

## EUROPEAN PROTECTION OF AGRICULTURAL PRODUCTS AND FOODSTUFFS IN THE NEW EU MEMBER COUNTRIES. THE EXAMPLE OF COLLABORATION BETWEEN FRANCE AND SLOVENIA

### EVROPSKA ZAŠČITA POIMENOVANJ ZA POSEBNE KMETIJSKE PROIZVODE IN ŽIVILA V NOVIH ČLANICAH EU. PRIMER SODELOVANJA MED FRANCIJO IN SLOVENIJO

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#### ABSTRACT

The objective of this article is to present the main results of an advising and assisting program, which took place in years 2001 until 2003, and which involved the Slovenian Ministry of Agriculture, Forestry and Food and two French institutions, French Agency for Standardization and National Institute for Designations of Origin. Authors report their experience in implementation of a system for the registration and certification of special agricultural products and foodstuffs in the Republic of Slovenia, in accordance with the quality policy and legislation of the European union (Council Regulations 2081/92 and 2082/92). They highlight the key success factors for an efficient implementation of the registration system for the special agricultural products and foodstuffs in the new EU members.

**KEY-WORDS:** European quality policy, geographical denomination, registration, certification, cooperation, Slovenia

#### IZVLEČEK

V članku so predstavljeni glavni rezultati programa Phare, ki je potekal v letih 2001 do 2003 med slovenskim Ministrstvom za kmetijstvo, gozdarstvo in prehrano ter dvema francoskima institucijama, in sicer Agencijo za standardizacijo in inštitutom INAO (nacionalni inštitut za poimenovanja porekla). Avtorji poročajo o izkušnjah pri implementaciji sistema registracije in certifikacije posebnih kmetijskih proizvodov in živil v Republiki Sloveniji skladno s politiko kakovosti in zakonodajo Evropske unije (Uredba Sveta 2081/92 in 2082/92). Posebej so poudarjeni ključni dejavniki za učinkovito implementacijo sistema zaščite posebnih kmetijskih proizvodov in živil ter uspešnost tovrstne zaščite v novih članicah Evropske unije.

**KLJUČNE BESEDE:** evropska politika kakovosti, geografsko poimenovanje, registracija, certificiranje, sodelovanje, Slovenija

## POVZETEK (SUMMARY)

V prispevku predstavljamo rezultate sodelovanja med Francijo in Slovenijo pri vzpostavitvi sistema zaščite poimenovanj posebnih kmetijskih proizvodov in živil v Sloveniji, skladno z zakonodajo EU. Slovenija je majhna a geografsko in klimatsko zelo raznolika dežela. Posledica te naravne raznolikosti ter kulturnega vpliva sosedskih dežel je tudi kulinarčno bogastvo dežele. V želji po zaščiti teh proizvodov in možnostmi, ki jih takšna zaščita nudi v sklopu skupnega trga v Evropski uniji (EU), je ministrstvo pristojno za kmetijstvo želelo vzpostaviti način zaščite, ki bi bil skladen z zakonodajo EU (Council regulation 2081/92 in 2082/92). V ta namen je v letih 2001 in 2003 med slovenskim ministrstvom za kmetijstvo in francoskim inštitutom INAO ter francosko Agencijo za standardizacijo potekal program Phare, tekom katerega je bil ob pomoči francoskih strokovnjakov vzpostavljen sistem registracije (zaščite) poimenovanj ter certificiranja posebnih kmetijskih proizvodov in živil. Program je potekal na dveh ravneh in sicer na organizacijski ravni, kjer je šlo za pomoč pri vzpostavitvi zakonskih in administrativnih okvirjev za izpeljavo zaščite ter na operativni ravni, kar je pomenilo prikaz delovanja sistema na praktičnem primeru skozi vse faze vzpostavitve zaščite. Pred začetkom programa je Slovenija, ob pomoči francoskih ekspertov, pripravila spremembe zakonodaje in v Zakon o kmetijstvu (UL RS 54/2000) vpeljala sistem zaščite poimenovanj posebnih kmetijskih proizvodov in živil po vzoru EU. Ta poleg same zaščite imena predvideva tudi certificiranje oziroma sistem neodvisnega nadzora, ki ga je bilo ravno tako potrebno vzpostaviti. Ključna težava pri vzpostavljanju sistema zaščite poimenovanj je bilo pripraviti vse, od proizvajalcev, profesionalnih združenj, uradnikov in drugih, ki jih zaščita kakorkoli zadeva, na razumevanje filozofije zaščite. Zaščita poimenovanj posebnih kmetijskih izdelkov in živil pomeni izjemo pri prostem pretoku blaga znotraj EU in zahteva prostovoljen, odprt in kolektiven pristop. Kot rezultat tega sodelovanja je Slovenija konec leta 2004 v Bruselj poslala trinajst prošenj za zaščito poimenovanj za posebne kmetijske proizvode oziroma živila (Preglednica 2), kar je veliko za tako majhno deželo. V prispevku smo na primerih dveh proizvodov, "kraškega pršuta" in "prekmurske gibanice", ponazorili ključne dejavnike uspeha pri postopku zaščite, ki so motivacija (interes) za zaščito, težave pri usklajevanju protagonistov ter možna ali realna nasprotovanja zaščiti. V primeru "kraškega pršuta" je bil v začetku pristop protagonistov defenziven, saj je bila država tista, ki je spodbujala zaščito. Obstajala so tudi precejšnja razhajanja, na eni strani med prašičerejci, ki so želeli da se zaščiti tudi poreklo, ter pršutarji, ki so se temu

upirali, ker so surovino v glavnem uvažali; razhajanja so obstajala na drugi strani tudi med samimi pršutarji, ki so želeli različno geografsko razmejitev področja. Za nameček je bilo potrebno protagoniste podučiti, da takšen sistem ne more biti zaprt in da vanj lahko kadarkoli vstopi kdorkoli, ki sprejme pogoje. Na koncu je bil sprejet kompromis, ustanovil se je konzorcij "kraški pršut", ki se je odločil za zaščito geografske označbe. Prvi pršuti s certifikatom so na trg prišli jeseni 2005. Pri "prekmurski gibanici" pa je bilo nasprotno opaziti ofenziven pristop k zaščiti, saj je Društvo za zaščito prekmurskih dobrot s tem ukrepom želelo zagotoviti, da se pri izdelavi te cenjene slaščice spoštuje tradicionalni recept. Razhajanja, ki so se pojavila med protagonisti v tem primeru so bila predvsem posledica razlik v načinu izdelave (sestavine, oblika, število in zaporedje plasti) pri različnih proizvajalcih, ki ga je bilo potrebno uskladiti. Hkrati je bilo potrebno sprejeti, da v primeru zaščite tradicionalnega poimenovanja ne morejo izdelave geografsko omejiti samo na Prekmurje. Na primeru Slovenije se je ponovno potrdilo, da je uspešnost zaščite v največji meri odvisna od motivacije in sposobnosti ljudi, ki projekte zaščite spravijo v življenje. Vendar pa za tržni uspeh samo zaščiten poimenovanje ni dovolj; potrebno je zagotoviti dobro in standardno kakovost ter prepoznavnost takšnega izdelka na trgu. Naloga države pa je, da zagotovi učinkovit in verodostojen sistem zaščite s skrbno presojo vlog, spoštovanjem nadzora ter stalno podporo preko svoje kmetijske politike.

## INTRODUCTION

In order to give a reader a brief impression of Slovenia and its agriculture we present some basic statistical indicators (Table 1) assembled from official statistics [1, 2]. The natural conditions of Slovenia situate more than three quarters of its territory to the zone where agriculture is limited by climatic, pedological or topographic (mountains) factors. A half of the Slovenian territory is covered by forests, a quarter of its territory represents utilised agricultural land of which more than a half is under permanent grassland. Contrary to the other Central European countries, Slovenian agriculture was relatively little collectivized before its independence in 1991. However even today, Slovenian agriculture remains characterized by small parcels. According to the last available data [1] 77,000 agricultural holdings perform agricultural activity in the Republic of Slovenia. An average agricultural holding uses 6.3 ha of agricultural area and breeds 6.6 livestock units, while only 15 % of agricultural holdings uses more than 10 ha and only 101 (0.1%) agricultural holdings uses more than 100

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Table 1. Some statistical indicators on Slovenia and its agriculture

Total area	20,000 km <sup>2</sup>
Population (in millions)	≈ 2 millions
Unemployment rate - according to EU force labour survey	≈ 6.0 %
Unemployment rate - registered	≈ 10 %
Average annual inflation	3.6 %
GDP at current prices	26,000 millions EUR
GDP at current prices per capita	13,000 EUR
Real growth of GDP	4.6 %
Gross value added at market prices	21,800 millions EUR
- share of agriculture*	2.1 %
Agricultural output at basic prices	1,0 million EUR
of which	% crop output
	45.8
	% animal output
	52.4
	% agricultural services output
	1.8
Persons in employment	946,000
of which	in agriculture
	4.6 %
Wooded area	56.4 %
Utilized agricultural land	490,518 ha (≈ 25% of total area)
of which	% meadows and pastures
	58.5
	% arable land
	35.7
	% vineyards
	3.4
	% orchard plantations and olive groves
	1.1
	% extensive orchards and olive groves
	1.4
Average size of agricultural holdings	6.3 ha
Average livestock size units on agricultural holding	6.6

Source: <http://www.stat.si>

\*together with food transformation, 8.4% persons employed in agricultural sector

ha. There are about 67,000 stockbreeders in Slovenia (86% of the agricultural holdings) of which only 15% breed more than 10 livestock units. The relative share of the vegetable (42%) and animal productions (56%) in the agricultural production evolves little in a context dominated by mixed breeding farms of small dimension. Despite its weak economic importance ( $\approx 2\%$  of gross domestic product (GDP) and 4.6% of active population), agriculture preserves an important role in maintaining social and territorial equilibrium. The sector of food industries represents about 3.2% of gross domestic product (GDP) and includes approximately 370 firms with 19,000 employees [3]. The share of the production intended for food industries is relatively weak; the on-farm sale of agricultural products or sale on local markets is widespread. Besides, the sale by way of on-farm tourism is also increasing. The statistically recorded sale of agricultural products in relation to the agricultural production is above 50% only for meat (poultry, beef and pork) and milk. A significant part of milk production is transformed on the farm or by smaller scale artisan dairies.

In this context, characterized by the diversity of the food productions and the coexistence of industrial and artisan way of production, the Slovenian authorities would like to develop a market for special agricultural products and foodstuffs, recognized as such, towards the larger European market. Moreover, Slovenian authorities expressed a keen interest for the protection system according to European legislation (Council regulations 2081/92 and 2082/92). Before that, Slovenia knew and practiced only the protection of geographical designation under the law on intellectual properties, which considered the protection of names but without quality certification. The program, for which the methodological support was offered by France and its experts, was carried on during the years 2001 to 2003. It was performed within the framework of a convention binding AFNOR (French Agency for Standardization) and the National Institute for Designations of Origin (INAO) to the Slovenian Ministry of Agriculture, Forestry and Food [4]. The aim of this program was to implement the system of protection and certification of special agricultural products and foodstuffs in the Republic of Slovenia which would be compatible with European quality policy and legislation [5, 6].

## **MATERIAL AND METHODS**

### **Preparing Slovenia for her accession to the European Union (EU)**

Within the framework of the accession to the EU, it

meant assisting the Slovenian Ministry of Agriculture, Forestry and Food in the drafting of new laws but also in the construction of a system for registration of products and their certification. Three major goals were pursued, (i) to determine the optimal structures of the new organizations which would be in charge of these functions, by presenting various options and by proposing a solution, (ii) to succeed in fully involving all the operators and institutions (Chamber of Agriculture, Chamber of Commerce) concerned by the protection of special agricultural products and foodstuffs, (iii) to ensure the diffusion of the results of the technical support so that all the concerned parties would have clear and reliable information in case they decided to present an application for the protection of particular product.

### **Methodology**

In order to achieve previously mentioned goals, we decided to work simultaneously on two levels; at first level, the organizational (or "system") level, the objective was to ensure that the legislative and administrative frame in Slovenia would be compatible with the requirements of the EU as regards the protection (registration) of special agricultural products. After the review of the Slovenian legislation in force, we participated to the preparation of new legislative texts and proposed the scheme of operational system for the registration and certification of products. The second level, on which we exerted the support, was the operational (or "product") level, within which the formerly taken decisions and installed tools were applied on the practical examples of Slovenian products. The decision to make a "demonstration through example" came from the wish to actually evaluate the range of the European texts concerning the protection of the denominations and to identify the dangers or obstacles to be encountered at the time of the drafting or implementing the complex reference frames. It was also a question of supporting the immediate involvement of the actors concerned by the product certification, while contributing to their formation and their information.

## **RESULTS**

### **A complete legislative frame and the assistance to the carriers of project**

A few months before the beginning of our mission, the Slovenian Ministry of Agriculture, Forestry and Food decided to create an Office for the recognition of denominations of the agricultural products and foodstuffs. This office, in collaboration with the competent sector (food quality and safety) of the same ministry, was

charged to draft the basic legal act<sup>1</sup> defining five official quality signs for the recognition of special agricultural products and foodstuffs: the protected designation of origin, the protected geographical indication, the traditional specialty, a sign of higher quality, a sign for organic agricultural products and a sign for integrated agricultural products. We took part in the drafting of the three legal texts (rules)<sup>2</sup> of application of the law which respectively specified the definitions of each sign, characteristics of the petitioning groups and the procedure to be followed to register a product. The implementation of this new legal frame assumed the distribution of the tasks; the registration of denominations was entrusted to the Office for the recognition of denominations of the agricultural products and foodstuffs while the external control and certification was to be trusted to the various offices, existing organizations, or ones to be created. At that point, entrusting the external control to the official services was necessary, as no private structure was able to assume this task at that time. However the obligation was clear to distinguish between the official control which would be binding to all the operators (veterinary services, inspection of the frauds...) and that carried out within the voluntary approach in certification<sup>3</sup>. The certification was foreseen for the organization of certification created at the later stage (in the respect of the standard EN 45011). The validation of the reference frames as suggested by the applicants was to be performed by the Office for the recognition of denominations of the agricultural products and foodstuffs after acquiring the opinion of the one of the six sector commissions<sup>4</sup> created at the later stage. These commissions engage experts of various fields (pedology, climatology, technology of the product...) coming from the scientific and professional circles. In order to help the petitioning groups in their actions to register the product, practical guides were written: these represent the entire procedure (and the requirements related to each stage) from the preliminary strategic analysis (why to protect the product?) until the final registration.

Census on the products having been the subject of an applications and/or a subject of a request for registration The products being subject of the exemplary applications were proposed by the Slovenian Ministry of Agriculture, Forestry and Food (Table 2 and Figure 1). The initial

choices considered by the Slovenian Ministry of Agriculture, Forestry and Food (Table 2; foreseen protection) reflect the difficulties encountered to set up a legislative frame corroborating the requirements of the European legislation:

- in case of the "Slovenian honey", neither the Article 2 of the Council Regulation 2081/92, narrowly limiting the protection of the names of the state, had been taken into account, nor the diversity of the characteristics of the honeys produced in different Slovenian regions.
- in case of the "Piran salt", the absence of salt in the list of the products concerned by the Council regulation 2081/92 had been ignored;
- in case of the cheese "Tolminc", the name had already been registered as the trade mark by one industrial operator; what's more for a cheese that was not in conformity with the specifications. The coherence with the article 14 of the Council regulation 2081/92 [5] had not been validated. However, there had been no opposition formulated by the holder of the trade mark during the public survey carried out to justify this request for protection.

As a result of the program, thirteen requests were transmitted to the European Commission in 2004 by the Republic of Slovenia (Table 2); seven demands for protected designation of origin, five demands for protected geographical indication and one demand for the sign traditional specialty. However a demand for protected designation of origin for Slovenian honey ("Slovenski med") was replaced by the demand for protected designation of origin for Honey of Kočevje forest ("Kočevski med"), the demand for protected designation of origin for Pumpkin seed oil of Štajerska and Prekmurje ("Štajersko prekmursko bučno olje") was sent as a request for protected geographical indication, while the demand for Piran salt ("Piranska sol") remains waiting the decision of the European Commission for the eligibility of salts for protection, like other European salts. Compared to the eight requests for protection having been the subject of an application, six more were transmitted to the EU Commission by the Slovenian Ministry of Agriculture, Forestry and Food (Table 2).

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<sup>1</sup>Law on agriculture published in Official Gazette of the Republic of Slovenia (UL RS 54/2000).

<sup>2</sup>Acts (rules) UL RS 58/2001, UL RS 33/2005, UL RS 76/2003 as amended by the act (rule) UL RS 47/2005 (in the order of citation).

<sup>3</sup>It was important to understand that the same person can not perform the tasks of the official control and the certification for the same producer.

<sup>4</sup>Milk and dairy products; meat and meat products; honey; pastry and bakery products; oils; butter and fats; salt.

Table 2. List of studied agricultural products and requests for the product registration sent to the European Commission by the Republic of Slovenia

Slovenian name of product	English translation of product's name	Group	Foreseen protection	Demanded protection
<b>A. Products having made the object of an application</b>				
"Nanoški sir"	Nanos cheese	Cheese	PDO	PDO
"Tolminc"	Cheese Tolminc	Cheese	PDO	PDO
"Štajersko prekmursko bučno olje"	Oil of pumpkin seed of regions Štajerska and Prekmurje	Oils and fats	PDO	PGI
"Slovenski med"	Slovenian honey	Other products of animal origin	PDO	<i>not transmitted</i>
"Kočevski gozdni med"	Honey of Kočevje forest			PDO
"Piranska sol"	Piran salt	-	PDO	<i>not transmitted</i>
"Kraški pršut"	Dry ham of Kras region	Meat products	PDO or PGI	PGI
"Prleška tünka"	Cured and smoked pork plunged into fat of Prlekija region	Meat products	PGI	PGI
"Prekmurska gibanica"	Layer-pie of the region Prekmurje	Pastry and bakery products	PGI or TSG	TSG
<b>B. Additional requests initiated by the Slovenian authorities</b>				
"Mohant"	Cheese Mohant	Cheese	-	PDO
"Bovški sir"	Bovec Cheese	Cheese	-	PDO
"Prekmurska šunka"	Dry ham (smoked) of Prekmurje region	Meat products	-	PDO
"Ekstra deviško oljčno olje Slovenske Istre"	Extra virgin olive of Slovenian Istria	Oils and fats	-	PDO
"Zgornjesavinjski želodec"	Stomach of Upper Savinja valley	Meat products	-	PGI
"Šebreljski želodec" <sup>9</sup>	Stomach of Šebrelje	Meat products	-	PGI

PDO: protected designation of origin; PGI: protected geographical indication; TSG: traditional specialty guaranteed.

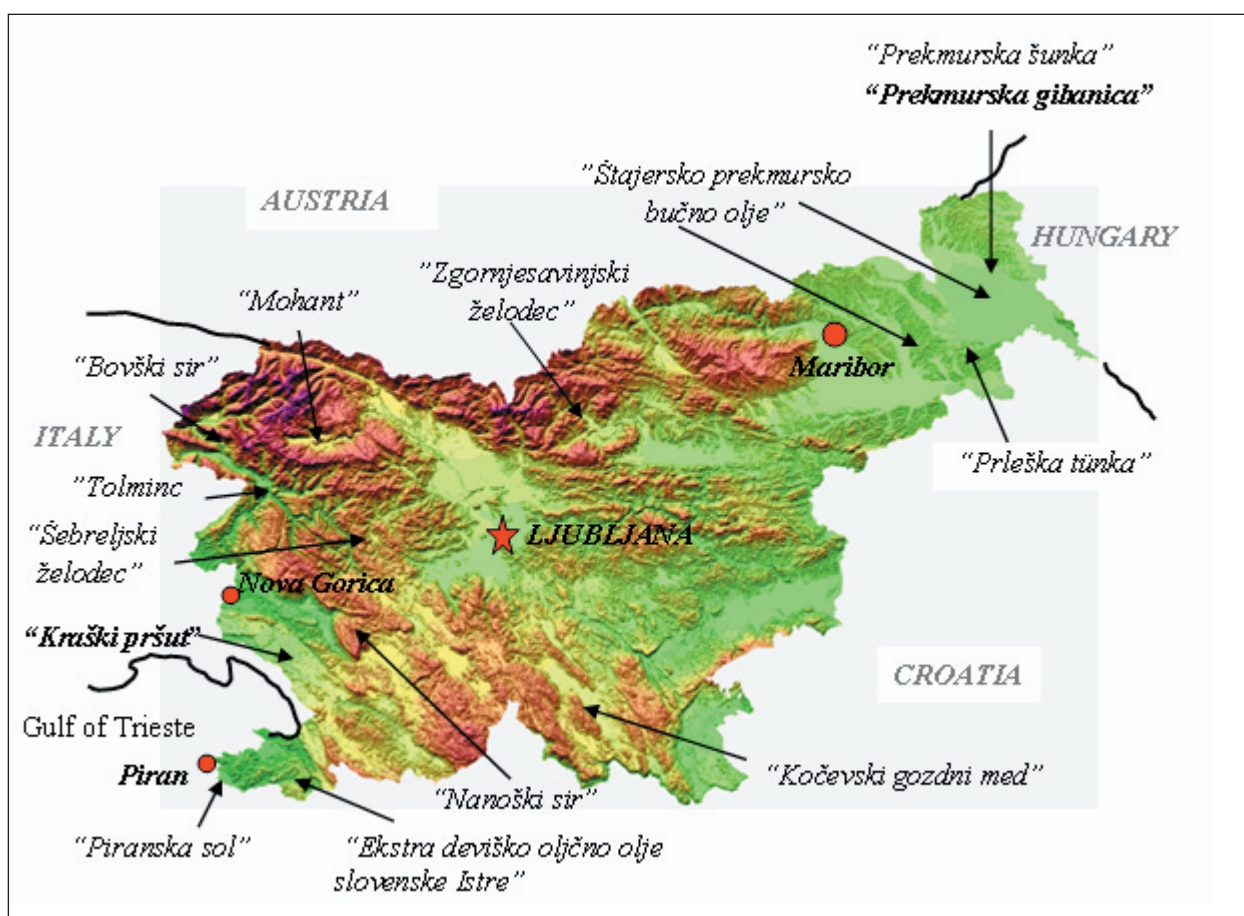
## DISCUSSION

In order to synthesize the major lessons of the program, we will present the case on two products: “Prekmurska gibanica” or in translation Layer-pie of Prekmurje region and “Kraški pršut” or Dry-ham of Kras (Frames 1 and 2). These two products make it possible to cover a broad pallet of the problems emerging when preparing a demand for protection of product and its name. We will elucidate the common points and the differences observed between Slovenian situation and the approach observed in the European Union (and in particular in France).

### Strong similarities

(i) Motivations of the applicants for protection. The strategic approach in protection can be either defensive or

offensive [8]. The defensive strategy can be illustrated by the case of “Kraški pršut”, the highly recognised product of the Slovenian meat industry. The Slovenian Ministry of Agriculture, Forestry and Food, in dialogue with the professionals, justified the request for the protection by the fear that, after the accession to the EU, similar products from other countries would come to the market, using the identity of Kras. Some tradesmen indeed placed on the Slovenian market cheaper dry hams (usually of lower quality), imported from Italy, using a denomination “Kraški pršut”<sup>5</sup>. In the case of “Prekmurska gibanica”, on the contrary, an offensive strategy was observed: the regional source of “Prekmurska gibanica” was seen as an asset differentiating by itself and indeed supported by the use of collective trade mark “Diši po Prekmurju” for



Source of the map: Geografski inštitut Antona Melika, ZRC SAZU, Ljubljana, Slovenia [10]

Figure 1. Localization of the Slovenian products involved in a registration procedure.

<sup>5</sup>The term “pršut”, is close to Italian word “prosciutto”, and is used only in this region bordering Italy ; this term however became in a way a generic name for this type of product (non-smoked dry ham) and itself associates good quality in the mind of Slovenian consumers [7]. In other parts of Slovenia, where dry hams (smoked) are produced, a term “šunka” is used (close to german “schinken”) ...however the old genuine Slovenian word for dry ham is “gnjat” (which is not used and can be found mainly in older Slovenian texts).

**Frame 1. “Prekmurska gibanica” (or Layer-pie of Prekmurje region)**

“Prekmurska gibanica” (Figure 2) is a traditional cake of the Prekmurje region (North-eastern part of Slovenia). This product was the subject of a demand for protection carried out by the Association for the promotion and the protection of the culinary specialties of Prekmurje (in Slovene language “Društvo za zaščito prekmurskih dobrot”) founded in 1999 and whose objective is to defend the products with reputation such as the dry ham of Prekmurje [7], horse radish and pumpkin seed oil. “Prekmurska gibanica” is a pie composed of eight layers of different ingredients (in order: poppy grains, curd cheese, ground walnuts and grated apples) all repeated twice and separated by a layer of flaky pastry and posed on a “base” made up of a pie crust pastry. It is produced by three industrial enterprises (50% of production) and by many restaurants and independent confectioners. It belongs to a broader family of layer pies resembling the “Prekmurska gibanica” but not exactly identical (differences in number of layers, order of layers, shape, size, appearance, ingredients) and whose reputation is less eminent. “Prekmurska gibanica” was traditionally prepared for festive occasions. “Prekmurska gibanica” was protected at the Slovenian level in 2004 as a traditional specialty and the demand for registration was transmitted to Brussels. The first certified products came to the market at the end of 2005.

**Frame 2. “Kraški pršut” (or Dry-ham of Kras)**

“Kraški pršut” is a non-smoked dried ham, contrary to the majority of dry hams produced on the Slovenian territory, a product well known since more than one hundred years and enjoying a reputation of top-level product by the consumers of this country (Figure 3). It is traditionally associated to festive meals. Presently it is manufactured and marketed by two big meat industry firms (MIP and KRAS), medium-sized specialised firm (Pršutarna Lokev) and many small producers, these latest with a circuit of sale mainly limited to the local market. In a strict sense, the term Kras (which is the origin of internationally acknowledged term for karstic landscape and landforms) defines grounds made up of limestone and red soil rich with iron (in Italian “terra rosa”). From a geographical point of view, the area of production of “Kraški pršut” corresponds to a zone of plateau (average altitude of 500 meters) limited by fringes of lower altitude (100-200 m). The major part of the production of “Kraški pršut” is sold on the Slovenian territory in the circuit of the great distribution at relatively high prices taking into account the standard of living (11 € a kg of a entire and 35 € a kg of pre-sliced ham packed under modified atmosphere). “Kraški pršut” was protected at Slovenian level as a protected geographical indication in April 2004 and the demand for protection on the EU level was transmitted to Brussels in October 2004. The first certified products were put on the market in the autumn 2005.



Figure 2. “Prekmurska gibanica” – a traditional pastry of Slovenian region Prekmurje (Photo: “Društvo za zaščito prekmurskih dobrot”)



which the translation would be “Savours of Prekmurje”. The choice to protect the name with the traditional specialty sign corresponds to main goal of applicants which was to guarantee that all the Slovenian producers respect the traditional recipe and that differentiation from other similar layer-pies is assured.

(ii) Difficulties of coordination between actors. The conflicts observed relate to the choice of the sign of protection between protected designation of origin and protected geographical indication, on the specification standards and on the delimitation of the geographical areas concerned. They often rise from the very great heterogeneity of the actors [9]. In the case of “Kraški pršut”, the Slovenian pig producers affirm their will to obtain a protected designation of origin which would be founded on a raw material coming from Slovenia and a zone of ham transformation limited to Kras, whereas 80% of hams manufactured by meat industry were imported. They criticized the practice of imports of hams which

induces a heterogeneous quality and harms seriously the image of “Kraški pršut” by the consumers. On the contrary, the meat industry focuses on the protection sign protected geographical indication and underlines the deficit and the qualitative inadequacy of the local pig production (pig breeding oriented towards the fresh meat marketing leading to light hams, absence of appropriate genetics) causing difficulties in sorting and high price. In addition, two biggest producers, industrials MIP and KRAS were opposed on the delimitation of the geographical area of Kras, each one having its own definition. The conflict relates primarily to the inclusion or not of the town of Nova Gorica, located at the North-West of Kras (outside the zone of the plateau Kras) (Figure 1). Indeed, the enterprise MIP carries out the salting of hams in its factory located in this town and later transfers hams into their drying unit located on Kras. On the contrary, company KRAS carries out all the stages of the process in the zone defined previously. In



Figure 3. “Kraški pršut” – a traditional non-smoked dry ham of Slovenian region Kras (Photo: “GIZ Kraški pršut”)

the case of “Prekmurska gibanica”, the conflicts related to the certificate of the conformity of the specification standards to the specific elements of the traditional recipe. The divergences between operators were primarily due to the fact that each one of them evolved its manufacturing mode according to its own constraints, as well technical as commercial. These divergences, as for the manufacturing process, relate mainly to the following elements: possible addition or not of aromatizing substances such as lemon or cinnamon, use of vegetable fats or butter in the place of grease, possibilities of freezing in the course of process and of the finished product.

(iii) Potential or actual oppositions. The oppositions could originate in the delimitation of the geographical areas of protection. In the case of “Kraški pršut”, this delimitation collides with the unknown factor on the localization (and the exact number) of the small (on farm) producers, in the absence of exhaustive preliminary survey. Another potential opposition could come from KRAS company, for its’ products, the company registered a trade mark KRAS at the Slovenian office for protection of the industrial property and was reticent about protection of denomination using the same geographical name, proposing the anteriority of its trade mark.

Specificities related to the Slovenian history and the apprenticeship regarding EU and its institutions

One of the major tasks of the advising and assisting program was to answer the need for new legislative texts, in agreement with the European regulations and with other elements of agricultural policy and the trade-mark law. Moreover, it was necessary to assist the Slovenian Ministry of Agriculture, Forestry and Food in the creation of the adequate institutions, and decisions needed to be taken by the last, with no previous experience. Besides, the success of implementation of the EU quality policy in terms of protection of denominations was dependent on finding solution to two obstacles (i) to overcome the linguistic barriers, in particular in case of operators who seldom use other languages, and which were observed during the workshops that we organised, (ii) to understand the nature of exceptions to the rule of free circulation of goods within EU market payment and its implications, in particular the nature of voluntary and collective approach. The voluntary approach resides on the initiative of the operators. It was an important message to pass and difficult task to achieve, bringing all the concerned operators to this state of mind, while the majority of the

projects, following the example of “Kraški pršut”, resulted from the suggestions of the national authorities, with no preliminary strategic and market analysis to measure the viability of the project, interest for differentiation and the capacity to segment the market. The collective approach led to identify the operators able to ask, obtain and maintain the protection signs while remaining opened to all newcomers respecting the specifications for product fabrication: in case of “Kraški pršut” we advised strongly the creation of consortium charged to prepare the rules and specifications for fabrication and we insisted on the necessity to integrate also small (on farm) producers. The Consortium for dry ham of Kras was actually created in November 2003, comprising two industrials, one medium size producer and one small (on-farm) producer of “Kraški pršut”. The compromise regarding the specifications for fabrication was reached among operators: “Kraški pršut” is a dry ham aged at least 12 months and made of properly shaped hams of at least 9 kg; the provenance of hams is unrestrained, only salt and no other additives can be added, the entire process of fabrication must be done according to the specification in the geographically defined area of Kras. However, on a purely derogatory basis and for a transitional period of 8 years, the company MIP preserves the right to carry out the salting phase in its factory in Nova Gorica<sup>6</sup>. In case of “Prekmurska gibanica”, the capacity to structure the sector in accordance with the specifications of European legislation shall also be a key success factor in the protection of this traditional pastry. Namely, in the initial step, the applicant association meant to exclude all the operators outside the region Prekmurje, even if they respected the manufacturing specifications (three principal industrial fabricants commercialise the product under the name “Prekmurska gibanica”).

#### **Particularities related to the size of the country**

The number of filed demands for the protection of special agricultural products and foodstuffs is relatively important for such a small country which has a size of an average EU region. The natural diversity of this country together with cultural influence of neighbouring regions provided a heritage of many special products which merit protection. However, it is difficult for such a small country to mobilise financial and human resources<sup>7</sup> in terms of competence and availability necessary to counsel, examine the files, register the name, and manage the control over the product.

<sup>6</sup>It is noteworthy to mention that the company MIP, in June 2005, launched a new dry-ham product on the market named “Vipavski pršut” in translation Dry-ham of Vipava, with a very similar product and fabrication characteristics but with a Slovenian origin of the raw material. It remains to see if this action could mean a turning away from the initiative of the Consortium.

<sup>7</sup>The Office for the recognition of denominations of the agricultural products and foodstuffs no longer exists and was integrated to the sector of food quality and safety of the Ministry for agriculture

## CONCLUSIONS

In order to ensure the economic success of the protected products, the Slovenian professionals must profit from the assets of this collaboration. It appears essential to guarantee and facilitate the access of all the operators concerned with the protection, in particular small farm and artisan producers in order to avoid situations observed elsewhere (for example in France for protected geographical indication for goose-liver of south-west "Foie gras du Sud-ouest"). Moreover, the operators need to ensure the collective approach to the development of protected designations and to make the control over the product or certification by an independent organization; it is a question of accepting a control as a guarantee of protection, as an approach to the progress in quality, and not as an act of repression. Finally, the actors will have to adapt their marketing policies and to engage in communication policies with the support of the EU. These efforts shall not be crowned with success without a constant support of the public institutions which have the role of guaranteeing the system credibility and effectiveness while taking care of consistent and thorough examination of the application files and the respect of the control. Moreover, they must assure that the system of protection is supported and promoted in all the actions concerning agricultural policy of the country. The effectiveness and the viability of the system rest above all on the competence and motivation of people which brings up the importance of the education of experts suited to perform tasks of preparing and managing a project of protection. It is a true challenge for a country as small as Slovenia: by way of example, our interlocutors in charge of mission during the program were often very young people without or not having yet finished their university course (on probation) or detached officers from other administrations. One year after the end of the program, more than half of them were no longer at that post. Let us bet that the Slovenians as well professionals as officials, with enthusiasm which they expressed, will be able to take up this challenge!

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