the Member States support the promotion of GI products;
Derogations	Community veterinary and sanitary rules may apply flexible approach taking into account the preservation of the specificity of certain products manufactured under special conditions or using traditional methods. Applied derogation cannot threaten food safety.



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### MOLDOVAN SYSTEM OF GEOGRAPHICAL INDICATIONS

#### MOLDOVAN LEGISLATIVE FRAMEWORK ON GEOGRAPHICAL INDICATIONS

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##### **Law No. 66-XVI of 27.03.2008 on the protection of geographical indications, appellations of origin and traditional specialties guaranteed**

Law on the protection of geographical indications, designations of origin and traditional specialties guaranteed No. 66-XVI” provides a basis for registration and protection of products, the quality, specific features or reputation of which is related to a specific geographical area or traditional method of production. It must be added that provisions relate not only to agricultural products and foodstuffs but also to the products such as e.g. minerals, healing products, elements of architecture or craftsmanship.

In addition to the Law mentioned above, the GI system in Moldova is regulated by the following normative acts:

- Law No. 101 on Approval of National Symbols Associated with Protected Geographical Indications, Protected Appellations of Origin and Traditional Specialties Guaranteed – that establishes the symbols related to GI, AO and TSG designated goods or products and the right to use the GI, AO or TSG designation ;
- Law No. 57-XVI of March 10, 2006, on vineyards and wines that establishes regulations related to the production of wines with appellation of origin, with registered designation of origin and with geographical indication;
- GD No. 610 of July 5, 2010, on submission, examination, and registration of geographical indications names, appellations of origin and traditional specialties guaranteed that approves the Regulation on submission, examination and registration of GI AO and TSG ;
- GD No. 644 of July 19, 2010, on appointing competent authorities empowered with attributions and responsibilities related to the products with appellations of origin, geographical indications and traditional specialties guaranteed, and competent authorities responsible for official controls on the conformity of the products ;
- GD no. 356 of June 11, 2015, on approval of the Technical Regulation “Organization of the wine market” that establishes requirements related to the raw materials, the used technological procedures, the conformity evaluation procedures, and the specific requirements for market surveillance, wine production traceability, etc. essential for the wines with GI and AO.
- GD no. 915 of July 26, 2016, on approval of the Regulation on enforcement of intellectual property rights by customs authorities , that establishes procedures for the protection of IPR, including for products of GI, AO and TSG designation;
- MoAFI Order No. 50 of April 4, 2012, on the approval of the demarcation of wine - growing areas for the production of wines with a protected designation of origin ;



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- MoAFI Order No. 149 of August 4, 2015, on the procedure for approval of food products specification with appellations of origin (AO), geographical indications and traditional specialities guaranteed ;
- MoAFI Order No. 12 of January 12, 2016, on the delimitation of wine-growing areas for the production of wines with a protected geographical indication;
- GD No. 741 of 22.11.2017 for the approval of the Regulation on the definition, description, presentation and labeling of aromatized wine products.

### DEFINITIONS

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#### **Law No. 66-XVI of 27.03.2008 on the protection of geographical indications, appellations of origin and traditional specialities guaranteed**

**Geographical designation** - means a geographical name which is used to describe an existing geographical place, region or country.

**Appellation of origin** - means the geographical name of a region or locality, a specific place or, in exceptional cases, a country, used to designate a product originating in that region, locality, specific place or country, and the quality or characteristics of which are essentially or exclusively due to the particular geographical environment comprising inherent natural and human factors thereof, and the production stages of which are carried out all in the defined geographical area.

**Geographical indication** - means the name of a region or a locality, a specific place or, in exceptional cases, a country, used to describe a product originating in that region, locality, specific place or country, which possesses a specific quality, reputation or other characteristics attributable to that geographical origin, and at least one of the production stages of which is carried out in the defined geographical area.

#### **Traditional speciality guaranteed**

‘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’ means a characteristic or a set of characteristics which clearly distinguishes an agricultural product or a foodstuff from the other similar products or foodstuffs of the same category.

An agricultural product or a foodstuff shall be entitled to the protection as a traditional speciality guaranteed where such product or foodstuff:

- is produced using traditional raw materials, or
- is characterized by a traditional composition, or



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- is characterized by a mode of production and/or processing reflecting a traditional type of production and/or processing.

The characteristic or set of characteristics which determine the specific character of a product must relate to the product's intrinsic features such as its physical, chemical, microbiological or organoleptic features, or to the product's production method or to specific conditions that pertain during its production. The appearance of an agricultural product or a foodstuff shall not be regarded as a characteristic determining its specificity.

The specific character of a product may not be restricted to a qualitative or a quantitative composition, or to a mode of production laid down in the legislation, in standards prescribed by standardization bodies or set arbitrarily.

In order to be registered, the name of a traditional speciality guaranteed shall:

- have been traditionally used to refer to the specific product; or
- identify the traditional character or specific character of the product.

### **Order No. 149 of August 4, 2015, on the procedure for approval of food products specification with appellations of origin, geographical indications and traditional specialities guaranteed**

**The appellation of origin** - represents a designation identifying a product:

- originating in a specific location, region or, in exceptional cases, country;
- possessing quality or characteristics of the product essentially or exclusively due to a particular geographical environment with its inherent natural and human factors, and;
- all the production phases take place in the defined geographical area.

**The geographical indication** - represents a designation identifying a product meeting the following requirements:

- originating in a specific location, region or country;
- which possess a specific quality, reputation or other characteristics attributable to that geographical origin;
- when at least one of the production phases takes place in the defined geographical area.

**Traditional speciality guaranteed** - the agricultural product / foodstuff will meet the following requirements for being considered a traditional speciality guaranteed:

- is obtained from traditional raw material or
- is characterised by a traditional composition or
- is characterised by a production and/ or processing method corresponding to a traditional type of production/ processing.

### **Wine**

#### **The Government Decision No. 356 of 11 June 2015**

This regulation lays down, inter alia, general rules on specific requirements relating to the obtaining of wine products, the stages of organising the manufacture and the marketing of wine products with protected designation of origin and protected geographical indication, the development and





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approval of specifications, technological processes and the restrictions in the winery, the requirements for the labelling and traceability of the wine production, as well as conformity assessment procedures of wine products.

### Designations of origin and geographical indications in the wine sector

**"Designation of origin"** - means the name of a region, or a place or, in exceptional cases, a country used to designate a product originating in that region, city, place or the country, which meets the following requirements:

- quality and characteristics of the product is due mainly or exclusively, the geographical environment with natural factors and human in the geographical area in question;
- the grapes from which the product is manufactured exclusively in the geographical area in question;
- production takes place in the geographical area in question;
- product is obtained from vine varieties grapes belonging to the species *Vitis vinifera*.

**"Geographical indication"** - means the name of a region, or a place or, in exceptional cases, a country used to designate a product originating in that region, city, place determined, or country, which meets the following requirements:

- possesses a specific quality, reputation or other characteristics attributable to that geographical area;
- the grapes from which the product is manufactured, in a proportion of at least 85% of the geographical area in question, the remaining 15% coming from other areas of the Republic of Moldova;
- production takes place in the geographical area in question;
- product is obtained from vine varieties grapes belonging to the species *Vitis vinifera* or a cross between the *Vitis vinifera* species and other species of the genus *Vitis* (grape of new selection).

For the purposes of this Regulation, the term "production" means all technological processes, from the harvesting of grapes until the conclusion of the primary wine-making process, with the exception of any technological processes subsequent primary vinification respectively include the procedures for the processing and transformation of the grapes into wine, with its subsequent drawing on the yeast.

*The definitions of geographical indications, designation of origin, traditional speciality guaranteed are contained in various legal acts. The definition of TSG in the regulation no.149 is not as extensive as in the Law No. 66-XVI.*

*The analysed legal acts do not contain definitions of geographical indications for spirit drinks.*

*The substantive scope of the definitions (except spirit drinks) is consistent with the definitions in the Community legislation.*



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### REGISTRATION PROCEDURE

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#### **Law No. 66-XVI of 27.03.2008 on the protection of geographical indications, appellations of origin and traditional specialities guaranteed**

The law specifies the following requirements: filing an application for registration, conditions which the application for registration must satisfy, the procedure for the examination of an application and examination for compliance with the filing requirements.

To be eligible for a protected appellation of origin or a protected geographical indication or for recognition as a traditional speciality guaranteed, a product shall comply with a product specification approved by a decision of the competent authority designated. The product specification for an appellation of origin or a geographical indication shall include at least:

- a) the name of the product comprising the appellation of origin or the geographical indication;
- b) a description of the product, including the raw materials, if appropriate, and principal physical, chemical, microbiological and/or organoleptic characteristics of the product;
- c) the definition of the geographical area and, where appropriate, details indicating compliance with the requirements;
- d) evidence that the product originates in the defined geographical area
- e) a description of the method of obtaining the product and, if appropriate, the authentic and unvarying local methods as well as information concerning packaging, if the applicant so determines and gives reasons why the packaging must take place in the defined geographical area to safeguard the quality, or ensure the origin, or ensure the control;
- f) details justifying the following:
  - the link between the quality or characteristics of the product and the geographical environment;
  - the link between a specific quality, the reputation or another characteristic of the product and the geographical origin;
- g) the name and address of the authorities or bodies verifying compliance with the provisions of the specification and their specific tasks;
- h) any specific labelling rule for the product in question;
- i) any other statutory requirements laid down by the applicable legislation.

The product specification for a traditional speciality guaranteed shall include the following:

- a) the name proposed for registration;



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- b) a description of the product including its main physical, chemical, microbiological or organoleptic characteristics, showing the product's specific character;
- c) a description of the production method that the producers must follow, including where appropriate the nature and characteristics of the raw materials or ingredients used and the method by which the product is prepared; and;
- d) the key elements establishing the product's traditional character.

### **Government Decision no. 610 of July 5, 2010, on submission, examination, and registration of geographical indications names, appellations of origin and traditional specialities guaranteed that approves the Regulation on submission, examination and registration of GI AO and TSG**

The Regulation details the requirements set out in the Law. In particular refers the procedure of filing, examination and registration of geographical indications, appellations of origin and traditional specialities guaranteed, the content of the product specification, the delimitation of the geographical area, the description of the product and of its production method, the procedures for examination of the application and opposition to the registration.

Before applying, manufacturers should obtain the confirmation from the local authorities that the production activity is carried out in the delimited area as related to the product indicated in the application and the confirmation from the local competent authorities that the applicant, in the given geographical area, produces products in accordance with the provisions of the product specifications.

With regard to the traditional speciality guaranteed application, manufacturers must indicate whether the registration is requested with or without the reservation of the designation of the agricultural product or foodstuff, as corresponding to the product specification.

### **Order No. 149 of August 4, 2015, on the procedure for approval of food products specification with appellations of origin, geographical indications and traditional specialities guaranteed**

The Regulation provides a detailed procedure for approval of food products specification with appellations of origin, geographical indications and traditional specialities guaranteed.

This Regulation does not apply to spirits, aromatized wines and wine products, except for the wine vinegars.

The regulation specifies the requirements for the groups applying for registration and the scope of the specifications for the product.

## **WINE**

### **The Government Decision No. 356 of 11 June 2015**



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The regulation lays down, among others, rules on specific requirements relating to the obtaining wine products, the stages of organising the manufacture and the marketing of wine products development with protected designation of origin and protected geographical indication, the approval of specifications, specific rules on the production of organic wine products, the requirements for the labelling and traceability of the wine production, as well as the wine products conformity assessment procedures.

### **Elaboration and approval of the specifications**

The specifications shall be drawn up by the association of producers in the defined geographical area for the designation of origin or geographical indication. Where in the defined geographical area there is only one manufacturer specification is developed by the producer concerned.

The specification should contain, among other, information on delimitation of the geographical area, the name and description of product indicating: organoleptic characteristics and physical-chemical properties including natural and alcohol concentrations obtained minimum volume of product, elements justifying the link between quality and characteristics of the product and the geographical environment with its inherent natural and human factors-for a designation of origin or a quality, reputation or other characteristics of the product and its geographical origin-a geographical indication, main characteristics of vine plantation, technology of growing grapes, an indication of the variety (varieties) of grapes from which it is obtained the product, requirements for the quality of the grapes at harvest, conditions relating to storage and packing, specific labelling rules, name and address of the producers-the founding members of the association of producers in the defined geographical area, name and address of the bodies responsible for verifying compliance with the specification, rules, categories and indicators for the inspection plans of the association upon compliance with the specification.

The association shall submit to the Ministry of Agriculture, Regional Development and Environment an application for the approval of the specification.

The Ministry shall examine the technical specifications and, if the latter complies with the laws and regulations in force, approves. Also within 3 working days, inform the applicant about the issuance of the order for the approval of the specification.

The deadline for the approval of the specification shall not exceed 90 days from the date of registration of the application.

### **GOVERNMENT INSTITUTIONS AND CONTROL AUTHORITIES WITH RESPONSIBILITIES IN GI SPHERE**

State Agency on Intellectual Property (AGEPI)

The primary role in the system of protection of geographical indications lies with the AGEPI, which is the national office in the field of intellectual property protection and the only authority that grants



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legal protection to the GI on the territory of the Republic of Moldova. According to the Law No. 66/2008 on the protection of the geographical indications, appellations of origin and traditional specialties guaranteed, AGEPI is also the competent authority of the Republic of Moldova within the Special Union of the Member States to the Lisbon Agreement.

### Ministry of Agriculture, Regional Development and Environment

Competent authority empowered with attributions and responsibilities related to the following products with potential appellations of origin, geographical indications and traditional specialties guaranteed designation: cereals and cereal products, fruits and fruit products, vegetables and vegetable products, nuts, teas, natural extracts from plants, oils, meat and meat products, fish and fish products, milk and dairy products, food, eggs, honey, confectionery products, bread and bakery products, pasta, spices, sauces, cosmetic products, essential oils, tobacco and tobacco products, wine and alcoholic products, beer, non-alcoholic drinks, natural mineral waters. The Ministry is also entitled to approve or reject specifications for correspondent AO, GI and TSG products.

### Ministry of Regional Development and Construction

MoRDC is the competent authority on approving GI specifications for construction materials and products.

### Ministry of Culture

MoC is the competent authority for potential handicraft products that can benefit of GI, AO and TSG designations.

### Ministry of Environment

The MoE is the competent authority with tasks and responsibilities related to the mineral raw material with appellations of origin and geographical indications such as stone, sand, clay, diatomite, tripoli formation, bentonite, etc.

### Ministry of Health

The MoH, according to GD no. 644 of 19.07.2010, is the competent authority with attributions and tasks related to the products with appellations of origin and geographical indications such as medicinal mineral waters; medicinal teas; para-pharmaceutical products.

*The procedures for registration of geographical indications for agricultural products and wines are well developed. The regulations clearly state the requirements and institutions responsible for registration. Doubts may arise, generally described, the confirmation issued by the local competent authorities that the applicants, in the given geographical area, produce products in accordance with the provisions of the product specifications for the respective appellation of origin or geographical indication.*

*There is no detailed procedure for registration and opposition of geographical indications at the EU level.*



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*The provisions of the Law are horizontal and apply to all products that may be registered as geographical indications. The implementing rules relating to the technical specifications approval procedure apply only to agricultural products and foodstuffs. There are no detailed procedures for other products.*

### SCOPE OF PROTECTION

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#### **Law No. 66-XVI of 27.03.2008 on the protection of geographical indications, appellations of origin and traditional specialities guaranteed**

##### **Appellations of origin and geographical indications**

The Law provides protection for registered appellations of origin and geographical indications among the others against any direct or indirect commercial use of a registered name in respect of products not covered by the registration, any misuse, imitation or evocation, even if the true origin of the product 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 and any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product, being on the product or on the packing thereof, advertising material or documents relating to the product concerned, as well as against utilization as a packaging a container liable to convey a false impression as to its origin.

Prohibited is also any other practice liable to mislead the consumer as to the true origin of the product.

##### **Traditional specialities guaranteed**

The names of traditional specialities guaranteed are protected against any misuse, imitation or evocation and against any other practice liable to mislead the consumer. Prohibited is also any use in commerce of product names which may be confused with the registered names of traditional specialities guaranteed.

Any abusive or misleading use of the term 'Traditional speciality guaranteed' and of the associated national symbols is also prohibited.

*The scope of protection of geographical indications introduced by the Moldovan legislation is approximated to EU legislation. The provisions of the REGULATION (EU) No 1151/2012 Of The European Parliament And Of The Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs indicate that the protected is also the name of registered product used as an ingredient.*

### VERIFICATION OF COMPLIANCE WITH THE PRODUCT SPECIFICATION

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#### **Law No. 66-XVI of 27.03.2008 on the protection of geographical indications, appellations of origin and traditional specialities guaranteed**



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The Law indicates that the Government shall designate, for different product categories, competent authorities empowered with and responsible for approval of specifications, completion of general principles, approval of control phases and procedures as to ensure compliance with specifications in accordance with the provisions of this law.

Verification of compliance with the product specification in respect of appellations of origin and geographical indications relating to a defined geographical area and traditional specialities guaranteed within the territory of the Republic of Moldova shall be ensured by the designated competent authorities. Verification of compliance with the product specification in respect of the products produced outside the territory of the Republic of Moldova shall be ensured by the authority designated by the country of origin.

### **Order No. 149 of August 4, 2015, on the procedure for approval of food products specification with appellations of origin, geographical indications and traditional specialities guaranteed**

The Order provides that protected products may only be used by the persons holding the right to use it, according to the provisions of Law No. 66-XVI of 27.03.2008. Moreover, the agricultural products and foodstuffs marked as „Protected appellation of origin”, „Protected geographical indication” or „Protected traditional speciality guaranteed” can only be commercialised if the certificate of conformity was issued.

The conformity certificate for the agricultural products and foodstuffs with protected AO, protected GI and protected TSG is issued by a certification body accredited according to EN 17065 „General requirements for bodies operating a product certification system”, under the conditions provided in this chapter.

### **Recognition of the conformity assessment bodies operating the product certification system**

The certification body shall submit, for recognition purposes, a request to the Ministry of Agriculture, Regional Development and Environment, as well as a dossier certifying the accreditation according to EN 17065 „General requirements for bodies operating a product certification system”. The Ministry, based on received documents, shall issue an order for the recognition of the certification body, accredited for the regulated area, within 5 working days. The recognition of the inspection and certification bodies is granted during the validity period of the accreditation certificate issued by the National Accreditation Centre MOLDAC. The accredited certification bodies should send to the Ministry, before the 31st of January of each year, the list of the groups of producers verified and controlled before the 31st of December of the previous year, presenting the name and the address of the group of producers, the type of product, the registration date, the certification date. Moreover, the certification bodies must inform the Ministry about any non-compliance or infringement related to the observance of the information presented in the specifications, as well as the sanctions applied.

Currently, for wine products, based on the Order No. 228 din 23.10.2014, the certification body within the "National Center for Quality Verification of Alcoholic Production", is designated by the Ministry of Agriculture and Food Industry with tasks on verifying compliance with the specifications



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for the production of grapes and the production of wine products with protected geographical designations, and, subsequently, with functions on certifying the compliance of the wine products with the protected designation.

*Applicable provisions on registration and protection of agricultural products and foodstuffs indicate that verification of compliance should be provided by an accredited certification body. The information obtained shows that no certification body has yet applied for accreditation. The registration procedure for geographical indications requires that the certification body should be designated in the technical specifications. Moreover, only certified registered as GI, DO or TSG products may be placed on the market.*

*In the wine sector, this problem was solved by appointing the entity responsible for verification of compliance.*

### EX OFFICIO CONTROLS

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#### **Law No. 66-XVI of 27.03.2008 on the protection of geographical indications, appellations of origin and traditional specialities guaranteed**

The Law provides delegation to the Government to designate the competent authorities responsible for official controls for the purposes of verifying compliance with the specification of products with a protected appellation of origin, with a protected geographical indication and of traditional specialities guaranteed. According to the Law, the ex officio controls shall cover verification of a product's conformity with the corresponding product specification and surveillance of the use of registered names which describe products placed on the market. Every manufacturer using protected names is entitled to be covered by a system of ex officio controls.

The names and addresses of designated authorities and bodies shall be published and updated periodically in the Official Bulletin of Intellectual Property by the State Agency on Intellectual Property.

#### **Government Decision no.644 of 19 July 2010**

This implementing act indicates competent authorities empowered with attributions and responsibilities related to the products with appellations of origin, geographical indications and traditional specialities guaranteed and competent authorities responsible for official controls on the conformity of the protected products.





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Product category	Competent authorities responsible of official controls on the conformity of the AO, GI, TSG
<b>Cereals and cereal products (flour, groats)</b>	Consumer Protection Agency
<b>Fruits and fruit products</b>	National Agency for Food Safety
<b>Vegetables and vegetable products, nuts, teas, natural extracts from plants, oils</b>	Wine and Food Industry Centre within the Practical Scientific Institute of Horticulture and Food Technology
<b>Meat and meat products</b>	Consumer Protection Agency
<b>Fish and fish products, milk and dairy products, food fats, eggs, honey</b>	Sanitary-Veterinary Agency for the Security of Products of Animal Origin
<b>Confectionery products, bread and bakery products, pasta, spices, sauces, cosmetic products, essential oils</b>	Consumer Protection Agency
<b>Tobacco and tobacco products</b>	Consumer Protection Agency National Agency for Food Safety
<b>Wine and alcoholic products</b>	Consumer Protection Agency Alcohol Production Supervision State Inspectorate, Ministry of Agriculture and Food Industry State Enterprise "National Centre for the Verification of the Alcoholic Production Quality"
<b>Beer</b>	Consumer Protection Agency Alcohol Production Supervision State Inspectorate, Ministry of Agriculture and Food Industry
<b>Non-alcoholic drinks</b>	Consumer Protection Agency
<b>Natural mineral waters</b>	State Public Health Surveillance Service
<b>Construction material and products</b>	Consumer Protection Agency State Constructions Inspection
<b>Handicrafts</b>	Consumer Protection Agency Ministry of Culture

*Conducted consultations allowed to lead to the conclusion that the official system for monitoring and supervising agricultural and food products in the Republic of Moldova is currently undergoing reorganization. The Authority is aware of the importance of the geographical indications system for the development of agriculture and the role of the ex officio controls. Under the new structure, issues related to ex officio control of geographical indications will be taken into account. The Agency has not yet carried out ex officio controls on GI.*

*During the meetings held, the producers raised the issue of lack of information related to the requirements to be met in order to be able to put a product on the market. This situation applies not only to geographical indications but also to other small-scale agricultural products.*



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### INCENTIVES AND ACTIONS FOR SYSTEM DEVELOPMENT

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Geographical indications system in Moldova is in the initial stage of development and its popularization among producers and consumers requires the introduction of information and promotion activities and the allocation of adequate financial resources for this purpose.

One of the actions facing this situation is the reimbursement of costs associated with the registration of a geographical indication introduced by the Government of the Republic of Moldova Decision no. 455 of 21 June 2017 on Distribution of Funds of the National Fund for Agriculture and Rural Development.

A National Fund for Agriculture and Rural Area Development was established by the Law No 276 from 16.12.2016. The objective of the Fund is to subsidise the activities related to the implementation of the objectives and support measures reflected in the National Strategy for Agriculture and Rural Development. The Fund is formed from annual budget allocations (not less than 2% of total approved revenue of the state budget), and other sources, including from funds ensured through the European Union programs (Law no. 177 from 22.10.2015 on ratification of the Financing Agreement between the Government of the Republic of Moldova on implementation of the program ENPARD Moldova).

Based on the main priorities established by the Agriculture and Rural Development Strategy, the Law establish sub-measures, to be supported based on the budgetary allocations. The GD No 455 from 21.06.2017 introduced a new sub-measures related to support for geographical indications and export promotion.

For a registration of a protected geographical indication, designation of origin, traditional speciality guaranty a compensation of 50% of the cost, but not more than 30 thousand lei is ensured (Sub-measure 1.9).

Sub-measure 1.2 - The producers of technical grapes for the vineyards established in the area of a geographic indication for the production of the wine with geographic indication (certificate/acceptance of the local producers association is required) benefit of increased compensation of the costs with 5 thousand lei per ha.

The agriculture producers, through the professional associations in the field of agriculture, can benefit from a compensation of 50% from the cost of participation, but not more than 100 thousand lei per beneficiary, covering expenses related to the participation in the exhibitions, fairs, contests, organized aboard.



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### Wine

With regard to the wine sector many promotional activities can be observed. This is the result of the creation of a special promotion fund for which 50% funds come from of the producers, the remaining part is covered by the state budget. The accumulated funds allow implementing promotional activities aimed at ensuring the quality of wines, including support for the development of geographical indications.

*Currently, in the Republic of Moldova, there is no strategy or action plan for the development of the geographical indications system.*

## CONCLUSIONS

The Quality Policy issues concerning the products, quality of which is strictly related to the geographical origin, or other quality characteristics are quite new and unknown to a vast group of producers and consumers in the Republic of Moldova. Obviously, the policy contributes to the protection of interests of entities producing those products as well as provides consumers with additional knowledge on quality thereof, which enables them to make a conscious choice. The experience of Italy, France or Spain, for which the quality policy has become a vital element of the national policy, shows that the production of such products may result in rational economic benefits for the producers while protecting cultural heritage and culinary heritage at the same time. The development of the geographical indications system in the Republic of Moldova will only be possible if all elements such as registration, certification and ex officio control and promotion are implemented.

## DEFINITIONS

The provisions concerning the registration of geographical indications of agricultural products and foodstuffs in the Republic of Moldova have been amended several times to approximate them to EU legislation. Therefore, most definitions are very similar to those in EU legislation. The definitions of geographical indications, designation of origin, traditional speciality guaranteed are contained in various legal acts. The definition of TSG in the Regulation no.149 is not as extensive as in the Law No. 66-XVI. In order to avoid confusion and interpretation problems by manufacturers, it is justified to harmonize definitions or to specify them only in one legal act.

In addition, it should be noted that geographical indications of agricultural products, wines and spirits are defined in different ways. Therefore it is justified to take account of these differences. For example, EU regulations indicate that spirit drinks may be registered only as geographical indications. There is no possibility to register it as an appellation of origin. The analysed legal acts do not contain definitions of geographical indications for spirit drinks.

Notwithstanding the above, it should be noted that the Republic of Moldova is party to the Lisbon Agreement for the Protection of appellations of Origin and Their International Registration that allows the registration of the appellations of origin of spirits.



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### REGISTRATION PROCEDURE

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A precise description of all activities related to the registration of geographical indications is extremely important for the understanding and acceptance of the system by manufacturers. The system should be transparent and requires only the information that is necessary for proper evaluation. The procedures for registration of geographical indications for agricultural products and wines in Moldovan legislation are well developed. The regulations clearly state the requirements and institutions responsible for the registration. Doubts may arise, generally described, the confirmation by the local competent authorities that the applicants, in the given geographical area, produce products in accordance with the provisions of the product specifications for the respective appellation of origin or geographical indication. This requirement is not reflected in Community legislation. The legislation does not indicate who exactly should issue such confirmation. In addition, any manufacturer wishing to manufacture a registered products, prior to placing it on the market must be subject to a verification of conformity.

Community legislation provides the possibility of registering geographical indications from third countries on its territory. Taking into account the export promotion activities of the Republic of Moldova and the fact that the Community system is appreciated and recognized by many consumers, it is justified to register the Moldovan geographical indications in the Community scheme. The analysed Moldovan provisions do not contain procedures for registration and opposition of geographical indications at the EU level.

The provisions of the Law are horizontal and apply to all products that may be registered as geographical indications. The implementing rules relating to the technical specifications approval procedure apply only to agricultural products and foodstuffs. There are no detailed procedures for other products.

### QUALITY CONTROL AND CHECKS

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All producers participating in the quality systems of agricultural products and foodstuffs must undergo checks by the authorized certification body. This is one of the most important elements of the whole system, which decides on the trust of consumers to the quality products and to the system as such. Information which the certification body will carry out checks is required at the application submission stage. The experiences of the various EU Member States indicate that the verification of the conformity of geographical indications production process with the technical specification can be implemented in several ways.

#### 1. Accredited certification bodies

Verification of compliance may be ensured by the certification bodies. The basic requirement for the certification body is to obtain accreditation. All the certifying bodies must be accredited pursuant to a standard 17065:2012 Conformity assessment — Requirements for bodies certifying products, processes and services. That standard defines the requirements to be fulfilled by certification bodies in order to be acknowledged as competent and reliable. Accreditation is carried out by the National Accreditation Centre of the Republic of Moldova (MOLDAC). So far none of the certification bodies



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have expressed any interest in obtaining accreditation. This is an independent decision of the business entity. Lack of interest in accreditation may result from the small number of registered products, high costs and long process of obtaining accreditation.

### 2. Competent authority

Verification of compliance may also be provided by a competent authority (eg. state inspection). In this case, it is necessary to authorize this entity by issuing the relevant legal act. Although the provisions of the Law no. 66-XVII on the protection of the geographical indications, appellations of origin and traditional specialties guaranteed in the Article 34 indicate the possibility of issuing a mandate for a state entity to carry out a verification of conformity, the current authorization issued by the Government Decision No. 644 of July 19, 2010, on appointing competent authorities empowered with attributions and responsibilities related to the products with appellations of origin, geographical indications and traditional specialties guaranteed, and competent authorities responsible for official controls on the conformity of the products, indicates only entities authorized to carry out ex officio controls. During a workshop on the implementation of the EU Quality Policy (PDO, PGI, TSG) certification and ex officio control held on July 25th organized in the framework of the project, while analysing possible certification solutions an additional issue was raised. According to some opinion, a competent authority must also be accredited prior to conducting verification of compliance. Such a requirement is not reflected in EU legislation.

### 3. Mixed system

It is also possible to maintain a mixed system in which both the private certification bodies and the competent authority can provide verification of compliance. In this case, the producer decides which entity will carry out the control. This solution works in several EU countries (eg. in Poland).

Applicable provisions on registration and protection of agricultural products and foodstuffs in the Republic of Moldova indicate that verification of compliance should be provided by an accredited certification body. The information obtained shows that no certification body has yet applied for accreditation. The registration procedure for geographical indications requires that the certification body should be designated in the technical specifications. Moreover, only certified registered as GI, DO or TSG products may be placed on the market.

Bearing in mind that this is a key element affecting the development of the whole system and the lack of interest by private certification bodies for accreditation, a competent authority should be authorized to conduct verification of compliance. Community legislation does not require accreditation for the designated state authorities in contrast to the private certification bodies. Such authorization may be introduced at the transitional period until the accreditation by a private certification body.

### EX OFFICIO CONTROLS

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The main purpose of the ex officio controls is to ensure consumers that the GI, DO, TSG products offered on the market are consistent with the technical specifications. Each country shall designate



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the competent authority or authorities responsible for official controls. The scope of the audit should cover not only products registered in the Republic of Moldova but also products from other countries. Due to the need to exchange information, cooperation between competent authorities from different countries is necessary. Member States shall prepare an integrated Multi-Annual National Control Plan (MANCP). The MANCP shall contain general information on the structure and organisation of the systems of official controls in the Member State concerned.

The legislative provisions in the Republic of Moldova indicate the authorities responsible for conducting ex officio controls for the different types of products. However, the institutions responsible for its implementation are currently in the process of reorganization. After completion of the reorganization process, the MANCP should be complemented by the GI, DO, TSG control plans and systematic approach to market surveillance should be initiated.

In view of the fact that the ex officio control in relation to geographical indications is a new issue, it's necessary to take into account the need to provide substantial support through the organization of training courses, workshops and study guide in this regard for the institution involved.

Consideration should be given also for the training dedicated to producers as regards the requirements for placing products on the market and possible derogations for geographical indications.

### INCENTIVES AND ACTIONS FOR SYSTEM DEVELOPMENT

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The geographical indications system in the Republic of Moldova is in an early stage of development and requires the support of costs incurred by manufacturers for the preparation of technical specifications and controls as well as promotion costs associated with building the consumer awareness.

Positively should be assessed recently introduced reimbursement of costs related to the registration of geographical indications for agricultural products and foodstuffs and promotional activities carried out by institutions involved in their registration. Significant impact on the development of this sector in the Republic of Moldova, also have programs implemented with the use of foreign funds.

Notwithstanding the above, and given the fact that geographical indications are at an early stage of development, incentives should also apply to the post-registration period, in particular as regards the refund of certification costs. Moreover, consideration should be given to adopting a strategy or action plan that comprehensively addresses issues related to the development of this sector in the Republic of Moldova. The strategy, in addition to proposals of actions for the institutions involved, should also provide adequate resources for their implementation.

### RECOMMENDATIONS



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Research conducted and information obtained during meetings in particular institutions engaged in the process of registration and control of protected products lead to the following recommendations:

### Recommendations related to approximation to the EU regulations

#### Definitions

- Harmonize the definitions in the Law No. 66-XVI and implementing acts, in particular in relation to the TSG.
- In view of the full approximation to the EU legislation, consideration should be given to the supplementation of provisions in relation to the spirit drinks.

#### Verification of compliance

- Supplement the Government Decision No 644 by authorization of the competent authority to conduct verification of compliance whilst leaving the possibility of accreditation by certification bodies. It also seems justified to analyze the need for accreditation by a competent authority and if necessary exclude in the applicable regulations that requirement. Bearing in mind the lack of interest by private certification bodies for accreditation and that this is a key element affecting the development of the whole system, a competent authority should be authorized to conduct verification of compliance. Community legislation does not require accreditation for the designated state authorities in contrast to the private certification bodies. Such authorization may be introduced at the transitional period until the accreditation by a private certification body.

#### Implementation of ex officio controls

- Introduce to the Multi-Annual National Control Plan control plans GI, DO, TSG products and the initiate official controls.
- Organize training courses for institutions responsible for the implementation of ex officio controls as well as for GI producers on requirements related to the placing of agricultural products on the market.
- Having regards to the complexity of the requirements and a wide range of control it is justified to set up a unit responsible for the ex officio controls of GI products.

### Recommendations related to the functioning of the GI system

#### Registration procedure

- Provisions concerning the registration at the EU level

Community legislation provides the possibility of registering geographical indications from third countries on its territory. Taking into account the export promotion activities of the Republic of



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Moldova and the fact that the Community system is appreciated and recognized by many consumers, it is justified to register the Moldovan geographical indications in the Community scheme.

- Removing the requirement concerning confirmation by the local competent authorities

Consideration should be given to removing the requirement of confirmation by the local competent authorities that the applicants, in the given geographical area, produce products in accordance with the provisions of the product specifications for the respective appellation of origin or geographical indication. This requirement is not reflected in Community legislation. The legislation does not indicate who exactly should issue such confirmation. In addition, any manufacturer wishing to manufacture a registered products, prior to placing it on the market must be subject to a verification of conformity. The removal of this requirement will contribute to simplifying the registration process.

- Introduction of implementing rules for products other than agricultural products and wine.

The provisions of the law are horizontal and apply to all products that may be registered as geographical indications. The implementing rules relating to the technical specifications approval procedure apply only to agricultural products and foodstuffs. There are no detailed procedures for other products.

### Incentives and actions for system development

- Support for producers participating in the Geographical Indication system  
Production of registered products is associated with additional costs compared to conventional products incurred by manufacturers. These costs are mainly related to the certification of products and the functioning of the producer group. The reimbursement of these costs over a 5-year period would be an incentive for manufacturers to register and placing on the market such products.

- Geographical Indication development program

Adoption of such strategic document would contribute to the determination of development direction and a clear indication of the competences of the various institutions involved in the process of implementation. Necessary actions, along with the roles of particular institutions and financial sources should be indicated.

- Information campaign

Having regard to the low level of interest and awareness concerning GI scheme, after the adoption of necessary legislation (verification of compliance) the information campaign targeted at both consumers and producers should be implemented. Actions targeted at consumers should aim at acquainting with an idea, basic categories and logos attached to the GI products. Producers should be informed about requirements concerning registration and advantages resulting from participation in the scheme.