



**Support to Enforcement of the  
Intellectual Property Rights**



EuropeAid/137467/DH/SER/MD

# **GAP analysis on the system of management and promotion of GI in Moldova**

# PURPOSE OF REPORT

- The report aims at evaluating the adjustment of the legislation on the geographical indication in the Republic of Moldova to the EU legislation
- Providing recommendations for the achievement of the approximation to EU legislation and facilitate the functioning of the system of geographical indications in the Republic of Moldova

# SCOPE OF ANALYSIS

- Definitions
- Registration procedure
- Scope of protection
- Verification of compliance
- Ex officio controls
- Incentives and actions for system development

# CONCLUSIONS

## Definitions

- The most of the definitions are very similar to EU legislation.
- The definitions of geographical indications, designation of origin, traditional speciality guaranteed are contained in various legal acts.
- In some cases, there is no consistency between definitions

# CONCLUSIONS

## Definitions

- EU legislation defines agricultural products, wines and spirits in a different way
- The definitions contained in the Moldovan legislation do not fully reflect these differences
- The Republic of Moldova is party to the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration which sets the requirements differently than those of the EU

# CONCLUSIONS

## Registration procedure

- Procedures for registration of geographical indications for agricultural products and wines in Moldovan legislation are well developed
- Regulations clearly state the requirements and institutions responsible for the registration
- Confirmation by the local competent authorities that the applicants, in the given geographical area, produce products in accordance with the provisions of the product specifications is not reflected in Community legislation.

# CONCLUSIONS

## Registration procedure

- Community legislation provides the possibility of registering geographical indications from third countries on its territory
- The Moldovan provisions do not contain procedures for registration and opposition of geographical indications at the EU level
- The implementing rules relating to the technical specifications approval procedure apply only to agricultural products and foodstuffs. There are no detailed procedures for other products

# CONCLUSIONS

## Quality control and checks

- Applicable provisions indicate that verification of compliance should be provided by an accredited certification body.
- No certification body has yet applied for accreditation.

# CONCLUSIONS

## Ex officio controls

- The legislative provisions in the Republic of Moldova indicate the authorities responsible for conducting ex officio controls for the different types of products
- The MANCP does not contain information on the control of geographical indications

# CONCLUSIONS

## Incentives and actions for system development

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

# RECOMMENDATIONS

## Recommendations related to approximation to the EU regulations

### Definitions

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

# RECOMMENDATIONS

## Recommendations related to approximation to the EU regulations

### Verification of compliance

- Supplement the Government Decision No 644 by authorization of the competent authority to conduct verification of compliance whilst leaving the possibility of accreditation by certification bodies
- Community legislation does not require accreditation for the designated state authorities in contrast to the private certification bodies. Such authorization may be introduced at the transitional period until the accreditation by a private certification body

# RECOMMENDATIONS

## Recommendations related to approximation to the EU regulations

### Implementation of ex officio controls

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

# RECOMMENDATIONS

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

**Registration procedure**

- Provisions concerning the registration at the EU level
- Removing the requirement concerning confirmation by the local competent authorities

# RECOMMENDATIONS

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

**Incentives and actions for system development**

- Support for producers participating in the Geographical Indication system
- Geographical Indication development program
- Information campaign



**Support to Enforcement of the  
Intellectual Property Rights**

EuropeAid/137467/DH/SER/MD



**Thank you for your attention**

*Dariusz Goszczyński*

Senior Non-Key Expert (SNKE) on geographical  
indications