

Chapter 7

Analysis of Origin Labelling Schemes in the Southern Mediterranean Countries; The Case of Deglet Nour of Tolga in Algeria



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Abbreviations

| | |
|---------|---------------------------------------------------------------------|
| AO | Appellation of origin |
| ALGERAC | Algerian Accreditation Organisation |
| EU | European Union |
| DSA | Direction des services agricoles : agricultural services department |
| GI | Geographical Indication |
| IPR | Intellectual Property Right |
| MADR | Ministry of Agriculture and Rural Development, Algeria |
| OECD | Organisation for Economic Co-operation and Development |
| TRIPS | Aspects of Intellectual Property Rights related to Trade |
| WTO | World Trade Organisation |
| WIPO | World Intellectual Property Organisation |

7.1 Introduction

The geographical indication (GI) is a denomination that allows the quality and reputation of a product to be linked to its place of origin (Amsallem and Rolland 2010). This quality sign highlights the particular characteristics of a product attributable to its terroir: know-how, tradition and local natural resources used

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(Prévost et al. 2014; Giovannucci et al. 2009; Barjolle et al. 1998). With the institutionalisation of the WTO, this quality sign benefits from international protection under the TRIPS Agreement, which allows the protection of products against imitation and illicit appropriation of their names.

Like the countries of the Southern Mediterranean, Algeria has undertaken a series of measures for the implementation of a labelling system by signs related to origin. Currently, three products have been labelled under GI: *Bouhezza cheese*, *Beni Maouche dried figs* and *Deglet Nour dates of Tolga*. This study analyses the implementation of the GI labelling process for *Deglet Nour dates of Tolga* in order to identify the key success factors or barriers to this process. Through semi-structured interviews with resource persons and the exploitation of existing literature, the analysis focuses on the examination of the specifications and the strategies of the actors.

7.2 Context: GI, History and Internationalisation

Since antiquity, GIs have been used to identify the place and particular characteristics of products related to their origin: wine from the island of Thasos in Macedonia, the brickworks of ancient Egypt, Corinthian bronze, Arabian perfumes or wines from Naxos (Le Goffic 2012). The origin of products was used as a reference for quality, which was the basis of commercial reputation (Sylvander et al. 2006; Rangnekar 2004). However, GIs appeared and gained their fame in Europe, and historically concerned wines and spirits, particularly in France, the cradle of quality signs, which established for the first time a law, the 1905 law, on Appellations of Origin. This law originally aimed to regulate viticulture in France. Subsequently in 1958, they were recognised as Intellectual Property Rights (IPR) through the Lisbon Agreement by the World Intellectual Property Organisation (WIPO) and in 1994, by the TRIPS Agreement of the WTO which allows the protection of products against imitation and illicit appropriation of their names.

The signing of the TRIPS agreement gave a real international impetus to the law of GIs since WTO member states are required to provide regulations allowing interested parties to request protection of GIs (Belletti et al. 2014; Arfini et al. 2011). However, this agreement does not set national legislation. Depending on economic circumstances and national contexts, their legal recognition has taken different paths (Sylvander et al. 2006). On the one hand, there is the very old European “*sui generis*” system, with laws protecting only GIs and on the other hand, collective trademarks and certification marks, laws against unfair competition, which are generally used in Anglo-Saxon countries (Giovannucci et al. 2009). However, some countries do not have specific regulations for GIs. In some cases, they are not officially registered but are used commercially.

The inclusion of GIs, as a new category of intellectual property rights, in the scope of the TRIPS Agreement, illustrates the success of the European Union (EU) negotiations as opposed to countries such as the United States, Australia and

Canada. Currently, the EU continues to defend its model so that it can be extended internationally. To this end, the defence of GIs is included in the negotiations of bilateral trade agreements it conducts with third countries, particularly developing countries (Bernault and Collart 2012). Furthermore, it supports the implementation of a system for recognising GIs in various countries. The aim is to assist these countries in building an institutional framework necessary to overcome certain difficulties such as the collective organisation of producers and the cost of legal protection. In France and Europe, GIs rely on a technical, institutional and financial mechanism through national and European public policies. Developing countries do not have such institutional and financial resources (Bérard and Marchenay 2009).

The legal frameworks governing the recognition and protection of GIs have multiplied around the world in a very divergent manner. This reflects the diversity of objectives attached to GIs. The purposes of GIs relate to market access or also aim at non-market dimensions, such as territorial development, preservation of cultural heritage and natural resources. In recent years, many developing countries show a strong interest in the protection of GIs. These countries mobilise GIs within the framework of several objectives such as the promotion of exports of specific products, a tool for rural development and safeguarding national heritage (Kalinda 2010; Fort 2014).

Although about 90 percent of GIs come from member countries of the Organisation for Economic Cooperation and Development (OECD), interest in GIs is growing in developing countries (Giovannucci et al. 2009; Le Goffic 2012; Bérard and Marchenay 2007). In the Mediterranean region, various initiatives are observed in the Southern Mediterranean countries for the protection and registration of local products (Lebanon, Tunisia, Morocco, Algeria). In 2014, the three Maghreb countries only registered one GI (Tyout Chiadma Olive Oil in Morocco) while the European Mediterranean concentrated 81% of non-wine appellations of the EU (Cheriet 2017). Currently, Tunisia has (05) labelled products under (GI) and (01) product under Appellation of Origin (AO) (Ministry of Agriculture Tunisia 2023), while Morocco has registered (73) (GI) and (AO) in a national register including (06) products (AO) (OMPIC 2023). In Algeria, three products have been labelled under (GI): *Bouhezza cheese*, *dried figs of Beni Maouche* and *Deglet Nour dates of Tolga*.

The geographical extension of GI initiatives in the various countries of the Southern Mediterranean has introduced new concerns and justifications around the implementation of this quality sign as a public policy instrument in areas such as rural development, food security and biodiversity. Therefore, these concerns are the subject of new aspects of the international debate on GIs currently under development (Allaire 2008).

7.3 Valorisation Through Quality Signs, Advantages and Impacts

Labelling through distinctive signs related to origin, though GI or AO, is a factor that allows the valorisation of local products. They can be considered as relevant levers for developing countries and territories (Fort 2014). Indeed, GI as a legal protection framework promotes both, the distinction of product quality and access to local and international markets (Amsallen and Rolland 2010). GIs are considered as offering numerous economic opportunities, which do not only benefit producers, but also actors throughout the supply chains (Bagal et al. 2011; Arety 2013; Vandecandelaere et al. 2018).

GIs can be a powerful tool in response to various sustainable development issues, in its three pillars: economic, environmental and social. When we talk about a historical, traditional, typical product, rooted in a place and in a society, surrounded by know-how and passed down over time, the GI takes on a dimension that can be described as heritage (Barjolle et al. 1998). GIs can be engines of rural transformation leading to more sustainable development, on the one hand, because economic sustainability is an important step towards environmental and social sustainability, and on the other hand, because specifications can directly influence environmental sustainability depending on the requirements considered (local species or breeds, specific agricultural practices, etc.) (Vandecandelaere et al. 2009) (see Fig. 7.1).

However, it should be emphasised that these effects are complex and uncertain: for example, it is not enough to register a GI in an intellectual property register for the product price to increase, biodiversity to be preserved and local knowledge to be valued. These positive impacts depend on the conditions of implementation and management (Vandecandelaere 2011; Vandecandelaere et al. 2018; Barjolle and Sylvander 2002). Geographical limitations and technical requirements can hinder the supply of raw materials (Arety 2013). In some cases, the distribution of added value, does not favour primary producers (Arety 2013; Vandecandelaere et al. 2018). Some authors question the implementation of GIs and consider them as collective monopoly rights (Rangnekar 2004; Herrmann 2011). In some contexts, the use of GIs is not appropriate, it can even present disadvantages, if it results from a poor design or a lack of governance structures. As an example, this is the case when management devices are defective, public policy incentives are limited or when there is a risk of domination by a limited number of companies (Giovannucci et al. 2009).

The valorisation of quality linked to origin can generate positive effects in economic, social and environmental terms. For this, the GI recognition system must meet certain conditions which are essential factors for the success of a GI: an effective institutional and legal framework; a robust specification; distinguishable quality; marketing efforts; a willingness of consumers to pay a high price; collective marketing strategies; good governance; support by public authorities (Vandecandelaere 2011; Vandecandelaere et al. 2018; Belletti et al. 2014; Giovannucci et al. 2009; Rangnekar 2004).

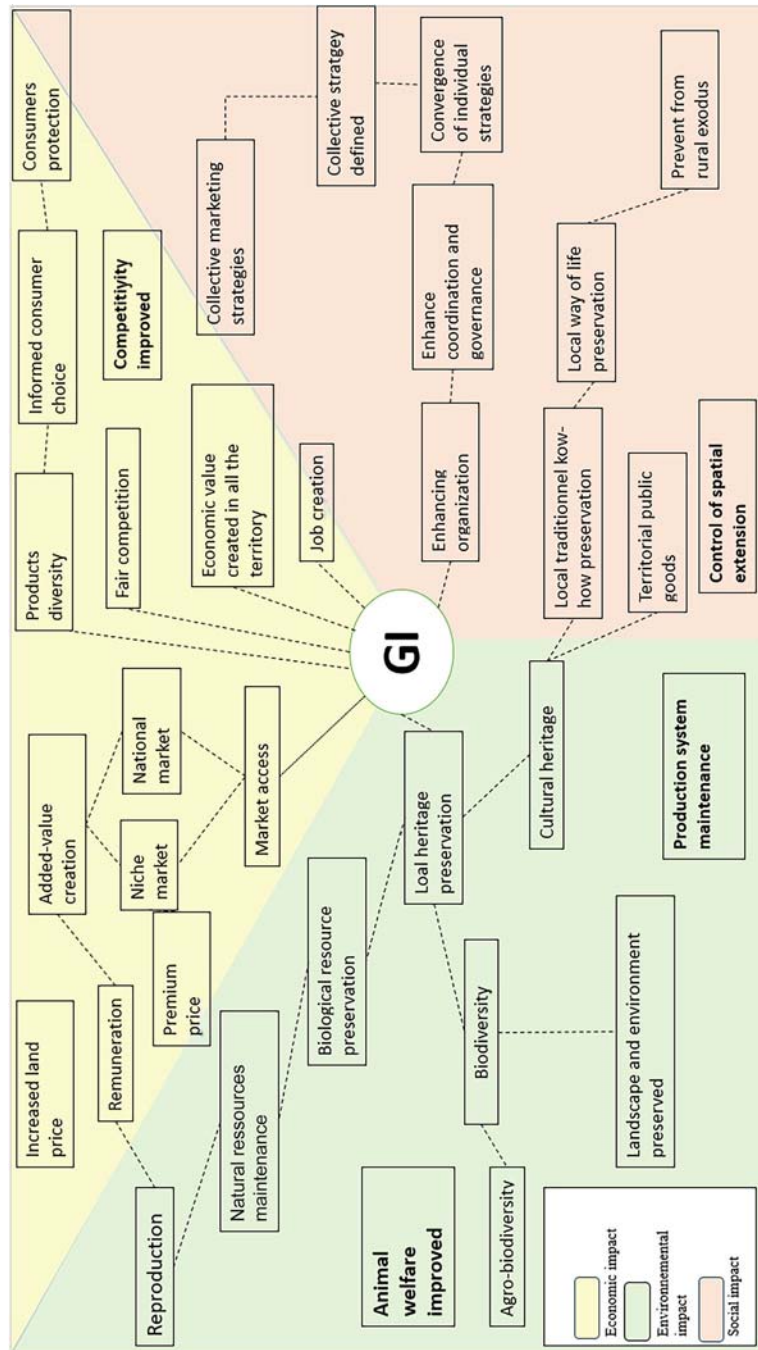


Fig. 7.1 GI relations to sustainable development. (Source: authors)

7.4 The GI Valorisation of *Deglet Nour Dates of Tolga*

In Algeria as in other countries, the promotion of local products can be the basis of a process of sustainable rural development, and allow products to distinguish themselves for market access. Since the 2000s, the various agricultural policies that have succeeded each other always emphasise the importance of valorising agricultural products by distinctive signs linked to origin. It was only after 2016, following the implementation of a twinning project within the framework of the Association Agreement between the EU and Algeria, which provided support for the establishment of a system for recognising quality signs linked to origin, that three products were labelled under GI: the *Beni Maouche dried fig* (Béjaia), and the *Deglet Nour dates of Tolga* (Biskra), pilot products within the framework of the project, and subsequently the *cheese from Bouhezza* (Oum El Bouaghi). The objective of the study is to identify the key success factors or obstacles to the GI labelling of *Deglet Nour dates of Tolga*.

To do this, a documentary analysis and semi-structured interviews were conducted with resource persons. Firstly, an exploitation of statistical data on the production, export of dates and climatic data on the region of Tolga was carried out, in order to determine the potentialities of the sector as well as the specificities of the territory of Tolga. It was found that dates are classified as the top exported agricultural product and that the wilaya of Biskra occupies an important place in the national production with a share of (42%) (MADR 2019). Moreover, Tolga is the cradle of the *Deglet Nour* variety as evidenced by an abundant literature (MADR 2019). For centuries, this region has been known for the exceptional quality of its dates. The natural specificities of the climate, soil and irrigation water of the territory give a specific quality to the *Deglet Nour* variety. The hydrogeological texture allows the production of a superior quality date.

The analysis of the labelling process allowed us to identify the roles of the different actors involved in the process. To this end, a typology of actors was developed. Four categories of actors were identified: public authorities, certification and control bodies, training and research institutes, and professional organisations, notably the association of producers and packers of dates holding the label. Interviews were conducted with resource persons from each category of actors. They were selected on the basis of the following criteria: member of the national labelling committee, in charge of control and certification, trainers and researchers who have worked on the subject, producers and packers, exporters of *Deglet Nour dates from Tolga*. The semi-structured interviews focused on: the motivations for choosing the label, the management and internal and external control of compliance with the label, the characteristics of the products and the link with the terroir, the drafting of the specifications, the justification of the contents of the specifications, the criteria for membership and governance within the association, the compromises between the producers, the marketing and sales strategies. Similarly, an analysis of the contents of the specifications was done (see Fig. 7.2).

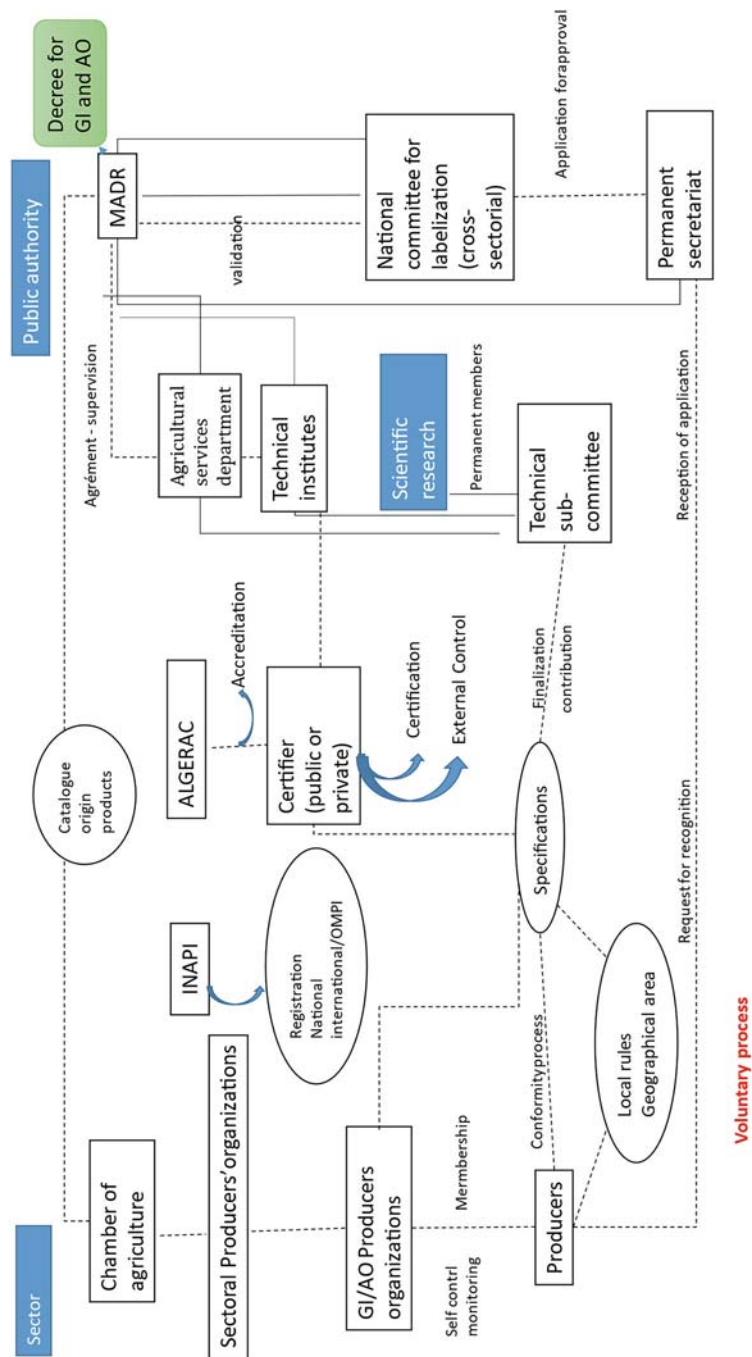


Fig. 7.2 Stakeholders and process for GI registration and protection. (Source: authors)

Subsequently, a documentary analysis of several studies as well as legal texts was conducted with the aim of understanding the choice of the GI label as well as the interest of public authorities and actors in the sector for this label. The analysis showed a strong willingness of public authorities to support the date sector through labelling for three main motivations: to facilitate access to the international market, to face the risks of usurpation, and to fight against the devaluation of products in the informal circuit. This labelling was put in place in a bottom-down approach with technical support from the EU. On the other hand, the date producers-exporters in Biskra saw the interest of labelling in order to position themselves on the European market. Aware of the specific quality of their products, they wish to distinguish their products by the recognition of the production terroir. The registration of the GI at the international level allows the reputation of the products to be spread beyond the local market, like other date producing-exporting countries such as Tunisia.

The way in which the specific quality is defined in the specifications depends on the type of product and the strategy of the producers: defensive or offensive strategy (Vandecandelaere et al. 2018). According to the results of the surveys with the resource persons, the labelling of the *Deglet Nour dates of Tolga*, falls within a rather defensive approach whose objective is to protect a solid reputation in order to safeguard the traditional practices used in the region. The specificities defined in the specifications essentially describe the existing practices in terms of production and harvesting. According to the producers, the sorting, preservation and presentation operations are also essential in preserving the quality. Producers who do not respect the practices described in the specifications are excluded. Regarding commercial valorisation, a higher gross margin is also the result of effective marketing and sales strategies and tools (Rangnekar 2004). In this area, the members of the GI *Deglet Nour of Tolga* association affirm the existence of negotiations between them concerning prices as well as the quantities produced, but they are often informal and do not only concern the members of the association. After the labelling under GI, this association has not been mobilised as a negotiation and consultation tool, particularly to build common marketing and sales strategies. The actors in the sector and the members of the GI *Deglet Nour of Tolga* association, have not engaged in a collective organisation dynamic. They have grouped together to request a collective label, while continuing to pursue individual strategies backed by relational networks (family relationships, neighbourhood, ...), which leads to informal agreements for information sharing. These While these strategies are not without interest, the values of sharing and mutual aid strengthen the ties between producers, but they constitute an obstacle to a solid collective organisation, one of the necessary conditions for the success of valorisation through the GI.

Finally, the legal and institutional framework is recent, the labelling process under the GI/AO sign is operational, but it is not finalised. To date, the Algerian Accreditation Organisation (ALGERAC), is not yet accredited for agricultural products, resulting in the absence of accredited certification bodies. Thus, producers who want to export have faced the difficulty of certifying their product. This has led to a disinterest of the actors in the sector for the labelling of their product under GI

and this is one of the reasons for the weakness of the adherence to the association in recent years.

7.5 Conclusion

Drawing inspiration from the success of the European model, a dynamic for the protection and registration of local products has been established in the countries of the South of the Mediterranean, a region characterised by the diversity of local resources, ecosystems, and traditional practices. In this context, Algeria has initiated a set of policies to establish a labelling system for geographical indications.

The study showed that the choice of the GI label for *Deglet Nour dates of Tolga* is based on a political will with adoption by the actors in the sector. The interest for the State is to protect the local variety of Deglet Nour dates in order to support the date sector which represents an export potential. For the producers of Tolga, they are aware that their territory has a reputation and they wish to enhance it and distinguish themselves on the markets, mainly internationally. To this end, the specificities of the GI described in the specifications are the same traditional practices generally used in the region.

This political will does not seem sufficient to meet the challenges of labelling, particularly commercial valorisation. The results show that the factors that hinder the success of the labelling process are mainly institutional and organisational. On the one hand, the management of the label is characterised by a weak collective appropriation of the GI by the actors. On the other hand, the legal and institutional frameworks are finalised but show shortcomings, particularly in the accreditation process of certification bodies. The absence of accredited certification bodies hinders the certification process. As a result, producers cannot export under GI. This has led to a low incentive to engage in a collective approach, a necessary condition for the success of a labelling process.

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