

## The French Model of Valuation of Agricultural, Forestry or Food Products, As Well as Sea Products



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**ABSTRACT:** The present research is oriented to the analysis of the Valuation Categories of agricultural products, forestry or food, as well as seafood according to the French model. This will allow us to delve deeper into the Valuation Modalities, the legal nature and functions of the National Institute of origin and Quality, the Application for Recognition in Controlled Designation of Origin, Protected Designation of Origin or Protected Geographical Indication.

**KEYWORDS:** Valuation modalities, Signs of Quality and Origin, Evaluative mentions, Product Conformity Certification Process.

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### INTRODUCTION

The establishment of valuation mechanisms for agricultural, forestry or food products, as well as seafood, is based on the constant and growing demand that in this sense has been formulated by the participants in the processes of production, transformation, conditioning and marketing of the agricultural, forestry or food products, and seafood, as well as consumer products.

The French government has had to implement public policies aimed at promotion, identification of production characteristics and methodologies, and the strengthening of information to satisfy consumer expectations and thus favor their protection against the conduct of unfair producers.

The task has also been given to strengthening the development of the agricultural, fishing, forestry and food sectors, with the aim of increasing the quality standards of products through stratification and promotion of productive chains.

Additionally, a series of geographical identification measures for the production of this type of consumer goods have been implemented in order to provide for their planning and avoid overproduction that cannot be placed at the intended price in a market with low demand, minimizing thus the effects of deflation, and thereby achieve sustained and sustainable growth, preferably in rural areas in disadvantaged settings.

Likewise, mechanisms have been established for the fair weighting of productive knowledge, some of which is based on traditional and even artisanal techniques.

Among the beneficial effects of the creation of production basins is the equitable distribution of the benefits obtained with the adequate valuation of this type of products among their creators, processors and marketing companies.

The aim is to promote the development of the consumption of short-cycle products, and preferably those linked to organic production.

Finally, with the French model for valuing agricultural, forestry or food products, as well as seafood, we aim to succeed in the challenge against waste and food insecurity.

Let us now verify whether such claims have been achieved at least at the French regulatory level.

### MATERIALS AND METHODS

The growth of this study was based largely on the documentary skill of data collection, seeing as, by virtue of the nature of the topic planned; the extensive search is principally heuristic in order to of being limited to the study of certain data that make up the System of Quality Infrastructure. By virtue of the above, the documentary data search conceded out in this research work presents the aspects described underneath: (i) primary sources have been used mainly; (ii) the postulates of authors known as classics have been taken benefit of; (iii) the best accessible literature has been chosen, and (iv) it has not only been compiled, but its scope has been measured and own contributions have been complete.

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To bear out this examine, the following methods had to be used: (i) **synthetic** (a process by which apparently secluded facts were associated and a theory was formulated that groups the various elements, in this case inherent to the Valuation Modalities concerning agricultural products, forestry or food, as well as seafood in France; (ii) **analytical** (by which the dissimilarity of the elements of a phenomenon such as the Valuation Modalities concerning agricultural products, forestry or food, as well as seafood is acknowledged and accentuated) and each of them is reviewed disjointedly in an arranged manner, (iii) and **dialectical** (by approximation that the historical, social, economic, political and scientific phenomena corresponding to the Valuation Modalities concerning agricultural products, forestry or food, as well as seafood in France are in everlasting progress, given that authenticity is not something deadpan, but slightly susceptible to contradictions, as well as evolution and perfection recurrent, and based on this it is projected that all the data (in this case specific to the reach of the Valuation Modalities regarding agricultural products, forestry or food, as well as seafood in France) must be deliberate in relation to others, and in its state of incessant transform, by virtue of the fact that said method considers that nothing exists as an secluded object, but that each form or social event, having its peculiarities, must be assimilated in its domestic process of renovation.

### RESULTS

The mainly noteworthy findings refer to: (i) the prevailing of the scrupulous French regulation of the Valuation Modalities of agricultural, forestry and fishing products; (ii) the purposes of the official qualification of the Signs of Quality and Origin, and (iii) the correct attribution of the evaluative mentions, and the conformity certification process. Therefore, the result of this research is the product of the exhaustive examination of the regulatory texts relevant to the subject in question.

### I. EVALUATION MODALITIES

In France, the genealogy of the protection modalities of this category of products is regulated mainly by the Rural and Maritime Fisheries Code.

In its Title IV concerning the valuation of agricultural, forestry or food products, as well as seafood, and particularly in accordance with the content of article L.640-1 of said codification, the objectives that support the policy conducted are stated. In the field of quality and origin, colophons that are detailed below: (i) promote the diversity of said products and the identification of both their characteristics and their forms of production or their origin, thereby strengthening consumer information and thereby achieving the satisfaction of your expectations; (ii) strengthen the development of the agricultural, fishing, forestry and food sectors, with the aim of increasing the quality standards of products through stratification; (iii) determine in a planned manner and on a territorial level the agricultural, forestry, or food consumption goods with the purpose of ensuring the regular maintenance of economic activity (mainly in eminently rural areas in disadvantaged circumstances) through an assessment of their knowledge, experience, practice, expertise or know-how, as well as the production basins, and (iv) equitably distribute the benefits obtained with the appropriate valuation of this type of products among their creators, processors and marketing companies.

In its Preliminary Book (Policy objectives in favor of agriculture, food and maritime fishing), the Code in reference, through article L1, section II establishes that the public policies from which it was conceived, aim to promote and perpetuate agroecological production systems, whose biological production method combines economic and social development, particularly through a high level of social, environmental and health protection.

It should be noted that in article L. 111-2-2, of Book 1, Design and Equipment of Rural Space, Title 1, Development and design of rural space, Chapter 1, General Provisions, section III, it is determined that it corresponds to the Program National Food Program promote the development of short cycles and geographical proximity between agricultural producers, processors and consumers, especially providing for actions to launch the supply of collective catering, both public and private, in seasonal agricultural products or in products under the identification signs of quality and origin, particularly resulting from organic farming. The National Food Program 2019-2023 rests on the basis of the projections drawn up during the General Summit on Food, in which it was resolved that its implementation would have both the guiding axes of the previous one, but adding three thematic axes (social justice, fight against food waste, food education, and two transversal ones (territorial food projects and collective catering).

An aspect of teleological relevance is found in article L. 111-2-2, of Book 1, Design and Equipment of Rural Space, Title 1, Development and design of rural space, Chapter 1, General Provisions, it is determined that projects territorial food systems mentioned in the aforementioned article L. 1, are developed in concert with all the actors in a territory and meet the objective of structuring the agrarian economy and implementing a territorial food system. They participate in the consolidation of territorialized sectors, in the fight against waste and food insecurity and in the development of the consumption of short-cycle products, particularly those related to organic production.

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In accordance with article L.640.2 of said codification, agricultural, forestry or food products, as well as seafood, are susceptible to benefit from one or more forms of valuation, according to the categories specified in the table that is set out below (provided that the qualification requirements for each segment are met and are not contradictory with the regulations issued for this purpose by the European Union).

**Table 1. Valuation Categories Of Agricultural Products, Forestry Or Food, As Well As Sea Food**

VALUATION CATEGORIES	
<b>A. Official Qualification Signs of Quality and Origin.</b>	
1) The Red Label.	Certifies superior quality.
2) The Denomination of Origin.	They certify quality linked to origin or tradition.
3) Geographic Identification.	
4) The Guaranteed Traditional Specialty.	
5) The mention Organic Agriculture.	It certifies the quality of the environment and respect for animal welfare.
<b>B. Evaluative mentions.</b>	
1) The mention "Mountain".	
2) The qualifier "Farm" "Farm Product" or "Produced on Farm" or "Product of the country".	
3) The mention "Mountain Product".	
4) Product of an exploitation of high environmental value.	
<b>C. The product conformity certification process.</b>	

Source: author's own elaboration

### A. OFFICIAL QUALITY AND ORIGIN QUALIFICATION SIGNS

In France, it is through the National Institute of Origin and Quality (*Institut National de l'Origine et de la Qualité*), with the concurrence of the Ministry of Agriculture and Food (who defines the policy regarding the valuation of agricultural or food products and frames the devices of the Official Qualification Signs of Quality and Origin); the Ministry of Economy (who, through the General Directorate of Competition, Consumption and Fraud Repression, protects the consumer from any deception in labeling and fights against consumer fraud), and the Bio Agency (as an organization public body in charge of ensuring the development and promotion of organic agriculture and the structuring of productive sectors), which classifies the Value Categories of agricultural, forestry or food products, as well as seafood products, among which are the Signs Quality and Origin Officials (*Les signes officiels de la qualité et de l'origine, SIQO*).

These signs are displayed in the following modalities: (i) the Protected Designation of Origin (*Appellation d'Origine Protégée AOP*) which designates a product whose all stages of production, transformation, and processing are carried out in accordance with recognized know-how or experience. in the same geographical area and gives it its characteristics; (ii) the Controlled Designation of Origin (*Appellation d'Origine Contrôlée AOP*) which designates products that meet the criteria of the National Institute of Origin and Quality (*Institut National de l'Origine et de la Qualité*), and represents a stage towards the Protected Designation of Origin (*Appellation d'Origine Protégée AOP*) that allows protection of the designation on French territory pending its registration and protection at the European level; (iii) the Protected Geographical Indication (*Indication Géographique Protégée IGP*) whose function is to designate a product whose characteristics are linked to the geographical place in which at least its production or transformation takes place in accordance with perfectly determined conditions, which is why it is considered as a protective sign of the name of the product throughout the European Union; (iv) the Traditional Specialty Guaranteed (*Spécialité Traditionnelle Garantie STG*) whose purpose is to protect a traditional recipe; (vi) Organic Agriculture (*Agriculture Biologique AB*) whose function is to guarantee that the mode of production is respectful of the environment and animal welfare, given that the rules that frame the form of organic production are uniform for the common European space and that the products subject to import cover the same requirements, and (vii) the Red Label (*Label Rouge LR*), which is a sign attributed to products that, depending on their production or manufacturing conditions and requirements, are provided with a supreme quality level compared to similar products.

Thus, the existence of the guarantee mechanisms mentioned below can be identified in favor of the consumer: (i) Guarantee of the Origin of the products (through the Designations of Origin and Protected Geographical Indication); (ii) Superior Quality Guarantee (through the Red Label); (iii) Guarantee of a Traditional Recipe (under the Guaranteed Traditional Specialty), and (iv) Guarantee of Respect for the Environment (through Organic Agriculture).

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The principles that govern its recognition are based on: (i) the existence of a collective and voluntary procedure by producers or a group of them; (ii) production conditions are strictly validated by the state, and (iii) there are regular controls carried out by independent bodies authorized by the state.

From the analysis of article L.640-1, located in Title IV called The valorization of agricultural, forestry or food products and seafood of the Rural and Maritime Fisheries Code, the policy that drives the French government in the area of valorization of the quality and origin of such products, by firmly setting out the following objectives: (i) promoting the diversity of products, identification of their characteristics, as well as the mode of production or their origin; (ii) reinforce information to consumers and satisfy their expectations; (iii) strengthen the development of the agricultural, aquaculture, forestry, and food sectors; (iv) increase product quality through transparent and precise market segmentation; (v) establish agricultural, forestry or food production on the territory and ensure the sustainability of the activity, particularly in disadvantaged rural areas through a weighting of the know-how or experience and the basins or productive chains, and (vi) equitable distribution of the fruits or results of the valorization of agricultural, aquaculture, forestry or food products and seafood products among producers, processors and marketing companies.

The general aspects of these signs are briefly analyzed below:

**1) The Red Label:** The granting of this benefit is subject to the following specifications and conditions (Articles from L.641.1 to L.641.4 of the Rural and Maritime Fisheries Code):

- a. Food products and non-food agricultural products, as well as processed products, are susceptible to it;
- b. It consists of certifying that the products are provided with peculiar attributes that allow them to be considered with a supreme level of quality as a result of their particular production or manufacturing conditions and in accordance with the Catalog of Specifications that distinguishes them from food products and similar ones that are commonly marketed;
- c. A food or product other than a wine or spirit drink is capable of combining a Red Label with a Geographical Indication or a Guaranteed Traditional Specialty, but in no case with a Designation of Origin;
- d. A Red Label benefit does not allow any geographical reference to be made in its name or in the catalog of specifications, unless the name used constitutes a name that has become generic for the product; or if the Red Label is inevitably linked to a protected geographical indication registered or transmitted with the intention of registration by the administrative authority and if the defense and management bodies, recognized or having requested recognition, for the Red Label and the Protected Geographical Indication in question, expressly make the request in the context of articles L. 641-3 (when the application for approval of a Red Label is submitted by a group of producers or processors that has been recognized as a Defense and Management or whoever requests it) and L. 641-11 (agricultural or food producers who satisfy the conditions provided for by Regulation (EU) No. 1151/2012 of the European Parliament and the Council of 21 November 2012 inherent to the quality systems applicable to agricultural and food products or, for wine products, under the conditions established by Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 of December 2013 relating to the common organization of markets in agricultural products and repealing regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No. 1234/2007 of the Council and which are the subject, for the application of such regulations, of a Catalog of Specifications or Concepts proposed by the National Institute of Origin and Quality, approved by decision of the minister(s) concerned, and
- e. Production conditions common to various products can be defined by decision of the ministers themselves at the proposal of the National Institute of Origin and Quality after the favorable opinion of the interested defense and management organizations.

The document called *Cahier des charges* or Catalog of Concepts or Catalog of Specifications precisely describes the quality or origin conditions that products must meet in order to achieve full consumer satisfaction.

**2) The Designations of Origin:** The regulation of Designations of Origin corresponds to articles L.641.5 to L.641.10 of the Rural and Maritime Fisheries Code.

- a. The granting of the benefit of the **Controlled Designation of Origin** is subject to the guidelines broken down below:
  1. The following categories of products can enjoy this official sign: (i) agricultural; (ii) forestry, (iii) food, and (iv) seafood products (regardless of whether they are raw products or already subject to a transformation process);
  2. They are provided with a duly established notoriety (normally in the Catalog of Specifications) and of which the production is subject to processes that imply, without a doubt: (i) a reliable authorization of the operators; (ii) strict control of the conditions under which production takes place, and (iii) scrupulous control of the products;
  3. The favorable opinion of the group of operators requesting recognition as a Defense and Management Organization is required (which in the terms of article L.642-17 is endowed with legal personality of a civil nature, to whom it is possible for it to ensure the defense and management of various products, and requests its recognition at the time of the request for attribution of the sign of quality and origin to the product that it intends to guarantee the defense and management). Article L.642-18 of the

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Rural and Maritime Fisheries Code makes visible the requirements that must be satisfied to obtain the recognition of a Defense and Management Organization, where the most relevant is that the rules of integration, organization and operation guarantee, for each product whose sign is claimed: (i) the representativeness of its operators, and (ii) a balanced representation of the different segments of operators or of the professional families that group them (if they are interprofessional organizations recognized in the exercise of defense and management organization missions).

4. It is up to the National Institute of Origin and Quality to propose the recognition of a Controlled Designation of Origin.

5. This proposal refers to: (i) the delimitation of the production area, and (ii) the determination of the production conditions that must appear in a Catalog of Specifications (which may include measures aimed at promoting the conservation of the terroirs). Pursuant to article L.641.8 of the Rural and Maritime Fisheries Code, production area is understood to be the surface area that includes the communes or part of the communes, suitable for producing the designation of origin.

6. In principle, it is the power of the minister or ministers concerned to pronounce the decision of recognition of a Controlled Designation of Origin that implies the approval of a Catalog of Specifications in which both the delimitation of the geographical area of production of the denomination, as well as its production conditions.

7. However, it will be up to the Council of State (*Conseil d'État*) to pronounce the decree of recognition of the **Controlled Designation of Origin** in the hypothesis that the proposals of the National Institute of Origin and Quality imply: (i) the extension of a production area that is subject to delimitation by special legislation, or (ii) a revision to the production conditions established by a special law.

b. Regarding the **Protected Designation of Origin**, there are two series of products that can obtain said benefit:

1. Products in the agricultural and food sectors subject to the scope of regulation of Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of November 21, 2012 inherent to quality systems within whose scope of application agricultural and food products are found, and

2. Wine products subject to the regulation of Regulation (EU) No. 1308/2013 of the European Parliament and of the Council, dated December 17, 2013 concerning the uniform organization of the markets in agricultural products (and that repeals Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001, and (EC) No 1234/2007, and under which a designation of controlled origin has been recognized.

It should be emphasized that, if the product in question does not meet the conditions referred to in the aforementioned regulation, and results in the denial or cancellation of the benefit of the Protected Designation of Origin, it will inevitably imply the loss of that corresponding to the **Controlled Designation of Origin** that has been recognized.

As an evocation of the genesis of the designation of origin, the National Institute of Origin and Quality (*Institut National de l'Origine et de la Qualité*) in its rubric on the signs of quality and origin, makes a distinction between the Designation of Protected Origin (*Appellation d'origine protégée*, better known by its acronym AOP) and the **Controlled Designation of Origin** (*Appellation d'origine contrôlée*, according to its acronym AOC), indicating that:

### **Originally...**

*It is historically to fight against fraud that the concept of Appellations of Origin was gradually built, from the beginning of the 20th century (law of 1905). A decree-law of 1935 relating to the defense of the wine market created the Appellation d'origine contrôlée, applicable to wines and waters of life, and the organization responsible for their definition, protection and control. Their field was opened to all agricultural and food products in 1990.*

*Later, the French policy of promoting agricultural products inspired the development of European regulations, which established in 1992 the concept of AOP, the European equivalent of AOC, for products other than wines and waters of life, and extended it to wines in 2009. Since then, the AOP concerns all European wines and agricultural products whose production, transformation and development are carried out in a specific geographical area, according to know-how recognized and specific specifications. In order to clarify the offer to the consumer, since January 1, 2012, once registered at European level, the products concerned must only bear the AOP designation, only wines are authorized to bear the French Appellation d'origine contrôlée (AOC). (Institut National de l'Origine et la Qualité 2024)*

Consequently, the concept of Protected Designation of Origin (*Appellation d'Origine Protégée AOP*) refers to that product whose all stages of its production process are exhausted in accordance with the recognized experience in the same geographical area, which is precisely what confers that its characteristic notes, having to emphasize that it is an European sign protecting the name that the product bears within the total circumscription of the European Union.

For its part, the attribute of Controlled Designation of Origin (*Appellation d'Origine Contrôlée AOC*) is attributed to products subject to the criteria of the Protected Designation of Origin but limited to the scope of French territory, which is why it

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is considered the previous stage towards the Protected Designation of Origin and can also refer to products not covered by European regulation.

In both cases, the common denominator or notion on which they are based is precisely the terroir, the land, the territory, considered as a delimited geographical area or a production arising from the originality of the specificities of its area. It is a “delimited space in which a human community builds in the course of its history a collective know-how of production, the terroir is founded on a system of interactions between the physical and biological environment, and a set of human factors. Here are the originality and the typicality of the product” (Institut National de l'Origine et la Qualité 2024).

**3) The Protected Geographical Indication:** As regards the Protected Geographical Indication (*l'Indication Géographique Protégée IGP*), it is an indication that refers to a region, a specific place or in exceptional cases a country that serves to designate a product.

We find its regulation contained normatively in articles L.641-11 to L.641-11-2 of the Rural and Maritime Fisheries Code.

This type of benefit must be requested for the following major product categories:

a. **Agricultural or food products** that satisfy the requirements referred to in Regulation (EU) No. 1151/2012 of the European Parliament and of the Council, dated November 21, 2012, which regulates own quality systems to agricultural and food products, and

b. **Wine products** that satisfy the conditions established in Regulation (EU) No. 1308/2013 of the European Parliament and of the Council, dated December 17, 2013, which regulate the common organization of the markets in agricultural products and repeal the provisions contained in Regulations (EEC) No. 922/72, (EEC) No. 234/79, (EC) No. 1037/2001, and (EC) No. 1234/2007 of the Council and which are the subject, for the application of such regulations, of a Catalog of Specifications whose content arises at the initiative of the National Institute of Origin and Quality, which was approved by decision of the minister(s) concerned.

In the event that the product in question does not meet the requirements established by the regulatory regulation mentioned above, and results in denying or canceling the benefit of the Protected Geographical Indication, unfortunately the benefit of the approval of its Catalog of Specifications will also be lost.

As has been emphasized in advance, and particularly with regard to wine products, the most recent regulation of this sector corresponds to Regulation (EU) No. 1308/2013 of the European Parliament and of the Council, dated December 17 of 2013, establishing the common organization of the markets in agricultural products and repealing Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/ 2001, and (EC) No. 1234/2007, published in the Official Journal of the European Union on December 20, 2013. The above is understood to be that the wines subject to said regulation are those included in Annex VII Definitions, Designations and Sales Denominations of the Products referred to in article 78, Part II, numbers 1, 3 to 6, 8, 9, 11, 15 and 16, which are mentioned below: (i) wine; (ii) new wine in the fermentation process; (iii) liqueur wine; (iv) sparkling wine; (v) quality sparkling wine; (vi) quality aromatic sparkling wine; (vii) sparkling wine; (viii) carbonated sparkling wine; (ix) partially fermented grape must; (x) wine from raisined grapes; (xi) wine from overripe grapes.

In accordance with article 93.1 b) of the aforementioned European Union Regulation No. 1308/2013 on the common organization of markets in agricultural products, the Protected Geographical Indication is a recognition that refers to a region, a specific place or, exceptionally to a country, which is used to designate a product with the following distinctive signs: (i) it enjoys a quality, reputation or other particular characteristics conferred based on its geographical origin; (ii) it is produced from grapes that, at least 85%, come exclusively from the geographical area considered; (iii) whose production is limited to the designated geographical area, and (iv) it is obtained from vine varieties of the *Vitis vinifera* species or as a result of a cross between this and other species of the *Vitis* genus.

Below is the transcription of article 93 included in Section 2 entitled **Appellations of origin, Geographical Indications**, traditional terms in the wine sector of the European Union Regulation number 1308/2013 on the common organization of markets in agricultural products:

“Article 93

Definitions

1. For the purposes of this section, the following shall be understood:

a) “**appellation of origin**” means the name of a region, of a specific place or, in duly justified exceptional cases, of a country, which serves to designate a product referred to in Article 92(1) that meets the following requirements:

i) the quality and characteristics of the product are basically or exclusively due to a particular geographical environment, with the natural and human factors inherent therein;

ii) the grapes used in the production of the product come exclusively from that geographical area;

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- iii) the production takes place in that geographical area; and
  - iv) the product is obtained from vine varieties of the species *Vitis vinifera*;
- (b) "geographical indication" means an indication referring to a region, a specific place or, in duly justified exceptional cases, a country, which serves to designate a product referred to in Article 92(1), which meets the following requirements:
- i) has a quality, reputation or other specific characteristics attributable to its geographical origin;
  - ii) at least 85% of the grapes used in its production come exclusively from that geographical area;
  - iii) the production takes place in that geographical area; and
  - iv) it is obtained from vine varieties of the species *Vitis vinifera* or from a cross between this species and other species of the genus *Vitis*.
2. Certain traditionally used names will constitute a designation of origin when:
- a) designate a wine;
  - b) refer to a geographical name;
  - c) meet the requirements mentioned in section 1, letter a), paragraphs i) to iv); and
  - d) have been subjected to the procedure for the protection of appellations of origin and geographical indications established in this subsection.
3. Appellations of origin and geographical indications, including those referring to geographical areas of third countries, may enjoy protection in the Union in accordance with the provisions of this subsection.
4. For the purposes of applying section 1, letter a), point iii), the concept of "production" will cover all operations carried out, from the harvest to the completion of the winemaking process, with the exception of any process subsequent to the elaboration.
5. For the purposes of applying paragraph 1(b)(ii), the maximum percentage of 15% of grapes that may have their origin outside the delimited geographical area must come from the Member State or third country concerned in "where the delimited area is located." (Parliament 2013)

It's about the Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013, establishing the common organization of the markets in agricultural products and repealing Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007, published in the Official Journal of the European Union on 20 December 2013, pp. I. 347/719 to I.347/720.

It is essential to highlight that, as a result of the reform of the **Common Organization of Markets** carried out on August 1, 2009, rural wines, created at the national level by the decree of September 13, 1968 and registered at the community level as wines tables with geographical indication became protected geographical indications (PGI).

It should be noted that in accordance with the aforementioned community regulation, the recognition of a **Protected Geographical Indication** represents a prior phase to the declaration of recognition at the European level, with the risk that the refusal of registration by the European Commission will imply the loss of the benefit conferred at the national level.

Thus, both the Protected Designation of Origin and the Protected Indication of Origin are considered collective heritage not susceptible to exclusive appropriation by private operators, and it is this feature that makes them different, for example, from the concept of a brand. Hence, the application for registration of the first mentioned is established by a group of people who enjoy the recognition of a Defense and Management Organization better known by its acronym ODG (collective organization in charge of the defense and management of a product under the Official Sign of Identification, Quality and Origin SIQO which may fall to a professional union or association but must be recognized by the National Institute of Origin and Quality INAO, as the umbrella body for a group of operators in the sector of which concerned, and which assumes the role of interlocutor before the National Institute of Origin and Quality (INAO). However, under certain very particular circumstances, it is feasible for an individual producer to manage a process for recognition of Controlled Denomination of Origin (DOC), Protected Denomination of Origin (DOP), or Protected Indication of Origin (IOP).

It is because of the above that in points 92 to 98 of the considering part of the aforementioned Regulation (EU) No 1308/2013 of the European Parliament and of the Council, of December 17, 2013, the following aspects are highlighted:

"(92) The concept of Union quality wine is based, among other things, on the specific characteristics attributable to the geographical origin of the wine. So that consumers can recognize this type of wine, protected designations of origin and protected geographical indications are used. In order to allow for a transparent and more elaborate framework that favors the recognition that the product in question is of quality, a system should be established according to which applications for a designation of origin or geographical indication are examined according to

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the approach that, in accordance with the Union's horizontal quality policy for foodstuffs other than wine and spirit drinks, is provided for in Regulation (EC) No 1151/2012 of the European Parliament and of the Council (1).

(93) In order to preserve the special quality characteristics of wines with a protected designation of origin or a protected geographical indication, Member States should be allowed to apply stricter standards.

(94) In order to enjoy protection in the Union, appellations of origin and geographical indications of wines need to be recognized and registered in the Union in accordance with the procedures established by the Commission.

(95) Protection should be open to appellations of origin and geographical indications from third countries that are protected in the countries of origin.

(96) The registration procedure should enable any natural or legal person with legitimate interests in a Member State or a third country to exercise their rights by notifying their objections.

(97) Registered appellations of origin and geographical indications should be protected against uses that take unfair advantage of the reputation enjoyed by compliant products. In order to promote fair competition and not mislead consumers, it is necessary that this protection also extends to products and services that are not subject by this Regulation, nor are they included in Annex I to the Treaties.

(98) In order to take account of existing labeling practices, the powers to adopt certain acts should be delegated to the Commission with regard to permission to use the name of a wine grape variety containing or consisting of a designation of protected origin or a protected geographical indication.”

c. Regarding **spirit drinks**, for this segment of products, registration as a Protected Geographical Indication must be requested, provided that they manage to satisfy the series of requirements contained in Regulation (EC) No. 110/2008 of the Parliament and the Council, dated January 15, 2008 on the definition, designation, presentation, labeling and protection of geographical indications of spirit drinks (which repeals Council Regulation (EEC) No. 1576/89), and of which they are the subject for the purposes of applying said Regulation, a Catalog of Geographical Indication Specifications proposed by the National Institute of Origin and Quality, approved by decision of the minister(s) concerned.

It should be noted that, in the event that the application for registration as a Geographical Indication is denied or canceled as a result of the interpretation and application of Article 18 of the aforementioned Regulation (EC) No. 110/2008, the product tries is condemned to lose the benefit of the approval of its Specification Catalog.

d. Now, **aromatized wine products** are eligible to receive the benefit of the Protected Geographical Indication, as long as they cover the requirements required by Regulation (EU) No. 251/2014 of the European Parliament and of the Council, dated 26 of February 2014, by virtue of which the parameters are established so that this typology of products is susceptible to: (i) definition; (ii) description; (iii) presentation; (iv) labeling, and (v) protection of relevant geographical indications. It should be noted that said regulation repeals the homologation (EEC) No. 1601/91 of the Council.

The fact deserves attention that the protection provided by the Geographical Indication is subject to the intervention of the decision of the European Commission who, where appropriate, will grant said benefit in accordance with the provisions of article 16 of such regulations, but if the application for registration in Geographical Indication is rejected for some justified reason (in accordance with articles 14 or 16) or if it is canceled (supported by article 25 of the regulatory regulation in question), the product in question will suffer the fate of losing the benefit of the approval of its Specification Catalog.

From the analysis of such considerations, the intention to protect legal rights of both the producer and the consumer is seen as laudable, inspired by: (i) the recognition of the quality of a product or service through the adoption of transparent rules; (ii) the firm intention to avoid unfair use of the reputation of a product or service; (iii) prevent the consumer from being misled.

**4) The Traditional Specialty Guaranteed:** In article L.641-12 of the Rural and Maritime Fisheries Code we find that: (i) for its granting, the requirements referred to in Regulation (EU) No. 1151/2012 of the European Parliament and of the Council must be met. of November 21, 2012 regulator of quality systems inherent to agricultural and food products; (ii) for their regulatory application they require a Catalog of Specifications whose text arises from the initiative of the National Institute of Origin and Quality, and (iii) which for its mandatory nature requires to be approved by decision of the minister(s) concerned.

Let us now look at the effects of rejecting an application for registration in Guaranteed Traditional Specialty, or of canceling the registration. This will mean that, in accordance with article 54 of the aforementioned Regulation, the product that is the subject of the application will consequently lose the benefit of the approval of its Catalog of Specifications.

This is conferred on a product whose particular qualities are linked to a conformation, methodology, both manufacturing and transformation, supported by tradition. Such peculiarity is defined by two components strictly linked to each other, which are specificity and the aspect of traditionalist. Its objective is to identify and define the composition or traditional form of production of this or that product, without necessarily and absolutely being linked to a geographical origin.



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This guarantee comes from a use, from a know-how or experience, from an ancestral, typical, and particular practice (whether national, regional or local), but which can be carried out outside the national territory or the region of origin or manufacture of the product.

It should be noted that this guarantee is only applicable to agricultural or food products.

The guidelines for the preparation of a Guaranteed Traditional Specialty are registered in the respective Catalog of Requirements or Specifications, which is subject to control procedures, implemented by an independent body validated by the National Institute of Origin and Quality (INAO).

Currently, there is only one product in France that enjoys the benefit of the Guaranteed Traditional Specialty categorization, it is Bouchot Mussels (*les moules de Bouchot*), and 54 in the common European space.

**5) Organic Agriculture:** This instrument guarantees that the production method used is respectful and in accordance with both the environment and animal welfare, based on the framework of uniform and mandatory rules in the territory of the European Union, with the understanding that everything that imported product will be subject to the same production methodological requirements. The use of the appropriate logo is mandatory as of July 1, 2010. It is important to highlight that cosmetic products and cleaning or maintenance products are excluded from such regulation.

In accordance with article L.641-13 of the codification under study, those products of an agricultural nature, whether or not subject to transformation, that manage to comply with the requirements demanded by: (i) the regulation issued by the European Union inherent to organic production, and the regulations concerning the labeling of biological products, and (ii) where appropriate the requirements established in the catalogs of specifications approved by decision of the minister or ministers interested in the proposal of the Institute National Origin and Quality.

### B. VALUABLE MENTIONS

**1) The mention "Mountain":** This is reserved for products that meet the conditions specified below and in accordance with the provisions of articles L.641-14 and L.641-15 of the Rural and Maritime Fisheries Code:

a. It must refer to non-food or processed agricultural products, as well as those intended for human consumption (other than those described in Annex I of the Treaty on the Functioning of the European Union, in accordance with the list referred to in its article 38);

This is reserved for products that meet the conditions specified below and in accordance with the provisions of articles L.641-14 and L.641-15 of the Rural and Maritime Fisheries Code:

b. That they are from and produced in mountain areas;

c. That they satisfy the conditions established by decree pronounced in the Council of State (which could subordinate the use of said mention to obtaining a favorable opinion previously pronounced by the administrative authority);

It is worth emphasizing that these requirements are not applicable to products legally generated or marketed in a member state of the European Union, in Turkey or a signatory state of the agreement on the European Economic Area, which use the mention "mountain" in their labeling or presentation.

**2) The qualifier "Farm" "Farm Product" or "Produced on Farm" or "Country Products:** The attribution of this qualification merits certain clarifications:

a. It is protected by article L.641-19 of the Rural and Maritime Fisheries Code.

b. It is subordinated to compliance with the conditions established for this purpose by decree.

c. The above, without prejudice to the fact that the requirements established by the community or national regulations in force on the date on which Law No. 99-574 of July 9, 1999 in the field of agricultural guidance must be met, and the satisfaction of the conditions approved on the same date to obtain: (i) the "agricultural label" benefit; (ii) the use of the adjective "farm"; (iii) the mentions "farm product", "farm produced", and the words "country product".

With regard specifically to farm cheeses, if the maturation process is carried out outside the farm, but in accordance with traditional use, information must be provided to the consumer in addition to that required in the relevant decree.

**3) The mention "Mountain Product":** Regulated by article L.641-16 of the Rural and Maritime Fisheries Code, this is used to describe those products intended for **human consumption** broadly stated in Annex I of the Treaty on the Functioning of the European Union, and whose definition corresponds to the paragraph 1 of article 31 of Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 (concerning quality mechanisms applicable to both agricultural and food products, in compliance with the provisions of said regulation, to the implementing acts adopted for its application, as well as the provisions pronounced by decree in the Council of State for its implementation).

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The foregoing is with the understanding that in order to facilitate the exercise of strict control in respect of these regulatory provisions under the conditions established in article 34 of said ordinance, the aforementioned decree may subordinate the use of the mention that concerns us to the issuance of a prior declaration from the administrative authority.

It is up to the agricultural research and development organizations, the technical institutes, and the Intervention Agency called the **National Establishment of Agricultural and Sea Products (FranceAgriMer)**, as a public administrative establishment located under the supervision of the state, to attend collaboratively in the preparation of specific programs for mountain agricultural products, as well as in the promotion of quality products, and particularly in the development of certification and naming processes.

**4) Product of an exploitation of high environmental value:** This mention is reserved for agricultural products, processed or not, that come from establishments to which the distinction as exploitation of high environmental value was attributed for meeting the conditions established for this purpose in article L. 611-6 of the Code. Rural and Maritime Fishing, and which basically consist of have used scrupulously environmentally friendly methods. It is without a doubt a certification that implies compliance with various levels of environmental requirements and that uses indicators of compliance with environmental provisions.

In this mention it mostly concurs with the agroecological approach.

In the decree recording the certification, reference must be made to the following data: (i) the certification variants in this segment; (ii) that the product in question is capable of being attributed the grade corresponding to a high environmental value; (iii) the control modalities to which the product will be subject; (iv) the terms and conditions of the commitments that the organizations in charge of its implementation will assume; (v) the corresponding indications or mentions, and (vi) its conditions of use.

The purpose of attributing this type of mention is to ensure that both the production and valuation of agricultural products contribute to the balance of greenhouse gas emissions, as well as the development of renewable energies. It is then about contributing participatively to market mechanisms aimed at fulfilling the commitments that have been assumed at the international level in this area.

### C. THE PRODUCT CONFORMITY CERTIFICATION PROCEDURE

We find its regulatory provisions in articles L.641-20 to L.641-24 of the Rural and Maritime Fisheries Code.

To enjoy the benefit of a conformity certification, it is necessary to satisfy a series of requirements, which are listed as follows:

**1) Products susceptible to certification:** Only food products and non-food and unprocessed agricultural products are susceptible to this certification.

**2) Guidelines to satisfy:** They must cover the guidelines that are determined for this purpose depending on the aspects specific to their processes of: (i) production; (ii) transformation, and (iii) conditioning. This is in accordance with the bases that in this sense are determined by decision of the minister(s) concerned, and that are articulated based on the type of product or corresponding branch of products.

**3) Excluded products:** The following are excluded from a Certification of Conformity: (i) those products that already enjoy the declaration of a Designation of Origin or Red Label; (ii) products of a wine nature; (iii) aromatized wine products and spirit drinks that have received a Geographical Indication.

**4) Impossibility of a Certificate including geographical mention:** It should also be clarified that a Certificate of Conformity cannot include any geographical mention, except if the latter appears in the generic name of the product.

**5) Competent authority for registration:** The Ministry of Agriculture is responsible for registering declarations of commitment in a conformity certification process.

**6) Issuance of the certificate:** The issuance of the Certificate of Conformity itself is the power of an accredited certifying body.

## II. THE NATIONAL INSTITUTE OF ORIGIN AND QUALITY.

The legal nature, organization and operation of this Institution are regulated by articles L.642-5 to L.642-16 of the Rural and Maritime Fisheries Code.

### A. LEGAL NATURE

As far as its legal nature is concerned, the National Institute of Origin and Quality (INAO) is a public administrative establishment of the state that is tasked with implementing both the legislative and regulatory provisions inherent to the Signs. Identification of Quality and Origin set forth in paragraph 1 of article L.640-2. of the aforementioned codification (the Red Label; the Designation of Origin; the Geographical Indication; the Guaranteed Traditional Specialty; the mention of organic agriculture).

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### B. ORGANIZATION

From the point of view of its organization, its adequate functionality requires the participation of: (i) a Permanent Council (whose president is appointed by decision of the ministers in charge of Agriculture, Budget and Consumption); (ii) National Committees Specialized in the different categories of valued products or the different signs of identification of quality and origin (such as the National Committee of Denominations of Origin relating to wines and alcoholic beverages and living waters; the National Committee of the Dairy, Agri-Food and Forest Denominations; the National Committee for Protected Geographical Indications, Red Labels and Guaranteed Traditional Specialties; the National Committee for Protected Geographical Indications relating to Wines and Citrons; the National Committee for Organic Agriculture, and (iii) the Competent Council for Agreements and Controls (competent over the agreement and follow-up of the Control Bodies, as well as the organization of controls and the approval of control plans or inspection plans for each product under official sign.

### C. FUNCTIONS

Finally, and as far as its functions are concerned, it is the responsibility of the National Institute of Origin and Quality (INAO): (i) to propose the recognition of products likely to benefit from the Identification Signs of Quality and Origin, as well as such as the review of its Specification Catalogs; (ii) pronounce the recognition of the organizations in charge of the defense and management of products that enjoy the benefit of a Sign of Identification of Quality and Origin; (iii) define the general control principles regarding quality and origin; (iv) pronounces the agreement of the control bodies and guarantees their evaluation; (v) ensures the control of compliance with the Specification Catalogs and, if required, adopts the necessary measures to sanction non-compliance; (vi) issues its opinion on the provisions concerning the labeling and presentation of products subject to its jurisdiction; (vii) issue its opinion regarding consultations concerning any issue related to signs identifying quality and origin, with the additional power to adopt measures aimed at the proper functioning or weighting of a sign in a sector; (viii) contribute to the protection and promotion of Identification Signs of Quality and Origin, both in French territory and abroad; (ix) respond to queries made by Defense and Management Organizations regarding environmental requirements or those concerning animal welfare; (x) determine the provisions that are common to various Specification Catalogs or different Control Bodies in the field of control, and (xi) approve the control or inspection plans.

### III. THE APPLICATION FOR RECOGNITION IN CONTROLLED DESIGNATION OF ORIGIN, PROTECTED DESIGNATION OF ORIGIN OR PROTECTED GEOGRAPHICAL INDICATION.

In order to preserve the relevance between the research aims of the Academic Body UDG-CA-1115 “Challenges of Intellectual Property” of the University of Guadalajara, Mexico, with the topic addressed in this article, the request for recognition will be limited to the radius of the Denominations of Origin and the Protected Geographical Indication, which is explained below.

#### A) CONTENT

TABLE II

CONTENT OF THE APPLICATION FOR RECOGNITION IN CONTROLLED DENOMINATION OF ORIGIN, PROTECTED DENOMINATION OR ORIGIN AND PROTECTED GEOGRAPHICAL INDICATION	
1)	The significant transmission email of the request.
2)	The presentation of the project and the motivational note justifying it that includes its impact from both the technical and economic aspects.
3)	The express request for recognition of the promoter as a Defense and Management Organization (ODG).
4)	The draft Catalog of Specifications (to which the necessary evidence may be attached in relation to certain elements of the specifications, such as the name to be registered, the layout, the description of the immediate proximity area), a document to guarantee the controllability of the specifications, production conditions of the Specification Catalog.
5)	The chosen Control Body must present a Control or Inspection Plan to the services of the National Institute of Origin and Quality (INAO) during the development of the application investigation.

#### B) REQUIREMENTS

For the recognition and control of the Identification Signs of Quality and Origin, it is necessary to satisfy the requirements contained in articles L.642-1 to L.642-4-1 of the Rural and Maritime Fisheries Code, which are summarized in subsequent lines, and where you can appreciate the utmost relevance of the **Specification Catalogs**, the **Control and Inspection Plans**, the **Control Bodies**, the operators, and the conditions to which the use of the identification sign is subject of quality and origin:

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1) To ensure that they identify and comply with the control or certification conditions of the Identification **Signs of Quality and Origin**, it is precisely in the **Specification Catalogs** corresponding to each product that two fundamental requirements are usually established: (i) a series of declarative commitments, and (ii) the timely, but above all updated, maintenance of the records that any participant must make in obtaining results related to the conditions of production, transformation or productive conditioning.

2) With regard to the **Denominations of Origin or Geographical Indications** inherent to a wine product, aromatized wine product or spirit drink, the **Catalog of Specifications** must be associated with: (i) a **Control Plan**, or (ii) an **Inspection Plan**.

3) In the case of any other sign of quality and origin, it will be enough for the Specification Catalog to be linked to a Control Plan.

4) Speaking of the formation of a Control or Inspection Plan, it can be integrated from the elements described below: (i) by provisions of the scope of control that are generic because they are of common application to various Catalogs of Specifications, and (ii) by specific provisions in the control area.

5) For its part, a Control Plan is made up of a descriptive list of the measures by virtue of which non-compliance with the conditions that have been previously determined to obtain the character of a Sign of Identification of Quality and Origin will be sanctioned.

6) A particular function of unprecedented importance is exercised by the entities called Control Organizations. These can develop their powers through a double possibility: (i) a certifying body, or (ii) an inspection body. Both control tasks are carried out with a Control Plan or Inspection Plan as a reference, before the operators of the products that benefit from the Quality and Origin Identification Signs. The accreditation and approval of this type of organizations is conditional on satisfaction of the requirements established by the relevant decree, adopted by the Council of State.

7) For the purposes of the application of the Identification Signs of Quality and Origin, the concept of Operator is attributed to any person who has an effective participation in activities ranging from the production, transformation and preparation of products and even its conditioning, all of them regulated by the Catalog of Specifications of a product that has received the benefit of being considered as a Sign of Identification of Quality and Origin.

With particular regard to conditioning activities of wine products that have a sign of identification of quality and origin, any person who undoubtedly participate in those.

As expected, the use of a sign identifying quality and origin is conditional on the satisfaction of the requirements indicated here: (i) the prior identification of the operators before the product defense and management body in question, in view of its legitimating; (ii) respect for the conditions established in the control plan or in the inspection plan authorized by the National Institute of Origin and Quality, and (iii) evidently the results projected by the controls carried out, the application of which may be executed even outside the geographical area of production.

### ACKNOWLEDGEMENT

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### CONCLUSIONS

The main conclusions obtained from this research are presented below.

**First.-** In France, the modalities of protection of the value categories of agricultural, forestry or food products, as well as seafood products, are regulated mainly by the Rural and Maritime Fisheries Code in harmony with the National Food Program (PNA) 2019-2023.

**Second.-** The following are authorities in this matter: (i) the National Institute of Origin and Quality (*Institut National de l'Origine et de la Qualité*); (ii) with the concurrence of the Ministry of Agriculture and Food (who defines the policy regarding the valuation of agricultural or food products and frames the devices of the Official Qualification Signs of Quality and Origin); (iii) the Ministry of Economy (who, through the General Directorate of Competition, Consumption and Fraud Repression, protects the consumer from any deception in labeling and fights against consumer fraud), and (iv) the **Agency Bio** (as a public body in charge of ensuring the development and promotion of organic agriculture and the structuring of productive sectors), and it is through them that the classification of the Value Categories of agricultural, forestry or food products is carried out, as well as such as seafood, among which are the Official Signs of Quality and Origin (*Les signes officiels de la qualité et de l'origine, SIQO*).

**Third.-** The Official Signs of Quality and Origin (*Les signes officiels de la qualité et de l'origine, SIQO*) are displayed in the following modalities: (i) the **Protected Designation of Origin (Appellation d'Origine Protégée AOP)** that designates a product whose all stages of production, transformation, and processing are carried out in accordance with the know-how or experience recognized in the same geographical area and give it its characteristics; (ii) the **Controlled Designation of Origin (Appellation**

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*d'Origine Contrôlée AOP*) which designates products that meet the criteria of the **National Institute of Origin and Quality (*Institut National de l'Origine et de la Qualité*)**, and represents a stage towards the **Protected Designation of Origin (*Appellation d'Origine Protégée AOP*)** that allows protection of the designation on French territory pending its registration and protection at the European level; (iii) the **Protected Geographical Indication (*Indication Géographique Protégée IGP*)** whose function is to designate a product whose characteristics are linked to the geographical place in which at least its production or transformation takes place in accordance with perfectly determined conditions, which is why it is considered as a protective sign of the name of the product throughout the European Union; (iv) the **Traditional Specialty Guaranteed (*Spécialité Traditionnelle Garantie STG*)** whose purpose is to protect a traditional recipe; (vi) **Organic Agriculture (*Agriculture Biologique AB*)** whose function is to guarantee that the mode of production is respectful of the environment and animal welfare, given that the rules that frame the form of organic production are uniform for the common European space and that the products subject to import cover the same requirements, and (vii) the **Red Label (*Label Rouge LR*)**, which is a sign attributed to products that, depending on their production or manufacturing conditions and requirements, are provided with a Supreme quality level compared to similar products.

**Fourth.-** For the recognition and control of the Identification Signs of Quality and Origin, it is necessary to satisfy the requirements contained in articles L.642-1 to L.642-4-1 of the Rural and Maritime Fisheries Code, and where the utmost relevance of the Specification Catalogs corresponding to each product susceptible to distinction, the Control and Inspection Plans, the Control Bodies, the operators, and the conditions to which the use of the identification sign of quality and origin is subject.

**Fifth.-** The objectives of the registration, recognition and control of the Identification Signs of Quality and Origin are basically: (i) to provide shielding or protection against usurpations of the quality and origin of the products in question; (ii) offer protective measures based on general rules related to the prevention and management of deception, the fight against fraud in the production, transformation, packaging and marketing processes, the protection against unfair competition and the free use of notoriety or reputation attributed to products without being subject to the same rules, controls and limitations, as well as offering protection measures that prevent products from being considered as representative of a generic nature and consequently preventing them from falling into the public domain; (iii) provide the Management Bodies, the operators and the National Institute of Origin and Quality with the necessary elements to act in justice and obtain compensation for damages and losses resulting from said harmful practices (whether in the civil procedures, particularly in the field of intellectual property; in criminal procedures aimed at the repression of fraud, and in administrative matters as opposition against any activity of urbanization, town planning, equipment, construction, exploitation of land or subsoil, as well as against the establishment of any economic, industrial, or service activity that may affect the geographical area or the production conditions themselves, or the quality or image of the product).

**Sixth.-** At the regulatory level, the public policy of the French government conducted in the area of quality and origin, as well as in the fight against waste and food insecurity, is sufficient for its satisfactory execution.

**Seventh.-** The challenge to be overcome is to provide effectiveness to the protection measures that allow action against possible usurpations or distortions of notoriety at the international level through the figure of the trademark registration that aims to implicitly involve a sign of quality identification and origin.

**Eighth.-** Without a doubt, the French regulation concerning the Identification Signs of Quality and Origin could be very useful for the Mexican legal system in its constant struggle to update the regulatory protection mechanisms, and would contribute to face some of the many challenges of intellectual property in Mexico immersed in topics related to: transparency, use of technological innovation and artificial intelligence, ethics, governance, and the strengthening of life sciences.

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