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Speciality agricultural products and foodstuffs in Germany

Michael Besch[1], Frank Thiedig[1]

[1] TU München-Weihenstephan - Professur für Marktlehre der Agrar-und Ernahrungswirtschaft (PfM) Germany

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TU München-Weihenstephan - Professur für Marktlehre der Agrar- und Ernährungswirtschaft (PfM) Germany

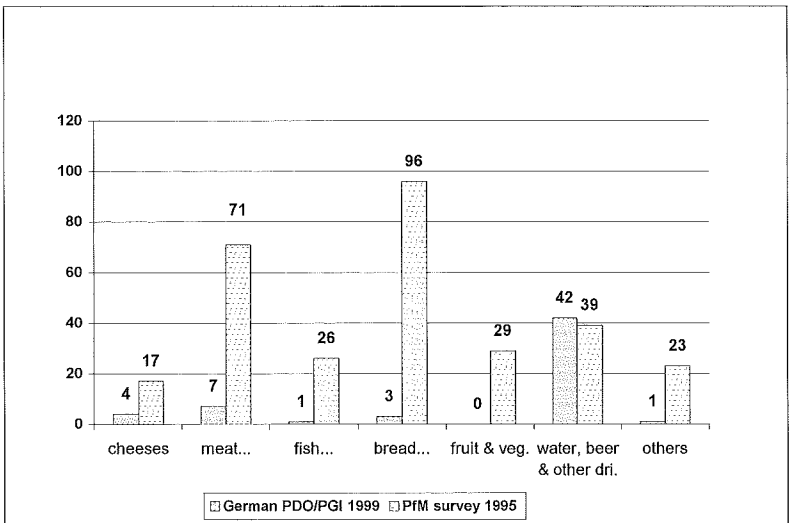
The human being is more than a "calorie-burning-machine"
Hans J. Teuteberg[1]

ARE THERE GERMAN SPECIALITY-FOODS ?

In the recent years, the development of culinary culture in Europe has become a sociologic topic. Kutsch debunks the German *kraut* image as a negative national stereotype : neither has sauerkraut been invented in Germany, nor is the consumption per capita much higher than in France.[2] Mennell ascertains that "Germany, like England, failed to develop any separate *haute cuisine* of its own". He traces this back to the "francophilia" of aristocratic courts in Germany.[3] Barlösius additionally bases it on the late formation of the German nation and the smaller political influence of the German citizenship compared to the French neighbours[4].

This might beg the question : "Are there German specialities ?" and shows at the same time the little culinary self-confidence in Germany[5].

Figure 1 : Number of German PDO / PGI and traditional products



total number of German PDO/PGI's 9/1999= **58** total number of PfM-survey 1995= **301**
PDO= Protected Designation of Origin PGI= Protected Geographic Indication

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However, already Mennell assumes the presence of regional specialities : "The political fragmentation [...] with its proliferation of small noble courts, was probably favourable to the strong persistence of regional specialities to the present day"[6]. An investigation for *Euroterroirs*[7] at the Professur für Marktlehre in 1995 showed that Germany has a cornucopia of traditional regional agricultural products and foodstuffs[8]. Although the research design was slightly different to the approach of the EEC-regulation No 2081/92, around 300 products were described and the Professur für Marktlehre even expects the identification of a lot more products.

Almost 1/3 of the investigated products is bread, pastry, confectionery and other bakers' wares. Meat and meat-based products make up around 1/4 of the survey.

This could represent good conditions for the EEC-council Regulation No 2081/92 in Germany.

THE IMPLEMENTATION OF THE EEC-COUNCIL REGULATION NO 2081/92 IN GERMANY

Before the commencement of the EEC-council Regulation N° 2081/92, the misuse of geographic denomination was prosecuted by the rightful producers or by consumer associations. The usurpers had to be sued individually. A national decree system for geographic denominations did not exist in Germany[9]. For example in the early Sixties, 90% of *Lübecker Marzipan* was produced outside the city of Lübeck. The authentic *Lübecker Marzipan* has a high portion of almonds. The usurpers outside of Lübeck used fewer almonds but more sugar and still branded their products with the geographic indication. The rightful producers became aware of the danger for their reputation and the risk for the indication to become a generic term. They successfully defeated the infraction in several lawsuits[10].

If we compare the nature of geographic denominations with the three states of matter : "gaseous", "liquid", "solid" ; German denominations before the EEC-council Regulation No 2081/92 could be "gaseous" (generic term), "liquid" (defended by several lawsuits) or somewhere in between[11]. The European legislation introduced the new physical state : "solid".

This solid – eternal – protection for geographic denominations is very attractive, but the new protection system was radically different to the existing system.[12] The relation to the German trademark legislation was not at all clear and the need for an objective relationship between the product and its geographic origin did not fit into the concept of simple and qualified geographic denominations.

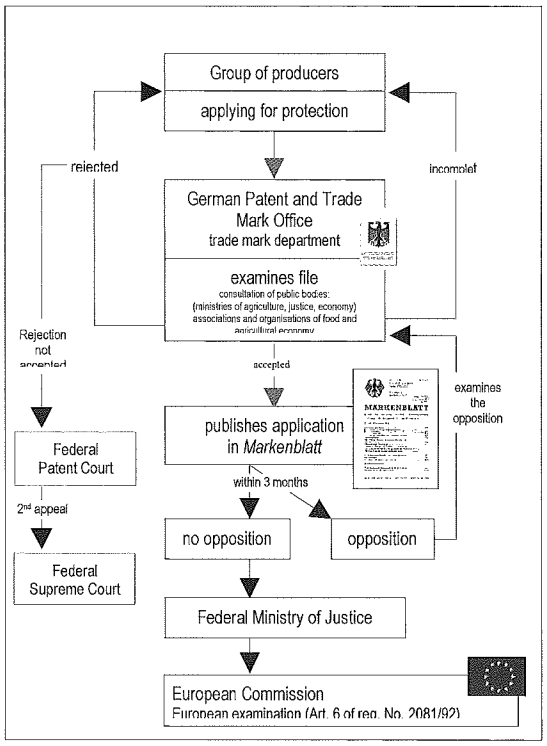
A vivid discussion in the specific German law journals accompanied the formation and the commencement of the EEC-council Regulation 2081/92.[13] The applying groups made neither head nor tails of the new system[14].

Finally over 900 of all 1400 European applications within the process of short application (Article 17) were German. Their fear to loose any protection was stronger than the ignorance of the system. Most of them were incomplete or taken back by the applying firm itself[15].

Today less than 12% of the accepted European PDO/PGI products have German indications. Half of them are mineral waters – each in the hand of one firm each.

The economic significance of the German registered products is negligible.

Figure 2 : The application procedure in Germany



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NOTES

(1) Hans Jürgen Teuteberg and Günter Wiegelmann (eds.) : *Unsere tägliche Kost* , Münster : Coppenrath, 1986, cited p. 2, [authors translation].

(2) Thomas Kutsch : Ethnic food, cuisines régionales, gruppen- und landschaftstypische Küchen. Essen als soziale Identität, *Schriftenreihe der Arbeitsgemeinschaft Ernährungsverhalten e. V.*, vol. 7 (Alte Landschaftsküchen in neuer wissenschaftlicher Bewertung), 1990, pp 29-37 (cited p. 34).

(3) Stephan Mennell : Divergences and convergences in the development of culinary cultures, in *European Food History*, Hans Jürgen Teuteberg (ed.), Leicester : Leicester University Press, 1992, pp. 278-88 (cited p. 286).

(4) Eva Barlösius : Soziale und historische Aspekte der deutschen Küche, in : *Die Kultivierung des Appetits. Die Geschichte des Essens vom Mittelalter bis heute*, Stephan Mennell (ed.), Frankfurt am Main, 1988, pp. 423-444 (cited p. 440).

(5) A firm self-confidence can be found in France : *Les français sont depuis longtemps certains qu'ils possèdent la meilleure cuisine au monde. Le ridicule serait qu'ils soient les seuls à le croire; le grand art est d'avoir su en persuader la terre entière ou presque.* Jean Robert Pitte : *Les origines de la passion gastronomique des Français*, in : *Alimentation et Régions : Actes du Colloque de Nancy*, Vandoevres, 1989, pp. 363-373 (cited p. 373).

(6) See footnote 3.

(7) Groupement Européen d'Intérêt Economique Euroterroirs : 21, rue Aboukir ; F-75002 Paris ; France.

(8) Frank Thiedig *: Regionaltypische traditionelle Lebensmittel und Agrarprodukte. Kulturelle und ökonomische Betrachtung zu einer ersten Bestandsaufnahme deutscher Spezialitäten*, Freising 1996 ; see as well : *Deutschlands kulinarisches Erbe*, arsvivendi-Verlag, 1998.

(9) The only exception was the denomination "Solingen", protected for cutlery and cutting tools : Solingen-Verordnung (July 25th 1938).

(10) Michael Loschelder and Winfried Schnepp (eds.) : *Deutsche geographische Herkunftsangaben*, Köln : Carl Heymanns Verlag, 1992, pp. 2-3.

(11) Henning Harte-Bavendamm : "Ende der geographischen Herkunftsbezeichnungen ?" in : *Gewerblicher Rechtsschutz und Urheberrecht*, Vol. 10, 1996, pp. 717-729.

(12) Roland Knaak : "Der Schutz geographischer Herkunftsangaben nach dem neuen Markenrecht", in : *Gewerblicher Rechtsschutz und Urheberrecht*, vol. 2, 1995, pp. 103-112.

(13) Winfried Tilmann : "EG-Schutz für geographische Herkunftsangaben", in : *Gewerblicher Rechtsschutz und Urheberrecht*, 12 1992, pp. 829-835.
Joachim Friedrich Heine : "Das neue gemeinschaftliche System zum Schutz geographischer Bezeichnungen", in : *Gewerblicher Rechtsschutz und Urheberrecht*, vol. 2, 1993, pp. 96-103.
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EuGH : "Rechtsprechung : Europäisches Recht. Exportur S.A. : Urteil und Kommentar von Karl-Friedrich Beier (Turron)", in : *Gewerblicher Rechtsschutz und Urheberrecht international*, vol. 1, 1993, pp. 76-82.
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Winfried Tilmann : "Grundlage und Reichweite geographischer Herkunftsangaben nach der VO/EWG 2081/92", *Gewerblicher Rechtsschutz und Urheberrecht international*, vol. 8/9, 1993, pp 610-617.

(14) Alfred Hagen Meyer : "Anmeldung von Herkunftsangaben nach der VO (EWG) Nr. 2081/92 des Rates : Ein Leitfaden", *Gewerblicher Rechtsschutz und Urheberrecht*, vol. 2, 1997, pp. 91-95.

(15) See footnote 14.