

Accueil • Présentation • Presentation - English version • **INAO and its assignments**

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1. INAO AND ITS ASSIGNMENTS- ORGANIZATIONAL STRUCTURE

1.1 - THE DECISION-MAKING BODIES OF THE INAO

The outstanding feature of the operation of the INAO is the fact that it is based on the work of National Committees that group together professionals with experience of the procedures surrounding AOC and PGI, qualified personalities and representatives of the administrations. Together, they take part in the management of that public heritage that are the signs of geographical origin.

THE NATIONAL COMMITTEES

These decision-making assemblies validate the recognition of an A.O.C. and submit to the responsible Ministries draft decrees that cannot be changed afterwards and must either be accepted or rejected as they stand.

Their members take part in enquiry commissions composed of professionals on a voluntary basis to study applications and prepare the work of the Committees.

As for the PGIs, the committee in question gives its opinion with regard to an application to be transmitted by the Ministry of Agriculture to the Commission of European Union.

THE STANDING COUNCIL

Composed of 24 members, it sets the general policy of the INAO and deliberates, among other things, on the budget and on the defence of the notion of protected origins.

Its professional members are selected from among those sitting on the four national committees, including their Presidents. Appointed for a term of two years, the President of the Standing Council is appointed from each of the Committees in turn.

PERMANENT COUNCIL

24 members appointed for 2 years

President: Michel PRUGUE

NATIONAL COMMITTEE 1 WINES AND SPIRITS (AOC)

80 members

appointed for 6 years

Pres: R. RENOU †

NATIONAL COMMITTEE 2 DAIRY PRODUCTS (AOC)

45 members

appointed for 6 years

Pres: J.C ARNAUD

NATIONAL COMMITTEE 3 OTHER AGRICULTURAL PRODUCTS

30 members
appointed for 6 years

Pres: M. PRUGUE

NATIONAL COMMITTEE 4 P.G.I. PROTECTED GEOGRAPHICAL INDICATIONS

33 members
appointed for 6 years

Pres: J. BALLE

1.2 - THE DEPARTMENTS OF THE INAO: ACCOMPANYING THE PRODUCERS

The Institut National des Appellations d'Origine is a public administrative body under the supervision of the Ministry of Agriculture.

The Institute has an operating budget of 19 millions euros (2003) which comes essentially from the Ministry of Agriculture and fishing, although there are fees paid by professionals.

The INAO (250 staff approximately) accompanies producers who have committed themselves to working towards the specifications of an A.O.C. or a P.G.I. A central department in Paris and 26 offices in the provinces located at the heart of the areas of production, orientate the efforts of the applicants, prepare the work of the enquiry commissions and of the experts working on defining the geographical areas, check to see that the production conditions and the terms of the approval procedures are respected.

The agents work on preparing the deliberations of the national committees and on applying the decisions that are taken.

The services are headed by a Director who is appointed by the Ministry of Agriculture.

The director is responsible for the management of the organisation, takes all individual decisions relating to human resources matters and is responsible for the income and expenditure of the Institute.

The current director Mrs Sophie VILLERS has been in this position since March 2006.



1.3 -RELATIONS BETWEEN THE INAO AND THE A.O.C. DEFENCE SYNDICATES

The Appellation d'Origine is a collective right of use. It requires close **involvement of the producers**.

It is the AOC Defence Syndicate that collaborates with the departments and bodies of the INAO on the legislation recognising the appellation, on the definition of the characteristics of the appellation and on the production conditions and the terms to be applied to inspection of the preparation process.

The origin of these texts lies in the customs of the region in question, the definition of the production areas and of the skills involved.

In the spirit of the legislation of 1935, the appellation is based on the determination and on the discipline of the professionals and on powerful, responsible syndicates. For each decision of the INAO concerning an appellation, the prior opinion of the syndicates in question is an essential formality without which the decision would be worthless, even though the INAO is not obliged to go along with the opinion of the syndicate.

The defence syndicate is an obligation. It is the central axis of the whole system, the tool by which the A.O.C. progresses and the indispensable go-between between the producers and the INAO.

2. INAO AND ITS ASSIGNMENTS- AOC RECOGNITION PROCEDURE

The request to be recognised as an Appellation d'Origine Contrôlée is made by the producers of the appellation grouped together in an Appellation Defence Syndicate.

As the Appellation d'Origine Contrôlée derives its specific nature from restrictive production conditions, these conditions must be perfectly accepted by the producers themselves.

The first phase in the recognition process for an Appellation d'Origine Contrôlée is therefore the application of the group of producers in question that is submitted to the local office of the INAO.

To back up their application, they present a file comprising all the technical, economic, historical and legal documentation necessary to demonstrate the link between the product and its terroir, the usage related to it over the ages, its originality and its reputation.

The request is examined by the services of the INAO that begin by taking a look at both the content and the form of the file with the professionals. This is the first stage of the collaboration between the service and the professionals on the content of the file.

Once the file has satisfied the abovementioned minimum conditions, it is presented to the competent Regional Committee, if there is one. Accompanied by the assessment of the Regional Committee, the application is then sent on to the competent National Committee.

In order to examine the application, the National Committee appoints a Commission of Enquiry from among its number, composed of professionals who must not be from the region in question. This commission is charged with the task of carrying out an in-depth study of the application and submitting a report to the National Committee so that it can take its decision.

The Commission of Enquiry goes to the area in question, studies the product, its geographical area and the sector and production conditions to analyse the economic, legal, sociological and technical environment.

Within the context of its work, it may also call on external scientific skill.

At the end of this first mission, a report is written up and submitted to the National Committee.

The National Committee may, in the light of the conclusions of the Commission of Enquiry, judge that the product does indeed correspond to the definition of an Appellation d'Origine Contrôlée, may ask for further information from the Commission or may reject the file.

If the National Committee decides in favour of the file, the Commission of Enquiry then continues its work with the applicants to come up with a precise definition of the appellation production conditions.

In parallel, external experts are called in by the INAO (geologists, pedologists, historian's etc.) to define the production area. Public Enquiry procedures are implemented to define the boundaries of and the plots contained in the future appellation.

It is from these exchanges between the Commission of Enquiry, the National Committee and the Syndicate (which receives all the reports of the Commission) that a draft decree is finally written up to recognise the appellation of origin to establish its boundaries and to define its production conditions.

When the National Committee approves the final report of the Commission of Enquiry and therefore recognises the suitability of the product to benefit from an Appellation d'Origine Contrôlée, it is in fact approving the draft decree to recognise the Appellation d'Origine Contrôlée.



3. INAO AND ITS ASSIGNMENTS - PGI RECOGNITION PROCEDURE

This examination procedure involves four complementary structures - the National Labels and Certification Commission (CNLC), the Economic and International Policy Department (DPEI) and the General Food Administration (DGAL) of the Ministry of Agriculture, and the INAO.

The PGI application examination procedure is based on a decree dated 28 August 2000 defining 5 different stages:

ADMISSIBILITY EXAMINATION

The examination to determine whether the PGI and label or certification application of the product is admissible is carried out by the services of the Ministry of Agriculture.

PUBLIC ENQUIRY

The Public Enquiry relating to the application lasts 2 months as of the last of the various publications ("Journal Officiel" etc.)

EXAMINATION OF THE PCC AND/OR RED LABEL SPECIFICATIONS

The section "Examination of the Referential" of the CNLC begins the study of the PPC or RL specifications.

PGI APPLICATION EXAMINATION

The examination of PGI applications is carried out by Committee IV of the INAO, which appoints joint study groups with the CNLC for each application. The National Committee examines the draft specifications of the PGI along with the report of the joint group.

It then proposes to the Ministries of Agriculture and of Consumer Affairs that the application should be transmitted to the European Community.

DECISION OF THE MINISTERS

The Ministers of Agriculture and of Consumer Affairs decide whether or not to transmit the application to register a PGI to the European Community authorities.

4. INAO AND ITS ASSIGNMENTS - DEFINITION OF PRODUCTION AREA

All A.O.C.s are primarily and necessarily linked with the existence of terroirs: each of these can be defined as a system in which there are complex interactions between a set of human factors (techniques, collective usage etc.), agricultural production and a physical environment. The terroir is valorised by a product to which it confers an original, typical nature.

The INAO is therefore called upon to define the boundaries of a place of production which must be based, on the one hand, on natural factors composed of the set of natural elements characterising a geographical entity, that is to say mainly the geology, pedology, climatology, topography,

natural flora and hydrographic network, and on the other, on human factors comprising the set of elements requiring human intervention, that is to say production usages and use of the name. The method used by the INAO to define these boundaries must therefore take into account the complex local realities, and only the observation of these realities on site enables us to determine the most relevant definition criteria, criteria which may well vary from one region to another.

The boundaries materialise portions of territory within which the Appellation d'Origine is produced.

They are defined by a list of administrative entities (départements, cantons, communes) as well as by natural geographic limits.

THE PROCEDURE

The National Committee appoints a Commission of Enquiry entrusted with the task of studying the syndicate's application on site and whose main mission is to determine the general principles governing the drawing up of the boundaries. This commission is composed of professionals of the National Committee and it submits its finding to that Committee.

A Commission of Experts is then appointed. Its members are chosen for their scientific and technical knowledge in disciplines such as geology, pedology, agronomy, history, geography, oenology, etc. The experts have the objective of fixing or modifying the boundaries of the production areas and appellation zones. To begin with, this commission determines objective criteria for the definition on the basis of general principles. The application of these criteria then leads to a draft project.

The work on defining the boundaries is divided into two phases:

The Enquiry:

The draft project drawn up by the experts is submitted to the National Committee. If the latter gives its approval, the project is put up for Public Enquiry for a period of 2 months. This involves informing people locally of the project via the press and making the project available to the public in the town halls of the zone in question.

Examination of Claims

The claims received during the Public Enquiry are studied by the Commission of Experts. The final geographical area and its zones are proposed to the National Committee under cover of the Commission of Enquiry. If the latter give its approval, the project is made official in the A.O.C. Decree.



5. INAO AND ITS ASSIGNMENTS -SPECIFICATIONS

An AOC product is a finished product which can be recognised by consumers.

The specifications are composed of all the elements to be respected to achieve the AOC status. These elements stem from local customs and practices which give the product its character and its distinctive local features.

For the Appellations d'Origine, the existence of local customs and ways is an indispensable condition.

The conditions of production include a set of jointly established rules concerning the product. By doing an inventory of these rules, we can attempt to establish a classification shared by all AOC products. By convention, we could, for example, establish that an application for AOC recognition must be examined in six fundamental stages:

1. The production area

This includes

- the area of production of the raw materials
- the area of processing

2. The origin of raw material (animal or vegetable)

3. The management methods used for crops and livestock (e.g. vine pruning, herd management)

4. The methods for collecting or harvesting the raw materials

Date and period of milk collection, manual grape-picking, picking olives off the tree only

5. The processing and collection of the harvest

Vinification of the full grape-bunch, use of the milk within a defined period of time

6. The preparation of the product (e.g. preparation of cheese in a copper container for Comté, minimum refining time in the cellars for Roquefort, compulsory ageing of wine).

The conditions of production are written up in the appellation decree.

6. INAO AND ITS ASSIGNMENTS - APPROVAL OF PRODUCTS

THE NOTION OF APPROVAL

It soon became apparent after the creation of the Comité National Vins et Eaux-de-Vie in 1935 that a product meeting all the production requirements for an AOC could nevertheless present defects or a lack of typicity, depending on the know-how of the producer.

This is why some professionals started submitting their production for analytic and organoleptic inspection around the 1950s (Pineau des Charentes in 1946, Bordeaux Clairet in 1951, Entre-Deux-Mers in 1953, etc.).

The European Community regulations in 1970, then the French ones in 1974, stipulated the practice of analytic and organoleptic examination and generalised this practice to include all viticulture AOCs.

This purpose of the ultimate phase in the AOC system was to validate:

- Compliance with production conditions
- Compliance of the products with particular criteria and aptitude for consumption (analysis).
- Presentation by the products of specific organoleptic characters, designated as "typicité".
- The appreciation of these characters is recognised as mainly a task of professionals of the AOC.

The approval procedure for a product is an essential element in the AOC. The approval commits the INAO with regard to both producers and consumers.

THE METHODS OF IMPLEMENTATION OF THE APPROVAL

Procedures specific to each production of AOC (still wines, sparkling wines, eaux-de-vie, dairy products and other agribusiness products) have been defined by regulations following proposals by the National Committees of the INAO, although there are some constants that are to be found in each sector.

The approval operates annually among all producers using an AOC status, according to two principal systems:

- for products the entire volume of which can be granted at the same time; an approval certificate mentioning the volume selected for AOC is issued,
- for products produced in stages over all or part of the year (e.g. cheeses); samples are taken throughout this period to verify compliance of the products with the AOC.

In all cases, the producer's commitment to the appellation requirements and thus his/her commitment to comply with the production conditions of the said appellation are subject to declaration documents with the INAO.

(e.g. declaration of aptitude for olive producers and for manufacturers of olive oil).

Based on these declarations, cross-checked if necessary with other sources (e.g. computerised winemaking declarations, operation or company records), the INAO proceeds to the inspection of the production conditions using documentary methods and by making visits to the sites.

For nearly all appellation products, the inspection of production conditions is supplemented by an examination of the product, including analyses and an organoleptic examination - which is mainly visual, olfactory and gustatory - carried out by commissions of professionals, producers, traders, oenologists and wine technicians, under the responsibility of the INAO.



7. INAO AND ITS ASSIGNMENTS - PROTECTION OF PDO'S

PROTECTION OF TERROIRS

The terroir is a non-reproducible and limited entity. It therefore merits protection. The objectives of the INAO mission are therefore the protection of a collective patrimony through the maintenance of the appellation and the sustainable operation of farms.

EFFECTS ON THE TERROIR

Harmful effects on the area of production may be temporary or irreversible; in the latter case they definitively denature a component of the environment (subsoil, soil, climate, hydrology, etc.).

At present, the pressure of urbanism is one of the major elements in the definitive "shifting" of farmland. Infrastructures also have major consequences on farming, particularly by their dividing effect (high-speed trains, motorways, roads, electricity lines, etc.). Finally the exploitation of subsoil by quarrying or gravel extraction operations presents a real risk of loss of appellation surface area.

REGULATORY TOOLS

Article 9 of the Law of 19 July 1976 enforces protection against establishments classified as "hazardous, insalubrious or unsuitable", which are assessed by the INAO. Article 16.1 of this same law stipulates that the assessment by the Ministry of Agriculture is required prior to any authorisation granted to operate or extend a quarry in an appellation area. The Ministry's assessment is given after consultation with the INAO.

Article R 11.16 of the Compulsory Purchase Code stipulates that the Ministry of Agriculture give an assessment after consultation with the INAO when a compulsory purchase project involves parcels of land planted with vines under the AOC and previously declared of public utility.

In 1990 specific legislative provisions were adopted for the benefit of AOCs. Since the Law of 2 July 1990 (repeated by article L641.11 of the Rural

Code), any land development or town-planning and any road-building, construction, soil or subsoil exploitation, economic activity installation project in AOC zones, likely to have a harmful effect on the area, the production conditions, the quality or the image of the product, must be subject to consultation with the Ministry of Agriculture and the INAO.

Articles 108 and 111 of the Agricultural Orientation Law of 9 July 1999 adds to the procedures put in place for the protection of terroirs, by providing for consultation with the INAO on all town-planning draft documents before they are made public or approved. This law also creates Zones Agricoles Protégées (ZAP) and Plans d'Occupation des Sols. The INAO is consulted before their creation.

By means of the protection of defined areas, the INAO is involved in the development of the territory and the fight against rural abandonment and uncontrolled urbanism.

The Solidarity and Renewal Law of 13 December 2000 implements basic rules that are common to town planning. These guidelines become territorial coherence schemes and the Plans d'Occupation des Sols (POS) are replaced by Plans Locaux d'Urbanisme (PLU).

This new urban planning system should give a more global, more coherent view of the different town-planning documents, and long term, this should modify the work performed by the INAO in giving its assessments.

8 - INAO AND ITS ASSIGNMENTS - INTERNATIONAL PROTECTION

The identity of a PDO or PGI product is linked to the area and the particular disciplines allowing it to express itself. It is based on a memorable geographical name, which is sure to be respected; protecting it means protecting the whole edifice of geographical names, the components of which are of a social, cultural and economic nature.

When it was founded in 1935, the INAO took on the mission of defending Appellations d'Origine both in France and abroad: the French State delegated its competence in such matters to the INAO while undertaking to ask its opinion in relation to all international negotiations on this subject.

Recognised as part of the intellectual property system on the European and international level, the protected designation right is as much a part of business as trademarks and patents are.

GRADUAL RECOGNITION OF THE PDO APPROACH ON THE EUROPEAN COMMUNITY AND INTERNATIONAL LEVELS

* European-level protection for Wines and Spirits...:

As early as the 1970's, measures were taken in the framework of the common agricultural policy to define and recognise wines of quality produced in defined regions.

In exchange, the European Community obliged the member states to protect the products on their territory, which met the requirements of European regulations, including those related to imports from third-party countries.

This protection now comes from several European Communities regulations, principally Regulation 1493 of 17 May 1999 covering the viticulture market.

Protection for the geographical names of spirits has also been established.

* ...and for other agricultural products and foodstuffs :

Via Regulation 2081/92 of 14 July 1992, the protection of geographical names was put in place on the European level for agricultural and alimentary products. Wines and spirits are not included, as they have their own regime.

This protection is acquired following a registration procedure. Applications by professionals are transmitted to the European Community authorities after being heard by the authorities of the member states.

The protection is effective regarding both comparable products and other products in the event of misappropriation of names.

Particular provisions have also been put in place for brands.



The TRIPS Agreement: international protection that is yet to be achieved

On 1st January 1995, a new international body was born: the World Trade Organisation. The WTO is one of the results of the trade negotiations of the Uruguay Round (1986-1994) of the GATT (General Agreement on Tariffs and Trades). The final declaration, signed in Marrakech on 15 April 1994, included all the results of these negotiations.

The agreement creating the WTO is complemented by 4 annexes, one of which includes the trade-related aspects of intellectual property rights (abbreviated to TRIPS) that deals successively with all the different types of intellectual property rights: brands, patents, drawings and models, authors' rights and, for the first time at such a high multilateral level, geographical indications.

In liaison with the services of the Ministry of Agriculture, the INAO is most attentive to the works of the TRIPS Council of member states in Geneva, and in particular to the actual transcription of the provisions of the system into the domestic legislation of the signatory states.

* European Union/Third-Party Country Agreements

The European Union has also negotiated with a certain number of other countries to find agreements specific to the wine-making sector which, on top of the provisions of a commercial or a technical nature (tariffs, oenological practices), also provide for mutual protection of geographical denominations.

THE DIRECT ACTION OF THE INAO

Relying on the progress that has been made on the European and international level in matters concerning the law of geographical indications, the INAO carries out activities to protect such rights abroad.

With the cooperation of French diplomatic services and about one hundred lawyers, the INAO does everything in its power to keep vigilant watch on all the continents.

In fact, each country has its own legislation and, except when there are international conventions that provide protection, each file is processed in accordance with the law applicable locally in matters relating to geographical origin.

THE WORLDWIDE SUCCESS OF THE AOC CONCEPT

Each year, the French authorities receive an increasing number of enquiries from foreign countries asking for explanations of the French Appellation d'Origine system.

In close collaboration with the Ministry of Agriculture, the INAO regularly receives delegations at its Parisian headquarters or in its regional offices from representatives of every continent. Likewise, it takes part in various conferences and seminars all over the world.

This interest can be explained both by the obligation of the member countries of the WTO to bring their legislation into line with the provisions on geographical indications as well as by increasing awareness of the importance of protecting their heritage in food matters.