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**Implications of Legal Protection and Quality Management of the
Traditional Regional Food Heritage in the EU**
The Case of a PDO *Oscypek* Cheese from Southern Poland

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By Magdalena Jarosik
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To Zoe

The dissertation of Magdalena Jarosik is approved.

Program Coordinator: Emanuele Pellegrini
IMT Institute for Advanced Studies
Lucca

Supervisor: Lorenzo Casini
La Sapienza Università di Roma

Co-Advisor: Maria Luisa Catoni
IMT Institute for Advanced Studies
Lucca

The dissertation of Magdalena Jarosik has been reviewed by:

Prof. Stefano Baia Curioni, Università Commerciale Luigi Bocconi
Prof. Mark Thatcher, London School of Economics

IMT Institute for Advanced Studies Lucca

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Vita

June 8, 1982	Born in Krakow, PL
2002-2005	BA, Journalism and Social Communication Jagiellonian University Krakow, PL
2006	Postgraduate diploma in Public Relations Tischner European University Krakow, PL
2007-2009	MA, Euroculture: Europe in Wider World University of Groningen, T Jagiellonian University, Krakow, PL University of Osaka, Japan
2010-2011	Program Assistant, International Cultural Centre in Krakow, Department of Education Krakow, PL
2012-2013	Doctoral Support Program Fellow Central European University Budapest, HU
2011-2015	PhD in Management and Development of Cultural Heritage IMT Institute for Advanced Studies Lucca Lucca, IT

Publications

“Does Central-European Identity Exist? Central Europe as a State of Mind”. Conference paper presented at Intensive Program “European Heritages and Collective Memories”, Krakow, 2008

“Saving the Past to the Future. The Case of Lady with an Ermine by Leonardo da Vinci from the Princes Czartoryski Museum in Krakow, Poland”. PREDELLA n.30, 2011

Abstract

Food safety and quality in the EU has been a widely discussed topic since the creation of the European Single Market. The way of food from the production place to the plates of consumers became increasingly longer and complicated, providing more chances of food contamination by hazardous substances and bacteria. This poses a potential threat to peoples' health and appropriate legal measures needed to be taken in order to protect both health and other interests of consumers. Currently, locally produced food from locally-grown products is believed to be a healthier and safer alternative to the mass-produced food goods. This idea, together with the growing interest in food and nutrition studies, regional cultures, local folklore, as well as dynamic development of gastronomic tourism, gave rise to the popularity of traditional regional foods as authentic, safe, natural, and high quality expressions of regional gastronomic heritage.

Within this framework, the research investigates in what ways EU legal food safety and quality regulations may impact the safeguarding of gastronomic heritage of the European regions. Through an interdisciplinary analysis, it analyzes what are the potential interferences between the EU Food Safety regulations, the EU Quality Schemes for Agricultural Products (particularly considering the Protected Designation of Origin), and UNESCO frameworks for tangible and intangible heritage. The main question to answer is if a GI may conflict with food heritage protection, in what ways it impacts the producers and the protected product itself, and if this is what is currently happening in case of a PDO *oscypek* cheese from Southern Poland. Through qualitative in-depth interviews with *oscypek* producers and relevant authorities on local, regional and national levels, this analysis provides an overview of dynamics within highlander community and attitudes toward the impact of a GI status on future of this touristic product and intangible practice. The research is concluded with recommendations for future development for production, management and promotion of this culturally significant food heritage and tradition.

Chapter 1: Introduction

1.1. Background Information

Food can be studied from many different perspectives. Food studies deal with the examination of food and its contexts within variety of disciplines, such as: science, art, history, philosophy, history, sociology, art history, anthropology, and others. Food also belongs to the worlds of ecology, economy and culture. Preparation and consumption of particular traditional foods are among the most important cultural practices in creating social identities of communities.

Food has a significant expressive power and an implicit social meaning going beyond its nutritive function. It has symbolic, ritualistic or religious meanings and functions, and its preparation and consumption are inevitably connected with particular beliefs, practices, laws and environment surrounding various cultures.¹ It is also a cultural property protected by law and a commodity – an economic good with value relative to the market.² Food can be even treated as an aesthetic object and as art. From the point of view of aesthetics it appeals to the senses, as it has taste, smell and particular characteristics that make it desirable and attractive.³

While engaging with the topic of regional food in the EU and on international arena, treated both as nutritious good and as heritage (tangible and/or intangible heritage), one has to consider the three following issues:

- Impact of the EU food safety legislation on food regulations in the Member States influencing the production, distribution and sale of traditional regional products;

¹ Kaplan David M. (ed.), “The Philosophy of Food”, Berkeley: University of California Press, 2012, p. 3

² *Ibidem*, p.4

³ *Ibidem*

- Possible interferences between the regulations resulting from the EU Quality Schemes for Agricultural Products and the food safety systems in the EU; and
- Interferences between regiments of UNESCO pertaining to the identification, protection, preservation and development of food-related cultural heritage, and the European food safety regulations as well as European Quality Schemes.

The important common term connecting these issues is “food safety” which encompasses handling, preparation, and storage of food in certain appropriate ways that prevent dangers originating from food. The field of food safety also deals with necessary actions to be taken in order to avoid potentially severe health hazards related to preparation, dissemination and consumption of food. The crucial safety connections here lead from the industry to the market, and then from the market to the consumer, including such issues as: the origins of food, hygiene, food ingredients and additives, food labeling, biotechnology of food, import and export monitoring and controls, and finally the certification systems of foods.⁴ The main goal of food safety systems in the EU is granting that the food provided for the consumers on the market is safe at all possible levels, from its production and delivery up till honest marketing practices regarding informing the consumers about the food they choose to purchase.

Therefore, the main issues considered in this research in regard to the legal protection and quality management of traditional regional food heritage in the EU can be encompassed within the three main fields, namely:

1. The EU General Food Law, its principles and reasons for development of food safety legal framework;

⁴ “Global and Local. Food Safety around the World”, Centre for Science in the Public Interest, June 2005, URL: http://safefoodinternational.org/local_global.pdf. retrieved June 25, 2015

2. Protection of authentic, high quality traditional regional foods within the European Quality Schemes for Agricultural Products; and
3. Official recognition of foods and food-related traditions as tangible and intangible heritage, leading to their legal protection (such as inscriptions on national registries of monuments, national registries of traditional regional products, national lists of intangible cultural heritage, and finally on the UNESCO Representative List of Intangible Cultural Heritage).

1.2. Literature Review

Recently, there has been a remarkable raise in popularity of food and nutrition topics, resulting in development of interdisciplinary food studies which includes issues of philosophy, sociology and anthropology of food, as well as food safety and quality in the era of globalization. Additionally, along with the high paced development of gastronomic tourism, local and regional foods around the world gain enormous popularity. There has been a considerable increase in number of publications related to food studies. Food stopped being perceived as an everyday regular content of peoples' lives, and became a new hot and widely discussed topic.

Nevertheless, to the best of author's knowledge, there has not yet been any study conducted directly on the importance of regional food heritage from Southern Poland combined with its protection within the EU quality schemes, and potential benefits and difficulties arising thereof. Nor, again to the best of my knowledge, has there been such an interdisciplinary research based on a case of a wallachian cheese combined with the analyses of its importance as a cultural object within the Polish culture of Highlanders, treated as an overlapping mix of intangible tradition and practice, and material places where it is made.

Regarding the more general approaches to studies of food, Muchnik, Biénabe and Cerdan analyzed food quality to food identity relation on the case of *coalho* cheese from Northeastern Brazil. According to them, “food acquires an essential role in each individual’s search for personal identity, in the ‘individuation’ of people and societies”.⁵ Therefore, local and regional products, such as traditional breads, raw and artisan cheeses, local wines, olive oils or farm-made hams, acquire a new important identity and dimension. For this Northeastern Brazilian community “the *coalho* cheese is not just cheese” – just as it will be visible in the case of *oscypek* cheese from Southern Poland. It represents community’s culture and historical memory, peoples’ way of life and eating.

In terms of perception of local food products quality by the consumers, Prigent-Simonin and Hérault-Fournier analyzed how the relational dimension contributes to the notion of quality, alongside the other more frequently mentioned dimensions, such as nutritional value and characteristic qualities of foods. In other words, despite the official state quality labels, quality systems created on privet initiative, or supermarkets “local produce” brands, there is a simultaneous development of new kinds of trade between the producers and consumers, such as: farmers’ markets, direct producer to consumer sales etc. These new types of trade are based on trust and create also a new kind of a relationship and a new type of social contract between consumers and producers.⁶

⁵ Muchnik J., Biénabe E. and Cerdan C., “Food identity/food quality: insights from the “coalho” cheese in the Northeast of Brazil”, *Anthropology of food* [Online], 4 | May 2005, Online since 01 May 2005, connection on 11 June 2013. URL : <http://aof.revues.org/110>

⁶ Prigent-Simonin A-H. and Hérault-Fournier C., “The role of trust in the perception of the quality of local food products: with particular reference to direct relationships between producer and consumer”, *Anthropology of Food* [Online], 4 | May 2005, Online since 01 May 2005, connection on 11 June 2013. URL : <http://aof.revues.org/204>

The decision to organize a PhD thesis around protection, management and cultural importance of artisan cheese, a particular kind of cultural and culinary heritage, came naturally since the realization of the fact there is a fascinating story behind each and every traditional cheese which can be discovered only by exploring the historical and social context within which various cheesemakers developed unique recipes for their products. In some regions of the world, the art of cheese-making has a particularly strong place in the lives of communities and cheese is importantly bound into the social sphere of life. According to Kindstedt, “the traditional cheeses that took shape in various locations over the centuries, along with other traditional foods that arose alongside them, shaped the surrounding culture. Thus, in regions of the world which share long histories of cheese making, especially Southern and Central Europe, one finds the deep cultural imprints of these cheeses and other traditional foods embedded in the human landscape to this day. This stands in striking contrast with the United States where cheese history spans fewer years and where the American experience with cheese in particular, [...], has differed vastly from the European”.⁷

One of the important terms appearing in a discussion related to agricultural products, especially to wine and artisan cheese is *terroir*. Amy Trubek in a publication entitled “Taste of Place. A Cultural Journey into Terroir” wrote on the concept of *terroir*, currently considered so important to the cheese production. The concept of *terroir* is “a self-conscious connection of culture and agriculture; it twines together soil, climate, production method, cultural heritage, and any number of other “natural” and “cultural” elements to give a unique cultural-agricultural ‘fingerprint’ to a food – for example, a wine or a cheese”.⁸ The concept of *terroir* in France has tended forward “nostalgic interpretation of the past” in which “heritage becomes a

⁷ Kindstedt, P.S. “Cheese and Culture. A history of cheese and its place in western civilization”. Chelsea Green Publ. Co. White River Jct., 2012, p. 2

⁸ Kaplan David. M. (ed.), “The Philosophy of Food”. University of California Press, London 2012, p. 45-46

fixed institutionalized fact” and “the past functions as a gatekeeper for truly tasting terroir”, and also toward the crucial importance of location.⁹

The relationship of food perceived as intangible heritage and museums was analyzed by Anne Mabanta-Fabian in her research entitled: “Food as Intangible Heritage: Issues of Management in the Museo Ning Angeles, Angeles, Pampanga” from 2012, University of the Philippines. She specifically addressed the ways intangible heritage is being managed in the general museum context and museum practice. Angeles City, Pampanga was used as study area and the study evaluated the Museo Ning Angeles (MNA) “within the framework of institutional management strategies vis-à-vis its regular activities, most of which include local intangible heritage (festivals, rituals, food fests etc.)”. Her study also focused on the concept of food as local culinary heritage and an important carrier of local Kapampangan identity.¹⁰ Some of the MNA Museum collections and activities are directly associated with the culinary tradition of the province and the Museum aims to become the first culinary museum in the country. The special “Culinarium Program”, was officially held in the MNA Museum on March 6, 2009.¹¹

Regarding a food product to be awarded the Protected Designation of Origin, Delphine Vitrolles wrote on *Serrano* cheese from

⁹ Trubek A. “The Taste of Place. A Cultural Journey Into Terroir”. University of California Press, Berkeley and Los Angeles, p. 247-248

¹⁰ Mabanta-Fabian A. T. D., “Food as Intangible Heritage: Issues of Management in the Museo Ning Angeles, Angeles, Pampanga”, University of the Philippines, 2012. Accessed http://www.academia.edu/2235673/Food_as_Intangible_Heritage_Issues_of_Management_in_the_Museo_ning_Angeles_Angeles_Pampanga_-_CHAPTER_1_Introduction_on_September_23,_2012

¹¹ *ibidem*

Rio Grande do Sul, Brazil¹². She stated that there are many negative ways in which Geographical Indication may potentially impact product identity, and her research called into question the realism of product specifications, calling for searching for alternatives to Geographical Indications System, such as private or collective trademarks or other certifications. However, the study regarded a particular product of which six different methods of production were identified. The recipes differed greatly from one producer to another and it was not possible to clearly state in how many production areas the cheese was produced. In other words, Vitrolles opted for the preservation of livelihoods of Serrano cheese producers and diversity of their skills. In case if Serrano cheese was awarded a PDO certificate, the producers and their skills, as well as diversity of Serrano recipes would be impacted by the product specification and lead to standardization at the expense of diversity.

In terms of milk sheep production in Europe, Rancourt and Carrère in “Milk sheep production systems in Europe: Diversity and main trends”¹³ stated that “the milk sheep sector in Europe is concentrated in the southern countries and, for some regions, can have a significant economic impact”.¹⁴ Their study analyzed the evolution of diverse milk sheep production systems in the main European regions, but did not include Poland in it. They stated that New EU members in Central Europe (such as: Romania, Bulgaria and Slovakia) are important actors in the sheep milk sector. However, missing a part of the data collected in these countries, they did not integrate them in the

¹² Vitrolles D., “When geographical indication conflicts with food heritage protection”, *Anthropology of food* [Online], 8|2011, Online since 12 May 2011, connection on 11 June 2013. URL : <http://aof.revues.org/6809>

¹³ In Bernués A. (ed.), Boutonnet J.P. (ed.), Casasús I. (ed.), Chentouf M. (ed.), Gabiña D. (ed.), Joy M. (ed.), López-Francos A. (ed.), Morand-Fehr P. (ed.), Pacheco F. (ed.). “Economic, social and environmental sustainability in sheep and goat production systems”. *Options Méditerranéennes : Série A. Séminaires Méditerranéens*; n. 100 (2011), p. 107- 111

¹⁴ *Ibidem*

comparison, and therefore the analysis in fact lacks any real references to milk sheep production in Central Europe.

Recent publications directly related to the study of Polish *oscypek* cheese are very limited and most of them were written and published still before the cheese was awarded a PDO certificate, or they pertained mainly to the chemical qualities and microbiota that develops and evolves during the manufacture and ripening stages of *oscypek*.¹⁵ In article "Adversities and opportunities in the production of "oscypek" cheese and in the traditional shepherding system of "Polish Mountain Sheep", the authors stated that "the traditional grazing system of sheep in the Polish Mountains is mainly aiming at preserving the folkloristic customs and the natural landscape. Sheep pasturing and milking is linked to the hand-made processing of many regional produces. Among them, the "oscypek" cheese is still produced in a traditional way, unchanging over 500 years [...]. The registration as Protected Designation of Origin brand should help producers to achieve profitable prices and increase the profitableness from the sheep production systems in the mountainous regions."¹⁶

Drózdź in his article "Sheep-rearing legally protected products"¹⁷ wrote that "one of the ways of increasing profitability of production is the concept of protection of original shepherding products under the EU quality schemes PDO, PGI and TSG"¹⁸. He followed to state that "attractive agricultural products can contribute to

¹⁵ Alegría A. and others, "Biodiversity in *oscypek*, a Traditional Polish Cheese, Determined by Culture-Dependent and -Independent Approaches". Applied and Environmental Microbiology, March 2012, 78(6), p. 1890–1898

¹⁶ E. Kuźnicka, W. Rant and A. Radzik-Rant, "Adversities and opportunities in the production of "oscypek" cheese and in the traditional grazing system of Polish Mountain Sheep". Options Méditerranéennes, Series A, No. 38, p. 405-407

¹⁷ Drózdź A., "Prawnie chronione produkty owczarstwa górskiego" („Sheep-rearing legally protected products"), Wiadomości Zootechniczne, R. XLV (2007), 4: 15-21

¹⁸ *Ibidem*, p. 15

activation of underdeveloped rural regions through creating new work places, exposing the regional cultural and intangible heritage, developing agritourism, and finally contributing to the sustainable development of regions in EU Member States".¹⁹ At the time of publication of this article, Drózdź was convinced that, once *oscypek* is awarded the PDO certificate, the problems related to the preservation of pastoral-farming and *oscypek*-making tradition, will be solved for good. Little did he know that the registration process will take longer than expected and that many of the producers of *oscypek* will be the ones who would mostly stand against the EU protection of their traditional regional food heritage product.

There is a gap in literature directly regarding the treatment of *oscypek*-making tradition as intangible heritage, or the attitudes in management of such heritage (treated both as intangible practice and as protection of places where *oscypek* cheeses are made: *Oscypek* Heritage Trail, old wooden shepherd huts). Also, there are no publications directly regarding management and development of *oscypek* cheese as an economically beneficial brand touristic product or the impact of PDO certificate on producers of *oscypek* or on the product, itself.

Therefore, this research addresses the gap in literature by providing a comprehensible overview of the protection and preservation, as well as providing some recommendations on managerial practices related to *oscypek* and its future development. It provides an insight into the attitudes regarding *oscypek* cheese, treated both as a Protected Designation of Origin and as a brand touristic food product within the frameworks of tangible and intangible heritage.

¹⁹ *Ibidem*, p. 15

1.3. Scope of the Thesis

Considering the free movement of goods within the EU Member States which also includes foods and food ingredients, foodstuffs, farm animals, and animal feed, the main goal of the EU legislation is to grant safe, healthy and high quality authentic food for the consumers, and to protect various consumers' interests. In the past there have been several cases of international outbreaks of bacteria poisonings, epidemics of various diseases, and examples of chemical contamination of food and animal feed. These took place both in the third countries and within the borders of the European Union. Each of the cases was in some way connected with the global dimensions of the food supply chain and the difficulties in ensuring safety and standards. The extent of the results and the size of affected population in each situation were striking.

Globalization and new manufacturing capabilities have made it more cost-efficient for big scale food processors to buy ingredients for their products from countries offering lower cost of services. The reduction in shipping costs, and reduced barriers to trade in globalized world have fostered the trust in low-cost ingredients originating from all around the world, at the same time creating a serious threat to safety and effective traceability of food. The consumer tastes, choices and interests play an important role here, as well. The goods previously not available can be now easily imported from other areas of the world, and their availability is simply expected by the consumers. Their tastes are broadening for world cuisines and the increased global trade has made a wide variety of foods accessible to an average consumer. At the same time, consumers expect their food to be also safe and traceable and this is one of the most important reasons why trade in foodstuffs is increasing so quickly and why there is a need for efficient food safety, food tracking and monitoring systems: within the EU, in third countries, and in the global context.

Therefore, this analysis provides an insight into the EU General Food Law and food safety system, as well as to the European Quality

Schemes for Agricultural Products. It shows the way registered regional foods are managed by the EU and Member States on legal international and national levels, and what implications it may have for these foods on regional level. Various examples of food-related heritage protection and management are mentioned as exemplary case studies, and a Protected Designation of Origin *oscypek* cheese from Southern Poland will be the main case study for the purposes of this research. The final goal of the thesis is to develop general and managerial recommendations for the future sustainable development of *oscypek* cheese production, treated as endangered intangible cultural heritage practice, as a traditional and culturally important food product, and as a brand touristic product from Southern Poland.

Within this study author will refer to, both tangible and intangible cultural heritage, which will be understood in the same way as they are defined by the UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage (called World Heritage Convention) and the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage (called 2003 Convention). Because of the nature of food heritage, the author will mainly refer to the treatment and management of intangible cultural heritage. Some references will be made to material cultural heritage, especially in cases where the protection of food heritage will pertain to particular places where food is produced, managed and where food constitutes the main reason for specific managerial treatment and promotion of these places (i.e. UNESCO Cities of Gastronomy). Intangible cultural heritage includes “practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artifacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage”, as stated in Article 2 of the 2003 Convention.²⁰

²⁰ UNESCO – Text of the 2003 Convention. URL: <http://www.unesco.org/culture/ich/en/convention> retrieved on June 30, 2015

1.4. Aims and Justification of the Study

Considering advantages and potential disadvantages of the EU regimes for food safety, its highest quality and authenticity, the aim of this study is to investigate the impact of EU food safety regulations and quality schemes on the protection and management of food-related heritage. Specifically, analysis will regard potential interferences between the EU Food Law, European Quality Schemes (Geographical Indications, specifically Protected Designation of Origin), and UNESCO intangible cultural heritage regulations pertaining to the protection of food-related heritage elements inscribed on the Representative List of Intangible Cultural Heritage.

Author aims at showing in what way (positive, negative, both, or none) the EU regulations may influence the management of traditional regional agricultural products considered as intangible cultural heritage - in other words - what are the benefits and opportunities, disadvantages and threats, as well as undesired downsides of the current European food regulations as means of widely understood regional food heritage management. Basing on the main case study for this analysis (*oscypek* cheese) and considering the impact of the GI system on local producers, author aims at developing recommendations for the future management and sustainable development of the *oscypek* (as intangible practice taking place in specified locations and as brand touristic product), as well as for the dying-out traditional sheep-grazing in Poland inevitably connected with the production of *oscypek* cheese. Furthermore, throughout this study author will aim at showing what are the interactions, dependencies and overlaps between material cultural heritage and food-related intangible cultural heritage proving that such heritage can be extremely important for the practicing communities as identity marker and cultural identifier.

Food heritage and the particular case of *oscypek* cheese from Southern Poland are two relevant and exceptionally important cases to investigate for several reasons. Food as intangible cultural heritage is

still raising discussions and is often being questioned as a blurred and uneasy concept, despite the several successful food-related inscriptions on UNESCO Representative List of the Intangible Cultural Heritage. Secondly, protection, management and sustainable development of food as intangible cultural heritage are extraordinary difficult and complex issues. Thirdly, while dealing with management of traditional regional food heritage in Europe it is necessary to deal with the European regulations on food safety and quality, as well as to analyze what are the interferences between granting food safety and safeguarding and developing food-related intangible cultural heritage.

Taking the example of *osypek* cheese as the main case study, it is possible to observe the particularities of registration process of a food product within the European Quality Schemes, i.e. stages and duration of the process starting from application to registration, difficulties arising from similarity of one food product to another (Polish *osypek* and Slovakian *oštiepok*, solving the objection procedure – Slovakia vs. Poland), and the positive and undesired negative results of the newly gained Protected Designation of Origin status. *Oscypek* also happens to be a historically significant cultural object, strongly tied to the culture of Polish Highlanders and bounded within the social life of their communities.

Another reason, for which *osypek* cheese from Southern Poland is an exceptional case to investigate, comes also from the experience of Communism in Poland from 1945 to 1989. As a post-soviet bloc country, Poland shares specific historical and cultural experience, heritage and memory with other countries in the Central European region, which contributed to the creation of a particular Central European identity and the certain current state of affairs and attitudes toward heritage protection in the region. Lastly, a particular shift in legal regulations pertaining to food safety and quality in Poland occurred when Poland accessed the European Union in 2004. However, together with the process of European integration, came the rise of some controversial attitudes regarding protection of Polish culture and

identity, which influenced the general field of tangible and intangible heritage protection, preservation and management.

1.5. Research Questions and Methodology

In line with the aims and scope of the thesis, the main research question can be specified in the following way:

- In what ways may the EU Food Safety regulations and European Quality Schemes interfere with the safeguarding and sustainable development of European traditional regional food heritage?

Specifically, in what ways the EU Food Safety regulations and recognition of a product as Protected Designation of Origin may conflict with safeguarding of regional food heritage, and if this is currently happening in case of *oscypek* cheese from Southern Poland.

In addition, secondary research questions for this study are the following:

- What are the necessary features of food for it to be considered a cultural heritage, cultural object and a vehicle of identity?
- What are the tangible and intangible legal frameworks provided by UNESCO regarding protection of food heritage and culinary traditions?
- What are the opportunities for development of culinary tourism and designing the creative culinary experiences in the EU and in Poland?
- What are the implications and importance of the Protected Designation of Origin certificate for the *oscypek* cheese-making tradition and its producers?
- What are the recommendations (for the producers and for relevant authorities at local, regional and national levels) for future protection, preservation and development of the *oscypek*-making tradition?

Research Methodology

The selected methodology for this study is a combination of desk and primary research through qualitative techniques and methods of data collection.

Desk Research

It involves the collection and review of relevant documentation on the study. Data to be exploited includes:

- Printed academic sources (readers, monographs, articles etc.)
- Published reports (research studies/ case studies);
- Conference abstracts, poster presentations and materials on CD;
- Press and other media coverage (TV interviews, short reportages etc.);
- Information accessed through the Internet;
- Movies and short videos thematically devoted to food importance, consumption and meaning, as well as directly to the *oscypek*-making and shepherding tradition;
- Any other available authentic and documented sources of information.

Primary Research

In order to obtain first-hand information and gain qualitative data to provide a more practical and in-depth view on the previously discussed issues, the author performed a primary investigation through field work in shepherd huts and in-depth interviews with:

- Oscypek cheese producers;
- Representatives of local organizations uniting the producers of highlander cheeses and sheep growers from Lesser Poland Voivodship (Spisz and a part of Podhale counties. Shepherd huts located around town of Nowy Targ and villages: Dursztyn, Leśnica, Brzegi, Bukowina);

- Representatives of quality controlling body on regional level (WIJHARS) and the representative of the Polish Ministry of Agriculture and Rural Development.

It is important to emphasize that the sample of ten senior shepherds chosen for the interviews was not supposed to be statistically representative. It was sufficient and adequate to understand perspectives of participants on *oscypek* cheese as a PDO and as intangible heritage practice. Interviews were designed precisely to give an idea of the dynamics between the highlander associations and community within the given region, and reveal their attitudes toward the protection, management and development of *oscypek* cheese-making tradition. The objective of fieldwork was to understand the dynamics and not to measure or quantify. Cheese producers were picked at random, based on the time of the beginning of cheese-making season (April/May) and accessibility of the shepherd hut where they reside and produce cheeses during the season.

1.6. Disposition of Chapters

In the first chapter of the thesis author provides the reader with introduction to the research: background information, literature review, scope of the thesis, the aims and justification of the study, research questions and methodology, and disposition of chapters.

Throughout the second chapter author elaborates on the issues of legal protection of food heritage, the emergence of creative culinary tourism and its role in development of rural regions. Legal protection pertains mainly to tangible and intangible frameworks of heritage protection under the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage and to the UNESCO Creative Cities Network (particularly UNESCO Cities of Gastronomy). The main goal of this part of the study is to consider in what ways the protection of culinary heritage under UNESCO regulations cooperates or interferes with the EU protection of food heritage and granting safe food to the

consumers. The remaining part of this subchapter is devoted to the insight into the recent development in the field of culinary tourism (with examples from Europe and wider world), as well as to the managerial issues of designing creative culinary experiences within cultural tourism.

The third chapter provides the reader with comprehensive insight into the food safety and food quality protection under the General European Food Law, and according to the European Quality Schemes (namely the Geographical Indications: Protected Designation of Origin and Protected Geographical Indication). The purpose of this part of the analysis is to examine how the legal protection of food may influence its quality and position on the market, and perception as cultural heritage. Having already considered the findings from the first chapter of this research, author provides an insight into how protection of food quality in Europe, as well as providing safe food for the consumers overlaps and/or interferes with the protection of traditional regional foods as cultural heritage.

The fourth chapter is devoted to the chosen case study, namely to the PDO *oscypek* cheese from Southern Poland. Information on particularities of the region of Central Europe, as well as certain characteristics of the treatment of cultural heritage, as well as traditional foods in Poland is provided. These particularities result from the fact that Poland is one of the countries from the former post-Soviet bloc, as well as one of the main representatives and propagators of the Central European concept (next to Hungary, Czech Republic, and Slovakia). The following subchapters treat about the importance of cheese tradition in Western civilization, and in more detail, the importance of *oscypek* cheese-making tradition and traditional shepherding in culture of Polish Highlanders, as a remnant of the culture of Wallachian tribes. It also introduces the reader to the results of field work and interviews with the producers of *oscypek* and with representatives of relevant authorities responsible for controls and management of regional traditional products on different levels. The chapter ends with recommendations and a proposal of strategic steps

to be taken for the sake of strengthening of the position of *oscypek* on the market, in perception of consumers as brand touristic product and education on its importance as cultural culinary heritage of the Polish Highlanders.

The fifth and the last chapter of this thesis provides the reader with conclusion on each chapter, with the results of interviews with *oscypek* cheese producers and representatives of the relevant authorities, and with the final recommendations for future actions on various levels for the development of the tradition and practice of *oscypek*-making in Poland. The fifth chapter ends with overall conclusion to sum up what the chosen main case study demonstrates in relation with EU and international food safety regulations, and how it interacts with the UNESCO notion of cultural heritage.

Chapter 2: Conceptual Framework for Food Heritage and its Legal Protection in the EU

2.1. Food Heritage Concept

Gastronomy is one of the elements quiet recently incorporated in a new concept of cultural heritage. It was driven by growing trends of a well-being lifestyle, authenticity of practices, environmental protection and the need to have a high-quality experience.²¹ Food heritage itself is a unique and complex concept - unique also in perspective of academic studies because of its interdisciplinary nature. With its roots and ties within nutrition studies, ecology and environmental studies, economy, anthropology, sociology, philosophy, politics of food, and others, food heritage is also very familiar to regular people. Mutual interactions and overlapping of the characteristic features of intangible and tangible cultural heritage, as well as flexible borders between these two kinds of gastronomic heritage constitute important issues to be considered while dealing with the food heritage concept in general.

Food heritage in a form of material food product is made in particular place and time and it is created from an intangible cultural culinary tradition which has been usually transmitted from generation to generation. It is created on a given territory by local people who have been practicing this culinary tradition for decades. The characteristics as well as the quality of the final food product depend on the specific locally grown ingredients, particular climate, soil, water quality, herbs etc. And thus, material dimension of food heritage within a given cultural and geographic area refers to a clearly defined group of dishes, ingredients, production and distribution modes, culinary techniques, preparation modes, preservation, and food consumption which are passed from one generation to the next. They often refer to a

²¹ "Food or Gastronomic Tourism and Rural Development", IGCAT World News, posted October 2, 2014. Retrieved from <http://geographyfieldwork.com/FoodTourism.htm> on March 10, 2015

physical place where food heritage is being prepared. Intangible dimensions include tradition, know-how, hospitality, conviviality, training and learning, table manners, representations, discourse, imagination or symbolical ritualization which take place together with the transmission of food practices. Intangible food heritage expresses the identity of a community or a social group. Also, traditional cuisines are a mix of tangible (e.g. ingredients and cooking accoutrements) and intangible (e.g. tastes, smells, recipes, and eating traditions) elements that contribute to the cultural values and characteristics of places.²²

Communities around the world retained their food traditions characterized by use of specific ingredients and traditional production methodology which, with time, became important vehicles and markers of identity embedded in culture and lives of communities. These culinary traditions may vary within cultural groups and may take different forms from community to community or even from one family to another. Food traditions may be considered particularly interesting because they belong to some of the most persistent of traditions. People rather tend to feel very strongly about their food patterns and they are usually reluctant to change them.²³ Thus, food often becomes an important heritage, embedded in culture and closely tied to cultural identity which can reveal important cultural processes.²⁴ Culinary traditions and food play an important role in the processes of construction, preservation, transformation and redefinition of cultural identity. In fact, food may be among the most important markers of ethnic, local or regional identity, equally important to such elements of

²² Dallen J. Timothy and Amos S. Ron, "Understanding heritage cuisines and tourism: identity, image, authenticity, and change", *Journal of Heritage Tourism*, 2013. Vol. 8, pp. 2–3, 99 –104 Retrieved from <http://dx.doi.org/10.1080/1743873X.2013.767818> on May 3, 2014

²³ Owens M., "Louisiana's Food Traditions. An Insider's Guide". Originally published in *Louisiana Cooking*, 2000. Retrieved from http://www.louisianafolklife.org/LT/CSE/creole_food_trad.html on March 25, 2015

²⁴ Retrieved from Atchafalaya National Heritage Area, America's Foreign Country: <http://www.atchafalaya.org/page.php?name=Food> on May 3, 2014

culture as religion, language and folklore. Also, as a result of the preservation of agricultural and gastronomic traditions, many other markers of identity are safeguarded, such as ethnic pride and national/regional/local patriotism.²⁵

There may be three main qualities distinguished at the basis of food heritage concept: quality, authenticity, and sustainability. Quality is fundamental when considering food in general. Food must taste good (it may vary according to the taste standards of different cultures) and be good for consumers. Quality includes not only such features as the freshness and wholesomeness of ingredients, the care and craft with which they are handled. Food is embedded in culture and social world (see: cultural diamond, W. Griswold) and thus the quality of life of consumers, producers and people surrounding them is also included within the process.²⁶ Authenticity means that the food is true to its source, that it is made according to the authentic culinary tradition and produced using the traditional methods passed on from generation to generation. Such food is usually made of fresh local and natural products free of additives; local, seasonal foods are used in the process. Authentic foods come from nature and contribute to ecological and cultural systems.²⁷ Sustainability here refers to food heritage producers who must pay attention to the consequences of how they produce and distribute the food. Their good practices should include taking care of environment and protecting the biodiversity. In general, sustainability in case of food and food heritage refers to reducing all the negative consequences of production and preparation of food by means of good practices and non-harmful processes.²⁸

Food as intangible cultural heritage gained recognition quiet recently: only in 2010 Spain, Greece, Italy, Morocco, France and Mexico were the first countries to successfully nominate three food-related

²⁵ *Ibidem*

²⁶ Slow Food NYC, "Snail Approval". Retrieved from http://www.slowfoodnyc.org/program/snail_approval on May 5, 2014

²⁷ *Ibidem*

²⁸ *Ibidem*

intangible heritage elements for inscription on UNESCO Representative List of the Intangible Cultural Heritage: the Mediterranean Diet, Mexican Cuisine and the Gastronomic Meal of the French. This step marked a significant shift in international recognition of food officially understood as heritage and initiated a discussion about what kinds of food and culinary traditions should be classified as heritage, why this should be done at all, and in what way and with what means they should be safeguarded and promoted. Recently, some cities in which traditional foods are made were also officially recognized as heritage sites for the reason of food heritage which is created there. In these places, called the Cities of Gastronomy within the UNESCO Creative Cities Network, food heritage is the crucial feature for their future development. There, the representative foods and cuisines of different cultures are protected, preserved and professionally promoted within the framework of material heritage.

The following subchapters give an insight into issues concerning legal protection of food heritage and places where it is made, on regional, national and international levels. Starting from the presentation of general framework for culinary heritage perceived as material heritage, the author elaborates on various chosen ways of recognition, appreciation, protection and management of places where food heritage is produced - from the Cities of Gastronomy united in within the UNESCO Creative Cities Network, through examples of organization and management of chosen European regional food trails. The second part of this chapter is devoted to framework of food as intangible heritage. Particular subchapters elaborate on the food-related traditions inscribed on UNESCO Representative List of Intangible Cultural Heritage; development of gastronomic tourism and designing creative gastronomic experiences for tourists.

2.1.1. *Material Cultural Heritage Framework for Food Heritage*

While approaching the topic of the general perception of heritage (including the food heritage), it is necessary to consider the potential impact of the FARO Convention on the Value of Cultural Heritage for Society (2005) on the notion of heritage in Europe. The agreement updated the Council of Europe's cultural heritage policy as a response to various changes in political sphere and borders of Europe, as well as to the changes affecting societies and world cultures.²⁹

Strengthening the connection between cultural heritage, quality of life, identity and sustainable development in society are the key objectives of the convention. Among the aims of the agreement is also strengthening civil society and democracy by emphasizing every person's right of engaging with the cultural heritage of their choice. The convention highlights cultural heritage as a valuable resource and its significance as one of the means for sustainable economic development. Furthermore, the convention encourages communities to work together for the benefit of their shared cultural heritage.³⁰

The Convention is believed to be the most comprehensive and diverse international agreement on cultural heritage so far, and to have changed the way of general perception of heritage, including the new dimensions of heritage which have been recently recognized, such as food heritage. "Signatories to the FARO Convention recognize the need to put people and human values at the center of an enlarged and cross-disciplinary concept of cultural heritage; they recognize that every person has a right to engage with the cultural heritage of their choice; and are convinced of the need to involve everyone in society in the ongoing process of defining and managing cultural heritage. Although not all member States of the Council of Europe have or will sign this Convention, it is nevertheless changing the way we all think about

²⁹ National Board of Antiquities, The Faro Convention, URL: http://www.nba.fi/en/about_us/international_activities/international-cultural-heritage-conventions/the-faro-convention retrieved on June 23, 2015

³⁰ *Ibidem*

heritage, recognizing that heritage should be inclusive not exclusive, and that the everyday and the ordinary has merit alongside the special and the iconic.”³¹

Regarding the inter-relationships of gastronomy in construction of culinary heritage, the model pictured on the following page (adopted from Berrière, 1998) considers four main issues regarding the perception and treatment of culinary heritage, their meanings for communities and for tourists, and diverse influences which are being exerted on such heritage. It raises one of the most important questions appearing in the debate on how to treat culinary heritage, namely whether culinary heritage belongs to the stable tradition or to dynamic modernity, and how it can be treated in each of these cases. The model emerged from interviews conducted for the purpose of a research on linkages between gastronomy and heritage in Taiwan³², and highlighted the four most important questions: of what constitutes traditional food, of acceptable or non-acceptable modifications in the method of food production or used ingredients, of the role of traditional food within society and its importance for communities, and historical inheritance through mass media promotion.

³¹ “Heritage after Faro”, posted University of York, Department of Archeology, URL: <https://www.york.ac.uk/archaeology/research/current-projects/faro/>

³² Li-Jen Jessica Hwang, Jetske van Westering, Hsin-Hui Chen, "Exploration if the linkages between the gastronomy and the heritage in Tainan city, Taiwan", 2005, Vol. Iss: 1, pp.223 - 235

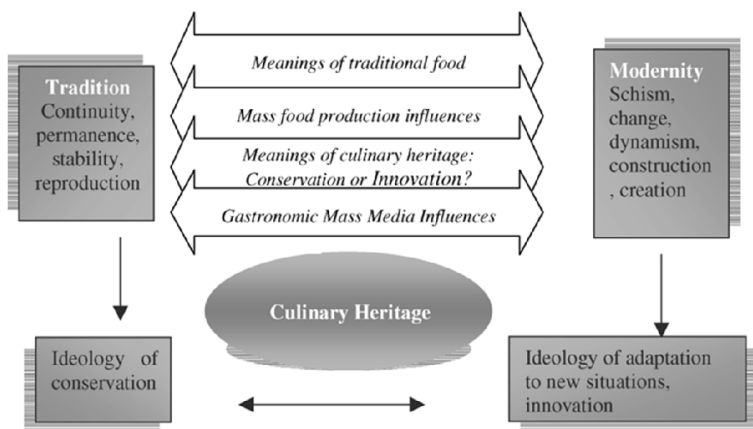


Figure 1: The Inter-Relationships of Gastronomy in Construction of Culinary Heritage.
Source: Adopted from Berrière, 1998

While perceiving culinary heritage within the framework of material heritage, protection of such heritage on multiple levels is considered: starting from protection of places (villages, cities, regions) where the food heritage is produced, through maintenance of specific ingredients used within the creation of food heritage, up to the final material food product which is officially recognized and managed in an appropriate manner. The model pictured above encompasses the complex issues regarding the construction and protection of culinary heritage, namely whether in a general approach culinary heritage should be strictly conserved as a permanent, stable and unchanged construction or whether it should be treated as a dynamic creation and a heritage which changes with time and adapts to the situations that come from the social world. These would include, among others: places where culinary heritage is created, communities within which it is constantly re-created, consumers, tourists, various food industry agents and media.

2.1.2. *Food as Cultural Object and Its Linkages with Social World – Cultural Diamond Model*

The most recent definitions define culture as “historically transmitted pattern of meanings embodied in symbols, a system of inherited conceptions expressed in symbolic forms by means of which people communicate, perpetuate, and develop their knowledge about and attitudes toward life”³³. The concepts of culture, symbolic cultural representations of culture and its linkages with social world are well translated and illustrated by the cultural object concept and cultural diamond model by Wendy Griswold.

According to Griswold, an object becomes a cultural object once it enters the “circuit of human discourse” and therefore becomes culturally expressive to the people and thanks to the people around it.³⁴ This theory is inevitably connected with understanding culture as a social phenomenon and understanding the ties linking culture and society. An object may be a potential cultural object even if it is outside of a human discourse, but it won’t become an actual one until it enters the public social sphere and culture itself, because culture is bounded by shared meanings and has to be surrounded by socially bounded people who make meaning of cultural objects.³⁵

To continue, according to Griswold, a cultural object may be defined as shared significance embodied in form. In other words, it is a socially meaningful expression that is audible, visible, tangible or that can be articulated. A cultural object, moreover, tells a story, and that story may be sung, told, set in stone, enacted, or painted on the body,

³³ Geertz C. “The Interpretation of Cultures”, Basic Books, New York, 1973, p. 89

³⁴ Griswold W., “Cultures and Societies in a Changing World”, Northwestern University, 2013, Fourth Edition, p.14. In Chapter 1: “Culture and the Cultural Diamond”, pp.1-18

³⁵ Ceccarini R., “Food studies and Sociology: A review focusing on Japan”, AGLOS: Journal of Area-Based Social Studies, vol. 1 (2010):1-17. Sophia University, 2010. Accessed URL: www.info.sophia.ac.jp/gsgs/ on August 14, 2014

with all the actions connected with its expression connected with the definition of intangible cultural heritage.

Model of the cultural diamond by Wendy Griswold can be pictured in the following way:

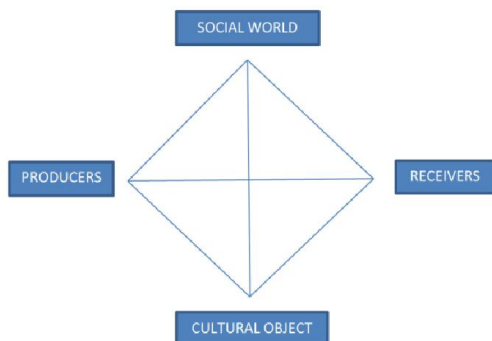


Figure 2: Cultural Diamond Model. Source: adopted from Griswold.

A good example of food which can be considered as a cultural object is bread. It is an every-day use food product, the one which is eaten in different forms by many people around the world. But it is produced in very diverse ways by particular producers: different is the recipe for a mass production of toast bread, and different is the one produced by a small family-run bakery. People around the world eat bread in different forms which are most common for their community: Jewish *challah* or *matzah*, Scandinavian sweetish bread, Tuscan bread without addition of salt, rye bread in Poland etc. In some cultures there exists no bread and the functions of bread (both nutritious and culturally expressive) are fulfilled by other foods, such as: rice, tortillas, or fish. Thus, some food items can become important vehicles of local and regional culture, markers of identity and cultural objects which, through linkages with community members, bring communities closer together. Such linkages between *oscypek cheese* and the communities of Highlanders from Southern Poland are pictured in Chapter 4 of this thesis.

2.1.3. Recognition of Cities of Gastronomy within the UNESCO Creative Cities Network

Within the material heritage framework food heritage is perceived in terms of places where it is produced. In some cases, there exists a specific recognition, particular treatment, management and protection of the locations in which defined and recognized food heritage is produced. There are many ways in which gastronomy and material heritage are related. Effective management of these relations, in a legal or other manner, contributes to the development of cultural culinary tourism in the gastronomic heritage destinations. In the following chapter author elaborates on chosen ways of organization and management of places (cities, food trails) in which gastronomic heritage is produced, and which are recognized, protected and promoted specifically because of this heritage.

One of the ways of recognition and management of places with gastronomic heritage is their nomination within the UNESCO Creative Cities Network which includes cities working together toward a common mission for cultural diversity and sustainable urban development. It was first created in 2004 as an initiative that gathers cities of diverse regions, income levels, capacities and populations to work together in the field of creative industries. The designated cities must submit an application that clearly demonstrates their willingness and capacity to contribute to the objectives of the Network as outlined in the Nomination Procedures. Through the program of Creative Cities, “UNESCO acknowledges the exceptional commitment of cities in favor of creativity as a strategic factor for sustainable development.”³⁶ Member cities are recognized as creative hubs that promote socio-economic and cultural development in both the developed and the developing world through creative industries. They are socio-cultural clusters connecting diverse communities to create a healthy urban

³⁶ UNESCO Creative Cities Program – Nomination Procedures from October 2013. Retrieved from <http://www.unesco.org/new/en/culture/themes/creativity/creative-cities-network> on April 3, 2014

environment. In general the Network aims at developing international cooperation among cities and encouraging them to drive joint development partnerships in line with UNESCO's global priorities of culture and development and sustainable development.³⁷

The Mayors of the Applicant Cities submit their candidatures via e-mail, using the Creative Cities Application Form provided by UNESCO. They focus on one of the specific fields relating to creative economy (literature, design, film, music, crafts and folk art, media arts and gastronomy). The applications include the following:

- “a formal letter of endorsement of the candidature from the National Commission for UNESCO of the country in which the city is located;
- formal support letters signed by the Mayor or by another official City representative, including substantial arguments in favor of the application, from at least five UNESCO Creative Cities within the same thematic focus as the applicant; three of which must come from a geographical region different from the one of the applicant (see UNESCO's list of countries by geographical region);
- formal support letters from the national professional association(s) of the relevant Country, in the field concerned”³⁸

The Director-General of UNESCO or their representative is responsible for the designation of the cities. This is preceded by consultations with competent Secretariat Program Specialists and a

³⁷ UNESCO Creative Cities Program – Nomination Procedures from October 2013. Retrieved from <http://www.unesco.org/new/en/culture/themes/creativity/creative-cities-network> on April 3, 2014

³⁸ UNESCO Creative Cities Program – Nomination Procedures from October 2013. Retrieved from <http://www.unesco.org/new/en/culture/themes/creativity/creative-cities-network> on April 3, 2014

panel of external expert consultants³⁹ (in case of Cities of Gastronomy it is the World Food Travel Association⁴⁰). Once a city is appointed to the Network, it can share experiences and create new opportunities with other cities on a global platform, mostly activities based on the notions of creative economy and creative tourism.

The following are the criteria which the cities included within the Creative Cities Network have to meet:

“1) Commitment to working towards the objectives and in the areas of action pertaining to the mission of the Creative Cities program, as described in the Creative Cities Mission Statement

2) Quality, quantity and diversity of specific international cooperation initiatives in the creative field concerned;

3) Presence and future development of recognized centers of creation in the city, and promotion of activities in one or more creative fields;

4) Experience and commitment in hosting festivals and events at a national or international level;

5) Presence and future development of professional schools, conservatories, academies and higher education institutions specialized in one or more creative fields;

6) Domestic or international online platforms dedicated to creative industries and creative economy;

7) Cultural spaces suited for practicing and consumption, and for educational activities in the field concerned, including amateur initiatives;

8) Educational and research programs in the field concerned, both in the formal and informal sectors;

³⁹ Article 2 of the Nomination Procedures of Creative Cities Program

⁴⁰ The World Food Travel Association (WFTA) is a non-profit NGO and currently it is the world's leading authority on food tourism. The WFTA promotes food, drink and culinary cultures through travel. The World Food Travel Association changed its name from International Culinary Tourism Association in 2012 to meet the changing needs of our industry (<http://www.worldfoodtravel.org/overview/>)

9) Active involvement of medias in promoting the concerned field, activity(ies) and practice(s);

10) Specific comparative assets at an international level, in the context of the pertinent field;

11) Quality and quantity of professional organizations and individuals involved;

12) Economic vitality and sustainability of the sector concerned (number of professionals, informal and official associations, existing and planned number of jobs involved);

13) Measures, mechanisms and initiatives at local and municipal level aiming to reinforce creativity and the status of creators in the field concerned.”⁴¹

Official proceeding of the Creative Cities Network take place each year during the Annual General Meeting of the Network.

⁴¹ UNESCO Creative Cities Program – Nomination Procedures from October 2013. Retrieved from <http://www.unesco.org/new/en/culture/themes/creativity/creative-cities-network> on April 3, 2014

2.1.4. *UNESCO Cities of Gastronomy*

The following list of criteria and characteristics regards the cities interested in joining the network as a City of Gastronomy:

- “Well-developed gastronomy that is characteristic of the urban center and/or region;
- vibrant gastronomy community with numerous traditional restaurants and/or chefs;
- endogenous ingredients used in traditional cooking;
- local know-how, traditional culinary practices and methods of cooking that have survived industrial/technological advancement;
- traditional food markets and traditional food industry;
- tradition of hosting gastronomic festivals, awards, contests and other broadly-targeted means of recognition;
- respect for the environment and promotion of sustainable local products;
- nurturing of public appreciation, promotion of nutrition in educational institutions and inclusion of biodiversity conservation programs in cooking schools curricula”⁴²

Currently, eight cities were nominated and appointed as Cities of Gastronomy within the Creative Cities Network⁴³:

Florianopolis (Brazil, nominated in 2014) is the capital of the state of Santa Catarina located in Southern Brazil. It is the third Brazilian city most visited by foreign tourists. Generating international visibility and increasing local touristic-gastronomic sector where the accompanying goals to the integration of Florianopolis within the Creative Cities Network. Its gastronomy is characterized by harmony between tradition and diversity. Local cultural values and expressions are preserved in traditional preparation of dishes and education

⁴² Retrieved from

<http://www.unesco.org/new/en/culture/themes/creativity/creative-cities-network/gastronomy/> on April 8, 2014

⁴³ As of May, 2015

provided by trained and experienced culinary professionals provides means for reinterpretation of regional cuisine and, thus, culinary heritage of the city. Proposals for action after the nomination include: 1) meet and establish bonds with other gastronomic cities from the Network; 2) conducting an annual food festival with participation of gastronomic professionals from other cities from the Network and involving local restaurants, bars, and spaces; 3) organizing a biennial award for the best restaurants in Florianopolis based on the criteria encouraging the improvement of services and products offered in the city; 4) publication of the annual professional guide to the gastronomic offer of the city; 5) creation of the Food Observatory, enhancing the circulation of information and education related to food production chain, as well as study and dissemination of data, through organization of topic related courses, workshops and events.⁴⁴

Shunde (China, 2014) was nominated as a district in the city of Foshan in Guangdong province. Shunde has long been widely regarded as the basis for exquisite Cantonese cuisine and the cradle of Cantonese cuisine chefs. Food from Shunde is known for its liberal use of ingredients such as sun dried tangerine peel and dates, resulting in simple but powerful flavors. Duck dish is one of the most typical and traditional foods from Shunde.⁴⁵

Tsuruoka (Japan, 2014) is one of numerous cities in Japan where regional food culture, its promotion and development remain very strong. The city has been undertaking a wide variety of activities that will develop our food culture, such as creating ways to make full use of various local ingredients, promoting partnerships between food-related industries and local entrepreneurs as well as developing human resources, through food education, who will carry on our regional food

⁴⁴ "Florianopolis, UNESCO City of Gastronomy", proposed actions leaflet for the UNESCO Creative Cities Network nomination. Retrieved from <http://floripamanha.org/wp-content/uploads/2014/02/florianopolis-city-of-gastronomy-en.pdf> on February 21, 2015

⁴⁵ Zhang F., "China's Shunde joins the UNESCO Creative Cities Network", retrieved from <http://www.webonchina.com/?p=3671> on February 21, 2015

culture. Furthermore, the city has established the Tsuruoka Creative City of Gastronomy Promotion Council which comprises related organizations and aims to be a member of the UNESCO Creative Cities Network. Tsuruoka is also undertaking activities to promote the protection of the diversity of food culture. Tsuruoka is locally managed by the Tsuruoka Creative City of Gastronomy Promotion Council.⁴⁶

Zahlé, Lebabon (2013), for its wine tradition and many poets who were born in the city has a reputation of “the City of Wine and Poetry”.⁴⁷ It is famous among visiting tourists for heritage foods and culinary culture which stimulates the preservation of traditional forms of agriculture and cultural heritage. City’s resources are vineyards, cherry, pomegranate, plum and mulberry orchards in the hills, whereas potatoes and leafy vegetables are cultivated in the plain. Livestock and trout fisheries are also important resources. Gastronomy in Zahlé generates development in rural regions by increasing rural revenue sources, improves income levels and employment of local labor.⁴⁸

Jeonju in Republic of Korea was appointed the UNESCO City of Gastronomy in May 2012. The nomination recognized the city’s undertaking of tangible measures to safeguard its culinary heritage, and in an integrated approach promote its local food and culture. Jeonju’s homemade food preparation style, which has been passed on from generation to generation for thousands of years, was recognized as an important expression of gastronomic heritage. According to the evaluation, the city demonstrated excellence in culinary infrastructure with many unique gastronomic assets and resources promoted through the various food festivals and local traditional markets. The city also

⁴⁶ “Tsuruoka, Japan, a Creative City of Gastronomy to Become a Utopia of Food”. Accessed <http://www.creative-tsuruoka.jp/english/> on February 21, 2015

⁴⁷ Accessed <http://www.middleeast.com/zahle.htm> on July 15, 2014

⁴⁸ Kreidi J. (supervision), “Zahle, City of Gastronomy. UNESCO Creative Cities Network”. UNESCO regional office Beirut, Beirut, October 2013. Retrieved from <http://www.unesco.org/new/fileadmin/MULTIMEDIA/FIELD/Beirut/images/Part1.pdf>. on September 11, 2014

works toward promoting environmental protection and sustainable development through eco-friendly local food production and its food waste disposal policy.⁴⁹ The city's food culture has been rooted within its rich historical background, traditional restaurants, food businesses and food markets which have been sustainably developing.⁵⁰

Chengdu, China joined the Creative Cities Network as UNESCO City of Gastronomy on February 10, 2010. It is recognized for being a historical city of gastronomy with culinary heritage that “manifests local culture and demonstrates the preservation and cultivation of gastronomic creativity”.⁵¹ The most outstanding feature of Chengdu gastronomic heritage is the famous Sichuan cuisine which is based on a combination of five traditional elements (tastes: sweet, sour, bitter, spicy and salty).⁵²

Östersund, Sweden (2010) is appreciated for its gastronomic culture which is based on locally produced food following a long-lasting culinary tradition. The Swedish National Centre for Small Scale Artisan Food Processing supports farmers producing local food on small scale and provides the producers with guidance, training support and product development. The culinary tradition in Östersund is tightly linked to nature, environmental protection and sustainable

⁴⁹ Ahn A. “UNESCO honors Jeonju as City of Gastronomy”, retrieved from Korea Times (ONLINE) from May 5, 2012. Retrieved from http://www.koreatimes.co.kr/www/news/nation/2012/05/113_111283.html on September 11, 2014.

⁵⁰ Ahn A. “UNESCO honors Jeonju as City of Gastronomy”, retrieved from Korea Times (ONLINE) from May 5, 2012. Retrieved from http://www.koreatimes.co.kr/www/news/nation/2012/05/113_111283.html on September 11, 2014.

⁵¹ Retrieved from UNESCO (online) archives from http://www.unesco.org/archives/multimedia/index.php?s=films_details&pg=33&id=2142#.VBHvgRbeiSo on September 11, 2014

⁵² Retrieved from UNESCO (online) archives from http://www.unesco.org/archives/multimedia/index.php?s=films_details&pg=33&id=2142#.VBHvgRbeiSo on September 11, 2014

development.⁵³ The city uses gastronomy, culture and tourism as an effective tool for regional development, in return gaining advantages such as marketing of the city and region on global platform, networking to support creative partnership, and boosting cooperation for cultural and economic development.⁵⁴

The Colombian city of Popayán was appointed in 2005 as the first ever UNESCO City of Gastronomy. Collaboration of the Popayán Gastronomy Corporation with the city authorities in advancing the gastronomy industry resulted in city's rich gastronomic offer and impressive gastronomic venues. A great variety of traditional dishes and ingredients from Popayán have rendered the city with unique culinary traditions and resources in the field of gastronomy, allowing the city to organize major gastronomic festivals and events since 2003.⁵⁵ Knowledge about culinary heritage of Popayán has been passed on through oral transmission from generation to generation and certain traditional cooking methods have survived the industrialization of cooking processes. Moreover, the Gastronomy Corporation involved the public sector in its initiatives to raise awareness about the city's valuable potential in the field of gastronomy and it has mobilized the private and civil society sectors in combining resources and know-how on global scale.⁵⁶

⁵³ Hartman D. "UNESCO City of Gastronomy - Östersund, Sweden. Combining gastronomy, culture and tourism as a tool for regional development".

Regional Council of Jämtland. Presentation materials, Bergen, March 26, 2014

⁵⁴ Hartman D. "UNESCO City of Gastronomy - Östersund, Sweden. Combining gastronomy, culture and tourism as a tool for regional development".

Regional Council of Jämtland. Presentation materials, Bergen, March 26, 2014

⁵⁵ UNESCO, creative Cities Network web page: CLT/CEI/CID/2008/PI/76 from December 13, 2007. Retrieved from

<http://www.unesco.org/new/en/culture/themes/creativity/creative-cities-network/gastronomy/popayan/> on September 11, 2014

⁵⁶ UNESCO, creative Cities Network web page: CLT/CEI/CID/2008/PI/76 from December 13, 2007. Retrieved from

<http://www.unesco.org/new/en/culture/themes/creativity/creative-cities-network/gastronomy/popayan/> on September 11, 2014

Each of the eight Cities of Gastronomy currently joined within the Creative Cities Network meet the criteria and particular characteristics that serve as a guide for the future applicant cities interested in joining the network as a City of Gastronomy. The application process is opened for any city in the world, and after having successfully completed the application procedure the highest governing authority of the city is asked to demonstrate their capacity and willingness to contribute to the objectives of the Creative Cities Network. Additionally, the presentation of the city's assets should reflect a value-added contribution to the mission of the Network.⁵⁷ In turn, the protected, sustainably developed and widely promoted gastronomy as a tourist resource becomes a useful tool in boosting development in regions where the cities are located, improving employment of local labor and promoting environmental protection. The cities' food cultures are preserved and promoted as gastronomic heritage which is deeply embedded within the cities' cultural and historical background and social sphere of life. From the economic point of view, in case of the eight aforementioned cities, the gastronomy is the distinguishing and basic factor which plays a crucial role in the development of gastronomic tourism which brings considerable economic benefits to the cities and the regions in which they are located.

The general initiative currently joints sixty nine member cities around the world in seven creative industry fields. It is noticeable that in the field of gastronomy there have been eight cities nominated - majority of them located outside of Europe and only one from within the European Union (Östersund, Sweden). Since the application procedure is started exclusively by the cities' authorities, the EU cities' representatives who would like to join the Creative Cities Network in the field of gastronomy should take more initiative and apply during the Call for Applications dates announced on the official website.

⁵⁷ Retrieved from UNESCO Creative Cities Network web page, from <http://www.unesco.org/new/en/culture/themes/creativity/creative-cities-network/application-faq/> on September 11, 2014

The initiative can be definitely seen as a history of success, having contributed in different parts of the world to the “development of international cooperation among cities and encouraging them to drive joint development partnerships in line with UNESCO’s global priorities of “culture and development” and “sustainable development”.⁵⁸ Thanks to the fact that the Network is facilitating access to various resources for all its member cities in order to promote the development of local creative industries and to foster worldwide cooperation for sustainable urban development, it is possible for the cities joint within the Network to emphasize city’s cultural assets on a global platform, enhance creative local economic and social development, train local cultural actors in business skills (and others), share knowledge and cultivate innovation through the exchange of know-how with other cities in the world. Also, it enables promotion of diverse cultural products in national and international markets and creates many other opportunities for cooperation and partnership with other cities.⁵⁹

⁵⁸ Unesco.org, About Creative Cities, URL: <http://www.unesco.org/new/en/culture/themes/creativity/creative-cities-network/about-creative-cities/> retrieved September 11, 2014

⁵⁹ *Ibidem*

2.2. Examples of Regional Culinary Trails in the EU

Regional and traditional food products are usually characterized by higher quality than the mass produced products. They are often also vehicles of local/regional culinary culture and constitute an important part of culinary heritage of the regions. Therefore, their traditional way of production should be preserved and their authenticity protected for future generations. One of the ways of their protection is certification of regional and traditional products on national level.

For instance, in Poland the certification of regional and traditional products falls under the jurisdiction and management of Ministry of Agriculture and Rural Development. On the international level, considering the European Union, certification of regional and traditional products is managed by the European Commission. Polish Ministry of Agriculture and Rural Development is also responsible for the official registry of products characterized by especially high quality and specific traditional production technology, constituting the cultural heritage of given regions. Polish traditional regional product certificate is given only to the products of which the traditional way of production can be proven back to twenty five years. Currently, there are more than a thousand and one hundred traditional regional products, most of which originate from Podkarpackie region.⁶⁰ Certificate adds the prestige to the products and it is a sign of high quality for the consumers.

Regional products are not only meant to be an attraction for tourists, they are also a chance for development for the local producers and small-scale farms. Currently, small-scale production and traditional production technologies are greatly valued by the consumers, although in Poland it is still a new phenomenon. Also, when asked about countries associated with culinary tourism, only 3%

⁶⁰ Retrieved from Podkarpackie Smaki.pl "Welcome to the Culinary Trail of Podkarpacki Tastes". URL: <http://www.podkarpackiesmaki.pl/pl/kulinaria-podkarpackie/aktualnosci/art816,zapraszamy-na-szlak-kulinary-podkarpackie-smaki.html> on September 11, 2014

of respondents pointed to Poland, with majority indicating Italy, France, Spain and Germany.⁶¹

There are numerous European culinary trails, organized around many different food products such as olive oil or wine – they are not going to be considered within this analysis. In case of wines, the EU Member States define the specific areas of their production and determine the detailed rules and appellations (legally defined and protected geographical indications used to identify where the grapes for wines are grown). Regarding production and specific appellations of wines, the European Commission rather only publishes the relevant information provided by the Member States. “Community regulation divides wines into two major categories: “quality wine produced in specified regions”, also known as “quality wine psr”, and “table wines”. However, it is the responsibility of the Member States to recognize and monitor quality wine psr, which has resulted in different approaches to classifying wines among the different Member States: Germany, Luxembourg, and to a certain extent the United Kingdom and Austria have opted to classify almost all manufactured wines as quality wine psr, whereas the other Member States have a much stricter approach. This classification does not necessarily reflect the quality of the wines, particularly as some table wines, such as those with a geographical indication (*vins de pays, indicazione geografica tipica, Landwein*, etc.) can rival top class wines in terms of price and quality, whereas some quality wines psr face disposal difficulties and are consequently sold at lower prices on the market.”⁶²

⁶¹ Frydrykiewicz F. “Turystyka kulinarna czyli pizza kontra proziaki”, Rzeczpospolita (online), September 23, 2013. Retrieved from <http://www.rp.pl/artykul/1050300.html?print=tak&p=0> on September 11, 2014

⁶² European Commission - Directorate-General for Agriculture and Rural Development Working paper – “Wine. Common Market Organization” February 2006. URL: ec.europa.eu/agriculture/markets/wine/studies/rep_cmo2006_en.pdf retrieved on June 17, 2015

Because of the fact that the main case study for the purpose of this research is a PDO *osypek* cheese from Southern Poland, the following subchapters give an insight into organization of several chosen European culinary trails which are organized around cheeses as the main brand touristic products. All or most of the cheeses included within each of these trails are products with Protected Designation of Origin certificates.

2.2.1. Examples of Organization of Regional Culinary Trails in Poland

Regional culinary trails are also a specific form of culinary tourism and a form of regional marketing toward the future regional development. Visitors are offered degustation of local specialties and visits to the places of production of regional food-related agricultural products, important for the culture of the regions and local communities. Culinary trails are valuable marketing tools which have a potential of bringing economic benefits to the region and to the Polish economy in general. In Poland there are more and more food trails managed by the authorities of Polish regions (voivodships), cities, and which were first created as local initiatives.

For instance, in Podkarpackie voivodship a new and quite unique culinary trail called “Tastes from Podkarpacki Region” was created. It is organized for food consumers and tourists interested in food heritage of the region. Visitors are given the opportunity to taste the traditional regional dishes in gastronomic places (restaurants, local *karczma*, and agritouristic farms certified for the quality and authenticity of food and ingredients). They also take part in special culinary events of the region, and are presented with opportunities to learn how to prepare the traditional dishes and taught the history and importance of this culinary heritage.

Another example can be a food-related monument trail in Southern Poland, consisting of old shepherd huts, in many of which sheep/cow milk cheeses are still produced during the summer seasons.

These, mostly wooden, traditionally built shepherd huts are inscribed on the national registry of monuments and, in this way, many of them are preserved from negligence and saved for the future generations.

In Poland, in accordance with the Act of 23 July 2003 on the Protection and Conservation of Monuments, “a monument” is a real estate or a movable object, their part or assemblies, which are man-made or are connected with man’s activities and which constitute a testimony of the past or an event, and which preservation is in the public interest because of the possessed historical, artistic or scientific value (Article 3, p. 1).⁶³

In accordance with article 6, p. 1, point. 1, subjects to the protection and care are, regardless of the state of preservation, historical monuments and in particular:

- “cultural landscapes,
- urban and rural conformations,
- departments of architecture and construction,
- departments of defense constructions,
- technical constructions, especially mines, steel mills, power plants and other industrial plants,
- cemeteries,
- parks, gardens and other forms of designed green areas,
- places to commemorate historical events or activities of prominent personalities or institutions”⁶⁴

Geographical, historical or traditional names of a buildings, squares, streets or settlement units are also to be protected under Article 6, paragraph 2 of the Act. The registration of monuments is executed on the basis of a decision by the Regional Conservator of Monuments on the voivodship level, or on the request of the owner of

⁶³ Text of the Act on Protection and Conservation of Monuments from July 23, 2003 was retrieved from <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20031621568> on September 11, 2014

⁶⁴ *Ibidem*

the monument property or current legal user of the land on which the monument is located. The registry may also include the surroundings of the monument, its geographic, historical or traditional name according to Articles 8 and 9, paragraphs 1 and 2).⁶⁵

List of registered protected old shepherd huts in Southern Poland constituting a part of Shepherds' Heritage Trail in Lesser Poland voivodship found on the national registry of protected monuments is as follows:

- In Limanowski county:
 - Polana⁶⁶ Podmostownica - bacówka, stone, reg. No.: 328 from 27.12.1982,
- In Tatrzański county:
 - Polana Pańszczyca - bacówka, wood, reg. No.: 260/78 from 11.07.1978;
 - Polana Rusinowa – bacówka (szałas) No. 9, reg. No. 369/78 from 10.07.1978
 - Polana Szałasńska - Hala Kopy Sołtysie - szałas No. 3 - bacówka, reg. No.: 278/78 from 11.07.1978;
- In Kościelisko:
 - Polana Długa - bacówka, reg. No.: 267/78 from 27.07.1978
 - Polana Huty Lejowe - bacówka, reg. No.: 266/78 from 1.07.1978;
 - Polana Iwanówka – hut (szałas) No 2 - bacówka, XX century, reg. No.: 258/78 from 29.06.1978
 - Polana Jamy - bacówka, reg. No.: 268/78 from 10.07.1978
 - Polana Jaworzyna Lejowa - bacówka, reg. No.: 261/78 from 1.07.1978

⁶⁵ The Act on Protection and Conservation of Monuments from July 23, 2003 was retrieved from <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20031621568> on September 11, 2014

⁶⁶ Poland (Polish: meadow)

- Polana Rówień Za Wodą - bacówka, reg. No.: 259/78 from 29.06.1978
- Polana Stoły - bacówka, reg. No.: 201 from 11.11.1970 and 219 from 15.06.1977
- Polana Upłaz – shepherd hut (szalas) No 1, wood, after 1925, reg. No.: 276/78 from 24.07.1978
- Polana Wyżna - Rówień Dudowa - bacówka, reg. No.: 277/78 from 24.07.1978

- In Zakopane:

- Polana Kondratowa - bacówka, reg. No.: 263/78 from 11.07.1978
- Polana Królowa Niżna - bacówka, reg. No.: 262/78 from 11.08.1978

- Already inexistent shepherd hut:

- Polana Jaworzynka Kamienicka – bacówka, wood, 1903, reg. No.: A-327 from 18.12.1982

As stated before, some of these buildings are still used by shepherds for cheese-making, whereas the others are simply monuments under protection of law. There is, however, another cultural trail in Poland directly connected with the cultural transhumance shepherding and traditional cheese-making. Within this trail, shepherd huts are still used every year between April (sometimes even in May) up until the first snow-fall by the Highlanders in order to produce various certified cheeses and other products, made of wool or leather. Therefore, this Oscypek Trail is more seen as a culinary trail connected with the intangible traditions of Highlanders, such as cheese-making (*oscypek*, *bryndza*, *bundz*, *redykołka*, *żentyca* etc.), and manufacturing of traditional products connected with sheep/cow grazing and growing (producing leather products, traditional highlander clothing, pelts, furs, and wooden products).

It is noticeable that on the list of registered protected old shepherd huts in Southern Poland given above there are no shepherd huts from the region of Nowy Targ which is a town in Southern Poland with around 34,000 inhabitants (2006) and holds one of the biggest

markets in the Southern Poland, internationally famous for the locally and regionally manufactured goods, such as foods and woolen, leather and wooden products.⁶⁷ It is surprising considering that it is a historical capital of the Podhale region, next to Zakopane, and that on its territory many new shepherd huts are located (where the *oscypek cheese* is produced every year). This is also because these shepherd huts are a part of a separate culinary trail – *Oscypek* Heritage Trail which includes producers from several villages and smaller towns in Podtatrze region.

The history of Tatra transhumance shepherding has been connected with Eastern Carpathians. That is the place from where the Wallachian tribes came from Transylvania all the way to Podhale at the turn of the 14th century. Their folk customs dominated the culture of local inhabitants, who adopted the shepherding system of the Wallachian tribes. Transhumance is the seasonal movement of people with their livestock between fixed summer and winter pastures. In vertical transhumance (in mountain regions), it implies movement between higher pastures in summer and lower valleys in winter. Herders actually have a permanent home which is usually based in valleys. Generally only the sheep-herds travel, with a certain number of shepherds, their helpers and shepherd dogs who are necessary to tend them, while the main part of the community stays at the base of the mountains. In contrast, horizontal transhumance is more susceptible to being disrupted by climatic, economic or political change.⁶⁸

Sheep growing and grazing is a cultural pride of Polish Highlanders. Local *baca*, the senior shepherds in Southern Poland, spend summers in their huts build on mountain pastures. Most of them belong to regional associations and organizations – for instance, traditional cheesemakers from Nowy Targ are associated within a

⁶⁷ Platforma Usług Stanu Cywlinego, accessed <http://www.usc.pl/profesjonalisci/index.php?strona=urzedy&id=9> on July 15, 2014

⁶⁸ Blench R., "You can't go home again – Pastoralism in the new millennium". Overseas Development Institute, London: 2001, p. 12.

regional Association of Sheep and Goat Growers. Together with Podhalański Association and the authorities of tatrzański, nowotarski, and żywiecki counties, they have been trying for years to complete the procedure gaining the PDO certificate for their traditional products, especially for *oscypek* cheese (but also for *bryndza*, *bundz*, *redykołka* and *żentyca*). When *oscypek* cheese became a PDO certified product, the Highlanders and the counties authorities took another step into a better marketing and promotion of their region, traditions and traditional foods production: they followed the example of other EU countries, such as France, Spain, or Italy, and developed *Oscypek Trail* (Polish: *Szlak Oscypkowy*). Such a form of promotion of the region connects the typical sightseeing of cultural sites with visiting places where traditional certified foods are made with a degustation of food, which forms the new kind of culinary tourism.

Oscypek Trail (called also *Bacówka Trail*, from the name of the huts where the *oscypek* is produced) consists of thirty four shepherd huts in tatrzański and nowotarski counties, which had the best control results from the authorities within the last three years. They are the shepherd huts located in: Kuźnice, Kalatówki, Pod Regłami, Dolina Kościeliska (Kościeliska Valley), Bustryk, Baligówka, Turbacz, Czorsztyn, Jaworki, Nowy Targ, Dursztyn, Kowaniec, Leśnica, Łapsze Wyżne - Nowiny, Gliczarów Górny, Biały Dunajec, Lubelki, Łapsze Wyżne, Łapsze Niżne, Zorymbek Wyżny, Łapsze Niżne-Głębokie, Brzegi, Murzasichle, Rusinowa Polana, Wierchomla, Ratułów, Zubrzyca Górna, Konin and Białka Środkowa.⁶⁹ The Trail is co-managed by the Association of Sheep and Goat Growers, Podhalańska Association, and Tatrzańska Agency of Development, Promotion and Culture.

In Nowy Targ there are eight shepherd huts located near the city (however sheep and cows are grazed usually outside of the city). All of the Highlanders gathered within the *Oscypek Trail* have gained EU quality certificates for their products (PDO, PGI), and many of them

⁶⁹ Accessed <http://www.slonecznetatry.pl/atracje/szlak-oscypkowy-210.htm> on July 15, 2014

produce cheeses exclusively out of sheep milk, without any addition of cow milk. Below, there are two promotional posters of the *Oscypek* or *Bacówka* Trail from Nowy Targ, retrieved from the city's official webpage.⁷⁰ The posters can be also found on many information boards in touristic places, as well as on the side of main roads on the route Kraków-Nowy Targ-Zakopane.



Figure 3: Poster of the Oscypek Heritage Trail.
Source: Nowytarg.pl

⁷⁰ Accessed <http://www.nowytarg.pl/dane.php?cid=813> on July 15, 2014

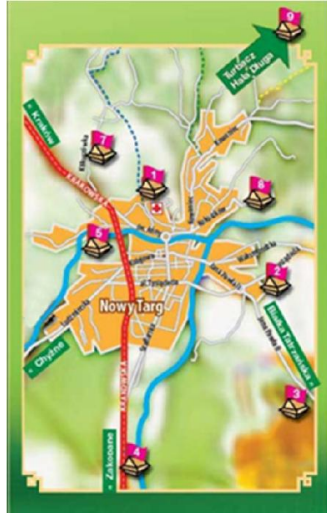


Figure 4: Map of the *Oscypek* Heritage Trail around Nowy Targ.
Source: Slonecznetatry.pl

2.2.2. Specification of the *Oscypek* Heritage Trail in Southern Poland

Necessary information for the purpose of the following subchapter was retrieved from the webpage of the Tatra Agency for Development, Promotion and Culture (TARPIK). Missing and additional information was obtained directly from the *Oscypek* Heritage Trail Coordinator, Edward Styrzula – Maśniak, Senior Assistant for Regional Culture.

Trail Name	Szlak Oscypkowy (Pl) – <i>Oscypek</i> Heritage Trail		
Web page	Information available on web page of Tatra Agency for Development, Promotion and Culture (TARPIK): www.tatry.pl		
Trail Coordinator	Edward Styrzula-Maśniak - Senior Assistant for Regional Culture		
Coordinator's Contact Information	Address: TARPIK Tetmajera 24 34-500 Zakopane	Phone number: +48 18 20 613 20 (111)	E-mail: produkt@tatry.pl
The Main Idea at the Basis of Trail Foundation	Presentation, promotion and preservation of the cultural heritage of Tatra Region (Podtatrze) – transhumance shepherding of sheep on Tatra meadows and alps connected with the traditional work of <i>baca</i> . Presentation and preservation of the <i>oscypek</i> cheese made in shepherd huts, which became the most famous and recognizable Polish traditional product registered under quality schemes of the EU.		
Trail description	In 2006 at the initiative of Andrzej Gąsienica-Makowski (Starosta of Tatrzański Region) the cultural <i>Oscypek</i> Trail was created. The project was realized from the Lesser Poland Marshal Funds. The aim of the Trail is to present the cultural heritage of Polish Highlanders, of which the most precious		

expression is the seasonal transhumance shepherding in high Tatra Mountains, on the meadows and alps of Gubalowka, Gorce, Babia Gora, Pieniny and Beskidy.

Every year starting from May until the end of September (until the day of St. Michael, traditionally), senior shepherds tend to the sheep together with *juhasy*. They produce traditional regional cheeses, such as: *bundz*, *bryndza podhalanska* (registered as the first Polish PDO product), *oscypek* (registered as the second PDO product), *redykołka* (PDO), and *żentycza* (whey drink). The *Oscypek* Heritage Trail gathers senior shepherds who gained at least one EC certificate for their products.

It is possible for tourists (hikers) to visit the shepherds in their huts where the transhumance shepherding is still practiced, for instance: Rusinowa Polana, Kalatówki, Polana Kuźnicka, Dolina Kościeliska, Lejowa, Chochołowska (sheep grazing under the patronage and supervision of Tatra National Park) and in the valleys: Dolina ku Dziurze, Siwa Polana, Gubałówka and in Bustryk. The visitors can enjoy Spisz region from the shepherd huts located in Lapsze Nizne and Wyzne, across Gorce and visit the working *baca* in Turbacz and Kowaniec. While in Pieniny, the Trail visitors can see huts in Jaworki, Dursztyn and Czorsztyn. Oravian *szalasy* are located in Jablonka and Zubrzyca Gorna, and in Zawoja on the slopes of Babia Gora. Shepherd huts in Beskidy are located in Hala Konina and Wierchomla. Other huts with *baca* tending to their herds are to be found in Biały Dunajec, Białka Tatrzańska, Gliczarów Góry, Lesnica, and Witów.

	<p>Cultural and culinary <i>Oscypek</i> Heritage Trail is definitely the most beautiful and diverse trail in Lesser Poland, or even in Poland, because it allows the visitors and tourists to wander through variety of villages, towns, mountain peaks and alps, and to become acquainted with traditions of six Highlander groups. While visiting the Trail visitors are encouraged to taste the diverse products made by senior shepherds. Even though <i>oscypek</i> cheese and other products are made according to the specification, according to many, products taste different at each and every location. It all depends on the grass, herbs and “the hand of the shepherd” that made it. In 2013 the Trail was accompanied by launching a Smartphone application for ten senior shepherds.</p>
Trail’s Distinctive Features	<p>Shepherd huts within the <i>Oscypek</i> Heritage Trail are located on alps and meadows of Podhale, Spisz, in Tatras and Gubalowski Chain, in Orava and on the hills of Babia Mountain (Babia Gora).</p>
Kind of Cuisine Promoted by the Trail	Regional x
	Polish
	International
	Traditional x
	Connected with a Particular Product
	Other
Date of Trail Foundation	Around 2006
Initiative	Andrzej Gąsienica-Makowski (Starosta of Tatrzański Region)

Trail Management and Promotion				
Management Model	External X ⁷¹	Internal	Other	
Decision-making Person	Director of TARPIK			
Annual budget	NONE			
Who is disposing the budget	N/A			
Marketing Actions	Web page	Social Portals	Fairs	Published Materials X - leaflet
Is the Trail Managed According to a Marketing Strategy?	N/A			
	If YES, who is in charge of strategy development?	If NOT, who decides about the promotional or development actions?		

⁷¹ Coordinated by the institution which is not a part of the Trail.

Trail Members/Participants	
Number of Participants	34
Who are the Trail Participants?	
Restaurants and other eateries	
Producers	34 – senior shepherds (baca)
Touristic attractions	
Others	
Is Participation in the Trail Formalized?	Yes, baca need to have the PDO certificate
If YES, on the basis of what document?	Declaration
Is the participation in the Trail paid?	No
Form of service quality assessment	EU certificate
If YES, who sets the norms?	Specification in certificate
Are the norms formal?	Yes, according to the application to the EC
If YES, what document is the basis for certification?	Certificate is given by WIJHARS in Krakow
Trail Accessibility – extent of commercialization	
Does the Trail have a touristic offer ready for the clients to purchase?	No
Is the Trail Seasonal?	Yes
Where can be the Offer Purchased?	
Office Agency	
Local Organization	
Other	
Internet sale	
Other sale type	Shepherds sell their products directly in shepherd huts
Is it available on pre-order only?	
Is it available for	

groups?	
Is it available for individual tourists?	
How can it be purchased?	Directly from the producers within the Trail
What is the sale?	
What is being done in order to commercialize the Trail?	

2.2.3. Chosen Examples of Cheese-related Culinary Trails in the EU

Examples may include many trails, such as the *Scottish Cheese Trail* which spreads throughout the entire country. Many of the Scottish cheeses are handmade in picturesque rural locations attractive for tourists. Scottish Cheese Trail makes it possible for visitors to have a tour of local delicacies all year round with many award-winning soft and hard cheeses from cow, ewe and goat milk available. Many of the cheesemakers welcome visitors for behind-the-scenes tours to see how their delicacies are being produced.⁷² The cheese trail is constituted by dairies, creameries, shops, restaurants, eateries, family run estates and other companies – currently in a number of twenty-five different enterprises. Important information including contact and sightseeing details can be easily found online on a webpage devoted to the broader Scottish food culture.⁷³

An example of another interesting cheese trail within the EU can be the *KäseStrasse Schleswig-Holstein* in Germany. It is a holiday route which spreads over 500 km throughout the northern part of the country and links cheese-producing businesses in the state of Schleswig-Holstein. It runs from Lauenburg through Lübeck, Kiel and Flensburg and then from the island of Föhr along the North Sea coast and the Elbe river to Hamburg before returning to Lauenburg.⁷⁴ The route was established and first presented to the public in July 1999, and in early 2000 the Schleswig-Holstein Cheese Route Society (*Verein Käsestraße Schleswig-Holstein*) was founded. Naturally, the most important goals of the route organizers are the promotion of local

⁷² Visit Scotland, Scottish Cheese Trail, URL:

<http://www.visitscotland.com/see-do/itineraries/food-drink/scottish-cheese-trail> retrieved on June 18, 2015

⁷³ Scottish Food Guide – Scottish Cheese Trail, URL:

<http://www.scottishfooguide.com/scottishcheesetrail/> retrieved on June 18, 2015

⁷⁴ Germany Travel – Schleswig-Holstein Cheese Route, URL:

<http://www.germany.travel/en/leisure-and-recreation/scenic-routes/schleswig-holstein-cheese-route.html> retrieved on June 19, 2015

cheeses, sharing the regional cheese-making culture and linking the cheese-producing enterprises with the region, local communities and consumers. More than one-hundred sorts of cheese are made by thirty dairies united within the trail. The well-developed webpage of the trail contains all information useful for the prospective trail visitors: from information about the cheese-making methodologies, different varieties of cheese available within the trail, and data on the cheese trail itself, to the information on the partners taking part in the project and cheese-dishes recipes.⁷⁵

Other examples of cheese-related culinary trails in the EU chosen for the purpose of this thesis include:

The Road of Cheese and Flavors of the Belluno Dolomites, Italy

The organization of this cheese route is supposed to optimize cheese-making and dairy production in the Belluno area and to emphasize links between the local area and what it produces, by establishing multilevel cooperation in the food and restaurant sector. Partners involved in the project recognize a need to place new added value to local cheese and dairy products, by emphasizing the close connections between the products, the local area and the consumers. The most important relationship occurs between producers and restaurateurs, so they can help the consumer appreciate the unique local food products - by serving them on their own or as ingredients of a wider traditional local country cuisine.⁷⁶

The trail presents the public with a detailed selection of cheeses from the Belluno Dolomites, emphasizing their unique characteristics and qualities. This way the consumer may choose a high quality local

⁷⁵ Kaesestrasse, URL: <http://www.kaesestrasse-sh.de/> retrieved on June 19, 2015

⁷⁶ Strada dei Formaggi e dei Saporì delle Dolomiti Bellunesi, URL: <http://www.formaggisaporidolomiti.it/EN/> retrieved on June 19, 2015

product, deeply rooted in the culinary tradition of the province. The easily available online booklet gives a comprehensive overview of cheese and other dairy products of the Belluno Dolomites. Information covers all categories of dairy produce: the traditional cheeses recognized under the Ministerial Decree no. 350/99; other typical dairy products; the organic cheeses of the Cansiglio area and the Slow Food presidia. For each product there is a chart designed and listing the exact area where it is produced, the traditional methodology used to make it, and the unique characteristic of the produce, such as sent and aroma.

The cheeses and other dairy products include:

Traditional cheeses:

- “Bastardo del Grappa (Semi-cooked cheese),
- Busche (Semi-cooked, soft, semi-mature cheese),
- Casel Bellunese (Semi-cooked, semi-hard cheese),
- Cesio (Semi-cooked, semi-hard, semi-mature cheese),
- Contrin (Semi-cooked, semi-soft cheese),
- Dolomiti (Semi-cooked, soft, semi-mature cheese),
- Fodom (Semi-cooked, semi-soft cheese),
- Latteria di Sappada (Semi-cooked, semi-hard, semi-mature cheese),
- Malga Bellunese (Semi-cooked, semi-hard cheese),
- Montasio Dop (Cooked, semi-hard cheese),
- Morlacco del Grappa (Soft, raw cheese),
- Nevegal (Semi-cooked, soft, semi-mature cheese),
- Piave Dop (Cooked, hard cheese),
- Renaz (Semi-cooked, semi-hard cheese),
- Schiz (Semi-cooked, semi-soft cheese),
- Tosella (Fresh, soft cheese),
- Zigher (Raw, soft cheese),
- Zumelle (Semi-cooked, semi-hard cheese).⁷⁷

⁷⁷ Strada dei Formaggi e dei Sapori delle Dolomiti Bellunesi, URL: <http://www.formaggisaporidolomiti.it/EN/> retrieved on June 19, 2015

Cheeses of other typical products:

- "Caciotta (Semi-cooked, semi-soft cheese),
- Caciotta cipollina (Semi-cooked, semi-soft cheese),
- Camolino (Semi-cooked, soft cheese),
- Cherz (Semi-cooked, semi-soft cheese),
- Civetta (Semi-cooked, semi-fat cheese),
- Comelico (Semi-hard cheese),
- Focobon (Semi-cooked, semi-fat cheese),
- Gresal (Semi-cooked, soft cheese),
- Mountain dairy raw milk butter,
- Ricotta,
- Spres (Semi-cooked, semi-fat cheese)."⁷⁸

Organic cheeses:

- "Casera del Cansiglio (Semi-cooked, soft cheese),
- Organic Cansiglio (Semi-cooked, hard cheese),
- Organic Latteria Alpago (Semi-cooked, soft cheese),
- Organic Pannarello (Semi-fat, soft cheese)."⁷⁹

And a cheese of the Slow Food presidium:

- Agordino di malga (Semi-cooked, semi-hard cheese).⁸⁰

The cheese trail unites enterprises such as: dairies, alpine summer houses, restaurateurs and hoteliers, farmhouses and farmhouse restaurants, alpine huts, bed & breakfast, camping places and other touristic businesses, agricultural producers, refiners and traders, places offering artistic craft and others. There are several possible itineraries to take during the trail visit and they encompass different towns and locations in the Belluno Dolomites province: Alpago, Arabba, Marmolada, Cadore, Auronzo, Misurina, Civetta -

⁷⁸ Strada dei Formaggi e dei Sapori delle Dolomiti Bellunesi, URL: <http://www.formaggisaporidolomiti.it/EN/> retrieved on June 19, 2015

⁷⁹ *Ibidem*

⁸⁰ *Ibidem*

Agordino Basin - Val di Zoldo, Comelico, Sappada, Cortina – Valboite, Feltrino, Valbelluna - left bank of the Piave, Valbelluna - Right bank of the Piave, Valbiois.⁸¹

Cheese Trail of Bregenzerwald Region, Austria

The trail is organized by the valley community which created a gourmet region with specialities whose origins are protected and where refined gastronomy is available for the visitors in numerous gastronomic places. The term “gourmet region” has a specific meaning here: it is a registered brand by the Austrian Ministry for Food and the AMA (Agrarmarkt Austria) to remind consumers of regional specialities. The basic prerequisites are that the ingredients come from the region, that production is regional, and that the products are firmly rooted in regional gastronomy.⁸²

In the Bregenzerwald, approximately 3,000 tons of alpine cheese is produced in the valley’s 17 dairies and around 200 tons of alpine cheeses are handmade every summer. The uniqueness of this cheese is constituted by the silo free milk it is produced from. This way of milk production is cultivated by only 2% of EU dairy farmers whose cows never consume silo feed. Instead, in the summer cows only eat grass and herbs and during winter they feed only on the air-dried hay from valley meadows. In the, so-called, three-stage farming method⁸³, following their winter in the barn, the animals graze on the mountain pastures located at medium height (around 900 m) during spring and autumn, and on the high mountain pasture during the summer. The

⁸¹ *Ibidem*

⁸² Bregenzerwald Culinary Delights, URL: <http://www.bregenzerwald.at/s/en/bregenzerwald-culinary-delights-region> retrieved on June 18, 2015

⁸³ The three-stage farming method (inscribed in the Austrian national UNESCO List of Intangible Cultural Heritage in the spring of 2011) in particular gives the alpine cheese the special flavor.

mountain pastures are run as a collective, since the farmers only have an average of 12 cows in the barn.⁸⁴

Currently the trail consist of numerous dairy farms and first-class restaurants located in the Bregenzerwald – which now use over 50 regional types of regional cheese. In order to establish the trail and gastronomic places with a rich regional food offer, many improvements were required. They were started already a decade ago and were concerned around granting quality rather than quantity of products. These changes included the following actions:

- the 1997 EU Protection of Origin of alpine and mountain cheeses,
- the establishment of the “KäseStrasse Bregenzerwald” in 1998 as a network of farmers, alpine dairies, craftsmen, publicans and businesses,
- the “Gourmet region of the Bregenzerwald” in 2005,
- the Vorarlberg quality marketing “luag druf” in 2005,
- the inclusion of Bregenzerwald mountain cheese into the “Ark of taste” by Slow Food 2008,
- establishment of the “Bregenzerwald Gourmet Days” by the KäseStrasse in July 2009.⁸⁵

A noticeable initiative within the trail is the Naturhautnah Project (Nature Hands On) which allows visitors to experience up close the world of the farm. This family-run enterprise allows visitors to enjoy food treats from their farm and the region, including fruit whey drinks which can be tasted following a guided tour. According to its organizers of the project: “Naturhautnah has created a place for energy-efficient and sustainable farming, where visitors can experience all agricultural processes up close and in person. Visitors can grasp,

⁸⁴ Bregenzerwald Culinary Delights, URL: <http://www.bregenzerwald.at/s/en/bregenzerwald-culinary-delights-region> retrieved on June 18, 2015

⁸⁵ *Ibidem*

literally and figuratively, life at the farm and everything that it involves or creates; an experience that inspires an appetite for nature”.⁸⁶

KäseStrasse Bregenzerwald is a union of experts from various disciplines. It includes farmers, alpine dairymen and cheese-makers, cheese restaurants and inns, museums and railways, tourist organizations and other partners from industry. It unites one hundred sixty partners dedicated to the cultivation and the maintenance of culinary delights and regional culture. Places on KäseStrasse include: the modern cheese cellar in Lingenau, where several thousand blocks of cheese are left to mature; the Käsehaus in Andelsbuch, selling the entire range of cheeses and delicacies from Bregenzerwald, the alpine dairy school in Egg where one can make their own cream cheese during a course. Another initiative is the Bregenzwalder KäseHerbst during which visitors can experience the culinary and cultural highlights of autumn in the region.⁸⁷

⁸⁶ Bregenzerwald – Dairy Farming Up Close, URL: <http://www.bregenzerwald.at/s/en/culture-/food/culinary/dairy-farming-up-close> retrieved on June 18, 2015

⁸⁷ Bregenzwald Kaesestrasse, URL: <http://www.bregenzerwald.at/s/en/kaesestrasse-bregenzerwald> retrieved on June 18, 2015

Auvergne Cheese Trail in France

There are probably more than five hundred cheeses made from cow, ewe and goat milk in France. Each and every region has its characteristic cheeses which are paired with the best type of local wine and together shape a part of French gastronomic heritage. It is no wonder that cheese trails in France are used as sources for gaining economic income originating from gastronomic tourism. Indeed, perhaps the best way to experience the cheese and wine culture of France, as well as taste this unique and culinary heritage is to take one of the famous French Cheese Trails.

Auvergne is located in central France and it has the highest number of produced cheeses in the scale of entire country. On average, there are around fifty thousand tons of cheese produced here, which estimated to around 25% of country's production⁸⁸, therefore Auvergne is the region producing the largest number of PDO labelled cheeses guaranteeing their character and high quality. Only thirty eight cheeses among the hundreds to be found in the French regions are covered by this status, and five of them are from the Auvergne region.⁸⁹ Cheeses remain one of the key features of the Auvergne's culture and traditions being an important cultural heritage of the practicing communities.

Cantal (PDO) is a subtle cheese with a complicated combination of flavors. For over two thousand years men and women of the Green Land have processed milk into cheese using a special method: the coagulated milk curds are pressed before being churned, salted and, finally molded and pressed again. The cheese is then ripened in cellars where it is brushed and turned regularly. The rind gradually takes on its rich golden color.⁹⁰ The cheese gets its name from the highest peak of its production area which is Plomb du Cantal. In 2006, 17 dairies and

⁸⁸ Retrieved from <http://www.fromages-aop-auvergne.com> on July 19, 2014

⁸⁹ *Ibidem*

⁹⁰ Retrieved from <http://www.fromages-aop-auvergne.com/Cantal-PDO> on July 20, 2014

90 farms produced 19,000 tons of *Cantal* cheese.⁹¹ They were ripened in twenty-two cellars or tunnels, and around three thousand dairy farms produced the milk necessary for the processing. To make one big wheel of *Cantal* one needs four hundred liters of milk and a minimum of thirty-three hours of processing time.⁹² According to its age, the cheese is called: *Cantal jeune* (mild), ripened from 30 to 60 days; *Cantal entre-Deux* (medium), ripened from 90 to 210 days; *Cantal vieux* (mature), ripened more than 240 days.⁹³

Saint-Nectaire (PDO) is a farm cheese, mainly made by women up to today. It was referred to as rye cheese up to the 17th century because it was ripened on straw. It is one of the most famous and main PDO cheeses of France, mainly because of the quantity produced (6,300 tons) and the number of the producers (over 250).⁹⁴ It has been produced by 5 dairies since 1964 (8,000 tons) with milk produced by 700 farmers. Around twenty ripeners complete the production cycle. The production area is restricted to 70 towns located in the volcanic region of the Monts Dore.⁹⁵ Cows exclusively graze on meadow grass from the area. One big wheel of *Saint-Nectaire* cheese is made of 13 to 14 liters of raw milk which is immediately processed after each milking.⁹⁶ Four to eight weeks are necessary to ripen the cheese and in meanwhile it is regularly washed with salt water. There are two varieties of *Saint-Nectaire*: *fermier* (farm), green oval label; and *laitier* (dairy), green square label.⁹⁷

The processing of *Fourme d'Ambert* (PDO) has been documented over a long period of time. As early as the 9th century, the cheese was used as currency to pay for the use of summer pastures in

⁹¹ *Ibidem*

⁹² *Ibidem*

⁹³ *Ibidem*

⁹⁴ Retrieved from <http://www.fromages-aop-auvergne.com/Saint-Nectaire-PDO> on July 20, 2014

⁹⁵ *Ibidem*

⁹⁶ *Ibidem*

⁹⁷ *Ibidem*

the Forez region and its principal market rapidly became the little town of Ambert, whose current town hall is shaped, like cheese, in a circle. The production area of *Fourme d'Ambert* is located in high mountains on both sides of the Dore River valley. Twenty liters of milk and a minimum of four weeks of ripening time are needed in order to process one big wheel of *Fourme d'Ambert* cheese.⁹⁸

Bleu d'Auvergne is a blue cheese, which in the Auvergne region enjoys the best conditions for ripening. According to an old tradition the processing of blue cheese in the region was facilitated by the presence of natural caves which are ideal places for ripening. However, the current specific quality of the cheese was mastered in the 19th century by Antoine Roussel.⁹⁹ He added mold from crushed rye bread and made holes in the cheese. It was then placed at the entrance of the caves so that air could reach the heart of the wheel. The production is located in the heart of the Massif Central. Six dairies and only one farm produce over six thousand tons of *Bleu d'Auvergne* each year.¹⁰⁰ To make one wheel of *Bleu d'Auvergne* twenty to twenty five liters of milk are needed, as well as *penicillium glaucum* or *roqueforti* to form the blue veins. *Bleu d'Auvergne* is a luscious cheese. It is referred to as lactic because of its lactic acids.¹⁰¹

The PDO label was awarded to the *Salers* cheese in 1961¹⁰² and it recognizes the unique character of this product. It is farm produced, made from raw milk, and only manufactured in the summer when the cows graze in their summer pastures from the 15th of April to 15th of November. Only eighty producers practice this ancestral tradition,

⁹⁸ Retrieved from <http://www.fromages-aop-auvergne.com/Fourme-d-Ambert-PDO> on July 20, 2014

⁹⁹ *Ibidem*

¹⁰⁰ *Ibidem*

¹⁰¹ Retrieved from <http://www.fromages-aop-auvergne.com/Bleu-d-Auvergne-PDO> on July 20, 2014

¹⁰² Retrieved from <http://www.fromages-aop-auvergne.com/Salers-PDO> on July 20, 2014

which implies a simple and rustic lifestyle on the slopes of volcanoes.¹⁰³ They must use a wooden recipient, called a “gerle”, to process the milk. It is necessary to develop the unique flavors of the *Salers* cheese. Cheese making takes place twice a day and in order to make a big wheel of *Salers* cheese one needs around four hundred liters of cow milk.¹⁰⁴

The Auvergne Cheeses Trail is managed by the Auvergne region authorities. It has a well-developed and clear web page containing information both on the Cheese Trail and about the PDO cheeses from the region. There are also available maps of the Cheese Trail to download which include all the necessary travel information and directions from one stop to another, as well as detailed information about the gourmet stops that can be visited on the way. It is an open route which means that it is individually created by each and every visitor by following different signs marked “Route des Fromages” to visit the farmers in their farms or dairies, or places where cheeses are ripened. There, the visitors can find all the useful and important information concerning the production chain, from milking through to tasting. It includes the most general information, such as the following:

“At every single stop of the Auvergne PDO Cheese Trail, a quality charter is respected and all the stops are thoroughly controlled each year. The Cheese Road means:

- A warm and practical welcome (easy access, parking spaces, regular timetables),
- Thorough information on the 5 Auvergne PDO cheeses (*Bleu d’Auvergne*, *Cantal*, *Fourme d’Ambert*, *Saint-Nectaire et Salers*),
- Visits of the production premises (cows milking, discovery of cheese production and ripening, explanatory filmed documentaries),

¹⁰³ Retrieved from <http://www.fromages-aop-auvergne.com/Salers-PDO> on July 20, 2014

¹⁰⁴ Retrieved from <http://www.fromages-aop-auvergne.com/Salers-PDO> on July 20, 2014

- Local products of impeccable quality (tasting and sales on the premises: *Bleu d'Auvergne, Cantal, Fourme d'Ambert, Saint-Nectaire and Salers*)".¹⁰⁵

There are 40 well-marked and described stops with information points, cheese farms, cheese museums (in Égliseneuve-d'Entraigues and Fourme d'Ambert¹⁰⁶), as well as specialized cheese shops offering degustation, and places where the Auvergne cheeses are matured. And thus, each of the stops is described according to the following exemplary scheme:

Name of the stop:	Laiterie Antoine Garmy
Location:	3 km from Pont-de-Dore
Contact person:	Mr Alain GARMY
Activities:	Visits, tasting, and documentaries in French on cheese making - Free visit from July 1st to August 31st on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays from 2:30 to 6 pm.
Accessibility:	For groups, same timetable all year round but by appointment only.
Offer:	Sale of the 5 PDO cheeses and 50 homemade specialties all year round, every day from 8:30 to 12:30 am and from 2:30 to 7 pm (except on Sundays).
Languages:	English, Italian and Spanish spoken.
Contact details:	Phone number: +33 473 53 61 05
	Email: laiteriegarmy@cs3i.fr
	Website: www.laiterie-garmy.com ¹⁰⁷

¹⁰⁵ Auvergne PDO Cheeses. URL: <http://www.fromages-aop-auvergne.com/-Stops-> retrieved on July 20, 2014

¹⁰⁶ Fourme-Ambert. Retrieved from www.fourme-ambert.com on July 20, 2014

¹⁰⁷ Auvergne PDO Cheeses. URL: <http://www.fromages-aop-auvergne.com/-Laiterie-Antoine-Garmy,146-> retrieved on July 20, 2014

The contribution of the Auvergne Cheese Trail to the rural and economic development of the Auvergne region is enormous. Rural regions tend to be characterized by low-density population and the traditional production of Auvergne cheeses is one of the essential conditions for maintaining the agricultural and rural population. Production, protection and sustainable development of cheese-making tradition is also ensuring the existence of farmers and their descendants, the links between the agricultural and rural development are therefore high.¹⁰⁸ The presence of the Auvergne Cheese Trail makes the links between agriculture and culinary tourism much stronger than in case of regions where recognizable cheeses are produced (i.e. Roquefort) but where there is no cheese trail initiative. The Auvergne Cheese Trail has also impact on the rest of the territory and, as a form of coordination between agriculture and tourism in the region, it enhances territorial resources. Summarizing, the economic contribution of the Auvergne Cheese Trail to the local and regional economy and development of tourism in the region is very significant.

¹⁰⁸ Frayssignes J. "System IV: Roquefort Cheese (France)" [in] Barham E., Sylvander B. (ed.), "Labels of Origin for Food: Local Development, Global Recognition", 1st Editions, CABI 2011, p. 182

2.3. Intangible Cultural Heritage Framework for Food Heritage

In most general terms, intangible culinary traditions belong to intangible cultural heritage and they are transmitted from one generation to another generation. A particular (and necessary) feature of such heritage is that it is continuously recreated by communities and groups to which it belongs, “in response to their environment, their interaction with nature, and their history.”¹⁰⁹ Therefore, intangible cultural heritage has a subtle but great power which must not to be underestimated, and plays an invaluable role in the lives of societies, because it brings people closer together, providing them with a sense of identity, belonging and continuity.

Intangible cultural heritage is legally protected by the Convention for Safeguarding of Intangible Cultural Heritage which was adopted at the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) meeting in Paris, from 29 September to 17 October 2003, at its 32nd session. The convention entered into force in 2006, after thirtieth instruments of ratification by UNESCO Member States. As of 2014, 158 states have so far ratified the convention. The Convention for the Safeguarding of the Intangible Cultural Heritage defines the intangible cultural heritage as the practices, representations, expressions, as well as the knowledge and skills (including instruments, objects, artefacts, cultural spaces), that communities, groups and, in some cases, individuals recognize as part of their cultural heritage.¹¹⁰ It is manifested, among others, in the following domains:

¹⁰⁹ UNESCO Convention for the Safeguarding of Intangible Cultural Heritage (2003), Article 2 – Definitions. Retrieved from <http://www.unesco.org/culture/ich/en/convention> on March 22, 2014

¹¹⁰ UNESCO Convention for the Safeguarding of Intangible Cultural Heritage (2003), Article 2 – Definitions. Retrieved from <http://www.unesco.org/culture/ich/en/convention> on March 22, 2014

- “Oral traditions and expressions, including language as a vehicle of the intangible cultural heritage;
- Performing arts;
- Social practices, rituals and festive events;
- Knowledge and practices concerning nature and the universe;
- Traditional craftsmanship.”¹¹¹

Intangible cultural heritage refers to cultural processes that “provide living communities with a sense of continuity in relation to previous generations and are of crucial importance to cultural identity and the safeguarding of the cultural diversity and creativity of humanity”.¹¹² In other words, intangible cultural heritage encompasses a great variety of traditions, practices and customs which are practiced by communities, among them: storytelling, celebration of events in a family, traditional singing and dancing, traditional foods, languages, specific beliefs, and many other important practices that are practiced everyday by different communities around the world and that are important vehicles of their identities. Transmission, community-participation and basing on value are three major factors to remember while approaching and defining intangible cultural heritage, often called “living heritage”.

The Convention for Safeguarding of Intangible Cultural Heritage was a major step toward protection of intangible heritage, for which - at that time – no legal framework existed. International community recognized the need to raise awareness about cultural manifestations and expressions. Thus, along with other international instruments that protect cultural heritage (i.e. the Convention for the Protection of World Cultural and Natural Heritage), the 2003 Convention aims at safeguarding the uses, representations,

¹¹¹ UNESCO Convention for the Safeguarding of Intangible Cultural Heritage (2003), Article 2 – Definitions. Retrieved from <http://www.unesco.org/culture/ich/en/convention> on March 22, 2014

¹¹² UNESCO Convention for the Safeguarding of Intangible Cultural Heritage (2003), Article 2 – Definitions. Retrieved from <http://www.unesco.org/culture/ich/en/convention> on March 22, 2014

expressions, knowledge and techniques that communities, groups and, in some cases, individuals, recognize as an integral part of their cultural heritage.¹¹³

According to Article 1, the purposes of this Convention are as follows:

- “(a) to safeguard the intangible cultural heritage;
- (b) to ensure respect for the intangible cultural heritage of the communities, groups and individuals concerned;
- (c) to raise awareness at the local, national and international levels of the importance of the intangible cultural heritage, and of ensuring mutual appreciation thereof;
- (d) to provide for international cooperation and assistance.”¹¹⁴

Because of a very different nature of intangible heritage from material heritage, there was a need for a paradigm shift regarding the conservation of the intangible cultural heritage. While material heritage takes forms of places and products, intangible heritage takes forms of processes. This is why management approaches toward these two kinds of heritage are very different: in case of material heritage it is object-based, and in case of intangible heritage it is a value-based approach.

Article 7 of the Convention states that one of the functions of the Committee is to prepare and submit operational directives for the implementation of the Convention for approval to the General Assembly. At its third session in June 2010 and its fourth session in June 2012, the General Assembly amended the Operational Directives it adopted in June 2008, and will continue to complete and revise them in future meetings. Among other things, the Operational Directives

¹¹³ Retrieved from:

<http://www.unesco.org/new/en/santiago/culture/intangible-heritage/convention-intangible-cultural-heritage/> on March 25, 2014

¹¹⁴ UNESCO Convention for the Safeguarding of Intangible Cultural Heritage (2003), Article 1 – Purposed of the Convention. Retrieved from <http://www.unesco.org/culture/ich/en/convention> on March 22, 2014

indicate the procedures to be followed for inscribing intangible heritage on the lists of the Convention, the provision of international financial assistance, the accreditation of non-governmental organizations to act in an advisory capacity to the Committee or the involvement of communities in implementing the Convention.¹¹⁵

There have been several lines of criticisms against the Intangible Cultural Heritage Convention, among them the one regarding the general overestimation of the role of law in the efforts to protect intangible cultural heritage. Law in this respect works against such processes as globalization, commodification, and practices related to raising the economic interests over the intangible cultural heritage protection. Law should not be seen as the main tool to protect intangible heritage. It should be treated as one of the several tools of control, next to education and awareness-raising.¹¹⁶

Also, some skeptics of the intangible cultural heritage Convention raise the criticism regarding its excessive focus on sovereignty and state that, while this feature of the Convention was necessary in the beginning in order to achieve the approval of the Convention, currently it substantially weakens the reach of this legal instrument. Since the control over intangible cultural heritage rests upon States Parties, the intangible cultural heritage Convention does not provide remedies for mistreatment of the intangible cultural heritage by third parties, particularly in cases when the third party is the state.¹¹⁷ Another sovereignty-related issue is the participation of communities in the implementation process of the Convention. According to the Convention and the early practice under it, however, community

¹¹⁵ Retrieved from <http://www.unesco.org/culture/ich/en/directives> on July 19, 2014

¹¹⁶ Lixinski, L. "Selecting Heritage: The Interplay of Art, Politics and Identity", *The European Journal of International Law* Vol. 22 no. 1, 2011. Accessed online July 19, 2014. URL: <http://ejil.oxfordjournals.org/content/22/1/81.full>

¹¹⁷ Lixinski, L. "Selecting Heritage: The Interplay of Art, Politics and Identity", *The European Journal of International Law* Vol. 22 no. 1, 2011. Accessed online July 19, 2014. URL: <http://ejil.oxfordjournals.org/content/22/1/81.full>

participation is rather restricted to the national level, and communities seem not to have a space at the international level of implementation of the Convention. Instead, it seems that communities are gradually being replaced by experts at the international level.¹¹⁸

2.3.1. *Recognition of Foods and Culinary Traditions within the UNESCO ICH Framework*

Food and culinary traditions fall under several points in definition of the intangible heritage, starting from social practices, rituals and festive events; knowledge and practices concerning nature and the universe; and traditional craftsmanship. The domains specified in the 2003 Convention are not meant to be exhaustive, and culinary practices certainly can be qualified under the broad definition of intangible cultural heritage. The 2003 Convention does not need to have a specific category for culinary practices.

However, several lines of criticism arise when analyzing culinary heritage within the ICH framework of UNESCO. For instance, two important lines of criticism are raised by Rachel Laudan, a historian working in the area of culinary heritage. The first one is related to the fact that, according to many UNESCO ICH experts creating the program for food heritage, the point of preserving or promoting culinary heritage is to increase tourism. The second line of criticism touches on the very nature and origins of the protected culinary heritage, namely that culinary heritage should be conceived as identifying the oldest cuisine of the area, the cuisine of the peasants, the cuisine supported by small scale agriculture.¹¹⁹ The very idea of

¹¹⁸ Lixinski, L. "Selecting Heritage: The Interplay of Art, Politics and Identity", *The European Journal of International Law* Vol. 22 no. 1, 2011. Accessed online on July 19, 2014. URL: <http://ejil.oxfordjournals.org/content/22/1/81.full>

¹¹⁹ Laudan R., "What is culinary heritage" – blog entry on *A Historian's Take on Food and Food Politics*, posted on May 17, 2010. Retrieved from

protection and preservation of culinary heritage (and any other kind of heritage, in fact) is to protect it from neglect, dying out and being forgotten – in simple words to protect it from ceasing to exist. As to the second criticism, many national and regional cuisines around the world have been created and developed with time by migrants and some of the culinary traditions do not come from the oldest cuisine of the area or the culture of peasants. Working strictly along the lines of UNESCO rules creates certain constraints which are limiting the understanding of the very concept of culinary heritage, as well as restraining the possible ways of perception of such heritage – and the reasons for which it should be protected.

Despite criticisms, culinary practices, both as part of everyday gastronomic experience or ritual events, are currently understood as part of our intangible heritage. The main entry barrier for culinary traditions on the List was the fact that nominations for culinary practices have been rather too broad. Nominating groups/organizations need to be able to document the practice of a specific culinary tradition, or linked set of practices, over time and space. Also, the reason for which performing arts and crafts dominate the List(s) is that historically, the main focus of the 2003 Convention was exactly on performing arts, and crafts as intangible heritage.¹²⁰

<http://www.rachellaudan.com/2010/06/migrants-nationalism-and-culinary-heritage.html> on March 12, 2015

¹²⁰ Deacon H., The Archival Platform, posted February 10, 2010. Retrieved from <http://www.ediblegeography.com/unesco-culinary-heritage-sites/> on July 19, 2014.

2.3.2. *The Representative List of the Intangible Cultural Heritage*

Safeguarding of the intangible cultural heritage on the international level is possible with the means of: the Lists (List of Intangible Cultural Heritage in Need of Urgent Safeguarding, Representative List of the Intangible Cultural Heritage); the Register of Best Intangible Heritage Safeguarding Practices; International Cooperation and Assistance; and Intangible Cultural Heritage Fund.

Article 16 of the Convention grants authority to the UNESCO Intergovernmental Committee for the Safeguarding of Intangible Cultural Heritage to compile a Representative List of Intangible Cultural Heritage, aimed at better understanding the intangible cultural heritage around the world. The List was created in 2003 in order to safeguard variety of cultural traditions, rituals and crafts which are inscribed on it as important and very particular intangible heritage elements. As of March 2014 the Representative List includes 282 intangible heritage elements. There exist also two other intangible heritage lists with 35 elements inscribed on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding, and 11 elements on the Register of Best Safeguarding Practices.¹²¹

The Representative List recognizes “practices, representations, and expressions, and knowledge and skills which are transmitted from generation to generation and which provide communities and groups with a sense of identity and continuity”¹²², however despite such broad criteria, until 2010, there were no foods or culinary traditions inscribed. Moreover, before their final inscriptions in 2010, the French cuisine has been rejected twice, while Mexican cuisine has been turned down

¹²¹ UNESCO.org Lists of Intangible Cultural Heritage and Register of Best Safeguarding Practices, retrieved from: <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00559> on March 25, 2014

¹²² Retrieved from http://www.unesco.org/services/documentation/archives/multimedia/?id_page=13&PHPSESSID=743f303f0b2452205c4a672fde9310bc on March 25, 2014

once.¹²³ Currently, food-related heritage gained its recognition and great popularity, and culinary traditions are considered to be a kind of cultural expression. It is also worth mentioning, that back in 2009, the Section of Intangible Cultural Heritage held a special Expert Meeting on Culinary Practices. Following the meeting, in October 2009 a report on rejected nominations was published, which stated that the Bureau of the fourth Session of the Committee noted that “many requests for inscription had failed due to incomplete applications, rather than fundamental ineligibility.”¹²⁴

Nomination files submitted by the State Party (or by multiple States Parties) are supposed to demonstrate that the element proposed for inscription on the Representative List of the Intangible Cultural Heritage satisfies all of the following criteria:

“R.1 The element constitutes intangible cultural heritage as defined in Article 2 of the Convention.”¹²⁵

R.2 Inscription of the element will contribute to ensuring visibility and awareness of the significance of the intangible cultural heritage and to encouraging dialogue, thus reflecting cultural diversity worldwide and testifying to human creativity.

R.3 Safeguarding measures are elaborated that may protect and promote the element.

R.4 The element has been nominated following the widest possible participation of the community, group or, if applicable, individuals concerned and with their free, prior and informed consent.

¹²³ Retrieved from Edible Geography: UNESCO culinary heritage sites

(published on February 9, 2010 by NICOLA) from:

<http://www.ediblegeography.com/unesco-culinary-heritage-sites/> on March 25, 2010

¹²⁴ *Ibidem*

¹²⁵ Article 2 of the Convention regards the definitions of “intangible cultural heritage” (as well as what it is manifested through), “safeguarding”, “States Parties”, and to what does the latter definition refer to.

R.5 The element is included in an inventory of the intangible cultural heritage present in the territory(ies) of the submitting State(s) Party(ies), as defined in Article 11 and Article 12 of the Convention.”¹²⁶

In order to be inscribed on the Representative List of Intangible Cultural Heritage, a given intangible heritage element must satisfy the aforementioned criteria and this has to be carefully examined and clearly stated by the Committee. Practices, traditions and habits which have not yet been inscribed on the Representative List, or which never will be inscribed on it, also constitute an important intangible heritage of humanity. Just like in case of the outstanding universal value (OUV) regarding the inscribed material cultural and natural heritage, the non-inscribed material heritage elements can also possess outstanding universal value.

The schedule and general procedure for official nomination and inscription can be obtained from and consulted on the UNESCO webpage. The procedure can be divided in three major phases which include important deadlines.

Phase 1 – Preparation and submission:

- 31 March (Year 1): Deadline by which nominations must be received by the Secretariat. Files received after this date will be examined in the next cycle;
- 30 June (Year 1): Deadline by which the Secretariat will have processed the files, including registration and acknowledgement of receipt. If a file is found incomplete, the State Party is invited to complete the file;
- 30 September (Year 1): Deadline by which missing information required to complete the file, if any, shall be submitted by the State Party to the Secretariat. Files

¹²⁶ Retrieved from UNESCO official webpage:

<http://www.unesco.org/culture/ich/?pg=00173> on March 18, 2014. Article 11 of the Convention regards the role of States Parties, and Article 12 – inventories.

that remain incomplete are returned to the States Parties that may complete them for a subsequent cycle.¹²⁷

Phase 2 – Evaluation:

- December (Year 1) - May (Year 2): Evaluation of the nominations by the Subsidiary Body;
- April - June (Year 2): Meeting for final evaluation by the Subsidiary Body;
- Four weeks prior to the session of the Committee: The Secretariat transmits the evaluation reports to the members of the Committee. The nomination files and the evaluation reports will also be available on-line for consultation by States Parties.¹²⁸

Phase 3 – Examination:

- November (Year 2): The Committee examines the nominations and makes its decisions.¹²⁹

¹²⁷ Retrieved from UNESCO official webpage:

<http://www.unesco.org/culture/ich/index.php?pg=00558> on March 17, 2014

¹²⁸ *Ibidem*

¹²⁹ Retrieved from UNESCO official webpage:

<http://www.unesco.org/culture/ich/index.php?pg=00558> on March 17, 2014

2.3.3. *Food-related Traditions Inscribed on the Representative List of the Intangible Cultural Heritage*

I. Gastronomic Meal of the French (2010)

It was inscribed on the List on 6 December, 2010, by the Decision of the Fifth Session of the Intergovernmental Committee in Nairobi, Kenya, which took place from 15 to 19 November 2010.¹³⁰ It was among the first food-related elements to be considered intangible cultural heritage and the first to be inscribed on the List for the first time in 2010, together with such eating traditions as the Mediterranean diet, traditional Mexican food and a Croatian gingerbread. The list of culinary traditions among the intangible cultural heritage of humanity has been therefore opened.

The French gastronomic meal is officially described by UNESCO as “a customary social practice for celebrating important moments in the lives of individuals and groups, such as births, weddings, birthdays, anniversaries, achievements and reunions.”¹³¹ It is such a meal which brings people together for a special occasion in order to specifically enjoy the art and tradition of fine eating and drinking. Furthermore, “the gastronomic meal emphasizes togetherness, the pleasure of taste, and the balance between human beings and the products of nature.”¹³² The meal is a profound part of French peoples’ identity. Dishes need to be carefully selected and the meal preparation includes purchase of preferably local products, the pairing of food with particular (taste matching) wine, the setting of table, and other specific actions such as smelling and tasting the food and wine at the table during consumption.¹³³

¹³⁰ Retrieved from UNESCO official webpage:
<http://www.unesco.org/culture/ich/index.php?RL=00437> on March 18, 2014

¹³¹ *Ibidem*

¹³² Retrieved from UNESCO official webpage:
<http://www.unesco.org/culture/ich/index.php?RL=00437> on March 18, 2014

¹³³ *Ibidem*

There is a fixed structure of the French gastronomic meal. It should be started with an *aperitif* before the meal and have at least four courses: a starter, fish and/or meat with vegetables, cheese and dessert. The meal should end with liqueurs. Educated gastronomes should keep the knowledge of the tradition and pass it to younger generations, as well as guard the living practice of the tradition. The gastronomic meal can be celebrated not only within family and friends bringing them closer together, but also among other people, thus, strengthening social ties.¹³⁴

The nomination was carefully revised and it was considered that the Gastronomic meal of the French satisfies the criteria for inscription on the Representative List of the Intangible Cultural Heritage, for the following reasons:

“R.1: The gastronomic meal of the French plays an active social role within its community and is transmitted from generation to generation as part of its identity;

R.2: Its inscription on the Representative List could contribute to greater visibility for intangible cultural heritage, as a catalyst for mutual respect and intercultural dialogue;

R.3: Safeguarding measures reflect the commitments of the community, the French authorities and NGOs to reinforce its transmission, particularly through the education system, while encouraging research and promotion;

R.4: The nomination has been submitted following active and broad participation of communities throughout the country in meetings, debates and surveys, and many institutions and associations gave their free, prior and informed consent;

R.5: The gastronomic meal of the French is inscribed in the inventory of intangible cultural heritage of France, established by the Mission of Ethnology of the Ministry of Culture.”¹³⁵

¹³⁴ *Ibidem*

¹³⁵ Retrieved from UNESCO official webpage:

<http://www.unesco.org/culture/ich/index.php?RL=00437> on March 18, 2014

Interestingly, the preservation of the French gastronomic meal and values it transmits is actually one of the goals of a French food policy (*Programme National pour l'Alimentation*). Within this program many different food products are being promoted, together with culinary skills and broad gastronomic tourism. Moreover, relevant French ministries organize educative actions directed to children in school age (education of young generations for the sake of future heritage preservation and development) about values transmitted directly and indirectly by French food.¹³⁶ And perhaps, considering the recognition of importance of eating tradition and food in France, it is easily understandable that it was exactly France who applied for its national food's recognition as Intangible Cultural Heritage and who actually gained it, even though it was the first time that UNESCO recognized a food habit.¹³⁷ French food culture, just like the food cultures of other countries, is a combination of social habits, high quality products from different regions, history, tradition and particular climate. The meal is a special celebration of important moments in life and an occasion to pass on important values among members of society.

¹³⁶ The New French Public Food Policy, posted May 6, 2015. URL: <http://frenchfoodintheus.org/520> retrieved on May 25, 2015

¹³⁷ Retrieved from French Food in the US: <http://www.frenchfoodintheus.org/spip.php?article3004> on March 17, 2014

II. Traditional Mexican Cuisine - ancestral, ongoing community culture, the Michoacán paradigm (2010)

Traditional Mexican cuisine was appreciated as intangible cultural heritage and inscribed on the Representative List for being “a comprehensive cultural model comprising farming, ritual practices, age-old skills, culinary techniques and ancestral community customs and manners.”¹³⁸ It is so thanks to the participation and engagement of the whole community in all stages and levels of the traditional food chain: planting, harvesting, cooking and, finally, eating. This particular food system is based on corn, beans and chili, and up until today, unique farming methods are used: *milpas* (“rotating swidden fields of corn and other crops”¹³⁹) and *chinampas* (“man-made farming islets in lake areas”¹⁴⁰). Cooking practices and processes are also unique for this community, i.e. nixtamalization (“lime-hulling maize, which increases its nutritional value”¹⁴¹).

Native local ingredients are used, especially different kinds of tomatoes, squashes, avocados, cocoa and vanilla. Mexican cuisine is deeply embedded in culture and foods carry strong symbolic meanings, such as corn tortillas and tamales which are integral parts of Day of the Dead and symbolic offerings. Cooks and practitioners of the traditional cuisine can be found in the State of Michoacán and across Mexico, which is very important because they are devoted to cultivation of their culture, values, and to passing on their knowledge and techniques to the wider community and future generations. Their traditional cuisine expresses the community identity, strengthens social bonds, and contributes to the emergence of strong local, regional and

¹³⁸ Retrieved from UNESCO official webpage from:

<http://www.unesco.org/culture/ich/en/RL/00400> on March 21, 2014

¹³⁹ Retrieved from UNESCO official webpage from:

<http://www.unesco.org/culture/ich/en/RL/00400> on March 21, 2014

¹⁴⁰ *Ibidem*

¹⁴¹ *Ibidem*

national identities. Sustainable development is also an important part of the practices of the community related to their traditional cuisine.¹⁴²

By the decision 5.COM 6.30 the Committee decided that the Mexican cuisine satisfies the criteria for inscription on the Representative List of the Intangible Cultural Heritage, as follows:

“R.1: Traditional Mexican cuisine is central to the cultural identity of the communities that practice and transmit it from generation to generation;

R.2: Its inscription on the Representative List could enhance the visibility of intangible cultural heritage and promote respect for cultural diversity and human creativity;

R.3: Current and planned safeguarding measures include consultations and research projects as well as practical training, with the support of the State and the communities concerned;

R.4: Practitioners participated actively in the nomination process and provided their free, prior and informed consent;

R.5: Traditional Mexican cuisine is included in the Inventory of the Intangible Cultural Heritage of Mexico maintained by the National Council for Culture and Arts.”¹⁴³

The main criticism regarding this particular application came from the fact that there was an attempt to make the entire Mexican cuisine or some part of an indigenous cuisine a patrimony of humanity and a valuable source of revenue.¹⁴⁴ The first submission made in 2005 was entitled “Pueblo de maíz. La cocina ancestral de México. Ritos, ceremonias y prácticas culturales de la cocina de los mexicanos (The people of maize. The ancestral cuisine of Mexico. Rites, ceremonies and

¹⁴² *Ibidem*

¹⁴³ Retrieved from UNESCO official webpage from:

<http://www.unesco.org/culture/ich/en/RL/00400> on March 19, 2014

¹⁴⁴ Laudan R., “Migrants, Nationalism, and Culinary Culture” – blog entry on A Historian’s Take on Food and Food Politics, posted on June 12, 2010.

Retrieved from <http://www.rachellaudan.com/2010/06/migrants-nationalism-and-culinary-heritage.html> on March 4, 2015

cultural practices of the cooking of Mexicans").¹⁴⁵ The second application narrowed the focus to the cuisine of the rural settlements in the state of Michoacán in central Mexico. Throughout its turbulent history, what we now call Mexico, was in the hands of various peoples and had entire streams of immigrants – Spanish, English, French, German, Italian, American, Chinese, Japanese, Lebanese, South and Central Americans.¹⁴⁶ Naturally, all of them contributed to the rich and vibrant country's cuisine. Culinary heritage and cuisines are very often created by migrants, and not by the indigenous communities. However, there was no mentioning of that "creative fusion" in any of the Mexican applications to the UNESCO. Instead, these proposals rather stated that Mexican cuisine and identity have been stable and unchanged since 8000 years ago.¹⁴⁷

III. Gingerbread Craft from Northern Croatia (2010)

The tradition of gingerbread making first appeared in the European monasteries during the Middle Ages. Later it came to Croatia and it became a craft, with time deeply rooted in the identity and culture of Northern communities. The methodology of gingerbread making require specific skills and speed. According to the official description "the recipe is the same for all makers, utilizing flour, sugar, water and baking soda – plus the obligatory spices. The gingerbread is shaped into molds, baked, dried and painted with edible colors. Each craftsperson decorates gingerbread in a specific way, often with pictures, small mirrors and verses or messages. The gingerbread heart is the most common motif, and is frequently prepared for marriages, decorated with the newlyweds' names and wedding date."¹⁴⁸

¹⁴⁵ Laudan R., "Migrants, Nationalism, and Culinary Culture" – blog entry on A Historian's Take on Food and Food Politics, posted on June 12, 2010.

Retrieved from <http://www.rachellaudan.com/2010/06/migrants-nationalism-and-culinary-heritage.html> on March 25, 2015

¹⁴⁶ *Ibidem*

¹⁴⁷ *Ibidem*

¹⁴⁸ Retrieved March 19, 2014 from UNESCO official webpage from: <http://www.unesco.org/culture/ich/index.php?RL=00356>

There are no interferences between gingerbread producers, because each gingerbread maker operates only within a certain area. The craft has been transmitted for centuries from one generation to another. Initially only men were taught about the craft, but now it is the heritage of both men and women. Also, with time gingerbread has become one of the most recognizable symbols of Croatian identity. Today, gingerbread makers are essential participants in local festivities, events and gatherings, providing the local people with a sense of identity and continuity.¹⁴⁹

By the decision 5.COM 6.10 the Committee decided that Gingerbread craft from Northern Croatia satisfied the criteria for inscription on the Representative List of the Intangible Cultural Heritage, and they are as follows:

R.1: Gingerbread from Northern Croatia, given as a gift, sold at the market and used as a Christmas decoration, is recognized by the community as its intangible cultural heritage, adapting its traditional functions to today;

R.2: Its inscription on the Representative List could contribute to the visibility of intangible cultural heritage worldwide and promote respect for human creativity and intercultural dialogue, through analogy with similar culinary practices;

R.3: Ongoing and planned safeguarding measures reflect the priorities set by the community, and the State is engaged in the process through protective legislation and administrative support;

R.4: The practitioners participated in defining the measures for continuation of gingerbread craft, including innovative transmission modalities, and granted their free, prior and informed consent to the nomination;

R.5: Gingerbread craft is inscribed in the Register of Cultural Goods of the Republic of Croatia maintained by the Ministry of Culture.”¹⁵⁰

¹⁴⁹ *Ibidem*

¹⁵⁰ Retrieved from UNESCO official webpage from:

<http://www.unesco.org/culture/ich/index.php?RL=00356> on March 21, 2014

IV. Mediterranean Diet - Cyprus, Croatia, Spain, Greece, Italy, Morocco, Portugal (inscribed first in 2010, the most recent inscription in 2013)

This element placed on the Representative List is very particular and not only because it is shared by seven countries. It is not a gastronomic meal (like in case of the French), nor is it a single food product, such as the gingerbread from Northern Croatia. It constitutes an entire set of particular food products and practices that together form a dietary practice, very beneficial for human health. This is what UNESCO states about this heritage element: "The Mediterranean diet involves a set of skills, knowledge, rituals, symbols and traditions concerning crops, harvesting, fishing, animal husbandry, conservation, processing, cooking, and particularly the sharing and consumption of food. Eating together is the foundation of the cultural identity and continuity of communities throughout the Mediterranean basin. It is a moment of social exchange and communication, an affirmation and renewal of family, group or community identity."¹⁵¹

By the decision 8.COM 8.10, the Committee decided that Mediterranean diet satisfied the criteria for inscription on the Representative List of the Intangible Cultural Heritage for the following reasons:

"R.1: Transmitted from generation to generation, particularly through families, the Mediterranean diet provides a sense of belonging and sharing and constitutes for those who live in the Mediterranean basin a marker of identity and a space for sharing and dialogue;

R.2: Inscription of the element on the Representative List could contribute to raising awareness of the significance of healthy and sustainable food related practices in other parts of the world, while encouraging intercultural dialogue, testifying to creativity and promoting respect for cultural, environmental and biological diversity;

¹⁵¹ Retrieved from UNESCO.org:
<http://www.unesco.org/culture/ich/index.php?lg=en&pg=00011&RL=00884>
on March 25, 2014

R.3: Safeguarding measures focus on raising awareness, transmission, documentation, revitalization as well as legislative actions; emphasis is placed on strengthening cooperation mechanisms between and among the communities and States concerned;

R.4: Through several meetings, the communities concerned in seven countries participated in the preparation of the nomination and gave their free, prior and informed consent;

R.5: The Mediterranean diet and its local manifestations have been the subject of research and documentation in each of the States Parties concerned and figure into one or more inventories in each State.”¹⁵²

According to UNESCO, “the Mediterranean diet emphasizes values of hospitality, neighborliness, intercultural dialogue and creativity, and a way of life guided by respect for diversity. It plays a vital role in cultural spaces, festivals and celebrations, bringing together people of all ages, conditions and social classes. It includes the craftsmanship and production of traditional receptacles for the transport, preservation and consumption of food, including ceramic plates and glasses. Women play an important role in transmitting knowledge of the Mediterranean diet: they safeguard its techniques, respect seasonal rhythms and festive events, and transmit the values of the element to new generations. Markets also play a key role as spaces for cultivating and transmitting the Mediterranean diet during the daily practice of exchange, agreement and mutual respect.”¹⁵³

The diet has recently gained more interest because the researchers at King's College London and the University of California claimed to have identified the secret behind the famous healthfulness of the Mediterranean diet. From their lab tests on genetically modified mice they concluded simply that when olive oil and vegetables are eaten together, they form nitro fatty acids that help lower blood

¹⁵² *Ibidem*

¹⁵³ Retrieved from UNESCO.org:

<http://www.unesco.org/culture/ich/index.php?lg=en&pg=00011&RL=00884>
on March 25, 2014

pressure by blocking the enzyme epoxide hydrolase.¹⁵⁴ That reduces the risk of heart diseases. Some commentators have already stated that this discovery is hardly a discovery at all, and that it mainly brings a reductionist approach to food and health which is unhelpful in a wider consideration.¹⁵⁵

Nomination of the Mediterranean Diet as intangible cultural heritage encountered the most criticism among the first culinary traditions and foods to be inscribed on the Representative List. Some commentators stated directly that it was difficult even to consider Mediterranean diet as a cultivated tradition and culture.¹⁵⁶ It is said to be rather loosely inspired on products and ingredients of southern European countries but it is still considered to be an artificial construct. The important issue in question was whether it was accurate to recognize a particular dietary system which was designed to fight high cholesterol levels as an intangible cultural heritage and a culinary tradition – and even more: a culture – and whether it was not done in order to foster States Parties national commercial interests.¹⁵⁷

Also, the completed application form does not give a clear or convincing definition of the Diet. In part C of the form (“Characteristics of the Element”) there are references to the Diet as “traditions and symbolisms based on food practice,” “a major component of identity,” “the close relation from the landscape to the cuisine,” but no actual

¹⁵⁴ Roberts M. “Olive oil and salad combined 'explain' Med diet success” BBC News online, May 20, 2014. Retrieved from <http://www.bbc.com/news/health-27470115> on May 21, 2014

¹⁵⁵ Blythman J. “The secret of the Mediterranean diet? There is no secret”, The Guardian online on May 20, 2014. Retrieved from <http://www.theguardian.com/lifeandstyle/wordofmouth/2014/may/21/secret-mediterranean-diet-nitro-fatty-acids-healthy> on May 21, 2014

¹⁵⁶ Murado M-A., “Do Flamenco and the Mediterranean diet really deserve special UN status?” published in the Guardian on November 22, 2010. Retrieved from <http://www.theguardian.com/commentisfree/2010/nov/22/unesco-intangible-culture-list> on March 25, 2014

¹⁵⁷ *Ibidem*

definition of the Diet.¹⁵⁸ Further, authors in the form (page 6) stated that “The Mediterranean Diet offers a nutritional model enriched by diverse cultures which, over centuries, has essentially maintained the same food structure and the same proportions: olive oil, grains and derivatives, fresh fruits and vegetables, nuts, and to a lesser extent, fish, dairy products and meat, with an essential presence of condiments and spices. There is also a moderate consumption of wine or tea during meals while respecting religious rules and beliefs.”¹⁵⁹ Some of these food elements have been and still are common for the entire Mediterranean Basin.

V. Ceremonial *Keşkek* Tradition in Turkey (2011)

Keşkek is a traditional Turkish dish prepared especially for wedding ceremonies, circumcisions and religious holidays. Wheat and meat are cooked, by both men and women, in huge cauldrons and later served to the guests. Traditionally, “the wheat is washed with prayers the preceding day, and then carried to a large stone mortar, to the accompaniment of music from the *davul* drum and *zurna* double-reed pipe. At the mortar it is hulled by two to four persons using gavels in a fixed rhythm.”¹⁶⁰

Keşkek is mostly made outdoors when wheat, meat, onions, spices, water and oil are mixed together in the cauldron and cooked overnight. According to UNESCO, “towards noon, the strongest of the village youth are called to beat the *keşkek* with wooden mallets, while the crowd cheers and *zurna* players perform musical pieces,

¹⁵⁸ Food in Italy, “UNESCO and the Mediterranean Diet” posted by admin on May 13, 2011. Retrieved from <http://www.foodinitaly.org/blog/2011/05/13/mediterranean-diet-update-2/> on March 15, 2015

¹⁵⁹ *Ibidem*

¹⁶⁰ Retrieved from <http://www.unesco.org/culture/ich/index.php?RL=00388> on March 25, 2014

announcing the thickening of the stew with a specific melody.”¹⁶¹ There are numerous traditions and practices connected with that dish that are “common expressions in daily life: from blessings, praying and carrying the wheat, to preparing and cooking. The ceremonial dish also includes many sorts of entertainment, plays and musical performances, and it is an occasion for meeting people from neighboring towns and villages who are also invited for the feast. The cooking tradition is treasured and preserved by master cooks and taught to apprentices.”¹⁶²

By the decision 6.COM 13.48, the Committee decided that *keşkek* culinary tradition satisfied the criteria for inscription on the Representative List of the Intangible Cultural Heritage, in the following way:

“R.1: The *keşkek* ceremony is a unifying social practice that takes place at Turkish festive events and is transmitted from generation to generation, thus deepening the sense of belonging to a community;

R.2: Inscription of the *keşkek* on the Representative List could promote cultural diversity and human creativity through its demonstration of shared ideas and the promotion of social communication and inclusiveness;

R.3: Safeguarding measures underway demonstrate a two-fold approach by the communities and the State, and the nomination highlights their commitment to ensure *keşkek*’s continuity and transmission;

R.4: Communities and practitioners along with other relevant institutions and associations have participated in the nomination process and have provided their free, prior and informed consent;

R.5: With the participation of its bearers, the Ceremonial *keşkek* tradition was included in 2008 in the Turkish National Inventory for Intangible Cultural Heritage, maintained by the Ministry of Culture and Tourism.”¹⁶³

¹⁶¹ *Ibidem*

¹⁶² *Ibidem*

¹⁶³ *Ibidem*

VI. *Washoku*, Traditional Dietary Cultures of the Japanese (2013)

Washoku is a social practice of the Japanese related to the celebration of the New Year with traditionally prepared food. It has particular cultural characteristics and it is based on an entire set of skills and traditional knowledge related to the production, processing, preparation and consumption of specific food, transmitted from generation to generation. Also, there are other ways to obtain knowledge about *washoku*, as school teachers, chefs, cooking instructors and specially organized groups provide education in this field.¹⁶⁴

The celebration of the New Year so closely related to food ingredients is associated with the Japanese feeling of respect for nature that is closely related to the sustainable use of natural resources. The Japanese make various preparations to welcome the deities of the incoming year, not only the ones related to food, but among the ones food-related there are traditions connected with pounding rice cakes, preparing special meals and beautifully decorated dishes using exclusively fresh ingredients (in Japanese food culture the freshness of food ingredients is the most important, followed by taste and beautiful presentation), each of which has a particular symbolic meaning.¹⁶⁵ Preferably, the food should include natural and locally grown and acquired ingredients, such as rice, fish, vegetables and other wild plants. These dishes are beautifully served following a special preparation of tables and utensils, and shared by family members, friends, or broader communities.¹⁶⁶

By the decision 8.COM 8.17 the Committee decided that *Washoku* satisfied the criteria for inscription on the Representative List of the Intangible Cultural Heritage, and they are as follows:

¹⁶⁴ Retrieved from UNESCO official webpage from:

<http://www.unesco.org/culture/ich/RL/00869> on March 19, 2014

¹⁶⁵ *Ibidem*

¹⁶⁶ *Ibidem*

“R.1: Transmitted from generation to generation, *washoku* plays an important role in strengthening social cohesion among the Japanese people while providing them a sense of identity and belonging;

R.2: Inscription of *washoku* could raise awareness of the significance of the intangible cultural heritage in general, while encouraging dialogue and respect for human creativity and for the environment, and promoting healthy eating;

R.3: Safeguarding measures to protect and promote *washoku* in different regions of Japan, including research, recording and awareness raising through education and cultural exchanges, will be implemented by civil society associations and the Government;

R.4: Communities, individuals, research institutions and local authorities participated in the nomination process in large numbers and the communities provided free, prior and informed consent;

R.5: *Washoku*, traditional dietary cultures of the Japanese was identified as intangible cultural heritage with the participation of communities, groups and individuals and included in 2012 in the Inventory of Intangible Cultural Heritage in Japan.”¹⁶⁷

VII. *Kimjang*, making and sharing kimchi in the Republic of Korea (2013)

Korean *kimchi* are a range of seasoned vegetable dishes, and *kimjang* is the process of making and sharing of *kimchi*. Recently, they were both inscribed onto the Representative List of the Intangible Cultural Heritage and therefore received international recognition. UNESCO made the final decision at its Intergovernmental Committee for the Safeguarding of Intangible Cultural Heritage, held from Dec. 2 to 7 in Baku, Azerbaijan.¹⁶⁸

¹⁶⁷ Retrieved from UNESCO official webpage from:

<http://www.unesco.org/culture/ich/RL/00869> on March 19, 2014

¹⁶⁸ Retrieved from “UNESCO recognizes kimjang, Korean culture of sharing” by By Jeon Han, Yoon Sojung. Published at Korea.net Gateway to Korea from:

According to the Committee “*kimjang* allows Koreans to practice the spirit of sharing among neighbors, while promoting solidarity and providing them a sense of identity and belonging. Inscription of *kimjang* could contribute to the visibility of intangible cultural heritage by enhancing dialogue among different communities nationally and internationally that practice foodways that similarly make creative use of natural resources.”¹⁶⁹ Including *kimjang*, Korea currently has sixteen elements of intangible heritage on UNESCO’s Representative List.¹⁷⁰

Kimjang includes also a lot of human effort in order to prepare and share a rather large quantity of *kimchi* with the family during one organized sitting. All members of the family are required to participate and it is in general an important event in village life. In the end, all the neighbors gather together to take part in the process and treat is a way to celebrate and share love at the end of the year. Traditionally in the past, *kimchi* was made by women in the family and the process’ secrets would be passed on from a mother to a daughter. *Kimchi* are stored in jars and then preserved in the jars underground. On *kimjang* day, women offered boiled meat and made *geotjeori* to share with the others who helped with the *kimjang* procedure.¹⁷¹

Currently, individual Korean households became smaller and they consist of fewer members. Also, a growing number of people start purchasing *kimchi* instead of preparing it on their own during *kimjang*. However, the tradition of kimchi is still strong: according to the Nonghyup Economic Research Institute over 41% of respondents make

<http://www.korea.net/NewsFocus/Culture/view?articleId=116173> on March 19, 2014

¹⁶⁹ Retrieved from “UNESCO recognizes kimjang, Korean culture of sharing” by By Jeon Han, Yoon Sojung. Published at Korea.net Gateway to Korea from: <http://www.korea.net/NewsFocus/Culture/view?articleId=116173> on March 19, 2014

¹⁷⁰ *Ibidem*

¹⁷¹ *Ibidem*

their own kimchi, and more than 25% claims to traditionally receive kimchi from their relatives and friends during kimjang.¹⁷²

VIII. Turkish coffee culture and tradition (2013)

Turkish coffee combines special way of preparation and particular brewing techniques with a rich traditional culture of particular communities. “The freshly roasted beans are ground to a fine powder; then the ground coffee, cold water and sugar are added to a coffee pot and brewed slowly on a stove to produce the desired foam. The beverage is served in small cups, accompanied by a glass of water, and is mainly drunk in coffee-houses where people meet to converse, share news and read books.”¹⁷³

The tradition symbolizes hospitality, friendship and entertainment, and provides opportunities for exchange of information, casual talks or the sharing of daily concerns. Turkish coffee also plays an important cultural role during social occasions such as engagement ceremonies and holidays. The knowledge concerning preparation and rituals connected with making and drinking of the Turkish coffee are transmitted informally by family members through observation and participation. Additionally, the grounds left in the empty cup are sometimes used to tell a particular person’s future and fortune. Therefore, Turkish coffee is regarded as part of Turkish cultural heritage and as such, it is celebrated in literature and songs.¹⁷⁴

By the decision 8.COM 8.28, the Committee decided that Turkish coffee culture and tradition satisfied the criteria in order to be inscribed on the Representative List of the Intangible Cultural Heritage, in the following way:

¹⁷² *Ibidem*

¹⁷³ Retrieved <http://www.unesco.org/culture/ich/RL/00645> on March 19, 2014

¹⁷⁴ *Ibidem*

“R.1: Passed on from generation to generation within Turkish families, the knowledge and skills related to the tradition of Turkish coffee provide a sense of identity and continuity, reinforcing social cohesion and openness through hospitality and entertainment;

R.2: Inscription of Turkish coffee culture and tradition on the Representative List could promote greater visibility of the intangible cultural heritage and provide an example of a social institution favoring dialogue;

R.3: On-going and proposed safeguarding measures demonstrate the commitment of the local and national authorities as well as of coffee aficionados and associations to promote Turkish coffee culture;

R.4: Several community members, experts, associations and authorities participated in meetings to prepare the nomination, and community members gave their free, prior, and informed consent;

R.5: Turkish coffee culture was included in 2010 in the Intangible Cultural Heritage National Inventory of Turkey carried out under the authority of the Ministry of Culture and Tourism.”¹⁷⁵

IX. Ancient Georgian traditional *Qvevri* wine-making method (2013)

Qvevri wine-making is widely practiced throughout Georgia, particularly in villages with rich. The *qvevri* is an egg-shaped vessel used for production of the wine, including its storing. The traditional method and know-how of *qvevri* manufacturing and wine-making are passed on from generation to generation, namely from all community members who take part in communal harvesting and wine-making activities. Young community members are taught how to tend the vines, press grapes, ferment wine, collect clay and make and fire *qvevri* vessels through observation of the older members of community. The wine-making process involves pouring grape juice, grape skins, stalks and pips into the *qvevri* vessel, which is then sealed and buried in the

¹⁷⁵ Retrieved <http://www.unesco.org/culture/ich/RL/00645> March 19, 2014

ground for five to six months for fermenting before consumption. It is the most popular and widespread method of wine-making in Georgia. Wine plays a vital role in everyday life, celebrations, religious events and traditions. Wine cellars can be found in every home and considered to be places of special meaning. The tradition of *qvevri* wine-making as an important intangible cultural heritage “defines the lifestyle of local communities and forms an inseparable part of their cultural identity and inheritance”.¹⁷⁶

By the decision 8.COM 8.13, the Committee decided that the ancient Georgian traditional *qvevri* wine-making method satisfied the criteria for inscription on the Representative List of the Intangible Cultural Heritage, and they are the following:

R.1: The knowledge and skills associated with making both wine and the *qvevri* jars are widely practiced and transmitted informally from generation to generation; ingrained in the everyday life of Georgians, they maintain social and religious significance;

R.2: Its inscription on the Representative List could contribute to promoting awareness of the intangible cultural heritage through attention to traditional wine-making practices and associated skills and rituals;

R.3: Past, current and proposed safeguarding measures focus on the improvement of legal frameworks, promotion, transmission, and education; the commitment of the communities and the support of the State Party are clearly demonstrated;

R.4: Communities, non-governmental organizations and local authorities participated actively in the nomination process and the communities provided their free, prior and informed consent;

R.5: Traditional *qvevri* wine-making was included in 2012 in the national register of intangible cultural heritage, maintained under the responsibility of the Ministry of Culture and Monuments Protection

¹⁷⁶ Retrieved from a short video from http://www.unesco.org/archives/multimedia/index.php?s=films_details&pg=33&id=3515#.VB2UUxaqK3M on March 19, 2014

and updated regularly in consultation with the National Agency for Cultural Heritage Preservation.”¹⁷⁷

Among the files for inscription which were examined by the Committee during its 9th session in November 2014 were the following three food-related and culinary traditions:

- Café culture in the neighbourhoods of Buenos Aires: rituals, practices and social relationships (Argentina);
- Lavash, the preparation, meaning and appearance of traditional Armenian bread as an expression of culture (Armenia);
- Traditional agricultural practice of cultivating the ‘vite ad alberello’ (head-trained bush vines) of the community of Pantelleria (Italy).

While in case of café culture in the neighbourhoods of Buenos Aires the Committee stated that the nomination does not satisfy several criteria and therefore decided not to inscribe it on the Representative List, the latter two elements gained the necessary approval. Thus, two new food-related elements joined the List:

X. *Lavash*, the preparation, meaning and appearance of traditional Armenian bread as an expression of culture

Lavash is an important part of Armenian cuisine and is created in a form of thin bread. It is traditionally prepared by small groups of women and requires coordination, experience and special skills. A dough made of wheat flour and water is kneaded and then formed into balls, rolled into thin layers and stretched over a special oval cushion that is then slapped against the wall of a traditional conical clay oven.¹⁷⁸

¹⁷⁷ Retrieved from UNESCO official webpage:

<http://www.unesco.org/culture/ich/RL/00870> on March 25, 2014

¹⁷⁸ Report of the Subsidiary Body on its work in 2014 and examination of nominations for inscription on the Representative List of the Intangible Cultural Heritage of Humanity (ADDENDUM). Retrieved from

After thirty seconds to a minute, the bread is pulled from the oven wall. *Lavash* is commonly served rolled with local products (such as cheeses, greens or meats) and can be preserved for up to 6 months. It is perceived as an important cultural object, as it plays a ritual role during wedding ceremonies when it is placed on the shoulders of newlyweds for fertility and prosperity. The preparation of *lavash* has an important social input because the group work strengthens family, community and makes social ties stronger. Young girls are taught by the elders, and act as aides in the process, gradually becoming more involved as they gain experience. Men are also involved in the *lavash* making tradition through making cushions and building ovens. These skills are transmitted to students and apprentices, preserving the vitality and viability of *lavash* making tradition for the future generations.

According to the decision number 9.COM 10.3 the Committee stated that the nomination of *lavash* satisfies the following criteria for inscription on the Representative List:

“R.1: The knowledge and skills related to preparation, consumption and use of *lavash* have been transmitted within families as part of their everyday life; they constitute a fundamental component of identity and a symbol of friendship and reconciliation;

R.2: Inscription of the element on the Representative List could increase visibility of intangible cultural heritage in general and promote awareness of the importance of foodways as part of the cultural identity of communities;

R.3: The proposed safeguarding measures include formal and non-formal education, organization of festivals and exhibitions, eco-tours for children and the development of tourism initiatives, as well as research, production of documentaries and publications and establishment of a new museum;

<http://www.unesco.org/culture/ich/index.php?lg=en&pg=748&include=slideshow.inc.php&id=00985&width=620&call=slideshow&mode=scroll> on March 25, 2015

R.4: The nomination was prepared with wide and active participation of communities, associations, researchers, local government bodies and academic and scientific institutions; free, prior and informed consent of communities was provided;

R.5: The element is included in the Intangible Heritage List of the Republic of Armenia, which is regularly updated and can be accessed via Internet.”¹⁷⁹

At the same time it is very important to note the following recommendation of the Subsidiary Body to the Committee: in order to contribute to promoting dialogue, the inscription will occur under the name “Lavash, the preparation, meaning and appearance of traditional bread as an expression of culture in Armenia”. However, according to the same recommendation it is crucial to acknowledge that *lavash* is shared by several communities in the region and elsewhere. The inscription on the Representative List does not imply any exclusivity and therefore, while implementing appropriate safeguarding measures, it is fundamental “to remain conscious of the element’s larger cultural context in the region”.¹⁸⁰

XI. Traditional agricultural practice of cultivating the “*vite ad alberello*” (head-trained bush vines) of the community of Pantelleria

The practice of cultivating head-trained bush vines (*vite ad alberello*) is traditionally transmitted through generations of vine growers and farmers of the Pantelleria Island. About 5,000 inhabitants (owners of a plot of land) cultivate it with the use of sustainable

¹⁷⁹ Report of the Subsidiary Body on its work in 2014 and examination of nominations for inscription on the Representative List of the Intangible Cultural Heritage of Humanity (ADDENDUM). Retrieved from <http://www.unesco.org/culture/ich/index.php?lg=en&pg=748&include=slideshow.inc.php&id=00985&width=620&call=slideshow&mode=scroll> on March 25, 2015

¹⁸⁰ *Ibidem*

methods. The technique consists of several phases. 1. The ground is prepared by levelling the soil and digging a hollow to plant the vine. 2. The main stem of the vine is then carefully pruned to produce six branches, forming a bush with a radial arrangement. 3. The hollow is constantly reshaped to ensure the plant is growing in the right microclimate. 4. The wine grapes are then harvested by hand during a ritual event starting at the end of July.¹⁸¹

The vine-growers and farmers of Pantelleria practice *vite ad alberello* under particular, rather harsh, climatic conditions. The knowledge and necessary skills are passed on by family members to younger generations in the local dialect. Also, several vine-related rituals and festivals organized between July and September enable the local community to share their social practice.¹⁸²

According to a draft decision number 9.COM 10.21 the Committee decided that the nomination satisfied the following criteria for inscription on the Representative List:

“R.1: Recognized by the community of Pantelleria as part of its identity, this agricultural practice is linked with nature and the environment; its knowledge and skills are transmitted through time by the islanders;

R.2: Inscription of the element on the Representative List could contribute to international recognition and visibility of intangible

¹⁸¹ Report of the Subsidiary Body on its work in 2014 and examination of nominations for inscription on the Representative List of the Intangible Cultural Heritage of Humanity (ADDENDUM). Retrieved from <http://www.unesco.org/culture/ich/index.php?lg=en&pg=748&include=slideshow.inc.php&id=00985&width=620&call=slideshow&mode=scroll> on March 25, 2015

¹⁸² Report of the Subsidiary Body on its work in 2014 and examination of nominations for inscription on the Representative List of the Intangible Cultural Heritage of Humanity (ADDENDUM). Retrieved from <http://www.unesco.org/culture/ich/index.php?lg=en&pg=748&include=slideshow.inc.php&id=00985&width=620&call=slideshow&mode=scroll> on March 25, 2015

culture heritage in general, and more particularly on its link with agricultural knowledge and practices in rural areas, while demonstrating a capacity for creative adaptation to a specific harsh environment;

R.3: Well-articulated measures including education, documentation, research and promotion aim at ensuring the viability of the element and involve the community of Pantelleria as well as local and national institutions;

R.4: Through the direct involvement of vine growers and their representative organizations, the population of Pantelleria participated in the preparation of the nomination, providing its free, prior and informed consent;

R.5: The element was included in the National Inventory of Traditional Rural Practices in 2013, by initiative of the local community, and since 2011 in the Catalogue of the National Rural Landscapes; in 2013, the element was also inventoried in the Intangible Cultural Heritage Register of the Sicilian Region.”¹⁸³

Among the pending files (the files submitted that, in conformity with the decision of the Committee and the priorities indicated by the submitting States, have not been treated due to the limited capacities of the Committee, its bodies and the Secretariat), there is also the Traditional Chinese Distilled Liquor-brewing Craftsmanship (number 00430). Also, currently China lobbies for the Representative intangible cultural heritage List inscription of the Beijing Roasted Duck. One of the key problems of this issue until now was the criticism regarding the inscription of culinary traditions in general – many Japanese culinary experts have argued that it would

¹⁸³ Report of the Subsidiary Body on its work in 2014 and examination of nominations for inscription on the Representative List of the Intangible Cultural Heritage of Humanity (ADDENDUM). Retrieved from <http://www.unesco.org/culture/ich/index.php?lg=en&pg=748&include=slideshow.inc.php&id=00985&width=620&call=slideshow&mode=scroll> on March 25, 2015

not be a wise decision to include Chinese culinary heritage on the List, because this could slow down the evolution of Chinese cooking. Nevertheless, Japanese officials have already recommended Japanese cuisine for inscription, which has already been deemed appropriate to be registered as an intangible cultural heritage.¹⁸⁴ Also, German beer-making tradition and the German culture of bread-making are on their way to nominations.¹⁸⁵

Certainly, the practice of inscribing food-related and culinary heritage on the Representative List has its critics who are concerned that “labeling a cuisine as one of the treasures of human patrimony will have a stifling effect, discouraging innovation and marking the beginning of a slow, smug ‘mummification’.”¹⁸⁶ However, intangible heritage definition carefully created by UNESCO as “traditional and living at the same time,” and “constantly recreated” shows that the concerns of the critics may be overstated. Additionally, the official and formal recognition may help protect national cuisines from the threats arising from globalization and changing lifestyles of societies.¹⁸⁷ The benefits of recognition lie, just like in case of material cultural heritage, in the prestigious appreciation, boost to local pride and international renown.¹⁸⁸ Cuisine is more than just ingredients and processes protected by denominations of origin. Recognition of national culinary traditions by the UNESCO adds prestige and popularity to them and may boost gastronomic tourism in the regions of States Parties to the Convention. This is one of the most important matters on which the development of culinary tourism bases and depends on.

¹⁸⁴ Retrieved from <http://english.cri.cn/7146/2013/11/21/3262s799787.htm> on March 25, 2014

¹⁸⁵ Retrieved from <http://www.dw.de/niecodzienny-pomys%C5%82-niemieckie-pieczyno-na-li%C5%9Bcie-unesco/a-17440555> on March 25, 2014

¹⁸⁶ Retrieved from Edible geography: UNESCO culinary heritage sites (published February 9, 2010 by NICOLA) from: <http://www.ediblegeography.com/unesco-culinary-heritage-sites/> on March 25, 2014

¹⁸⁷ *Ibidem*

¹⁸⁸ *Ibidem*

One of the main problems regarding the inscription and protection of culinary heritage is the thought of preserving the inscribed culinary elements while not seeing or considering a possibility of a change within the process. Cuisines, in general, inevitably change throughout centuries, alongside with climate and social changes. On one hand, one of the goals of inscription could be an artificial attempt to grasp the currently existent culinary tradition in order to save it from changing. On the other hand, criticism of the inscription of culinary traditions comes exactly from the opposite direction. According to Rachel Laudan, historian and food politics professional, the safeguarding of food heritage (and sometimes heritage in general) has two sides: "It can encourage local pride, give the undoubted prestige, and boost multi-leveled cooperation of many parties involved, as well as design unforgettable gastronomic experiences for tourists. It can also block the change that keeps societies alive and make second class citizens of minorities, migrants and others who do not share the heritage."¹⁸⁹ Moreover, Laudan also states that what is important in food heritage protection is peoples' desire to keep the memory of foods that used to be better and tastier, to keep the feeling of culinary nostalgia, and UNESCO recognition of culinary heritage is an attempt to give a certain form to it.¹⁹⁰

¹⁸⁹ Retrieved from "A Historians take on food and food politics":
<http://www.rachellaudan.com/> on March 28, 2014

¹⁹⁰ *Ibidem*

2.4. Development of Culinary Tourism

Culinary (or gastronomic) tourism is based on a strong relation between two major industries: gastronomy and tourism. The term was first proposed in 1998 by Lucy M. Long to notice that tourists can experience other cultures directly via food. By consuming, or even preparing and presenting food, tourists can actively construct their own unique experiences.¹⁹¹ And according to Erik Wolf, gastronomic tourism can be defined as traveling for the purpose of exploring and enjoying the destination's food and beverage, in order to gain unique and memorable gastronomic experiences.¹⁹² Gastronomic activities can be the primary but also just a supporting motivation for traveling but these gastronomic activities must be unique and memorable.

Culinary tourism refers to organized traveling to various destinations of which the local food and beverages are the main motivating factors for travel. It is also known as gastronomic tourism, food tourism or tasting tourism. According to the International Culinary Tourism Association (USA), culinary tourism is defined as "the pursuit of unique and memorable eating and drinking experiences".¹⁹³ This means that there exists a particular group of people who are willing to travel the world specifically in order to sample and experience authentic international food and cuisines, and through them get to know and understand the cultures, people and traditions of the particular regions of the world.¹⁹⁴ Also, important in their case is the experience of change in their foodways during the traveling, and experiencing new foods and ingredients for the sake of a

¹⁹¹ Long, M. Lucy, "Culinary Tourism". USA: University Press of Kentucky, 2004, p. 21

¹⁹² Wolf, Erik, "Culinary tourism: Tasty economic proposition", 2002.

Retrieved on March 30, 2014 from <http://www.culinarytourism.org/faq.php>

¹⁹³ Retrieved from <https://abouttourism.wordpress.com/tag/culinary-tourism/> on March 30, 2014

¹⁹⁴ *Ibidem*

new gastronomic experience and not merely to satisfy hunger.¹⁹⁵ Until recently, food was considered rather a secondary resource. Currently, however, food tourism is identified as a primary activity and a segment of tourism industry. As a result many tourist destinations have begun to focus on their local food, beverages and cuisines as important heritage elements and touristic products, and use them as important factors in the promotion of their destinations.¹⁹⁶

Food and eating during holidays is important for all travelers and holiday makers. Even if tourists are not particularly fond of trying new dishes and cuisines, they all need to eat and drink during traveling. Along with the development of cultural tourism, increasing number of travelers become interested in culinary traditions of visited places, and for some of the tourists local eating and drinking, as memorable and unique culinary experiences, become the most important attractions of the holidays. In cases where food is the main focus of travel, the itineraries are usually organized around places offering creative gastronomic experiences, such as wineries, farms producing food products, restaurants, food festivals, and others.¹⁹⁷ There are also numerous culinary trails to follow where people can travel from one food-related place to another in order to try local wines, oils, olives, cheeses etc. Visiting gastronomic festivals and food markets is also a form of culinary tourism: fish soup festival in Livorno, festival of mozzarella (Le Strade della Mozzarella) in Italy, or goose liver festivities in Budapest. The new souvenirs from foreign or domestic culinary travels are often local ingredients or foods which visitors can

¹⁹⁵ Long L. M. (ed.), "Culinary Tourism", The University Press of Kentucky, 2004, p. 21

¹⁹⁶ Jaksa K., and Crotts J. C., 2005. "Gastronomy Tourism: A Meaningful Travel Market Segment". *Journal of Culinary Science & Technology*, 4(2/3): pp. 39-55.

¹⁹⁷ Long L. M. (ed.), "Culinary Tourism", The University Press of Kentucky, 2004, p. xi

bring home and include in their own culinary experience.¹⁹⁸ Culinary tourism and gastronomic festivals play very important roles in the process of positioning of the regions.¹⁹⁹

And thus, culinary tourism has gained an enormous potential in recent years and high numbers of travelers consider dining and tasting local foods and drinks as relevant activities during their travels. However, the role of food in the marketing of destinations has until recently received very little attention globally and locally. All indications, though, are that local food holds much potential to enhance sustainability in tourism; to contribute to the authenticity of the destination; to strengthen the local economy; and to provide for the environmentally friendly infrastructure. Food also has a key place in the “think globally, act locally” debate. Some buyers are keen to support local businesses by avoiding foods which have been transported long distances.²⁰⁰

There is a strong connection between tourism and gastronomy and, currently, gastronomic tourism is becoming one of the profitable market segments with a great potential for development. Gastronomy plays a major role in the way tourists experience the destination. Some travelers would return to the same destination to savor its unique gastronomy. To this direction more and more destination marketing campaigns are now focusing on the food element as a central part of its destination tourism product.²⁰¹ Moreover food heritage and gastronomy became important elements of cultural tourism development at local level. Serving as cultural identity marker of the region, promoting the local farm products, and boosting the cultural

¹⁹⁸ Retrieved from

<http://www.nationalgeographic.pl/aktualnosci/pokaz/turystyka-kulinarna/> (posted September 19, 2013) on March 28, 2014

¹⁹⁹ Van Keken, G. and Go, F., “Close encounters: The role of culinary tourism and festivals in positing a region”. [In] P.M. Burns and M. Novelli (Ed.), “Tourism and Social Identities”, pp. 49-60. Amsterdam: 2006. NL: Elsevier.

²⁰⁰ *ibidem*

²⁰¹ *ibidem*

culinary tourism in the area, they meet interests of variety of groups: from consumers and producers of food heritage, to the other actors involved in the regional culinary tourism.²⁰²

Also, at the basis of success and high development potential of culinary tourism are social life changes. Many people become increasingly tired of the daily rush life-style in big cities, flooded by products (including food products) advertised on a mass scale. With time, they began to look for different solutions, for instance, for the way to relax and spend free time during holidays and traveling. Terms such as "slow life", "slow food", "experience", "tasting", "authentic" became very meaningful and people make an attempt to apply them in their everyday life, and/or in the way of spending their leisure time. Thus, regular tourism which mainly included sightseeing and enjoying the beautiful sceneries is nowadays simply not enough. There are other kinds of tourism, such as cultural tourism, heritage tourism, and finally culinary tourism which can be seen as a narrower form of cultural tourism. It allows people to travel beyond the regular touristic routes and to dive into the authentic local culture. This occurs while meeting local people, their customs and traditions and exploring local foods and cuisines.

Probably, the current most important goal for the culinary tourism organizers is to design authentic gastronomic experiences for visitors and to enable them to have a taste of authentic food culture. Focusing on authentic and unique experiences, getting to know the clients, cooperating with local experts and partners, and providing specialized hands-on entertaining opportunities for the visitors are among the best management practices in culinary tourism. These also include education about growing or preparing foods, cooking classes, tasting events, and providing an opportunity to take part in local food-

²⁰² Bessière J., "Local Development and Heritage: Traditional Food and Cuisine as Tourist Attractions in Rural Areas". European Society for Rural Sociology, *Sociologia Ruralis*, Volume 38, No 1, 1998. Blackwell Publishers, Oxford, 1998.

related festivities.²⁰³ A diverse range of businesses including farms, restaurants, gourmet or specialty food stores, cooking schools, tour operators, breweries, wineries, historical attractions and many other related businesses have capitalized on their regions' culturally unique cuisines to attract visitors.²⁰⁴

Gastronomy tourism offers many benefits and opportunities to communities through integration of tourism and local food systems in order to promote sustainable economic development, responding at the same time to the specific needs of tourists such as the demand for quality food and dining experiences^{205, 206}. As a result of such practices, the tourists' gastronomic experiences build on the cultural heritage of the region.²⁰⁷ Gastronomy tourism seems to have high positive impacts on the local economy system in several sectors: for farmers, retail establishments, restaurants, hotels etc.²⁰⁸

²⁰³ Reynolds, P.C., "Food and tourism: Towards an understanding of sustainable culture". *Journal of Sustainable Tourism*, 1(1) 1993. Pp.48-54. Retrieved from <http://www.depts.ttu.edu>

²⁰⁴ Best Management Practices in Culinary Tourism. Compiled November 2011 by Brown L., University of Wisconsin-Extension; Lisa Chase, University of Vermont Extension; and Michael L. Dougherty, Illinois State University. Retrieved from www.uvm.edu/tourismresearch/agritourism on April 6, 2014

²⁰⁵ Jaksa K., and Crotts J. C., "Tourism and Gastronomy: Gastronomy's Influence on How Tourists Experience a Destination". *Journal of Hospitality & Tourism Research*, 30(3), 2006: pp. 354-377.

²⁰⁶ Sims, R., "Food, place and authenticity: local food and the sustainable tourism experience". *Journal of Sustainable Tourism*, 17(3), 2009: pp. 321-336.

²⁰⁷ Bessiere, J., "Local development and heritage: traditional food and cuisine as tourist attractions in rural areas". *Sociologia Ruralis*, 1998, 38: pp. 21-34.

²⁰⁸ Green, G. P., and Dougherty M. L., "Localizing Linkages for Food and Tourism: Culinary Tourism as a Community Development Strategy, Community Development". *Journal of the Community Development Society*, 2009, 39(3): pp. 37-41.

The main source markets for culinary tourism have developed and have shown the most potential of growth in Germany, United Kingdom, Benelux countries, Italy, France, Scandinavia in Europe, and United States. In Europe, the main competing destinations are Spain, France and Italy. In Asia, the competing destinations for culinary tourists include Japan, India and Thailand.²⁰⁹

According to Barcelona Field Studies Centre there are five major trends which contribute to development of culinary tourism, and to the way it makes a revolution in destination marketing:

1. Trading up: growing affluence of the populations has a profound impact on consumer spending. Consumers spend a higher proportion of their income on prepared food, gourmet products, eating out and food items with some form of health or ethical benefits. For discretionary purchases, consumers have traded up where the product is aspiration or traded down when the product is only function.²¹⁰
2. Demographics and household change: An ageing population and changing life styles have driven demand for increased eating out and food tourism opportunities. Groups that provide growing markets for food tourism are the following: DINKS (double income, no kids); SINKS (single income, no kids), both Dinks and Sinks tend to be younger people, between 25 and 35 years of age, no children, affluent; Empty Nesters: parents whose children have flown the family nest (between 45 and 55 of age, well educated, high disposable income); Boomers: members of the baby

²⁰⁹ Destination Marketing and the "FOOD" element: A Market Overview, About Tourism – Destination Consultants. Retrieved from <http://abouttourism.wordpress.com/2010/06/21/destination-marketing-and-the-food-element-a-market-overview/> on July 13, 2014

²¹⁰ Retrieved from <http://geographyfieldwork.com/FoodTourism.htm> on April 6, 2014

boom generation in the 1950s; Divorcees: searching for new partners and subsequently taking prospective partners out for dinner and away for romantic weekends.²¹¹

3. Rejection of “MacDonaldization”: tourists have increasingly rejected the industrial model of lower cost mass production of food, instead searching for local, authentic, fresh and high quality cuisine.²¹²
4. Growth of the multi-cultured consumer: multiculturalism has become an everyday concept in the daily life of the consumer, driven by immigration, globalization, the internet, the expansion in specialist and minority TV channels and the general growth in international tourism. What were once exotic foods have become foods of first choice.²¹³
5. The Role of the Celebrity Chef and Media: the emergence of the niche food programs, TV channels and magazines means the food celebrity and expert has been created. The celebrity chef shapes tourism products. The phenomena of Rick Stein numerous culinary travel programs (such as “A Gastronomic Tour of Britain” or “Food Heroes”) or the ‘F word’ or Jamie Oliver’s campaign for good wholesome school dinners all drives our interest in good quality food.²¹⁴

²¹¹ Retrieved from <http://geographyfieldwork.com/FoodTourism.htm> on April 6, 2014

²¹² *Ibidem*

²¹³ *Ibidem*

²¹⁴ *Ibidem*

2.4.1. Culinary Tourism Development in Poland

In Poland culinary tourism is a freshly discovered and increasingly popular phenomenon. Recent studies conducted in Podkarpackie voivodship (which has the highest number of certified regional products) have shown that Poles are open to new flavors and generally willing to try new dishes and products. Moreover, food safety awareness in Poland is growing, as are the concerns about the possible food hazards, and Poles increasingly look for healthy products: natural, fresh and of high quality. They search for products that are produced locally and by small-scale producers. For the high quality and unique qualities people are willing to pay as much as 30% higher price.²¹⁵ Also foreign foods are popular in Poland, mostly Italian, Chinese, Japanese and Georgian. Furthermore, Polish people on average tend to try foreign foods while traveling. High prices of organized food and drinks tasting tours may be an obstacle on the way to culinary tourism becoming one of the most popular ways of spending leisure time, but domestic culinary tourism organized in some regions of Poland is growing in popularity and showing promising signs and opportunities of growth for the future.

For instance, since 2008 the Greater Poland voivodship (Wielkopolska) has been a member of the European Network of Regional Culinary Heritage, associating regions and companies involved in regional food, as well as promoting the company and the regions at European level. European Network of Regional Culinary Heritage was established in order to help consumers and tourists to find and taste local and regional food in Europe. Culinary Heritage concept boils down to common logo, established criteria for participation of undertakings, joint marketing and operations at regional and European level. The main objective of regions in the Network is to promote the development of traditional and modern food based on local resources of raw ingredients and materials. Regions implement actions that are intended to promote and improve the

²¹⁵ Retrieved <http://www.national-geographic.pl/aktualnosci/pokaz/turystyka-kulinarna/> on July 16, 2014

quality regional food and to strengthen regional identity. Within each region there is a regional network of association of producers participating in the network - these are among others farms, food processing plants and restaurants, emphasizing its links with the region. European Network of Regional Culinary Heritage currently operates in twenty-four regions from eight European countries, and gives wide opportunities to protect cultural identity of the region and preserve the culinary heritage. It includes not only food producers and the providers of raw materials (i.e., farmers, gardeners, farmers, wholesalers), but also shops with traditional local food, restaurants, cafes, etc.²¹⁶ Such initiatives contribute to education and raising the awareness on culinary heritage of European regions, as well as to its preservation and development of culinary tourism in Europe. Currently, Greater Poland Culinary Heritage Network brings together around thirty members, including restaurants, farmhouses, dining, processors and food manufacturers.

Development of gastronomic tourism in Poland should currently be based on drawing sustainable development plans and creating touristic gastronomic products for particular regions and specific destinations. Currently the list of Polish regional gastronomic touristic products from the Southern regions includes, among others, cow and sheep milk products, such as different kinds of cheeses and whey-based beverage (*osypek* cheese, *bundz* cheese, *bryndza* cheese, *redykołka* cheese, and *żentyca*). Further information on these products, and particularly on *osypek* cheese which is the main case study of this research, is provided in Chapter 4 of the thesis.

²¹⁶Retrieved

http://en.wielkopolska.travel/agroturystyka/turystyka_kulinarna_w_wielkopolsce/co_to_jest_europejska_siec_regionalnego_dziedzictwa_kulinarnego/ on July 13, 2014

2.4.2. *Creating Authentic Gastronomic Experiences for Tourists*

Gastronomic experiences became important factors in the overall travel experience for tourists. The importance of gastronomy for tourism is also increasing, considering the number of food-related activities during travelling and their potential economic benefits. In 2007 the Travel Industry Association (TIA) based in Washington DC emphasized the importance of gastronomy tourism estimating that 17% of the leisure travel market or 27 million individuals engage in some form of gastronomy activity while travelling.²¹⁷

Tourists increasingly are ready not only to visit cultural, historical and environmental cultural heritage sites, but also to explore a given destination via new cultural elements connected with their heritage, such as particular authentic gastronomic resources.²¹⁸ Looked at from this particular perspective, gastronomy can strengthen the cultural distinctiveness and unique identity of a given region. It also allows tourists to have a direct contact with the culture of the region and encourages them to establish some relations with its past, traditions, and historical and cultural heritage of the particular destination. Among additional benefits of promoting the gastronomy of a given region one can expect to sustain or re-establish the gastronomy of that region.²¹⁹

Gastronomic tourism can also be a central issue within the process of the formation of regional identities, by authenticating the theoretical link between identity and food. It offers alternative means of local and regional development with the potential to strengthen

²¹⁷ Smith S., and Costello C., "Segmenting Visitors to a Culinary Event: Motivations, Travel Behavior and Expenditures". *Journal of Hospitality Marketing & Management*, 2009/18: pp. 44-67.

²¹⁸ Corigliano A. M., "The route to quality: Italian gastronomy networks in operation". In *Tourism and Gastronomy*, edited by Anne-Mette Hjalager, and Greg Richards, 166-185. London: Routledge, 2002

²¹⁹ Fields K., "Demand for the gastronomy tourism product: motivational factors". In *Tourism and Gastronomy*, edited by Anne-Mette Hjalager, and Greg Richards, 36-50. London: Routledge, 2002.

identity²²⁰, enhances appreciation of the environment, and encourages the regeneration of heritage and local economy.²²¹

The “Greek Breakfast Project” will serve as an example of designing gastronomic experiences for tourists within the EU. The project was developed as an initiative of the Hellenic Chamber of Hotels (HCH) and focuses on the Greek culinary tradition. Its main goal is to promote the wealth and authenticity of local agricultural products and gastronomy by uniting hoteliers and local producers and meeting the best interests of the consumers (tourists). The “Greek Breakfast Project” is meant to become a cultural culinary connection between tourism, local communities and local produce. This connection is believed to have multiple positive social and economic impacts on all sectors involved.²²²

The reason for development of the project came from the fact that in Greek hotels there were three types of breakfast served to the tourists: continental breakfast, English breakfast, and buffet style breakfast. These three types of breakfasts failed to differentiate hotels and regions in Greece. They also provided tourists with a standardized gastronomic experience that bared no particular Greek cultural culinary meaning and had no connection with strong culinary traditions of Greece. Through the initiative, HCH aims to give the chance to their guests to get to know the gastronomic wealth of Greece

²²⁰ Mak, Athena H.N., Lumbers M., and Eves A., “Globalization and Food Consumption in Tourism”. *Annals of Tourism Research*, 2012, 39(1): pp. 171–196.

²²¹ Kyriakaki A., Zagkotsi S., Trihas N., “Creating authentic gastronomic experiences for tourists through local agricultural products: The ‘Greek Breakfast’ project”. Conference paper during The 5th International Scientific Conference of the University of the Aegean “Tourism trends and advances in the 21st century”. May 30- June 2, 2013, Island of Rhodes.

²²² Kyriakaki A., Zagkotsi S., Trihas N., “Creating authentic gastronomic experiences for tourists through local agricultural products: The ‘Greek Breakfast’ project”. Conference paper during The 5th International Scientific Conference of the University of the Aegean “Tourism trends and advances in the 21st century”. May 30- June 2, 2013, Island of Rhodes.

and to taste the innumerable traditional Greek products and dishes. “Greek Breakfast Project” comes from a combination of Greek cuisine which is a part of the UNESCO food-related intangible heritage Mediterranean Diet, and many regional and local cuisines as reflected in Greek gastronomic destinations.²²³ In a way, “Greek Breakfast Project” may be a part of the Greek culinary diplomatic tool contributing to the authenticity of tourist destinations and adding value to the hotel product. Regarding consumers, the main goal of the project is to satisfy the diverse needs of hotel customers through acquaintance with local products at various destinations in Greece. This enables the tourists’ interaction with Greek traditions and history through food and variety of gastronomic, cognitive and cultural experiences.²²⁴

The Greek Breakfast Project also aims to establish a closer cooperation between hoteliers, chefs, farmers, producers, representatives of chambers of commerce and local government of each Greek region. Their main challenge is to agree on a “local quality pact” that would lead to the adoption of the “Greek Breakfast Project” philosophy by hotels. The agreement creates an organizational structure which is set up by HCH in every region of Greece and seeks to bring together the goods, services, people and the accumulated knowledge of the places, with the aim of emphasizing the importance of local gastronomy. The main objective of the pact is the regional formation of the Local Portfolio which is composed of tangible and intangible goods, and the human input of each site associated with gastronomy. Relevant culinary data (culinary history, products and ingredients, foods, recipes, producers, literature, culinary personalities, culinary myths) is recorded in an open and open-access information system. Twelve portfolios have been completed up till September 2013, namely from Eastern Macedonia, Evia, Thrace, Corfu, Crete, Magnesia, Kos, Lesvos, Naxos, Rhodes, Santorini, and Chalkidiki.²²⁵

²²³ *Ibidem*

²²⁴ *Ibidem*

²²⁵ *Ibidem*

The choice of food ingredients used for the “Greek Breakfast Project” is designed in order to achieve a clear correspondence with the modern consumer dietary trends including the Mediterranean Diet ingredients, organic products etc. According to the organizers, it is, on one hand, supposed to highlight the recipes, ingredients and culinary traditions particular of each individual area. On the other hand, it is meant to emphasize other local features and utilize elements specific for local culture of each area, at the same time taking into consideration its Greek origins and history. A key element in the selection of materials and products of the “Greek Breakfast Project” is to compose the cultural identity of particular regions destinations. Products used within the project are to be chosen from specific Greek products (Protected Designation of Origin, Protected Geographical Indication, and Traditional Specialities Guaranteed, other traditional and organic products). The aim is to establish “Greek Breakfast Project” throughout all hotels of the country. Into its third year, by September 2013, the project includes 157 hotels.²²⁶

Over the last few decades food has become the ideal mark of tourism consumption. In countries with a strong gastronomic identity where gastronomic tourism has a considerable share in tourism market, traditional, typical and authentic products of local cuisines act as pull factors, motivating tourists to visit a given destination. For this reason, some regions use gastronomy as a crucial element of their tourism promotional strategy.²²⁷ Gastronomic tourism provides many opportunities for European countries which would like to build a strong gastronomic identity in the perception of tourists. In order to

²²⁶ Kyriakaki A., Zagkotsi S., Trihas N., “Creating authentic gastronomic experiences for tourists through local agricultural products: The ‘Greek Breakfast’ project”. Conference paper during The 5th International Scientific Conference of the University of the Aegean “Tourism trends and advances in the 21st century”. May 30- June 2, 2013, Island of Rhodes.

²²⁷ See: Moro A., Villa Ducale: <http://abruzzo4holidays.co.uk/enjoy-abruzzo/gastro-tourism/>, Telegraph.uk from July 28, 2011: <http://www.telegraph.co.uk/foodanddrink/8668843/Do-we-go-to-Italy-for-the-Roman-ruins-or-the-risotto.html>, both links accessed on July 14, 2014.

achieve this goal, these countries need to plan, draw and develop professional promotional strategies basing on local gastronomy. Next, throughout an organized long-term oriented campaign the responsible parties ought to market the differentiating food factors along with its main motivational attractors. In an increasingly globalized world, local foods and cuisines bearing and transmitting a strong national or regional identity can become vehicles for building and strengthening regional or national gastronomic identity.²²⁸

²²⁸ Kyriakaki A., Zagkotsi S., Trihas N., "Creating authentic gastronomic experiences for tourists through local agricultural products: The 'Greek Breakfast' project". Conference paper during The 5th International Scientific Conference of the University of the Aegean "Tourism trends and advances in the 21st century". May 30- June 2, 2013, Island of Rhodes.

Chapter 3: The EU General Food Law and Agricultural Quality Schemes

3.1. Food Safety Priorities in the Era of Globalization

The Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement within the World Trade Organization) is a global regulation which sets out the basic rules for food safety, as well as animal and plant health standards. It ensures that consumers from different countries are being supplied with safe food granted by the use of appropriate standards. It also guarantees that strict health and safety regulations are not being used as a justification for protecting domestic producers. According to the agreement, the standards should be applied only to the extent necessary to protect human, animal or plant life or health. Member countries are also encouraged to use international standards, guidelines and recommendations.²²⁹

The Food and Agriculture Organization of the United Nations (FAO) and World Trade Organization's (WTO) joint Codex Alimentarius Commission was created in 1963 in order to provide safe and wholesome food for consumers around the world, as a response to increasing amount and variety of food traded internationally.²³⁰ The Codex, therefore, provides international food standards, guidelines and codes of practice which greatly contribute to the safety, quality and fairness of international food trade. It is important to note that "the reference made to Codex food safety standards in the World Trade Organizations' Agreement on Sanitary and Phytosanitary measures (SPS Agreement) means that Codex has far reaching implications for

²²⁹ World Trade Organization, "Understanding the WTO Agreement on Sanitary and Phytosanitary Measures, URL: https://www.wto.org/english/tratop_e/sps_e/spsund_e.htm retrieved on July 2, 2015

²³⁰ Codex Alimentarius.org, URL: <http://www.codexalimentarius.org/about-codex/50th-anniversary/en/> retrieved on July 2, 2015

resolving trade disputes. WTO members that wish to apply stricter food safety measures than those set by Codex may be required to justify these measures scientifically.”²³¹

Regarding the food trade and food safety standards in the EU, the European internal market enables free movement of variety of goods. Currently many decisions are made at the Community level. It functions according to the principle of subsidiarity, which means that the EU does not take action unless it is considered more effective than the action taken at the national, regional, or local level.²³² The shared EU - Member State jurisdiction in specific areas includes: internal market rules; aspects of social policy; economic, social, and territorial cohesion; agriculture and aspects of fisheries; the environment; consumer protection; transport; trans-European networks; energy; freedom, security, and justice; aspects of public health; aspects of research and technological development and space; and aspects of development cooperation and humanitarian aid. Member State jurisdiction with support from the EU exists in areas related to: the protection and improvement of human health; industry; culture; tourism; education, vocational training, youth and sport; civil protection; and administrative cooperation.²³³

Free movement of goods within the EU includes, among others, foods and food ingredients, foodstuffs, farm animals, and animal feed. The main goal of the EU legislation is to grant safe, healthy and high quality authentic food for the consumers, and to protect variety of consumers’ interests. However, in the past there have occurred many cases of international outbreaks of bacteria poisonings, epidemics of various diseases, and examples of chemical contamination of food and animal feed. These events took place both in the third countries and

²³¹ Codex Alimentarius.org, URL: <http://www.codexalimentarius.org/about-codex/en/> retrieved on July 2, 2015

²³² Delegation of the European Union to the United States: <http://www.euintheus.org/who-we-are/how-the-eu-works/> retrieved on December 7, 2013

²³³ *Ibidem*

within the borders of the EU Member States. Majority of these cases were connected with global dimensions of the food supply chain and difficulties in ensuring safety and standards.²³⁴ Globalization and new manufacturing capabilities have made it much more cost-efficient for big scale food processors to buy ingredients for production of their products from countries offering lower cost of services. Reduction in shipping costs, and reduced barriers to trade in globalized world have fostered the new trust in low-cost ingredients from distant parts of the world, at the same time creating a serious threat to the general safety and effective traceability of food. Moreover, in some cases, cheaper labor and production costs combined with inexpensive shipping can make food products shipped over from the distant third countries less expensive than domestically produced ingredients.

The final consumer tastes, choices and interests play an important role here, as well. The goods previously not available outside of the season can be now easily imported from other areas of the world; moreover, their availability is highly expected by the consumers. Tastes are broadening for world cuisines and the increased global trade has made a wide variety of foods accessible even to an average consumer. Even the most exotic foods are expected to be available on supermarket shelves. At the same time, consumers expect their food to be safe and traceable and this is one of the most important reasons why trade in foodstuffs is increasing so quickly and why there is a need for an efficient food safety, food tracking and monitoring system in general: within the EU, in third countries, and in the global context.

The following chapter provides an insight into the EU General Food Law and food safety system, as well as to the European Quality Schemes for Agricultural Products. It introduces the ways in which agricultural products and protected traditional and regional foods are managed legally at the Community and Member States levels, and – through a collection of cases - what implications it may have or already has had for particular chosen traditional regional foods and their

²³⁴ Retrieved from Grace Communications Foundation - Food safety:
<http://www.sustainabletable.org/501/food-safety> on December 8, 2013

producers. This chapter also treats the topics of local food as a potential new safety and quality paradigm and the gastronomic diversity versus safety of food in the EU. Within the latter one, author elaborates on cases of particular chosen traditional foods as expressions of regional diversity and individuality of the EU regions.

3.1.1. *The Main Objectives of the EU Common Agricultural Policy*

The first EU founding members, who directly experienced a decade of food shortages, started searching for sustainable food supply solutions, as at this time it was the most important and urging issue. This resulted in creation of the Common Agricultural Policy (CAP), which came into force in 1962. In the beginning, CAP subsidized production of basic foodstuffs to promote self-sufficiency and food security.²³⁵ Its role has developed over the years, however, to encompass other urgent and crucial issues such as food safety and the environmental protection.

In general terms, the aim of CAP is to help farmers produce food and protect the environment, improve animal welfare and sustain viable rural communities. The focus of the EU farm policy shifts over the years according to the needs and changing conditions in Europe. In the beginning it used to mainly guarantee the best prices for farmers within the EU borders but it is currently criticized as a form of protectionism, for inhibiting trade, causing overproduction, being not balanced in distribution of funds (70% of funds goes to the 20% of the largest farmers, leaving the rest of the farmers surviving on minimum amount of money), and for being potentially harmful to the interests of developing countries.²³⁶

²³⁵ Retrieved from "The European Union Explained: Agriculture. A partnership between Europe and farmers. The EU's common agricultural policy (CAP): for our food, for our countryside, for our environment" (p.3) from http://europa.eu/pol/agr/index_en.htm on January 20, 2014

²³⁶ Retrieved from Europa.eu "CAP and its critics" from: <http://ec.europa.eu/agriculture/mtr/cpb.pdf>. - on January 16, 2014. See also

CAP was from the beginning foreseen as a common policy providing affordable food for EU citizens and a better standard of living for farmers by providing good prices for their products: agricultural products, the food, foodstuffs, food ingredients, and animal feed. One of the main goals of the policy was from the beginning granting food security. In years 1970-1980 farms were over-productive and they were producing too much food than it was demanded by the market. Therefore, in order to align the production of food with the market needs special measures had to be implemented.²³⁷

In 1992 the policy's focus shifted from the market to the producer support which meant support in the mean of direct aid payments instead of price support. At the same time the emphasis was laid on food quality and protection of traditional and regional foods, as well as on environmental protection. In 2000 the scope of the CAP included also rural development and from this time on the CAP focus was now laid on the economic, social and cultural development of Europe with the implementations of specific programs. Further development and reforms came in 2003 when CAP cut the link between subsidies and production. Farmers were more market oriented and they received income aid, under the condition that they respect the legal standards for environmental and animal welfare and for food safety.²³⁸

Situation of the CAP and circumstances in the EU changed again in 2007 when, following the recent enlargements with 12 new

in The Guardian "The EU common agricultural policy EU farming ministers have reached a long-awaited agreement on CAP reform. Simon Jeffery explains" retrieved from <http://www.theguardian.com/world/2003/jun/26/eu.politics1> on January 16, 2014

²³⁷ The history and milestones of the Common Agricultural Policy were retrieved from the European Commission – Agriculture and rural development from: <http://ec.europa.eu/agriculture/cap-history/> on January 16, 2014

²³⁸ *ibidem*

Member States, EU farming population almost doubled and agricultural and rural landscapes significantly changed. The need for a new CAP reform has arisen in order to strengthen economic and ecologic competitiveness of the agricultural sector, effectively promote the innovation, and protect environment and increase employment and pace of growth in rural areas. On the 12th of October 2011 a set of legal proposals designed to make the CAP a more effective policy was presented by the Commission. On the 26th of June 2013 an official agreement on Cap reform has been reached between the Commission, the European Parliament and the Council.²³⁹

Currently, the focus of CAP is laid on the following issues:

- “Enabling farmers to produce enough safe, high-quality food (cereals, meat, dairy, fruit, vegetables, wine, etc.) for European consumers, contribute to a diversified rural economy and care for the environment and their animals to the highest standards,
- Supporting consumers to make informed choices about their food, through voluntary EU quality-labeling schemes. These labels – indicating geographic origin, use of traditional ingredients or methods – also help make EU farm products competitive on world markets,
- Promoting innovation in farming and food processing (aided by EU research projects) to increase productivity and reduce environmental impacts, e.g. by using crop by-products and waste products to produce energy,
- Encouraging fair trade relations with developing countries by reducing EU farm export subsidies. It makes it easier for developing countries to sell what they produce.”²⁴⁰

²³⁹ *Ibidem*

²⁴⁰ Retrieved from “The European Union Explained: Agriculture. A partnership between Europe and farmers. The EU’s common agricultural policy (CAP): for our food, for our countryside, for our environment” (p.3) from http://europa.eu/pol/agr/index_en.htm on January 20, 2014

In terms of food security, future challenges include the need to double world food production by 2050 to meet the needs of growth of population and increasing consumption of meat, and dealing with the impact of climate change. In response to these challenges the focus of EU farm policy starting from 2013 shifts more toward sustainable farming practices, innovation, research and spread of knowledge; as well as toward a better support system for European farmers.²⁴¹

²⁴¹ Retrieved from “How to feed the world in 2015” from:
http://www.fao.org/fileadmin/templates/wsfs/docs/expert_paper/How_to_Feed_the_World_in_2050.pdf on January 15, 2014

3.2. Evolution of the EU Food Law

The European Food Law main aims and principles were also evolving over the years, both as an answer to the needs and shifting interests of the consumers, as well as according to the changing historical and socio-political situation in Europe. Thus, in the 1950s, food producers were increasingly concerned with the quantity of food goods they needed to supply in order to overcome post-war shortages on the market. There were yet no common standard food safety measures implemented in Europe and national governments of particular states enforced their own rules.²⁴²

In the 60s the increased wealth of the European Union citizens contributed to more travels for leisure purposes. People started to travel across borders for holidays, building foundations for the future powerful trend of cultural tourism (and also later, gastronomic tourism). Furthermore, experiencing different cuisines and food ingredients while traveling abroad had an impact on travelers' own culinary habits practiced back home. New international dishes began to appear next to national meals on consumers' tables. Systematically, immigrants living in the EU Member States brought with them their own food traditions. For example, Turkish cuisine widely spread throughout Germany and the *döner kebab*, a meat sandwich popularized by Turkish immigrants in Berlin, became one of the nation's most popular fast foods.

Regarding safety of food, a longer and more complex way of food from the production place to the plates of a consumers, provided increasing chances of unwanted bacteria and other harmful substances find their way into food products and food poisoning posed a greater threat to consumers' health. In the 70s the Community consisted already from nine Member States and several very urgent issues

²⁴² Retrieved from "The European Union Explained: Agriculture. A partnership between Europe and farmers. The EU's common agricultural policy (CAP): for our food, for our countryside, for our environment" from http://europa.eu/pol/agr/index_en.htm on January 20, 2014

appeared, mostly related to trade between the Member States and the rule of Community law versus national laws. Hygiene, food safety and animal well-being became more and more important concerns. Because greater quantities of food were being produced in factories rather than on farms and by small producers, higher amounts of chemicals were added in order to preserve or enhance the flavor of products.²⁴³

In the 80s the Community was enlarged again by taking in Greece, Spain and Portugal, bringing another change to the market of food and foodstuffs and contributing to bringing more Mediterranean ingredients and typical Southern dishes to the European consumers. The 1986 nuclear disaster in Chernobyl exerted its influence on many countries, including Norway and United Kingdom where the radioactivity was detected in several food products, including: milk, mushrooms and some of the commonly available vegetables. At the same time, farming reached a crisis point in Europe with over-production not meeting the needs of the market which would later result in series of reforms of the CAP and gradually cause a shift in thinking more about the quality, rather than the quantity of the products.²⁴⁴ Also, ethical aspects of food production started to engage a wide public discussion. Because of growing food safety concerns, following several food crises in the 1980's (i.e. Italian baby food contained beef extract with a particular growth hormone which was later found harmful for the infants), the EU banned the import of all hormone-treated meat.²⁴⁵

In the 90s the Single Market of the EU was introduced and free movement of goods, services, people and capital was secured. Naturally, in order to be able to secure it, variety of rules needed to be

²⁴³ "Fifty years of food safety in the European Union. Together since 1957". Publications Office of the European Commission, Health & Consumer Protection Directorate General. Retrieved from http://ec.europa.eu/food/food/docs/50years_foodsafety_en.pdf on January 22, 2014

²⁴⁴ *Ibidem*

²⁴⁵ *Ibidem*

harmonized to ensure the highest level of safety and hygiene standards in production, transport and sales of goods (including food) across Europe. The 90s witnessed also the Bovine Spongiform Encephalopathy (BSE) crisis of which cases were found in many EU Member States.²⁴⁶ This brought a shift in consumers' perception of food and the concern what they are really eating or choosing to eat. The link between BSE and the feed given to cattle, and later between infected meat and the fatal Creutzfeldt Jakobs disease (vCJD) in humans, caused great public concern with regard to how food was produced.²⁴⁷ The 1990's also brought change in the field of how food became traceable and in what way it was labelled. This was done in order to ensure that consumers and general public are aware of contents, qualities and other health-related characteristic of food, so that there are well-informed and could make conscious and safe choices concerning food.²⁴⁸

In the beginning of 2000's another major enlargement of the Community took place. It increased the total area of the EU from around 3.2 million to 4.4 million square kilometers and brought the population up from 375 million to over 490 million.²⁴⁹ Consisting of 27 Member States (and soon to become 28) the EU had another opportunity to celebrate and share its food-related diversity with the new Member States contributing to the common European menu.

²⁴⁶ Retrieved from BBC Europe's BSE Crisis article and timeline from: <http://news.bbc.co.uk/2/hi/europe/1142660.stm> on January 22, 2014

²⁴⁷ The number of animals which have tested positive for BSE in the EU have fallen steadily since the mid-1990s, from 24 476 in 1994, to 865 in 2004. This downward trend continues, largely due to the strict and effective BSE measures in place at EU level. At its peak in 1992, BSE affected over 37 300 cattle in the EU, although all except 21 of these cases occurred in the UK (after: Fifty Years of Food Safety in the European Union).

²⁴⁸ "Fifty years of food safety in the European Union. Together since 1957". Publications Office of the European Commission, Health & Consumer Protection Directorate General. Retrieved from http://ec.europa.eu/food/food/docs/50years_foodsafety_en.pdf on January 22, 2014

²⁴⁹ *Ibidem*

Facing the unification of the European communities, the food started to play an important role as a cultural identifier and a vehicle of particular European regional identities, and it was entering the path to becoming a commonly understood cultural heritage. Following many changes, crises and experiences, the General European Food Law was implemented in 2002, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

3.2.1. Green Paper on the EU Food Law

Already in 1997 the Commission drafted and issued a Green Paper on the General Principles of Food Law in the European Union which aims were: to examine the already existent legislation and the extent to which it was meeting the needs and expectations of consumers, producers, manufacturers and traders; to analyze how the then-existing measures were meeting their main objectives to grant safe food supply and protection of consumers' various interests; to launch a public debate on food legislation and make it possible for the Commission to propose appropriate improvements and new measures for the necessary development of the EU Food Law for the future.²⁵⁰

The Green Paper identified six basic goals for the Community law:

1. "To ensure a high level of protection of public health, safety and the Consumer;
2. To ensure the free movement of goods within the internal market;
3. To make sure that the food safety-related legislation is in fact based on scientific evidence and risk assessment;

²⁵⁰ Department of Food and Nutritional Biosciences, The University of Reading, UK: Food Law - EU Background Papers: Green Paper on European Food Law Press Release from: <http://www.reading.ac.uk/foodlaw/eu/doc-2.htm> on January 23, 104

4. To enhance export future opportunities for the European industry and ensure its competitiveness;
5. To distribute the responsibility for safe food equally within the industry among producers and suppliers using hazard analysis and critical control system, supported by an official control and enforcements at the Community level;
6. To make the legislation coherent and rational”²⁵¹

It then specified than in order to achieve the aforementioned goals it is crucial to make sure that the regulatory approach covers the entire food chain “from the stable to the table”.²⁵² The Green Paper proposed simplification and rationalization of the Community foodstuffs legislation to be done in such a way that it would not result in reduction in the level of public health or consumer protection. In order to do that an extensive review of existing legislation was proposed in terms of: greater level of consultation of the social partners by encouraging them to participate actively in costs and benefits of the new proposed legislation; greater use of Regulations instead of Directives (increased transparency of the legislation); greater use of simplified procedures in order to adapt the legislation to technical and scientific progress.²⁵³ Moreover, the currently existent definitions use in legal instruments should be rationalized and completed by new definitions of foodstuffs and placing on the market; and in the field of labeling the new rules should grant the essential information about the foodstuff in a coherent and comprehensible manner, in no way misleading the consumer.²⁵⁴

²⁵¹ All information and references in this subchapter were retrieved from the European Commission’s Green Paper on the European Food Law (1997) from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:1997:0176:FIN:EN:PDF> on January 18, 2014

²⁵² *Ibidem*

²⁵³ *Ibidem*

²⁵⁴ *Ibidem*

The main goal of the food safety-related legislation would still be maintenance of a high level of protection of public health, consumers and their various interests. The Commission in the Green paper emphasized the crucial importance of an independent and objective source of advice which would command public respect. Consumer needs and concerns were also listed as issues to be urgently taken under consideration while revising the existing legislation and improving the new one. The Community's need to have adequate means of taking precautionary and preventive measures against sudden public health risks and threats made it necessary to ensure that there are no gaps within the food safety system. The improved legislation should in general clearly state the responsibilities of everyone engaged in the process of producing, processing, distributing and retail of food in order to be able to supply safe and highest specified quality food for consumers.²⁵⁵

Time efficient and correct implementation of the Community legislation was seen essential for the effective functioning of the internal market. The main role in the field of control was given to the Community in order to make sure that effective measures and procedures are undertaken throughout the internal market, and not to take this responsibility off the Member States. Moreover, the system of penalties for breaking the rules of internal market legislation should be effective and proportionate, and correspond to the rules set out in domestic legislation of the Member States.²⁵⁶

Already back in 1997 the Green Paper stated the following: "In non-harmonized areas, the primary instrument for the management of the internal market remains the principle of mutual recognition, which requires that a Member State should allow to circulate freely in its territory goods produced or marketed in conformity with the rules, tests or standards recognized in another Member State which can offer an equivalent level of protection to its own rules, tests or standards."²⁵⁷

²⁵⁵ *Ibidem*

²⁵⁶ *Ibidem*

²⁵⁷ *Ibidem*

Because of the fact that the Community acts both as an importer and exporter of food, it has to ensure that:

- Imported foods are of the equally high standard as it is required for foods of Community production;
- It is able to offer on export the foods produced within the Community;
- It is able to guarantee to the governments and consumers in the third countries that that food can be safely marketed on their territory.²⁵⁸

To sum up, the Community must always closely cooperate with the Member States, producers and the entire industry, in order to ensure that all the parties involved are respecting their obligations and responsibilities.²⁵⁹

3.2.2. White Paper on Food Safety

The next step in the formation of the new European Food Safety policy was taken on the 12th of January 2000 when the European Commission adopted a White Paper on Food Safety.²⁶⁰ The Paper was a result of a three-month work by the Commission refining the experience resulting from the Commission's Green Paper on Food Law published in 1997. The White Paper on Food Safety was as major initiative to promote the health of European consumers and a big step in achieving the highest possible level of health protection on the consumers of the foods produced in Europe. According to David Byrne, Health and Consumer Protection Commissioner, "consumer confidence has been badly affected by the various food alerts and crises

²⁵⁸ *Ibidem*

²⁵⁹ *Ibidem*

²⁶⁰ All information and references, unless stated otherwise, were retrieved from the European Commission's White Paper on Food Safety (2000)

of recent years and months.²⁶¹ (...) Proposals in the White Paper should fundamentally address consumer's legitimate concerns in this regard with a view to restoring and maintaining confidence in food safety".²⁶² The consultations included in the White Paper were also aimed at boosting the competitiveness of the European food industry. Improving transparency at all levels of Food Safety policy was the main focus of the White Paper as it was believed to enhance final consumers' trust in EU food safety policy.

The following are the major initiatives of the White Paper on Food Safety:

- I. Establishment of a European Food Authority by 2002. The work of the Authority would be based on the highest levels on independence, scientific and technical excellence and it would be characterized by complete transparency of its operations. It would cooperate on regular basis and in a close manner with national scientific bodies. The establishment of the Authority was seen as opportunity to address many weaknesses in the then-existing food safety system, namely the lack of scientific support for the system of scientific advice, inefficiencies in monitoring and controlling of food and feed safety issues, as well as many weaknesses within the rapid alert system. Basic categories of tasks to be performed by the Authority would be: establishment of risk assessment through scientific advice, information gathering and analysis, communication, rapid alert. All interested parties were invited to give their

²⁶¹ Bovine spongiform encephalopathy and its human variant of Creutzfeldt-Jacob disease (BSE, "Mad cow disease") in 2000, Foot-and-mouth disease epidemic in Great Britain in 2001

²⁶² The European Commission's White Paper on Food Safety (2000), Brussels, 12 January 2000 COM (1999) 719 final. Retrieved from http://ec.europa.eu/dgs/health_consumer/library/pub/pub06_en.pdf. on January 18, 2014

comments, views and recommendations regarding the European Food Authority.²⁶³

- II. In terms of Food Safety Legislation the White Paper proposed an action plan aiming at improving general coherence of the Community's legislation and "farm to table" approach. The plan included a preliminary proposal on General Food Law encompassing such principles of food safety as:
- responsibility of feed manufacturers, farmers and food operators;
 - traceability of food, its ingredients and feed;
 - professional risk analysis using: risk assessment, risk management and risk communication;
 - the use of the precautionary principle if necessary and appropriate.²⁶⁴
- III. Control of implementation of legislation in the field of development of a general Community framework for national control systems on which the Member States and the Community would cooperate. The framework would have three main elements, namely: operational criteria set up at a Community level; Community control guidelines; and improved cooperation in administrative fields in the developments and execution of control.²⁶⁵
- IV. Consumer information and quality communication with consumers is of crucial importance. Consumer communication and general public information would be

²⁶³ The European Commission's White Paper on Food Safety (2000), Brussels, 12 January 2000 COM (1999) 719 final. Retrieved from http://ec.europa.eu/dgs/health_consumer/library/pub/pub06_en.pdf. on January 18, 2014

²⁶⁴ *Ibidem*

²⁶⁵ *Ibidem*

one of the main tasks of the European Food Authority and realized with the Commission. It should improve the dialogue with the consumers in order to encourage them to take part in the creation of the new Food Safety policy. Consumers must also be better informed about emerging food risks, threats and concerns, also one related to particular groups of food products.²⁶⁶

- V. In its international dimension, the Community as the world's largest food exporter (20.8%) and second largest food importer (18.1%)²⁶⁷ should clearly explain the recent European developments in food safety to all its trading partners.²⁶⁸

²⁶⁶ *Ibidem*

²⁶⁷ Data as of February 2013. Retrieved from <http://ec.europa.eu/enterprise/sectors/food/international-market/> on the 06.12.2013

²⁶⁸ The European Commission's White Paper on Food Safety (2000)

3.2.3. *Principles and Requirements of the EU General Food Law*

The general framework of the European Food Law was officially established in 2002 by the Regulation EC/178/2002 of the European Parliament and the Council of the European Union²⁶⁹ with regard to the Treaty establishing the European Community and respecting the proposal from the Commission, the opinions of the Economic and Social Committee, and the Committee of the Regions. The general principles of Food Law (Articles 5 to 10) officially entered into force on the 21st of February 2002.

The main objective of the EU Food Law is “to ensure a high level protection of human life and health” of European citizens, at the same time considering the protection of animal and plant health and welfare, and protection of the environment, and the integrated “farm to fork” approach is currently considered a general principle for the EU safety policy²⁷⁰ (see: the next subchapter). In other words, the Commission’s main priority is to make sure that the EU has the highest standards of food safety in terms of the entire production chain, movement of foodstuffs within the Single European Market and traceability of food. In order to fully understand the complexity of food law and food safety management in the EU, and for the purpose of this research, it is necessary to analyze the aforementioned Regulation in a more detailed manner.

²⁶⁹ Regulation (EC) No 178/2002 of the European Parliament and of the Council, of 28 January 2002, laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety. Accessed from eur-lex.europa.eu on January 20, 2014

²⁷⁰ Regulation (EC) No 178/2002 of the European Parliament and of the Council, of 28 January 2002, laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety. Accessed from eur-lex.europa.eu on January 20, 2014

The main aim of the Regulation EC/178/2002 setting up the EU Food Law was to create the basis for the best possible level of protection of human health and the interests of final consumers of food at Community and national level.²⁷¹ In turn, it required creation of a complex food safety system and an integrated approach to food safety, taking into account the diversity in the supply of food, including traditional regional products. At the same time it was important to ensure that the internal market functions in an effective way. Guarantying the free movement of safe food was and is one of the crucial aspects of the internal market and it very much contributed to the well-being and health of the EU citizens, as well as to their various social and economic interests. Such a free movement of foodstuffs can be achieved only if safety requirements do not differ in a significant manner from Member State to another Member State. Naturally, there are differences regarding concepts, definitions, principles and procedures between food laws in different Member States. It was therefore of crucial importance to form a common basis for the measures concerning governing and management of safe food between the Member States of the Community,

In terms of food safety it was necessary to adopt measures aiming at guarantying that unsafe food would not be placed on the internal market and ensuring the existence of a system able to control the production of safe food, identify potential problems and threats and react immediately to the already existent problems. In order to perform and accomplish all the aforementioned tasks, a comprehensive and integrated approach to food safety must have been taken. Moreover, a broad definition of food law needed to be introduced, covering all provisions and factors at all levels of production with a direct or indirect effect on food safety. Measures pertaining to food safety adopted by Member States and the Community were to be based on risk analysis: (a) risk assessment, (b) risk management, (c) risk communication. Risk assessments should be independent, objective and transparent and performed on the basis of the available scientific

²⁷¹ *Ibidem*

data.²⁷² There are, however, other factors that are relevant to this consideration, namely: societal, economic, traditional, ethical and environmental, as well as feasibility of controls.²⁷³

It was also crucial to ensure the open and transparent development of the EU General Food Law in order to ensure protection of consumers' and trading partners' interests, such as guarantying an open and immediate communication to the public in case of grounded suspicion that certain food may be a risk to health. Therefore the Regulation established common principles, responsibilities and means for building a scientific base, arrangements and procedures to enable the existence of efficient decision-making process regarding the matters of food safety. It relates to all stages of production, processing and distribution of food. Regulation also set up also the most important and basic definitions.²⁷⁴

General principles of the EU General Food Law are laid down in Article 5 to Article 10 of the Regulation. The first and foremost it is to guarantee a high level of human life and health and the protection of consumer's interests which also include fair practices in food trade, protection of animal health and welfare and the environment (Art.5) Article 6 states that in order to achieve that general objective food law should be based on risk analysis (risk assessment, risk management and risk communication). The risk assessment should be based on available objective, independent and transparent scientific data. The

²⁷² Regulation (EC) No 178/2002 of the European Parliament and of the Council, of 28 January 2002, laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety. Accessed from eur-lex.europa.eu on January 20, 2014

²⁷³ *Ibidem*

²⁷⁴ Regulation (EC) No 178/2002 of the European Parliament and of the Council, of 28 January 2002, laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety. Accessed from eur-lex.europa.eu on January 20, 2014

precautionary principle allows the adoption of provisional risk management measures in order to ensure the highest possible level of health protection, in case scientific uncertainty persists but possible harmful effects on health are identified. The principle gives certain barriers to the free movement of food and feed in order to guarantee the highest level of health in the EU. It is necessary to develop and implement a common basis for use of this principle throughout the Community (Art.7). Article 8 of the Regulation states that the aim of the EU Food Law is also to protect the interests of consumers as well as enabling them to choose the foodstuffs they consume in an informed way, by preventing deceptive and misleading practices and any adulteration of food.²⁷⁵

Section 2 of the Regulation undertakes the issue of public transparency (Article 9). It states that public consultation through various representative bodies shall be transparent and open all the stages of preparation, implementation and evaluation of the food law. Article 10 states that in case of emergency and suspected risk for human or animal health, public authorities should take appropriate and proportionate measures to inform general public about the risk and its nature.

Section 3 of the Regulation relates to the general obligations of food trade. Food and animal feed imported to the EU for the purpose of being placed on the internal market must meet the requirements of the EU Food Law and other conditions recognized by the Community (unless there exists a specific agreement between the Community and the exporting country). Article 12 elaborates on food and feed exported from the Community for placing on the market of the third country and states that such food or feed has to meet the particular requirements of the third country's food law or be relevant to any specific agreement that that country has with the Community.

International standards, meaning the obligations of the Community and the Member States in respect of the EU Food Law, are

²⁷⁵ *Ibidem*

treated in Article 13 of the Regulation. It states that both the Community and the Member States have to actively contribute to the development of international technical and sanitary standards for food and feed. Furthermore, they should promote the high coordination of works related to food and feed which was undertaken by various governmental and nongovernmental organizations. They should also contribute to the development of agreements relating to variety of food and feed-related measures and make sure, by giving special attention to it, that international standards do not stand in the way of exports from developing countries. Lastly, Article 13 states that both the Community and the Member States shall promote international technical standards and food law in general, making sure that the high level of protection granted by the Community is not minimized.

Food safety requirements are mentioned in Section 4 (General requirements of food law) in Article 14 of the Regulation. If unsafe food should ever be placed on the market, it is considered to be unsafe if it is injurious to health (probable immediate and/or long-term and/or short-term effects of food on health of a consumer and of subsequent generations; probable cumulative toxic effects; the particular health requirements of a particular category for specific consumers) or unfit for human consumption. While deciding whether food is unsafe the attention should be given to the normal conditions of use by the consumer of food and to the each stage of food production, processing and distribution. Special focus should be also given to the information provided to the consumer, including the labeling of food, but also any other kind of information available to the consumer. Point 9 of Article 14 states also that food should be considered safe (if there are no specific Community provisions) when it fits in the specific provisions of national law of the member State where that food is marketed.

Article 16 of the same section treats the topic of presentation of food and foodstuffs legally available and marketable within the internal market. It states that the labeling, general presentation of food (shape, packaging, materials used for packaging, the way of arranging and setting of display), and moreover, all the information available

about the food product through any medium, must not mislead the consumer in any way.

Responsibility of food and feed business operators and Member States is brought up in Article 17 of the Regulation. Food and feed business operators shall ensure that foods and feed safety meet the requirements of the EU Food Law at all stages of production, processing and distribution (within the business over which they have control). Member States responsibilities are to enforce the Food Law, and ensure and control that requirements of the Food Law are fulfilled by business operators at all levels of production, processing and distribution. Therefore, the Member States should develop a system of controls and take other measures in monitoring as well as communication, which would cover all stages of production, processing and distribution. The system of controls and monitoring should be concurred in appropriate measures and proportionate penalties lay down by the Member States in case of infringements of food and feed law.

Issues regarding the rule of traceability of food and substances incorporated into food at all stages of production, processing and distribution are brought up in Article 18 of the Regulation. Food business operators should be able to at any time identify any person from who have supplied them with food, feed or other substances that the food contains. Special procedures and systems allow food business operators to inform particular competent authorities on demand, as well as to identify and inform other business to which such the suspicious product has been supplied. Lastly, the food which is placed on the market (or which is supposed to be placed there) should be labelled in an adequate manner in order to easily identify it and trace it.

Chapter 3 of the Regulation is entirely devoted to the official establishment of the European Food Safety Authority. It encompasses its mission, tasks, and bodies, scope of operations and scientific opinion as well as technical assistance in any field within its mission. It sets up the Authority's role in commissioning scientific studies, collecting data, and identification of emerging risks in the fields within the scope of

their operations (for detailed information on the establishment of EFSA, see the next subchapter).

Chapter 4 (Section 1, Article 50) of the Regulation sets up issues such as: the Rapid Alert System, crisis management, and other emergencies. The RASFF – Rapid Alert System for Food and Feed - for the notification of direct or indirect threats has been in place since 1979 as a network and was enhanced by the General Food Law in 2002. Members of the network are the Member States, the European Commission, the European Food Safety Agency, Iceland, Liechtenstein and Norway. RASFF enables the rapid exchange of information between national competent authorities on all foodstuffs and animal feed, specifically when a national authority has identified a risk to human health and taken measures, such as withholding, recalling, seizure or rejection of the products concerned.

Such notification may be supplemented with scientific and technical information by EFSA, which in turn, will start immediate risk management from the Member States. The Member States should immediately notify the Commission using the rapid alert system, with a detailed explanation of the reasons of a rapid action to be taken, whenever:

- The Member States take a measure to restrict the placing on the market or a withdrawal from the market of food and feed, in order to protect human and feed health and welfare, which requires rapid action;²⁷⁶
- If the Member States received any recommendation or made an agreement with professional operators connected with special conditions on the placement/use of a particular food on the market, in

²⁷⁶ Regulation (EC) No 178/2002 of the European Parliament and of the Council, of 28 January 2002, laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety. Accessed from eur-lex.europa.eu on January 20, 2014

respect of an existent serious risk to human health which requires a rapid action;²⁷⁷

- In case there was a rejection by a competent authority of a batch, container or a cargo of food or feed at a border post within the EU, caused by an existent risk to human health.²⁷⁸

Thanks to this system, Member States can identify if they are also affected and respond appropriately, ensuring coherent and simultaneous actions across the EU and protecting the safety of consumers. To keep the public fully informed, the EU publishes weekly and annual reports containing information on all notifications on its website. The Commission transmits the information to the members of the network and to the particular target recipients directly involved in taking immediate and rapid actions, namely to all the border posts within the EU or the third country. The Member States inform the Commission about all the actions or measures taken following the rapid alert, which in turn, is transferred immediately from the Commission to the members of the network.²⁷⁹

Participation in the rapid alert system is opened to applicant countries, third countries or international organizations. The bases for such participation are the mutual agreements between the interested parties and the Community. Implementing measures for rapid alert system is adopted by the Commission after discussion with the Authority. Information available to the members of the network regarding the risk to human health cause by food or feed should be available to and accessible for the general public, however the network's members of staff should be required not to disclose the information (personal secrecy) which they obtained for the purpose of the rapid alert system and notifications.²⁸⁰

²⁷⁷ *Ibidem*

²⁷⁸ *Ibidem*

²⁷⁹ *Ibidem*

²⁸⁰ *Ibidem*

Emergency measures for food imported from a third country or of Community origin are brought up in Section 2 of the fourth chapter of the regulation. In case there is an evident risk of food dangerous to human health and the measures undertaken by the Member States are in this particular case not sufficient, the Commission should on its own initiative or at the Member State's request, immediately take appropriate measures. In case of food of feed originating from the Community, the Commission can: suspend the placement of food product on the market and its use of any kind; placing the food in question on the market under special conditions; take any other appropriate measure. The Commission can also provisionally adopt aforementioned measures after consulting the Member State involved and the other Member States. In case of food imported from the third country, the Commission can suspend the imports of food in question from a part of the third country or from the entire third country; lay down special conditions for the food in question from all or part of the third country; take any other appropriate actions and measures.²⁸¹

General plan for crisis management in the field of food safety (Section 3, Article 55) is drawn up by the Commission on cooperation with the Authority and the Members States. The general plan specifies the types of food-related situations which involve direct and indirect threats to human life, and which cannot be dealt with solely by existing provisions or by the application of measures related to emergency measures (Article 53 and 54). The general plan involves also crisis management procedures including application of transparency and communication strategy. In crisis situations when Community law, provisions in place, and regulations of the food law are insufficient to solve the crisis, the Commission should immediately notify the Members States and the Authority. A special crisis unit should be set up instantly with a participation of the Authority and provision of all possible and appropriate scientific and technical assistance. The crisis unit is responsible for collection and evaluation of all relevant data and identification of possible options for prevention and elimination of risk

²⁸¹ *Ibidem*

to human life and health cause by food. The crisis unit may ask for assistance from any public or private person whose assistance and expertise they find of valuable importance and the unit should inform the general public about the risks related to the crisis situation and about the measures taken.²⁸²

In chapter V the Regulation treats about procedures and final provisions. Article 58 states that the Commission should be assisted by a Standing Committee of the Food Chain and Animal Health (the “Committee”) which consists of Members States’ representatives and which is chaired by the Commission’s representative. Each and every section of the Committee deals with a particular matter related to safe food and animal health. Mediation procedure between the Commission and the Members States is mentioned in Article 60. If two Members States involved in the matter (for instance, if by opinion of a Member State some measures taken by another Member State in the field of food safety are against the EU Food Law, or if they are endangering the functioning of the internal market) and the Commission are unable to solve in the problem, the Commission turns to the Authority in seeking the opinion on the relevant scientific issue.²⁸³

Final provisions of the Regulation (Articles 61-65) state that every 6 years, the Authority in cooperation with the Commission, commands an independent external evaluation of its achievements, from working practices to the impact of Authority. The evaluation shall consider views of the stakeholders at national and Community level. The Management Board of the Authority analyses the results of the evaluation and issues recommendations of necessary changes within the performance of the Authority to the Commission (later forwarded to the Council and the European Parliament). The evaluation and recommendation giving process are public.²⁸⁴

²⁸² *Ibidem*

²⁸³ *Ibidem*

²⁸⁴ Regulation (EC) No 178/2002 of the European Parliament and of the Council, of 28 January 2002, laying down the general principles and

3.2.4. *Establishment of the European Food Safety Authority*

The European Food Safety Authority (hereafter called “the Authority”) provides scientific advice and technical support in all areas concerning food safety. It is treated as an independent source of information and ensures open communication with general public. Participation in the Authority is open to the EU Member States and to other countries applying and restricting the EU Food Law and Food Safety system.²⁸⁵

The Authority's tasks are as follows:

- “To provide the Member States, the European institutions and other interested parties with scientific advice on all matter connected with food safety (and others, such as animal health and nutrition). Such scientific advice is the base for policy decisions regarding risk management;
- To ensure that the general public receives reliable, objective and coherent information;
- To promote and coordinate the development of risk assessment methods compatible in all Member States of the EU;
- To provide scientific and technical support to the Commission, also in respect of crisis management;
- To assign scientific studies compatible with and necessary for Authority’s mission;
- To collect, analyze and summarize scientific and other data in areas relating to food safety;
- To take action in order to be able to identify in advance and characterize the newly emerging risks. In order to do so, the Authority establishes monitoring procedures to search

requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety. Accessed from eur-lex.europa.eu on January 20, 2014

²⁸⁵ *Ibidem*

for, collect and analyze information and data with regard to the identification of emerging risks;

- To build up European networks of organizations operating in the field of food safety.
- Creation of the rapid alert system linking the Commission and the Member States. It should also improve the exchange of information, already possessed knowledge and good practices;
- To provide, at the request of the Commission, scientific and technical support aimed at improving cooperation between the Commission, the candidate countries, international organizations and third countries;
- To give opinions and conclusions on matters within the scope of food safety and actions of the Authority.”²⁸⁶

The EFSA consists of the following bodies:

Management Board - involves fourteen members who are appointed by the Council (in consultation with the European Parliament) from a list created by the Commission (which includes one representative of the Commission). Four of the members have a background in consumer organizations and interests in the food production chain.²⁸⁷ Members' term of office is formally four years but it can be renewed one time for a maximum of five years. The initial term of office for half of the members of the Board is six years.²⁸⁸ The

²⁸⁶ Regulation (EC) No 178/2002 of the European Parliament and of the Council, of 28 January 2002, laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety. Article 23, p. 13. Accessed from eur-lex.europa.eu on January 24, 2014.

²⁸⁷ Regulation (EC) No 178/2002 of the European Parliament and of the Council, of 28 January 2002, laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety. Accessed eur-lex.europa.eu on January 24, 2014.

²⁸⁸ *ibidem*

Management Board elects its Chairman for a two-year period and it is renewable. It adopts the rules of procedure, the work program and the final budget and the general activity report. The Management Board must ensure that the Authority performs the tasks assigned to it under the conditions laid down in the founding Regulation.²⁸⁹

Executive Director is the legal representative of the Authority appointed by the Management Board also on the basis of a list proposed by the Commission. The Director is appointed for five years which may be renewed for a period that does not exceed another five years. The Executive Director is responsible for everyday administration of the Authority and for implementation of the budget. Such a person proposes also the work program and is responsible for its implementation. The Director forwards the general report on the activities to the European institutions at latest by mid-June each year.²⁹⁰

Advisory Forum includes one representative per Member State who represents national authorities responsible for risk assessment. It advises the Executive Director particularly regarding the implementation of the work program and prioritizing requests for scientific opinions. The Forum meets at least four times a year.²⁹¹

Scientific Committee and Scientific Panels are composed of independent scientific experts appointed for three years by the Management Board and proposed by the Executive Director. They are responsible for adopting the Authority's scientific opinions within their respective spheres of competence. The Scientific Committee is composed of the chairpersons of the scientific panels and six independent experts. It may also organize public debates and set up working groups on matters which do not fall within the competence of the scientific panels.²⁹²

²⁸⁹ *Ibidem*

²⁹⁰ *Ibidem*

²⁹¹ *Ibidem*

²⁹² Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and

The ten Scientific Panels are: 1) Panel on additives, flavorings, processing aids and materials in contact with food; 2) Panel on additives and products or substances used in animal feed; 3) Panel on plant protection products and their residues; 4) Panel on genetically modified organisms; 5) Panel on dietetic products, nutrition and allergies; 6) Panel on biological hazards; 7) Panel on contaminants in the food chain; 8) Panel on animal health and welfare; 9) Panel on plant health.²⁹³

Executive Director and members of all the bodies of the Authority act independently in public interest. The Authority carries out its activities with the highest possible level of transparency. The agendas and minutes of meetings of all the Panels are made public, as well as the opinions and results of scientific studies adopted.²⁹⁴

requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, Art.24-28, p.13-16

²⁹³ *Ibidem*

²⁹⁴ Regulation (EC) No 178/2002 of the European parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, Article 38, p. 18

3.2.5. *Principle of Mutual Recognition*

The Principle of Free Movement of Goods is set out in the Treaty on the Functioning of the European Union (TFEU)²⁹⁵ and it is directly applicable in all Member States. It means that Member States have to accept products which are lawfully marketed in another Member State and which are not subject to European Union harmonization, unless very specific conditions are met.²⁹⁶ In practice, this means that in special technical cases, a Member State of destination can refuse to market and sell products which are produced and marketed in a Member State of origin, whereas in some other cases the refusal is not possible.

Regarding the internal trade of goods within the EU, the Principle of Mutual Recognition (Article 28 EC)²⁹⁷ states that a product lawfully marketed in one Member State should be allowed to be marketed in any other Member State, even if the product does not fully comply with the technical rules of the Member State considered. However, there is an exception to this principle: the Member State of destination may refuse the marketing of a product if it can show that this action is strictly necessary for the protection of public safety, health or environment. In that case, the Member State of destination must also demonstrate that its measure is the least trade-restrictive measure.²⁹⁸

²⁹⁵ Consolidated version of the Treaty on the Functioning of the European Union retrieved from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0047:0199:en:PDF> on February 12, 2014

²⁹⁶ Europa.eu – Texts and Summaries of legislations from: http://europa.eu/legislation_summaries/internal_market/internal_market_general_framework/l21001b_en.htm on February 12, 2014

²⁹⁷ Europa.eu, URL: http://ec.europa.eu/enterprise/policies/single-market-goods/free-movement-non-harmonised-sectors/mutual-recognition/index_en.htm accessed February 12, 2014

²⁹⁸ All information and references regarding the functioning of Principle of Mutual Recognition in this subchapter were retrieved from the aforementioned Article 28, EC, unless stated otherwise.

In theory a principle stating that a particular food product which is being marketed in one Member State must be marketed in all other Member States seems to be beneficial for all parties involved. However, that these requirements apply to both small-scale producers and big international corporations operating in Member States. Small-scale producers, mostly offering local products, usually cannot withstand the competition with international corporations. This creates an evident threat to the food-related diversity of Member States and different European regions.

Most importantly, such a situation within the trade of food goods impacts the production of certain traditional local foods and foodstuffs considered to be gastronomic heritage. The particular direction of the evolution of the EU Food Law and creation of extremely high standards in terms of food safety and hygiene, led to a situation in which small-scale producers of local food and foodstuffs could experience serious limitations in the production and sale of their products. For instance, the strict requirement of milk pasteurization severely impacts the traditional production of traditional cheeses based on un-pasteurized milk, such as *oscypek* cheese from Southern Poland, the main case study for this analysis (see: Chapter 4). Fortunately, small-scale producers of local traditional foods can use the symbols of the protected quality in order to promote their products without the costly process of gaining their own trademark, which they cannot usually afford.

However, the primary example of the practical use of the Principle of Mutual Recognition can be the Cassis de Dijon case from 1979, where the Principle of Mutual Recognition actually originates from.²⁹⁹ Cassis de Dijon is world famous French liquor which contains between 15% and 20% of alcohol. In 1979 German authority, the Bundesmonopolverwaltung für Branntwein (a section of the German Federal Ministry of Finance), refused to grant permission to the

²⁹⁹ Information and references regarding the case were retrieved from IPPT19790220, ECJ, Cassis de Dijon from www.ippt.eu on February 12, 2014

German Rewe company to import and sell liquor in Germany.³⁰⁰ It was stated that the low alcohol content of Cassis de Dijon is simply incompatible with German legislation which rules states that the only fruit liquors available on sale in Germany are those containing over 25% of alcohol. German government argued that liquors containing less alcohol tend to cause more tolerance toward alcoholism than liquors containing high level of alcohol. The authorities stated that the product concerned was banned in order to protect the health and the best interests of the consumers. The case was directed to the European Court of Justice with a preliminary question.³⁰¹

The decision was that a particular food product lawfully produced and marketed in one Member State should be able to be moved freely throughout the internal market. The Court ruled the following:

- “In the absence of Community rules, national measures (nondiscriminatory in form) which are similar in effect to a quantitative restriction on imports do not violate Art. 28 of the EC Treaty, if they are necessary due to the effective control of the tax, consumer protection, protection of public health and the integrity of trade;
- Each good placed legally on the market of a Member State shall have access to all the Member States;
- Measures determining the minimum alcohol content are measures of the effects analogous to quantitative restrictions.”³⁰²

³⁰⁰ Craig, Paul; de Búrca, Gráinne (2007). *EU Law, Text, Cases and Materials* (4th ed.). Oxford: Oxford University Press. pp. 677–679. ISBN 978-0-19-927389-8

³⁰¹ Steiner, Josephine; Woods, Lorna; Twigg-Flesner, Christian (2006). *EU Law* (9th ed.). Oxford: Oxford University Press. pp. 378–382, 397. ISBN 978-0-19-927959-3.

³⁰² Retrieved from: IPPT19790220, ECJ, Cassis de Dijon from www.ippt.eu on February 12, 2014

The principle of free movement of goods is recognized as one of the pillars of the common market, and the European Court of Justice stands on its guard. Therefore, the Court considered the provisions of the German legislation as violating the principle of free movement of goods. Because the Cassis de Dijon is in conformity with the French legislation, it cannot be banned from trading on the German market. This judgment begun the common application of the principle of mutual recognition, according to which the goods which are manufactured in accordance with the laws in force in the country of origin must in principle be allowed to move freely and access the domestic markets of all Member States of the European Community. Diversifying the rules of food goods circulation in different EU countries creates additional difficulties for entrepreneurs who want to sell and market their products on the European markets. The Court has further ruled that trade barriers are permitted only to meet the applicable requirements relating to:

- “the effectiveness of fiscal supervision,
- protection of public health,
- fairness of commercial transactions,
- consumer protection.”³⁰³

Following the *Cassis de Dijon* case, the Principle of Mutual Recognition became crucial for the European Food Law and a new approach regarding the free movement of food goods was developed. The European Court of Justice has prompted Member States to work out and agree on common standards for the release of goods on the market, which otherwise would be difficult to harmonize. In 1985 the EU limited rules on foodstuffs to provisions justified by the need to protect consumers health and provide the public with information, while ensuring appropriate and adequate controls of food goods.³⁰⁴

³⁰³ *Ibidem*

³⁰⁴ “Fifty years of food safety in the European Union”, Together since 1957. Publications Office of the European Commission, Health & Consumer Protection Directorate General, p. 19.

Having taken these facts under consideration, the EU authorities implemented rules on product quality, creating the European Agricultural Quality Schemes allowing national local small-scale producers from Member States to enter the internal market of the EU on more equal and fair conditions. This made it easier for them to promote and sell their products, and naturally, to encourage transmission of knowledge and exchange of the EU Members States' diverse gastronomic heritage.

3.3. Geographical Indications as Tools for Safeguarding Food Heritage

In global context, within the EU dimension, and in terms of food safety, the protection and preservation of local food traditions is necessary but the need to do so is often heavily underestimated. Specific measures are also needed to protect traditional products' names and to inform consumers about authenticity of products they are offered. Moreover, stronger protection of EU regional culinary heritage is in the interest of vast majority of European farmers, so they can keep on producing high quality agricultural products.

Already decades ago, measures were taken to encourage high quality of food products in the EU and to enhance Member States capabilities to reduce food safety hazards. Currently, quality is the most important issue for the European farmers in terms of protecting their agricultural products in heavy competition with products originating from other countries. It is also the most potent weapon in competing with fake products on the market. Before 1992 particular Member States followed the rules on national level pertaining to the protection of some food products' names. However, after creation of the EU internal market, it became clear that safety of food and protecting producers against exploitation of reputation of their products turned out to be the main concern. Therefore, a common EU regulation was needed, one which would establish fair rules of competition between producers and which would not, at the same time, undermine the already existing national quality schemes.

3.3.1. EU Agricultural Quality Policy

In 1999 the EU introduced the new Quality Schemes and a system of protection and promotion of regional agricultural products. It was inspired by the already existing national systems, such as AOC in France (*Appellation d'Origine Contrôlée*), and the Italian DOC (*Denominazione d'Origine Controllata*). The EU system protects the names of products, and thus controls their quality, and establishes the necessary conditions under which they can be used in order to preserve their traditional specific character. In general, the EU quality policy for agricultural products and foods aims to:

- "Encourage differentiated agricultural production;
- Protect the names of authentic products from misuse and imitation;
- Inform consumers and help them understand the specificity and uniqueness of the protected products."³⁰⁵

Within the frame of the European agricultural policy quality refers to such issues as: specific product characteristics linked to geographical origin or production zone; animal breed or production method; special ingredients used in the production process; particular production methods which usually result from local knowledge and long-lasting traditions; and processing, preparation, presentation and labeling in ways that enhance the attractiveness of the product for consumers.³⁰⁶

Another important term regarding food safety and protection of dying out culinary traditions and traditional food products is authenticity. It pertains to preventing traditional food products from any deceptive practices, adulteration, or use of fake methodology of

³⁰⁵ "European Policy for Quality Agricultural Products - Fact Sheet", European Commission, January 2007, p.5. Retrieved from http://ec.europa.eu/agriculture/publi/fact/quality/2007_en.pdf on February 20, 2014

³⁰⁶ *Ibidem*

producing the food. It also refers to any practice which could deceive the consumers as to content, origins and other characteristics of the products, so they can make conscious and informed choices about the food products they purchase and consume.³⁰⁷

When food is understood as cultural gastronomic heritage, quality and authenticity refer also to the authenticity of the methodology and quality of ingredients used at each and every level of production in order to produce the real and genuine traditional food product. For the consumers, purchasing a particular food product with a quality label, guarantees both its quality and authenticity. In this way consumers can be assured as to purchasing the real product they are looking for, and not an imitation. This comes along with an increasing popularity of traditional local foods, development of gastronomic tourism and a growing interest of consumers in the geographical origins of food and its particular characteristics.

According to the EU General Food Law and European Quality Schemes the origin of each food product available on the internal market must be labelled and give information on the origin of the product. In many cases, omitting such information could lead to the misleading of the consumer. Additionally, some designations of origin are protected according to the European quality schemes. Regulation 510/2006 on Agricultural Indications establishes rules for the protection of Protected Designations of Origin (PDO) and Protected Geographical Indications (PGI) of agricultural products. The Regulation also provides opportunities for small-scale producers to use quality symbols as means of promoting their products, without the complex process of obtaining a trademark. Like trademarks, quality symbols can be used by a group of producers to distinguish their product.

³⁰⁷ Regulation No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety. Article 8, p. 9

3.3.2. *EU Legal Framework for the Agricultural Product Quality*

The purpose of Green Paper on Agricultural Product Quality from October 15, 2008 was to provide a strategic and regulatory framework for the protection of the agricultural products and to promote their quality. For years there has been an open discussion with focus in the three areas: farming requirements and marketing standards, existing quality schemes and certification schemes. The goal of it was to assess the existing instruments and the ways of their improvement, as well as proposing new initiatives to be considered within the field of protection of the agricultural goods and making sure that they are of a highest quality. The final consumers could not really distinguish between the products complying with the standards of hygiene, safety, highest quality and authenticity, and other ones which were not. Therefore, it was important to create a symbol which would indicate that a given product was produced in compliance with specific production methodology and rules, and to indicate the place of its production or of its primary products. The aim of such a symbol would be to help farmers offer authentic high quality products which would meet the well-informed consumers' expectations and demands, as well as to offer a price comparison for different kinds of products. Appropriate regulations currently lay down clear definitions of products, products standards, categories as well as labeling requirements. The Green Paper then furthermore elaborates on European quality schemes, the system of geographical indications and the system of Traditional Specialties Guaranteed. Geographical indications system aims at protection of intellectual property and includes Protected Designation of Origin and Protected Geographical Indication.

Council Regulation (EC) No 510/2006 of March 20, 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs establishes the rules for protecting designations of origin and geographical indications for agricultural products and foodstuffs which are intended for human consumption in the EU. The provisions set out in the act exclude the whole wine sector

except wine vinegar, and regards variety of agricultural products and foodstuffs from a clearly defined geographical area. The use of the EU quality symbols on the labels of such products provides consumers with clear and concise information on products' origin. Introduction of quality schemes is beneficial for the rural economy, as it boosts farmers' income and keeps remote areas populated. Introduction and application of the EU quality schemes can be extremely beneficial for the education on the importance of traditional foods and foodstuffs as unique gastronomic heritage of the European communities and can foster protection and provide opportunities for future development of neglected food traditions.

The European Quality Schemes within which agricultural products are linked to their specific characteristics and their geographical origin are as follows: Protected Geographical Indication (PGI), Protected Designation of Origin (PDO); and Traditional Speciality Guaranteed (TSG)³⁰⁸. Currently, as of April 10, 2015 there are

³⁰⁸ The third category of agricultural products protected by the EU quality scheme, namely the Traditional Speciality Guaranteed is not going to be the elaborated on within this research. Its principles are set by the Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed. It is a trade mark for an agricultural product or a foodstuff, which has a particular feature or features, which make it very specific and different from other products from the same category. Such product or foodstuff must be manufactured using traditional methodology and ingredients, or to be very specific for some other reason related to its traditional composition or manufacturing process. Therefore, in order to obtain the TSG status, the product does not need to have a link with a particular geographical region. It is, however, important that it is traditional and differs from other products in the same category of agricultural products or foodstuffs. Because of the fact that TSG category of products is not the main concern of this particular research, the TSG specification will not be discussed by author in this thesis.

more than 1260 agricultural products registered under the schemes: 589 PDOs, 625 PGIs, and 49 TSGs.³⁰⁹

Protected Designation of Origin is a legal European quality certificate given to foodstuffs which are produced, processed and prepared in a given, clearly defined, geographical area with the means of using a recognized traditional method. As stated in Article 2 of the aforementioned Council Regulation (EC) No 510/2006:

“Designation of origin means the name of a region, a specific place or, in exceptional cases, a country, used to describe an agricultural product or a foodstuff:

- Originating in that region, specific place or country,
- The quality or characteristics of which are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors, and
- The production, processing and preparation of which take place in the defined geographical area.”³¹⁰

Therefore, the link with the area is very strong in case of Protected Designation of Origin and, in fact, it is much stronger than in the Protected Geographical Indication quality scheme. World famous examples of foods protected by the European PDO certificate are, for instance: *Mozzarella Di Bufala Campana* or *Parmigiano Reggiano* (for collection of chosen cases with a GI protected status, see the next subchapter).

The second category of products falling under the Protected Geographical Indication are foodstuffs linked with a defined geographical area in at least one of the stages of production, processing or preparation, but the link with the area here is less strong than in case

³⁰⁹ According to DOOR database and to the data accessed on April 10, 2015. Given data included only the already registered products (excluding the “applied for” and “published”).

³¹⁰ Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

of Protected Designation of Origin. Article 2 of the Regulation defines it in the following way:

“Geographical indication means the name of a region, a specific place or, in exceptional cases, a country, used to describe an agricultural product or a foodstuff:

- Originating in that region, specific place or country, and
- Which possesses a specific quality, reputation or other characteristics attributable to that geographical origin, and
- The production and/or processing and/or preparation of which take place in the defined area.”³¹¹

Neither PDO nor PGI can be registered in case if the reputation and the length of time it has been used for, are likely to mislead the consumer as to the authenticity of the product. In fact, no names of such foodstuffs can be registered if they may mislead the consumer as to the real identity of the product. Therefore in case if the names have become too generic (like, for instance, *Dijon mustard* or *Cheddar cheese*) or if they conflict with the name of a plant or an animal, they can be misleading the consumer as to the product origins.

In order for a given product to obtain a PDO or PGI, they must comply with the product specification, which includes the following necessary information:

- “the name of the PDO or PGI;
- the description of the product, with an indication of its main properties³¹²;
- definition of the geographical area of products origin;
- a proof that the product indeed originates from the given area;

³¹¹ Council Regulation (EC) No 510/2006 of 20 March 2006 on protecting designations of origin and geographical indications for agricultural products and foodstuffs which are intended for human consumption in the EU.

³¹² These are the physical, chemical, microbiological and organoleptic properties of the products.

- information explaining the link between the product and the geographical area;
- description of the methodology of production (also, the authentic and unvarying local methods), as well as information concerning packaging in the defined geographical area in order to guarantee the product's quality, and to ensure the origin/control;
- the name and contact details of authorities or bodies that verify compliance with the provisions contained in the product specification;
- specific labeling rule for the product in question;
- other requirements made by the Community or national provisions."³¹³

Legal basis on international and Community levels for geographical indications and designations of origin regarding agricultural products is the following:

International laws:

- The Paris Convention for the Protection of Industrial Property of 1883;
- The Agreement on Trade- Related Aspects of Intellectual Property rights (TRIPS) Articles 22to 24.³¹⁴

Community laws:

- Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional (OJ L 93, 31.03.2006, p. 1);
- Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations

³¹³ Europa.eu retrieved from http://europa.eu/legislation_summaries/internal_market/businesses/intellectual_property/l66044_en.htm on March 2, 2014

³¹⁴ Polish Patent Office, accessed <http://www.uprp.pl/geographical-indications/Menu17,355,15,indexen,en/> on March 2, 2014

of origin for agricultural products and foodstuffs (OJ L 93, 31.03.2006, p. 12);

- Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labeling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89;
- Council Regulation (EC) No 1898/2006 of 14 December 2006 laying down detailed rules of implementation of Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (OJ L 369, 23.12.2006, p. 1);
- Council Regulation (EC) No 1216/2007 of 18 October 2007 laying down detailed rules for the implementation of Council Regulation (EC) No 509/2006 on agricultural products and foodstuffs as traditional specialties guaranteed (OJ L 275, 19.10.2007, p. 3).³¹⁵

Legal basis for geographical indications and designations of origin regarding agricultural products and foodstuffs on national level is encompassed by the following Polish national laws:

- The Act of 17th of December 2004 on registration and protection of names of agricultural products and foodstuffs (with amendments);
- The Act of 18th of October 2006 on production of spirit drinks and on registration and protection of geographical indications of spirit drinks;
- The Act of 21st of December 2000 on the commercial quality of agricultural and food products (with amendments);
- The Act of 30th of June 2000 – Industrial Property Law;

³¹⁵ Polish Patent Office, accessed <http://www.uprp.pl/geographical-indications/Menu17,355,15,indexen,en/> on March 2, 2014

- The Regulation of the Prime Minister of 25 April 2002 on filing and processing of geographical indications applications;
- The Act of 16th of April 1993 on combating unfair competition.³¹⁶

The European Union registration procedure is the same for geographical indication and designation of origin at two levels: procedure at national level and procedure at Community level. Among the authorities with competence in assessing applications for registration is the appropriate Minister with competence for agricultural markets, who accepts, evaluates and forwards applications for registration and applications to change the product's specification to the European Commission; conducts proceedings in the event that another state raises an objection to an application for registration filed by Poland; receives objections and conducts proceedings in the event that Poland raises an objection to an application for registration filed by another country; as well as submits information to the European Commission on authorities and bodies with competence for products' control and certification.³¹⁷

The other body responsible for assessing applications for registration is the Council for Traditional and Regional Names of Agricultural Products and Foodstuffs which is an advisory body of the Minister. It provides opinions on applications for registration and applications to change specifications; reservations on applications for registration; objections to applications for registration raised by another state; and objections raised by Poland to another Member State's application for registration.³¹⁸

³¹⁶ Polish Patent Office, accessed <http://www.uprp.pl/procedura-krajowa/Lead05,44,1830,4,index,pl,text/> on March 2, 2014

³¹⁷ Polish Patent Office, accessed <http://www.uprp.pl/geographical-indications/Menu17,355,15,indexen,en/> on March 2, 2014

³¹⁸ Polish Patent Office, accessed <http://www.uprp.pl/geographical-indications/Menu17,355,15,indexen,en/> on March 2, 2014

On national level, the appropriate Ministry is responsible for reception, evaluation and submission of PDO, PGI and TSG applications to the European Commission, according to the Act on Registration and Protection of Names and Designations of Agricultural Products, Food Stuffs and Traditional Products (December 17, 2004). This Act also regulates other issues, such as the evaluation rules and modes of applications for registration of PDO, PGI and TSG; conditions of temporary protection of agricultural products and foodstuffs names on national level, before the registration on the EU level; rules and modes of agricultural products and foodstuffs control (the ones who were awarded the PDO, PGI or TSG); condition related to the organization of Traditional Products List; as well as penalties and sanctions for producers who falsify products of which names are protected.³¹⁹

The application for registration includes the name and contact details of the applicant group³²⁰, the product specification, and a clear and concise document which sets out: a) the main aspects of product specification and b) an explanation and description of the link between the food product and a given geographical area. It is firstly directed to the Member State to whom the particular geographical area belongs for the primary examination. The Member State then starts a procedure of national objection providing sufficient publicity, information and time for any natural or legal person, or resident on its territory to voice an objection regarding the application for registration. Following this procedure, provided that no objection was voiced, the Member State forwards the application in a form of a single document (plus a

³¹⁹ Ministry of Agriculture and Rural Areas Development:
<http://www.minrol.gov.pl/Jakosc-zywnosci/Produkty-regionalne-i-tradycyjne/Przepisy-polskie-Produkty-regionalne-i-tradycyjne> retrieved March 3, 2014

³²⁰ For registration may apply mainly groups of producers (in exceptional cases natural or legal person). In special cases application can be made also by joined groups.

declaration that all necessary conditions have been met) to the Commission for further examination.³²¹

In order to qualify and be recognized as a protected product in the Member States, both PDO and PGI should be registered at the Community level. The Commission once again examines the application and verifies if all the necessary conditions have been met. This process can take up to twelve months.³²² In case all the necessary conditions are not met, the application is rejected. If the conditions are met, the Commission publishes the single document together with the publication reference of the product specification in the Official Journal of the EU (OJ). Starting from this point, a period of six months starts within which any Member State, third country, natural or legal person may object to the registration proposed³²³. The bases for the objection must be proved and they may be either that the necessary conditions have not been met, or that the name conflicts with a trade mark or another particular agricultural product, or that the name in question became too generic. The Commission then judges if the objection is justified and, if yes, invites the parties involved to consult on the case in order to reach an agreement within the next 6 months. If the parties involved in the objection consultations cannot reach any agreement, then the Commission takes the final decision. In case of no objection received by the Commission within the time provided, the name of a particular product linked to a geographical area is registered. The exact terms “protected designation of origin” and “protected geographical

³²¹ Polish Patent Office, accessed <http://www.uprp.pl/geographical-indications/Menu17,355,15,indexen,en/> on March 3, 2014

³²² Each month the Commission publishes the list of names whose applications for registration have been submitted.

³²³ In the third chapter of this research I describe such an objection voiced officially on the Community level on the example of a case study – the *oscypek* cheese from Southern Poland.

indication (or the associated official symbols) must be found on the labeling of the products provided by the EU.³²⁴

A graph illustrating the application procedure for agricultural product registration for geographical indications and designations of origin can be found below.³²⁵

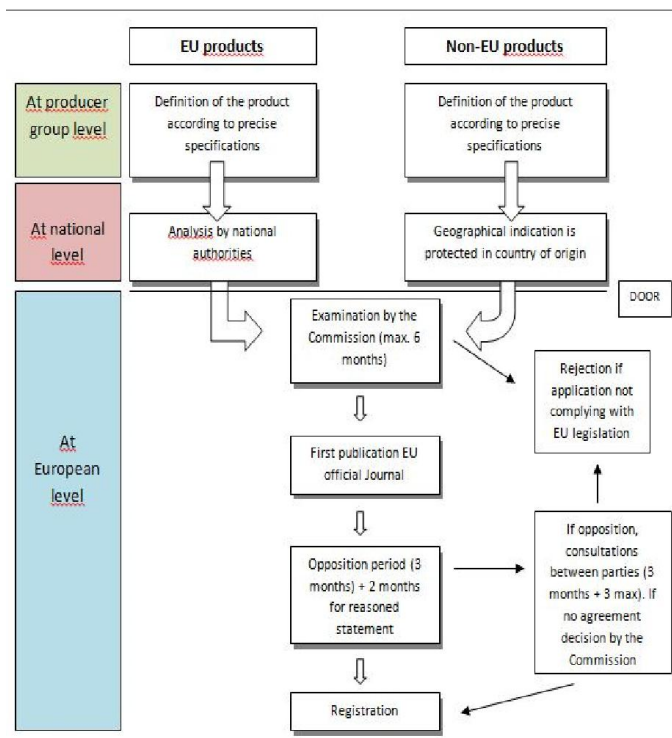


Figure 5: Application Procedure for Agricultural Product Registration to Geographical Indications Quality Scheme. Source: DOOR.

³²⁴ Polish Patent Office, accessed <http://www.uprp.pl/geographical-indications/Menu17,355,15,indexen,en/> on March 3, 2014

³²⁵ Retrieved from Database of Origin and Registration (DOOR): http://ec.europa.eu/agriculture/quality/schemes/index_en.htm on January 15, 2014

Also, according to International Law Office, “a geographical indication is a piece of public property belonging to the producers of the relevant goods, and as such it cannot be the subject of assignment, transfer, licensing, pledge, mortgage or any contract for transferring ownership or possession. However, the title of a registered proprietor or a registered authorized user over a geographical indication passes to his or her successor when the authorized user dies.”³²⁶ In general, the protection of the registered names encompasses the following:

- “any kind of misuse, imitation or evocation, even if the true origin of the product is indicated or if the protected name is translated or accompanied by an expression such as “style”, “type”, “method”, “as produced in”, “imitation” or similar;
- any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product, on the inner or outer packaging, advertising material or documents relating to the product concerned, and the packing of the product in a container liable to convey a false impression as to its origin;
- any other practice liable to mislead the consumer as to the true origin of the product;
- commercial use of a registered name in respect of products not covered by the registration if they are comparable to the products registered under that name or if this use exploits the reputation of the protected name”.³²⁷

Regarding the fees, the Member States can expect a reimbursement of variety of costs, especially of those incurred within the application process for name registration, and diverse statements

³²⁶ Retrieved from International Law Office:

<http://www.internationallawoffice.com> on January 15, 2014

³²⁷ Council Regulation (EC) No 510/2006 of 20 March 2006 on protecting designations of origin and geographical indications for agricultural products and foodstuffs which are intended for human consumption in the EU. Article 13, p. 19

and requests, such as: objections and cancellations or applications for amendments.³²⁸

The official controls on the requirements set out in this Regulation are carried out under Regulation (EC) No 882/2004 of April 29, 2004 on Official Controls Performed to Ensure the Verification of Compliance with Feed and Food Law, Animal Health and Animal Welfare Rules. According to the aforementioned regulation, regular and systematic controls and constant verification of compliance of a given product with its initial product specification are sometimes ensured by more than one public authority set up specifically for this purpose, or by one or more bodies dealing with product certification.³²⁹

Cancellation procedure of the name registration may be initiated by the Commission in case of proven suspicion that the compliance with the conditions laid down in the product specification for a geographical indication is no longer ensured or if any natural or legal person with a legitimate interest requests cancellation of the registration.³³⁰

System of Geographical Indications aims at enabling the identification of products on the market and adding value to the natural riches of a country and skills of the population. The system also gives a recognizable identity and adds prestige to local, often culturally deeply embedded products. Such agricultural products may become valuable cultural properties and the Geographical Indications system,

³²⁸ Council Regulation (EC) No 510/2006 of 20 March 2006 on Protecting Designations of Origin and Geographical Indications for Agricultural Products and Foodstuffs which are Intended for Human Consumption in the EU. Article 18, p. 21

³²⁹ Regulation (EC) No 882/2004 of April 29, 2004 on Official Controls Performed to Ensure the Verification of Compliance with Feed and Food Law, Animal Health and Animal Welfare Rules

³³⁰ Council Regulation (EC) No 510/2006 of 20 March 2006 on protecting designations of origin and geographical indications for agricultural products and foodstuffs which are intended for human consumption in the EU. Article 12, p. 19

and if properly used, can be developed into effective marketing tool of a great economic value and a way of safeguarding gastronomic heritage.³³¹

Of course, there exists also a line of criticism regarding the Geographical Indications system. It is connected with the World Trade Organization (WTO) Trade-Related Intellectual Property Rights (TRIPS) Agreement which came into force on January 1, 1995. The Agreement has more than 130 signatories and constitutes the first international treaty to protect geographical indications, among other intellectual properties, through substantive provisions.³³² It provides a framework for the protection of copyrighted and otherwise protected items of intellectual property. It covers the main categories of intellectual property rights, establishes standards of protection as well as rules on enforcement, and provides a dispute settlement mechanism for the resolution of disputes between WTO members. The intellectual property rights covered by the TRIPS Agreement are: copyrights and related rights; trademarks; geographical indications; industrial designs; patents; layout designs of integrated circuits; and protection of undisclosed information.³³³

Geographical Indications (GIs) are defined in Article 22.1 of TRIPS Agreement as: "Indications which identify a good as originating in the territory of a Member State... where a given quality, reputation or other characteristic of the good is essentially attributable to its geographic origin."³³⁴ They are words or symbols which indicate both geographical origin as well as certain qualities associated with that origin.³³⁵ By regulating the use of such labels, consumers are protected

³³¹ Blakeney, M. "Proposals for the International Regulation of Geographical Indications", *Journal of World Intellectual Property*, Vol. 4. 2001, p. 629-652.

³³² Text of the TRIPS Agreement retrieved from World Trade Organization web page, URL: http://www.wto.org/english/tratop_e/trips_e/t_agm0_e.htm on January 19, 2014

³³³ *Ibidem*

³³⁴ *Ibidem*

³³⁵ *Ibidem*

against confusion or deception while choosing and purchasing the products. Producers from the region have a collective voice and power whenever their valuable products and tradition are mistreated (in cases of imitation or an unfair commercial use).³³⁶

The EU in its legislation uses GIs as tools used to ground the reputation and market position of particular agricultural products, and to maintain the level of exports. However, the interests of the USA regard the increased market access for agricultural products, and GI protection is perceived as a certain barrier and an obstacle on the way to such products. In more general terms, the United States in its various agreements treats GIs as another form of a trademark and emphasizes the exceptions clause under article 24.5 of the TRIPS Agreement which states the following: "Where a trademark has been applied for or registered in good faith, or where rights to a trademark have been acquired through use in good faith either: (a) before the date of application of these provisions in that Member as defined in Part VI; or (b) before the geographical indication is protected in its country of origin."³³⁷ It also states that "measures adopted to implement this Section shall not prejudice eligibility for or the validity of the registration of a trademark, or the right to use a trademark, on the basis that such a trademark is identical with, or similar to, a geographical indication."³³⁸

The EU seeks to establish a GI protection that clearly prevails over conflicting trademarks. In the Agreement there is a clear distinction between the level of protection provided to wines and spirits and that provided to other products.³³⁹

³³⁶ *Ibidem*

³³⁷ *Ibidem*

³³⁸ *Ibidem*

³³⁹ Retrieved from "The Global Struggle over Geographic Indications" by Kal Raustiala and Stephen R. Munzer from:
<http://ejil.oxfordjournals.org/content/18/2/337.full> on February 20, 2014

3.3.3. *A Collection of Geographical Indications Cases*

The lists of registered products under the Protected Designation of Origin and Protected Geographical Indication Quality Schemes cover diverse products from the Member States and third countries. The protection extends over agricultural products from the following categories:

- beer,
- chocolate and derived products,
- bread, pastry, cakes, confectionery, biscuits and other baker's wares,
- beverages made from plant extracts,
- pasta,
- salt,
- natural gums and resins,
- mustard paste,
- hay,
- essential oils,
- cork,
- cochineal,
- flowers and ornamental plants,
- cotton,
- wool,
- wicker,
- scutched flax,
- leather,
- fur,
- feather³⁴⁰

³⁴⁰ Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs. Retrieved from <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32012R1151&from=en> on April 12, 2015

This subchapter provides an insight into various protected agricultural products from around Europe with particular examples of products' names registered under the Protected Designation of Origin and Protected Geographical Indication quality schemes and therefore protected legally by the EU.

Such a collection of cases shows a variety of widely recognized food products from the EU and depicts their way to receiving legal protection of their official names, their authentic way of production, original ingredients used within the process etc. The content of this subchapter also introduces the reader to several examples of violation of law resulting from misuse of the name of a given product, use of ingredients other than specified in the application form, or change of the place of production (initially specified in application) resulting in loss of a quality certificate.

Case 1: The Case of PDO Champagne (France)

The official name *Champagne* is reserved exclusively for sparkling wines from the Champagne region in France. It has been done so in accordance with Comité Interprofessionnel du vin de Champagne regulations.³⁴¹ Within the EU and many other countries the name Champagne is legally protected by the Madrid system under an 1891 treaty. The name is reserved for the sparkling wine produced in the Champagne region and adhering to the standards defined for it as an *appellation d'origine contrôlée*³⁴². Appellation systems are widely used around the world and within the EU, for instance: the *appellation d'origine contrôlée* (AOC) used in France, the *denominazione di origine controllata* (DOC) used in Italy, the *denominação de origem controlada* (DOC) used in Portugal, and the *denominación de origen* (DO) system

³⁴¹ Retrieved from Comité Champagne official web page from:
<http://www.champagne.fr/en/terroir-appellation/protection-of-champagne-appellation/significant-victories> on February 24, 2014

³⁴² Retrieved from CNN "Bubble trouble: Not-so-sweet champagne story" by Eric Furman (July 13, 2007) from:
<http://edition.cnn.com/2007/LIVING/06/29/floss.champagne/> on February 24, 2014

used in Spain.³⁴³ In many cases, the EU Geographical Indications system (PDO/PGI) works parallel with the system used in the specific country. In some other cases it is subordinated to the previously existent appellation system.

Furthermore, the protection of *Champagne* was reaffirmed in the Treaty of Versailles after World War I and its legal protection has been adopted by over 70 countries. Recently Canada, Australia, Chile, Brazil and China passed laws or signed agreements with the EU that limit the use of the term *Champagne* to only those products produced in the Champagne region³⁴⁴. In the USA it is banned to use the term for all newly produced wines on the territory of the country, except those that had approval to use the term on labels before 2006 and may continue to use it (only when it is accompanied by the wine's actual origin).³⁴⁵

As one can observe from the history of Champagne, there have been many obstacles on the way to gaining legal protection of its name and reputation. Following the official communicate of the Comité Champagne whose legal department works for the protection of *Champagne* name, some disputes may be settled out in court, some go to trial, and some are landmark cases that set a legal precedent. Regarding the direct competition there were the following legal actions taken:

- A case against “Spanish Champagne” when in 1960 the British High Court ruled against so-called “Spanish Champagne”, a sparkling wine distributed in Great Britain. This opened the way to legal action in defense of

³⁴³ Retrieved from Great Wine News from:
<http://greatwinenews.com/appellations-and-global-viticultural-areas/> on February 24, 2014

³⁴⁴ Retrieved from CNN “Bubble trouble: Not-so-sweet champagne story” by Eric Furman (July 13, 2007) from:
<http://edition.cnn.com/2007/LIVING/06/29/floss.champagne/> on February 24, 2014

³⁴⁵ Retrieved from Princeton.edu from:
http://www.princeton.edu/~achaney/tmve/wiki100k/docs/Champagne_%28wine%29.html on February 26, 2014

Champagne throughout countries under British jurisdiction and set a useful precedent for other countries including Spain. The campaign was then expanded to address cases of indirect competition from non-alcoholic beverages, with successful prosecutions for fraud.

- In 1972 Japan agreed not to use the name “Champagne”;
- In 1973 bilateral reciprocal protection agreement signed between France and Spain.³⁴⁶

Regarding the indirect competition there were the two following cases: in 1987 a case against Perrier mineral water in Germany, and in 1994 a case against “Elderflower Champagne” in Great Britain. The first case involved a German publicity campaign for Perrier mineral water, which traded off Champagne’s reputation with the slogan: “The Champagne of mineral waters”. The second case was related to a sparkling elderflower juice on sale in Great Britain in Champagne-shaped bottles, with the words “Elderflower Champagne” on the label.³⁴⁷ Regarding the misuse of reputation there were several cases known to the public, namely: in 1984 a case against “Champagne” cigarettes, in France; in 1990 a case against “Schaumpagner Paris-Night”, in Switzerland; in 1993 a case against “Champagne de Yves Saint Laurent” perfume, in France, and another case in 2002 against “Arla - the yoghurt with the taste of Champagne” in Sweden.³⁴⁸

Moreover, in case of *Champagne* there existed another particular difficulty regarding its protection, although under trade laws, the use of the name is limited to products from the French region. There exists a Swiss village of Champagne which lies on the border with France, 400 kilometers from the more famous winegrowing region of the same name. According to the villagers the name of the settlement had been Champagne since 885 and the first records of wine called Champagne,

³⁴⁶ Retrieved from Comité Champagne official web page from:
<http://www.champagne.fr/en/terroir-appellation/protection-of-champagne-appellation/significant-victories> on February 26, 2014

³⁴⁷ *Ibidem*

³⁴⁸ *Ibidem*

being grown in their village, dated back as far as 1657.³⁴⁹ The region and the village have been engaged in a 30-year struggle over the right to use the name “Champagne” on their locally produced wine. It first started in 1974, when France and Switzerland picked the names of wine regions, or “appellations”, that they wanted to protect as copyrighted brands. Naturally, France signed up its world-famous *Champagne* but Switzerland at that time opted for their most established names such as “Bonvillars” and “Corcelles”, not mentioning their local Champagne. In 1999, while signing bilateral agreements with the European Union, France took action against the “Champagne” labels on Swiss wines and the case was taken to the European Court of Justice.³⁵⁰

According to an agreement between the Swiss and the EU, the villagers were supposed to stop using the name in 2004 but, in a traditional Swiss open-air vote, members of the community agreed to fight it, stating that as a result they no longer have the right to use their own village’s name and their community loses its identity.³⁵¹ Moreover, the village used to sell 110,000 bottles of wine a year, but that number fell to only 32,000 after the Court’s ruling. It was also caused by the fact that, after the ruling, the wine was sold in bottles that did not indicate where they were produced. Although Swiss Champagne has existed since the 9th century, the European Court of Justice ruled in 2004 that the Champagne villagers’ wine would have to be given a new name rather than infringe on the prestige of France’s Champagne region.³⁵²

³⁴⁹ Retrieved from BBC News “Swiss town fights Champagne ban” (April 5, 2008) from: <http://news.bbc.co.uk/2/hi/europe/7332473.stm> on February 27, 2014

³⁵⁰ Retrieved from Forbes „Champagne by any other name” by Lionel Laurent (August 23, 2007) from: http://www.forbes.com/2007/08/23/champagne-france-brand-face-cx_ll_0822autofacescan04.html on February 27, 2014

³⁵¹ Retrieved from BBC News “Swiss town fights Champagne ban” (April 5, 2008) from: <http://news.bbc.co.uk/2/hi/europe/7332473.stm> on February 27, 2014

³⁵² *Ibidem*

Case 2: The Case of PDO Prosciutto di Parma (Italy)

Parma ham is an Italian raw-dried ham produced from whole legs of pork on the bone. It is produced using only traditional methods in specific climate in the province of Parma in Emilia-Romagna region. It is characterized by a lower salt content when compared with other dried hams of this kind, which gives it a particular and characteristic mild sweetish taste.³⁵³ In 1963, in order to protect the quality of the ham, Consorzio del *Prosciutto di Parma* was established to oversee the ham production processes at all levels.³⁵⁴ Moreover, the European Community awarded the product with the Protected Designation of Origin certificate in 1996.

Original *Prosciutto di Parma* is produced by around 200 producers in the eastern province of Parma, especially around Langhirano.³⁵⁵ The production area is indicated in the specifications made by the EU, as well as by the Italian Law. Thus, the manufacturing process should take place at least 5 km south of the Via Emilia up to the level to 900 m above sea level; from the East it should be limited by the river Enza and from the West by the Stirone Valley. The place of birth and fattening of the pigs from which the meat is used can only take place on farms located in the following regions of Italy: Piedmont, Lombardy, Veneto, Emilia-Romagna, Tuscany, Umbria, Marche, Lazio, Abruzzo, and Molise.³⁵⁶ The Parma ham is definitely among the most famous and world-recognized Italian products, with an extraordinary

³⁵³ Retrieved from Europa.eu, COUNCIL REGULATION (EC) No 510/2006 'PROSCIUTTO DI PARMA' EC No: IT/PDO/117/0067/09.06.1998 PDO (X) PGI () from URL: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:086:0007:0011:EN:PDF>. On March 1, 2014

³⁵⁴ *Ibidem*

³⁵⁵ *Ibidem*

³⁵⁶ *Ibidem*

taste impossible to imitate. Special festival devoted to Parma ham will celebrate its 18th edition in 2015.³⁵⁷

Parma ham is exported world-wide, with the USA being the first export market. 63% of Parma Ham export is directed within the EU Member States. France, Germany, UK and Benelux are the main markets.³⁵⁸ Of course, *Prosciutto di Parma* is protected and certified as a Protected Designation of Origin in all EU Member States.³⁵⁹

In Canada, however, the legal situation of the original ham is particular as the Italian Parma ham producers and Consortium *Prosciutto di Parma* are facing a very peculiar and difficult situation.³⁶⁰ While the product can regularly be shipped from Parma to Canada, in the latter country the trademark “Parma Ham” belongs to “Maple Leaf Foods”. This Canadian company has the right to brand its local produces with the name Parma and to prevent Italian companies from labeling and marketing their hams under the name “Parma”. This is why the authentic *Prosciutto di Parma*, actually produced in Parma, has to change its name when exported to Canada and is actually labeled under the name “The Original Prosciutto”.³⁶¹ That is how the situation has been for 15 years within which Consorzio del *Prosciutto di Parma* launched a number of lawsuits demanding the cancellation of the brand. The Canadian courts rejected its request.

³⁵⁷ Retrieved from Festival del *Prosciutto di Parma*:

<http://www.festivaldelprosciuttodiparma.com/> on March 1, 2014

³⁵⁸ Retrieved from Consortium *Prosciutto di Parma* official web page from:

http://www.prosciuttodiparma.com/en_UK/trade-america-north on March 1, 2014

³⁵⁹ Retrieved from Consortium *Prosciutto di Parma* official web page from:

http://www.prosciuttodiparma.com/en_UK/trade-ue on March 1, 2014

³⁶⁰ Retrieved from Made in South Italy:

<http://www.madeinsouthitalytoday.com/certified-products.php> on March 1, 2014

³⁶¹ Retrieved from Consortium *Prosciutto di Parma* official web page from:

http://www.prosciuttodiparma.com/en_UK/trade-america-north on March 1, 2014

In 2013 the EU secured coexistence of the names in Canada and Parma Ham could be sold for the first time on the Canadian market under its true name, in compliance with Canadian law and without risking any legal action. It was possible because of a political agreement reached in Brussels between the European Commission and Canada. This bilateral agreement provided for the coexistence of the name “Parma Ham” and the trademark “Parma” previously registered and currently held by the Canadian Maple Leaf Company.³⁶²

Case 3: The Case of PGI Canard a’ foie gras du Sud-Quest (France)

France accounts for 80% of the world’s production of foie gras and 90% of its consumption.³⁶³ *Canard a’ foie gras du Sud-Quest* was awarded the PGI certification on June 27, 2000 and by 2003 this particular delicacy represented 74% of French total national foie gras production.³⁶⁴ The South West Protected Geographical Indication encompasses the gastronomic zones of Aquitaine and Midi-Pyrénées but some of the local producers in the delimited PGI area refuse the appellation. In the South West, foie gras is more than a local product; foie gras is a terroir product embodying historical depth, shared know how and belonging to a local culture³⁶⁵. However, the value and luxury image of foie gras has led over the past couple of decades to the

³⁶² Retrieved from

http://www.prosciuttodiparma.com/en_UK/areastampa/news-comunicati?n=545 on March 1, 2014

³⁶³ “Development, terroir and welfare: a case study of farm-produced foie gras, in south west France” by Isabelle Téhoueyres. From *Local Food to Localized Food in Anthropology of Food Journal*, March 2007 . Retrieved from <http://aof.revues.org/510> on March 2, 2014

³⁶⁴ Caro M., “French Immersion” in “The Foie-gras Wars: How a 5,000-year-old delicacy inspired the world’s fiercest food fight”. Simon & Schuster, New York 2009

³⁶⁵ Isabelle Téhoueyres “Development, terroir and welfare: a case study of farm-produced foie gras, in south west France”, *Anthropology of Food Journal*, S2 | March 2007 : From local food to localized food. Retrieved from <http://aof.revues.org/510> on March 2, 2014

globalization of its production as new producing countries and regions have emerged on the international market. Demand has grown considerably and importations at lowest cost started, mostly from Hungary and Bulgaria, countries which also have a tradition for fattening ducks and geese. Such situation gave rise to local producers from France claiming unfair competition.

According to the French law, “*foie gras* belongs to the protected cultural and gastronomical heritage of France”.³⁶⁶ It is available everywhere in France, from Alsace to Champagne region. *Foie gras* is the French patrimony. This exact term was used in 2005 when foie gras was declared protected national product by France, following the highly critical report by the European Union Scientific Committee on Animal Health and Animal Welfare.³⁶⁷ The report on Welfare Aspects of the Production of *Foie Gras* in Ducks and Geese, adopted on December 16, 1998 gave an insight to studies from several producing countries. It examined diverse indicators of animal welfare, including physiological indicators, liver pathology, and mortality rate. It strongly concluded that “force feeding, as currently practiced, is detrimental to the welfare of the birds.”³⁶⁸ Although the Committee reported that there is no scientific evidence on the aversive nature of force feeding, and that evidence of injury is rather small, in overall recommendations, the

³⁶⁶ French rural code L654-27-1. Retrieved from <http://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006071367&idArticle=LEGIARTI000006584967&dateTexte=20100922> on March 2, 2014

³⁶⁷ Caro M., “French Immersion” in “The Foie-gras Wars: How a 5,000-year-old delicacy inspired the world’s fiercest food fight”. Simon & Schuster, New York 2009

³⁶⁸ Welfare Aspects of the Production of Foie Gras in Ducks and Geese. Report of the Scientific Committee on Animal Health and Animal Welfare adopted 16 December 1998. Retrieved from: http://ec.europa.eu/food/animal/welfare/international/out17_en.pdf. on March 2, 2014

Committee stated that "the management and housing of the birds used for producing *foie gras* have a negative impact on their welfare".³⁶⁹

In case of *foie gras*, an object ethically criticized in some communities become morally and politically justified as traditional, authentic and deserving a protected status for others.³⁷⁰ Michaela De Saucey in her article "Gastronationalism: Food traditions and authenticity politics in the European Union" published in the American Sociological Review, uses technical tools of sociology to unveil the "politics and economic reasons of the situation in which *foie gras*, the fattened liver of a force-fed duck or goose, is valorized as a cultural gastronomic symbol of French national identity, history and culinary culture, but at the same time it is also a target of critical opposition, fought for by international animal rights organizations."³⁷¹ She calls the process of co-opting certain foods as national symbols as "gastronationalism" - a strong phenomenon in contemporary food universe - and points out how it counter balances the globalization of foods.

In Hungary, the world's second exporter of *foie gras* and the biggest producer of geese *foie gras*, force-feeding geese and duck is an enduring tradition dating back to the 15th century.³⁷² *Foie gras* does not

³⁶⁹ *Ibidem*

³⁷⁰ France is the main, but not the only country in which *foie gras* is produced, consumed and where force-feeding is not condemned. As of 2004, the other *foie gras* producing countries were: Hungary (9%), Bulgaria (5%), Israel (1,5%, traditional practice), and Spain (1%, recent practice). Information retrieved from an article by Isabelle Téhoueyres "Development, terroir and welfare: a case study of farm-produced *foie gras*, in south west France" in Anthropology of Food, May 2007 (retrieved on 14 February, 2014 from: <http://aof.revues.org/510>)

³⁷¹ DeSoucey M., "Gastronationalism: Food Traditions and Authenticity Politics in the European Union." American Sociological Review, 75:3, 2010, pp. 432-455

³⁷² Read more on Hungarian *foie-gras* boycott in The Hungarian Foie-Gras Boycott: Struggles for Moral Sovereignty in Postsocialist Europe by Zsuzsa Gille from University of Illinois at Urbana-Champaign, to be retrieved from:

have a protected status here yet and the industry expanded in 19th century to supply Russia and Western Europe. It enjoyed a new boom in the 60s to supply the French market and it further strengthened in the 80s in light of the increasing demand and interest of French and Japanese consumers. Hungary is among pioneer countries as to the method used to obtain *foie gras*: on Hungarian farms the animals are traditionally placed in collective parks. This responds to the recent recommendations advocated by the European Council. The Directive 98/58/CE of the European Council dating from July 20, 1998 regards animal protection in breeding processes. The live-stock buildings have very thick walls which make it possible to provide natural cooling during the summer period. These practices do not change the very practice of force-feeding but they do come within the scope of sustainable development processes.³⁷³

Case 4: The Case of the Cancellation of the PGI Newcastle Brown Ale (UK)

The *ale* was first launched in 1927 by Colonel Jim Porter and it that was originally produced in Newcastle upon Tyne.³⁷⁴ The brand underwent resurgence in the late 1980s-early 1990s with a cult revival in student unions.³⁷⁵ By the 90s the beer was the most widely distributed alcoholic product in the UK. By the 2000s, the vast majority of sales were actually in the United States, where the beer has proven extremely popular (with 100 million bottles sold annually in the UK). In 2005, brewing was moved from Newcastle upon Tyne to Dunston on the other side of the River Tyne, and in 2010 entirely moved to

http://ethik.univie.ac.at/fileadmin/user_upload/inst_ethik_wiss_dialog/Gille_Z._2011._Hungarian_Foie_Gras_Boycott_114.full.pdf.

³⁷³ Retrieved from <http://www.foie-gras-partners.com/gb-presentation.html> on February 12, 2014

³⁷⁴ Jenkins D., (28 May 2005). "CITY'S STAR HAS FALLEN". The Northern Echo.

³⁷⁵ Pike A., (10 November 2010). "Origination: How brands are capturing the power of place and why it matters". Retrieved 29 May 2012 from <http://www.ncl.ac.uk/curds/assets/documents/FinalInauguralLectureBooklet-Origination.pdf>.

Tadcaster, North Yorkshire which had important implications for its Protected Geographical Indication (PGI) status. The brand is currently owned by Heineken and produced at their John Smith's Brewery in Tadcaster.

Newcastle Brown Ale had originally been granted the PGI status by the EU in 1996. However later on, when production of the beer was moved outside of the city, the PGI status has been cancelled. The exact reasons given for PGI cancellation were the following: "Production at the site in the Newcastle-upon-Tyne city given in the registered Protected Geographical Indication (PGI) specification for *Newcastle Brown Ale* is no longer commercially viable. The site of the brewery in the city center of Newcastle-upon-Tyne presents operational difficulties. These factors have led Scottish & Newcastle Plc to take the decision to close the Newcastle brewery and to move to another site in the north east of England. Therefore the specification is not any longer respected in relation to the delimited geographical area of the PGI that is the city of Newcastle-upon-Tyne. *Newcastle Brown Ale* being a registered trade mark was registered as Protected Geographical Indication in the Community register, at the initiative of a single producer, on condition that this producer may not prevent other producers in the defined geographical area who produce in accordance with the registered specification from using the PGI. The PGI specification included ingredients (the strain of yeast, the particular blend of water and salt) which are held secret to Scottish & Newcastle Plc and no other producer was therefore entitled to use the protected name without consent from Scottish & Newcastle Plc to use these ingredients. However, Scottish & Newcastle Plc has made clear that there would be no circumstances in which it would be willing to make public details of the ingredients or to give consent to any other producer to use them. For these reasons, the conditions laid down in Regulation 510/06 concerning the usage of the PGI "*Newcastle Brown*

Ale” cannot be met. Therefore the PGI status should now be cancelled”.³⁷⁶

As concluded in “The Comparative Advantages of Geographical Indications and Community Trademarks for the Marketing of Agricultural Products” by Gail E. Evans³⁷⁷, in case if producer or producer group move to practice agriculture and produce their protected product on new grounds, then the PDO or PGI are not the most suitable forms of protection. In case of *Newcastle Brown Ale*, the production was moved for commercial and environmental reasons. As a result, the product was no longer in compliance with the PGI specification given in the application. The classic “working man’s beer” from the north of England was no longer entitled to protection under the Geographical Indication system. Evans also stated that in such cases, the parties responsible for protection of the product should apply to the Community Trademark System (CTM) instead of Geographical Indication scheme.

In conclusion, the use of Geographical Indications allows producers to obtain market recognition and offer a premium price for their protected products. With the increased internationalization and globalization of food and food markets, Geographical Indications have become a key source of niche marketing and a valuable management and marketing tools. Geographical Indications are also often associated with non-monetary benefits such as the protection of knowledge and community rights, as well as with the prestige given to the protected agricultural product and its name³⁷⁸.

³⁷⁶ Announcement in the European Commission's Official Journal 18.11.2006, C 280/13 concerning a cancellation application (2006/C 280/06)

³⁷⁷ Evans G. E., “The Comparative Advantages of Geographical Indications and Community Trademarks for the Marketing of Agricultural Products”, in “Yearbook of European Law 2010” Vol. 29, edited by Piet Eeckhout and Takis Tridimas

³⁷⁸ Retrieved from <http://www.geographicindications.com/> on February 14, 2014

However, a controversy regarding the Geographical Indications scheme arises when the names that are protected in one region have also a common usage in another region. Some famous food products, such as Dijon mustard, Feta cheese, Parmesan cheese or Darjeeling tea may be viewed as having already obtained a universal status in the marketplace.³⁷⁹ On one hand, some opponents of Geographical Indications system may argue that these names should not legally belong exclusively to a specific group of producers located in a specific geographic region. The consumers sometimes expect these famous product names to identify an entire class of products that can be produced in many locations. On the other hand, others in favor of Geographical Indications argue that the products associated with the protected name have a certain specific quality that can derive only from the geographic region and particular traditional production process used. As a result, protection of the product name helps prevent the development of a general association - in that way preserving the ability of the product to be made according to a traditional manner, protecting the producers' and customers' interest, and finally protecting the product itself. Thus, the GIs can be considered effective tools to protect the authentic high quality gastronomic heritage of the European regions and various communities.

³⁷⁹ However, after considerations *Feta* cheese was not named too generic and was awarded a protected status in Greece, to the dismay of the cheese producers from outside of Greece.

3.4. Gastronomic Diversity versus Safety of Food in the EU

There are probably as many gastronomic identities and heritages within the EU, as many communities live within its borders, practicing their cultures and cherishing unique heritages. At the same time, food consumers want to have the unlimited possibilities to enjoy diverse international foods and ingredients on their tables at home, transforming many exotic ingredients into a complex gastronomic heritage of the EU.

At present, it is increasingly difficult to keep the food traceable and safe (because of the long way it has to make from the place where it was originally produced to the plates of the consumers). Therefore, there are more and more barriers to free food goods movement within the Single European Market. Also, many urgent issues appear regarding agricultural product protection as a commodity and as gastronomic heritage.

3.4.1. Local Food as a Potential New Safety and Quality Paradigm

Food should be a source of nourishment, and not a potential threat to its consumers of being exposed to variety of dangerous situations. The highly industrialized food system is currently dominated by a small number of large corporations which produce food in more and more industrialized ways. Vast numbers of consumers who are concerned with food-borne illnesses may turn or may have already turned to foods produced at smaller scale or labeled "local," "organic" or "natural" in the hopes that such products are safer.³⁸⁰

³⁸⁰ Retrieved from:

http://www.azcentral.com/style/hfe/food/articles/2012/01/17/20120117organic-local-goods-not-always-safer.html?nclck_check=1#ixzz2sSwha4Cj on February 12, 2014

Although it is not always the case³⁸¹, there is a good chance that food products (including traditional local foods) produced on smaller farms and by small-scale producers are carrying less danger than the food and foodstuffs produced by large food corporations. Smaller farms have some obvious food-safety advantages (small-scale producers have more control over what they produce and often do not ship the products on long distance). “Small- and medium-scale producers and processors are typically the parts of the food system tied most directly to their consumers on a local and regional level. As they interact with the people who eat their produce and products, they have vested business and personal interests in ensuring that their products are safe and healthy for their immediate and extended communities. This paradigm typically extends to ensuring the health and safety of the natural systems and ecologies that drive small—and medium-scale produce production, with producers and processors often actively stewarding their soil, water and air in a sustainable manner—typically complying with and moving beyond established organic standards”.³⁸²

The potential minus of small-scale food production derives from the fact that small-farm operations tend to be exempted from food-safety laws, being concerned about too much government intervention (USA). Additionally, if the scale of the contamination is small, it is rather difficult to tell when smaller, regional outbreaks of food-related contaminations occur, and people may not know exactly when small producers harbor significant dangers.³⁸³ Also, there may be a tendency within the governments and bodies responsible for food

³⁸¹ For instance, the organic standards are not food safety regulations. International suppliers and larger domestic farms are starting to sell organic produce world-wide and this may change the risk profile of these products for food safety, in the future requiring new effective food safety regulations for organic food.

³⁸² Retrieved from: <http://www.iatp.org/blog/201311/the-local-food-%E2%80%9Cfood-safety%E2%80%9D-burden#sthash.0PqBBiFs.dpuf> on February 2, 2014

³⁸³ Retrieved from: <http://www.iatp.org/news/is-local-food-safer#sthash.nIAI5PRA.dpuf> on February 2, 2014

controls of focusing mainly on safety at large food production sites, simply because of the fact that they reach the largest number of consumers.

The solution would require modernization of all aspects of the traditional food industry, improving logistics and distribution, and at the same time ensuring that the food products remain safe and bear the highest quality. Here are some points that would improve development of production of traditional regional foods and of the healthy and balanced food system which includes both small- and medium-scale producers of food goods, tightly related to the local and regional level of food production:

- a) "Allow farmers to continue to use proven beneficial on-farm natural resource conservation, wildlife habitat protection and organic farming practices;
- b) Encourage, rather than unfairly target, local food and the associated opportunities for small- and medium-scale farmers;
- c) Minimize administrative burden, reduce costs and create due process for farmers and producers".³⁸⁴

³⁸⁴ Retrieved from a blog entry: <http://www.iatp.org/blog/201311/the-local-food-%E2%80%9Csafety%E2%80%9D-burden#sthash.0PqBBiFs.dpuf> on February 12, 2014

3.4.2. *Traditional Foods as Expressions of Regional Diversity and Individuality of the EU Regions*

Traditions and customs related to regional foods, as well as specific traditional foods are sources of community knowledge, and strong symbols of each and every region of the European Union. They are also significant elements of every Member State's heritage. Traditional foods are important sources and vehicles of peoples' national and regional identities and have a potential of being a critical economic input to every European region. Currently, when the production of safe and high quality food in the EU is becoming an even more important issue, much of public attention is directed at the traditional regional products. The Community has already realized and appreciated their importance and, therefore, a system of protection for registered traditional agricultural products has been established, giving a valuable framework for local producers to base on and to encourage production, sale and effective marketing of their distinctive high quality regional products. Increasing the opportunities for registered protected agricultural products through improved competitiveness and enhanced marketing may make them more sustainable and available on a wider market.³⁸⁵

Protection of traditional regional products is beneficial for all the parties involved because regional food carries a strong relation between the product, its territory and human input (production methodology). In fact, protection and effective promotion of traditional agricultural products are among the most effective actions which may influence sustainable development of rural areas and execution of the main objectives of the Common Agricultural Policy.³⁸⁶ As stated in the

³⁸⁵ "European Research on Traditional Foods", European Commission: Community Research. European Communities, 2007. Retrieved from: http://www.fp7.org.tr/tubitak_content_files/268/dokumanlar/traditional-foods.pdf on February 20, 2014

³⁸⁶ Žabińska K. M., "Regional Products as the Expression of Preservation of Regional Individuality in the EU". In "Beyond Globalization in the Regional

previous subchapter, the measures applied to differentiate between categories of protected products are provided by the Geographical Indications (PDO, PGI) and Traditional Speciality Guaranteed (TSG) schemes.

According to a study published by the European Commission on March 4, 2013 analyzing the value of the EU name protection scheme (GIs) for all food and agricultural products, including wines and spirits, “(European)...GIs are worth 54.3 billion Euro worldwide, and they represent 15% of our total food and drinks exports. This shows their importance for the EU economy and the relevance of our efforts to promote and defend this scheme. GIs are crucial for generating local added value and jobs.”³⁸⁷ Furthermore, according to the same study: “60% of sales of European GI products took place in the country where these products originate, while 20% took place in other EU countries. Further 20% were exported outside of the EU. Extra-EU exports represented some €11.5 billion, mainly destined to the US (30%), Switzerland and Singapore (7% each), Canada, China, Japan and Hong-Kong (6% each).”³⁸⁸

Among the EU Member States, Italy and France have the largest number of GIs (ahead of Spain and Portugal).³⁸⁹ The following part of this subchapter elaborates on a comparison of GIs economic impact and situation in the three most successful countries in terms of GIs (Italy, France, Spain), and Poland (a country under a communist

Context (conference proceedings), 189-195. Ostrava: University of Ostrava Czech Republic, 2010. Retrieved from: <http://conference.osu.eu/globalization/publ/23-magda-zabinska.pdf> on February 20, 2014

³⁸⁷ European Commission – Agriculture and Rural Development, retrieved from: http://ec.europa.eu/agriculture/newsroom/106_en.htm on March 3, 2014

³⁸⁸ *Ibidem*

³⁸⁹ The given numbers pertain to the registered names under the PDO, PGI and TSG schemes: Italy 262, France 209, Spain 176, Portugal 123, and Germany 75 (as of March 10, 2014).

regime until 1989 and a relatively young EU Member State). The latter case is also supposed to provide background for the main case study of this research, namely the *oscypek* cheese from the South of Poland.

The Case of Italy

In Italy production of traditional regional agricultural products is territorially scattered all around the country.³⁹⁰ Most of the Italian regional products awarded with PDO, PGI or TSG designations are produced by small-scale producers. Therefore, Italians apply appropriate marketing actions and distribution channels which have to comply with the structure and size of production - small-scale production can be difficult in terms of wider export and forms of sale (export of regional products is usually limited to small amounts and to processed meat and cheese).³⁹¹ Almost the entire export (98%) of ham and salami sausage with PDO and PGI designations represent three products: *Prosciutto di Parma*, *San Daniele* and *Alto Adige Speck*. Among cheeses, *Grana Padano*, *Parmigiano Reggiano* and *Pecorino Romano* represent 78% of Italian export of cheese. The turnover value of Italian PDO and PGI products was 7.8 billion Euros in 2002 and was higher by 26% as compared to 1999. The sum of 7.8 billion Euros represented 7% of total value of agricultural production in Italy. Four products had the highest share in this value (65%): *Prosciutto di Parma*, *Prosciutto di San Daniele*, *Grana Padano* and *Parmigiano Reggiano*. In terms of 100% of the turnover value of regional products with PDO/PGI certificates, cheese represented 58.1% and meat products – 39.7%. In cases of olive oil,

³⁹⁰ Krystyna Magda Żabińska, "Regional Products as the Expression of Preservation of Regional Individuality in the EU". In "Beyond Globalization in the Regional Context (conference proceedings), 189-195. Ostrava: University of Ostrava Czech Republic, 2010. Retrieved from: <http://conference.osu.eu/globalization/publ/23-magda-zabinska.pdf> on February 20, 2014. All the data needed for the comparison was retrieved from the aforementioned article.

³⁹¹ *Ibidem*

fruit, vegetables and other products, none of these products individually exceeded 1%.³⁹²

In 2002 the total value of the analyzed meat products amounted to 3.1 billion Euros. *Prosciutto di Parma* and *Prosciutto di San Daniele* production amounted to 110 thousand tons. Ham export in 2002 was 421 and 90 million Euro, respectively. The following cheese producers had the largest share in the scheme: *Grana Padano* (1.5 billion Euros), *Parmigiano Reggiano* (1.4 billion Euros), *Gorgonzola* (392 million Euros), *Mozzarella di Bufala* and *Pecorino Romano*. In 2002, the value of Italian cheese export amounted to 639 million Euro, with over 52% beyond the borders of the EU. The olive oil sector rapidly increased compared to other export goods with PDO/PGI status. The sale value of olive oil in 2002 was around 54 million Euros, including 38% of Tuscan oil, 18% of Umbria oil, 12% Riviera Ligure, Garda and Tierra di Siena.³⁹³

The Case of France

In France in 2000 the value of the total turnover of products with PDO and PGI status was estimated at 2.5 billion Euros and 3.15 billion Euros in 2003. According to some available data, production of these products generates as many as 65 thousand work places. In the production of GI goods take part over 21 thousand producers, 765 processing factories and over 25 thousand distributors and wholesalers.³⁹⁴ France is a world known producer of numerous types of cheese, wine and cognac including those of traditional method of production and deriving from specific regions which gives to each of these goods a specific and exceptional character.

For example, in the structure of cheese production in France registered in the EU as PDO and PGI in 2003, four most popular cheese brands - *Comte*, *Roquefort*, *Santal* and *Reblochon*– represented 51.3%.

³⁹² *Ibidem*

³⁹³ *Ibidem*

³⁹⁴ *Ibidem*

Comte cheese with production of 44.7 thousand tons represented in this structure 23%; *Roquefort* took the second position (production – 18.5 thousand tons, share – 9.7%); the third was *Cantal* with the share 9.4% (production – 18 thousand tons), followed by *Reblochon*– 9% (production – 17 thousand tons). Export of these products in 2000 was estimated at over 10 thousand tons, i.e. about 5.3% of supply, whereas in 2003 total export of PDO cheese was 11 thousand tons (5.8% of total production). About 32% of total export of cheese was represented by *Roquefort*. *Comte* was the second in cheese export with 25%.³⁹⁵

The Case of Spain

In Spain, similarly to other EU countries, there is a visible territorial differentiation of the protected agricultural products. Domination of large producers with mass production is also noticeable, but on local markets there are many small scale producers present. In the period of 1993-2002 the value of PDO and PGI products turnover increased in Spain twice. The biggest increase – by 6.5 times – from the sale of traditional and regional goods was recorded from sale of meat products and processed goods; the value of vegetables turnover increased by 267%, cheese – 199%, olive oil – 170%, and other PDO and PGI products – 238%. The turnover value in 2002 was the largest for PDO and PGI processed meat products and amounted to 176.4 million Euros; and in case of cheese - 109.4 million euro.³⁹⁶

Among traditional and regional food products manufactured in Spain about 14% was exported. The structure of the exported goods is the following: fruit – 39% of total production, olive oil – 29%, cheese – 20%, nougat - 12%. Fresh meat, ham, other meat products and vegetables were the most popular PDO and PGI products sold within the home market.³⁹⁷

³⁹⁵ *Ibidem*

³⁹⁶ *Ibidem*

³⁹⁷ *Ibidem*

The Case of Poland

After joining the European Union in 2004, Poland introduced its regional products to the European Single Market. The character of Polish agriculture characterized by non-industrial methods of agricultural production, natural rural landscape, large biological diversity and cultural wealth, influences the production of high quality regional foods. Negative elements, such as high unemployment, considerable fragmentation of farms and low effectiveness of labor constitute some difficulties.³⁹⁸

Since entering the EU, Poland has registered 35 products as PDO/PGI/TSG³⁹⁹ and they include the following:

- *Oscypek Cheese* (PDO) from the South of Poland. Because it is the main case study of this thesis, its comprehensive and detailed description can be found in Chapter 4.
- *Bryndza Podhalańska* (PDO) is a type of cheese which belongs to the group of soft rennet cheese. This cheese is also produced from milk of the “Polish mountain sheep” with some addition of the “Polish red cow” milk. The tradition of *bryndza* production dates back to 1527. According to some sources *bryndza* in many areas was used as a legal tender or tribute payment, and so was *oscypek* cheese.⁴⁰⁰

³⁹⁸ *Ibidem*

³⁹⁹ As of March 11, 2014 Poland has registered 8 PDO, 18 PGI and 8 TSG. The complete list of registered product names is available on DOOR database at: http://ec.europa.eu/agriculture/quality/door/list.html?jsessionid=h1PVTfDbSGGJyHpkkZTChP1xpfXxy92C4LB4pMp9rdhxYyTM9p1q!1120839217?&recordStart=0&recordPerPage=25&filter.dossierNumber=&filter.comboName=&filter.Min.milestone__mask=&filterMin.milestone=&filterMax.milestone__mask=&filterMax.milestone=&filter.country=PL&filter.category=&filter.type=PDO&filter.status=REGISTERED&locale=en – retrieved March 11, 2014

⁴⁰⁰ Krystyna Magda Żabińska, “Regional Products as the Expression of Preservation of Regional Individuality in the EU”. In “Beyond Globalization in the Regional Context (conference proceedings), 189-195. Ostrava: University of Ostrava Czech Republic, 2010. Retrieved from:

- *Heather Honey from Bory Dolnośląskie* (PGI) has very specific features. The first information concerning honey production in this area comes from the records of the rules of the Charles the Great from the turn of the 8th and 9th centuries. The records say that subjugated tribes were imposed with tribute in form of honey and wax. In Bory Dolnośląskie, there are over 10 thousand hectares of heather fields priced by beekeepers. High average yearly temperatures and good insolation in this area ensure abundant pollination of heather. Heather honey contains the highest content of heather pollen as indicator pollen (59-98%).⁴⁰¹

- *Półtorak, Dwójniak, Trójniak and Czwórniak Meads* (TSG) in Poland have over 1000-year-old tradition. History of their production reaches the beginning of Polish statehood. Already in 966 in the records of a Spanish diplomat, merchant and traveler there is a note saying: "the country of Mieszko I – the first king of Poland - abound in food, meat, fields, and Slavonic wine and the intoxicating drinks are called meads". Depending on the production method the meads were divided into *półtorak*, *dwójniak*, *trójniak* and *czwórniak*. Each of the names refers to a different type of mead which is produced from particular proportions of honey and water or juice, and different periods of ripening in storages.⁴⁰²

None of the protected Polish products is as recognizable and economically important for the food industry as protected products from Italy, Spain or Portugal. However, all of these products represent regional cultural (culinary) identity of communities who transmit the tradition of their production to future generations. The products are also increasingly becoming important factors considered within the marketing strategy for activation and development of Polish rural regions.

<http://conference.osu.eu/globalization/publ/23-magda-zabinska.pdf> on February 20, 2014. All the data needed for the comparison was retrieved from the aforementioned article.

⁴⁰¹ *ibidem*

⁴⁰² *ibidem*

In conclusion, traditional regional food products are not only expressions of regional diversity and individuality of the European Union. They are the EU Member States' great assets with a huge economic and cultural potential. Protected regional products with their origin and quality guaranteed by the EU, have an important role in creating the image of the regions of their origin. They are greatly contributing to the development of gastronomic tourism in these regions and throughout Europe. The consumers have access to higher quality product; they are also introduced to the product maker as well as to the natural and cultural environment in which the product was created. Through relationship of the product with the region, the purchase of a given product initiates the consumers' contact with unique culture, tradition, history and environment of the region.

There is also a tendency, both in Poland and in other EU Member States, of emphasizing one's regional affiliation using the "little homeland" term, pertaining to the importance of the regions where people originally came from. The mechanisms promoting and protecting the cultural heritage of particular European regions are perfectly inscribed within this tendency. Producing traditional regional products in rural areas receives support for this type of production, and high interest of tourists and people from bigger cities.⁴⁰³

⁴⁰³ Krystyna Magda Żabińska, "Regional Products as the Expression of Preservation of Regional Individuality in the EU". In "Beyond Globalization in the Regional Context (conference proceedings), 189-195. Ostrava: University of Ostrava Czech Republic, 2010. Retrieved from: <http://conference.osu.eu/globalization/publ/23-magda-zabinska.pdf> on February 20, 2014. All the data needed for the comparison was retrieved from the aforementioned article.

3.5. Interactions and Interferences Between National and Community Laws Related to Food Safety and Quality

The main goals of the Community laws related to food are related to the free movement of safe and healthy food within the internal market of the EU, the highest possible level of protection of human life, and well-being of consumers. The free movement of safe food and animal feed can be granted only if food and feed safety requirements do not differ significantly from Member State to Member State. However, there are very significant differences in food-related legislation of each EU Member State, as well as differences in perceiving concepts, principles and procedures regarding the food industry in general. Sometimes such differences in governing food on national level may in fact affect the free movement of food goods within the European Single Market, or may be harmful to the functioning of the Market, and create unequal conditions of competition.

That is why it is necessary to constantly work through these problematic concepts, principles and procedures in order to form a common basis for measures managing and governing food and feed, taken both in the Member States and at Community level. There is a constant need to monitor, control and complete the legislation, according to the needs of the developing world, societies, arising problems and crises. It is, however, a serious issue for some Member States in case if their national food-related legislation is not compliant with the newly established regulation on Community level. Changes in food production required by the new regulations may affect many national food makers, both big-scale and small-scale producers. Additional problems arise when the new Community regulation touches upon cultural paradigm and may severely affect production of traditional and culturally important food.

The Case of Regional Smoked Meats in Poland

For instance, the Community's recent decision regarding the safety of smoked meats, hams and sausages may strongly affect the Polish traditional smoked meats and cheeses (such as *oscypek* cheeses from Southern Poland). The new rule came in force in September 2014 and numerous manufacturers of Poland's traditional products have already expressed concerns. The new rules imposed by Brussels cut the amount of hydrocarbon (benzo(a)piren) found in wood-smoked foods, previously allowed in smoked meats from 5 to 2 per kilogram.⁴⁰⁴ Frequent consumption of smoked products, according to latest studies, is connected with higher risk of cancer. Eating smoked products is related to the process of creation of nitrosamine (which is carcinogenic) and polycyclic aromatic hydrocarbon which are suspected to have a harmful influence on human organism.⁴⁰⁵

Although the Polish former agricultural minister, Stanisław Kalemba, stated that the vast majority of Polish traditional meats and cheeses will not be affected by the new EU rules regarding the smoking of food products, the Polish Meat Association estimates that around 150 out of 2,000 producers could be affected by the new regulation. Recent research showed that a large number of Polish smoked meats, such as traditional Polish sausages do not exceed the EU standards. Some producers have already been informed, however, that several of their lines will have to be pulled from the market starting from September 2014. According to food experts who gave interviews regarding this case to "Dziennik Polski" newspaper, the new restrictions will in future affect mostly small-scale producers who are holding their position on the market not by mass-producing the goods, but because of the use of traditional technologies and high quality of food products.

⁴⁰⁴ Retrieved from Polskie Radio dla Zagranicy:

<http://www.thenews.pl/1/12/Artykul/158546,Most-Polish-smoked-sausages-unaaffected-by-new-EU-law> on February 6, 2014

⁴⁰⁵ Bator J. "Zamień chemię na jedzenie", Wydawnictwo ZNAK, Kraków 2013 (p.157)

The producers claimed to be disappointed to learn about the new EU restrictions on such a short notice, but the truth is that the European Commission has already adopted the new rules in 2011. Each country could have voiced their objection and comments but Poland has never protested regarding this case. People in charge of the family-based companies producing the smoked meats addressed the former Polish prime minister, Donald Tusk, asking for an intervention on the forum of the European Commission. The producers stated at the same time that if the Polish government will not be able to help them, they will be forced to put their traditional products on the black market.

That is the current situation regarding the traditional smoked meats, however there has been no analysis yet that would examine if the traditional smoked raw milk cheeses, such as the traditional mountain cheese called *oscypek*, actually meet the new EU smoking regulations. The producers of such cheese, Polish Highlanders are concerned that the EU ban will also impact their production of *oscypek*. Just like traditional smoked meats, *oscypek* is also smoked directly above fire, as its production takes place traditionally in wooden huts directly on the sheep pastures in the mountainous Polish South. It seems like an absurd to ban smoking of the product, which has just recently received the EU Protected Designation of Origin certification and therefore was thoroughly analyzed as to its methods of production (there were no objections or complaints voiced at that time).⁴⁰⁶

⁴⁰⁶ For detailed case study of a PDO *oscypek* cheese see Chapter 4

3.5.1. *When a Geographical Indication Conflicts with Safeguarding of Food Heritage*

The last two decades have shown the European farmers will to establish a link between traditional products and the places of origin of these products. There has been an ongoing debate about the nature of establishing such a connection and the ways of traditional products protection in respect of their authenticity and place of origin, also in the context of globalization.⁴⁰⁷ Geographical Indications (GIs) are one of the possible ways of protection - a specific strategy to promote and protect the quality of a given product and its link with territory of its origin. On one hand, the use of a GI enables producers to obtain market recognition and to offer the best price for their product, on the other hand GI impacts on social, cultural and environmental development.⁴⁰⁸

GIs can be useful tools in conserving tradition and transferring know-how. However, in some cases a GI certification may pose a threat to food heritage by undermining the traditional diversity within the local food production systems. The following is the case of *Serrano cheese from Rio Grande do Sul*, Brazil – a raw milk cheese from Campos de Cima da Serra, identified by a Brazilian institution as a potential candidate for a GI certification in 2011.⁴⁰⁹ Applications for protection of Brazilian food products are supported by national institutions that promote origin-linked quality, as GIs are regarded as useful tools for

⁴⁰⁷ MURDOCH J., MARDSEN T. & BANKS J., 2000, « Quality, Nature, and Embeddedness: Some Theoretical Considerations in the Context of the Food Sector », *Economic Geography*, 76, 2, 107-125.

⁴⁰⁸ BARJOLLE D., PAUS M. & PERRET A., 2009, Impacts of Geographical Indications – Review of methods and empirical evidences, Contributed paper presented at the International Association of Agricultural Economists Conference, August 16-22, 2009, in Beijing, China, 14 p. Retrieved on July 16, 2014 from

http://ageconsearch.umn.edu/bitstream/51737/2/PaperIAAE2009_85.pdf

⁴⁰⁹ Vitrolles D., « When geographical indication conflicts with food heritage protection », *Anthropology of food* [Online], 8 | 2011, Online since 12 May 2011, accesses on July 16, 2014. URL : <http://aof.revues.org/6809>

regional development by producers throughout the country. However, a particular approach within the GI could lead to standardization of production methods that would destroy local knowledge.⁴¹⁰ Facing such a threat to national culinary heritage, institutions parties involved in the application process could be encouraged to consider other quality labeling scheme, rather than focusing only on a GI.

Serrano cheese production was largely unchanged over the years. It is produced in the Campos de Altitude region of South Brazil and extends over 31,500 square kilometers.⁴¹¹ The cheese is made by particular method using the raw milk of newly calved cows, raised for meat, that graze on native pastures. This cheese production is a family activity:

“Traditionally, the men did the herding and milking and the women made the cheese, though recent decades have seen a shift towards a less rigid division of labor. Each family has its own recipe, based on local knowledge and skills handed down through generations of womenfolk (whether grandmothers, mothers or mothers-in-law). One major change, courtesy of new technology and consumer demand, is the use of industrial rennet to curdle the milk, not armadillo digestive enzymes as before.”⁴¹²

Salting, curd handling, molding and pressing are the four most variable steps in the production of Serrano cheese. Some producers salt the milk; some others salt the curds or the cheese itself. Some producers heat the milk, others heat the curds. Some producers use only the milk from one milking session; others use the milk from several sessions.

⁴¹⁰ CASABIANCA F. & SAINTE MARIE C. (de), 2000, L'évaluation sensorielle des produits typiques. Concevoir et Instrumenter l'épreuve de la typicité, In the 67th EAAE Seminar, The socio-economics of origin labelled products in agro-food supply chains: spatial, institutional and co-ordination aspects, Le Mans, France, Paris Inra ESR, Parle Università degli Studi di Parma, 269-276.

⁴¹¹ Vitrolles D., « When geographical indication conflicts with food heritage protection » *Anthropology of food* [Online], 8 | 2011, Online since 12 May 2011, accesses on July 16, 2014. URL : <http://aof.revues.org/6809>

⁴¹² *Ibidem*

Finally, some of the producers use wooden molds, while others use plastic or stainless molds.⁴¹³

The research showed that *Serrano* cheese is a local product perceived as a strong food heritage that contributes to local identity. In spite of the desire to preserve its identity, GI implementation seems to lead to standardization at the expense of diversity. Loss of diversity is a normal consequence of GI implementation. But in case of *Serrano* cheese, defining product specifications appears to be impossible without jeopardizing the identity of the cheese. In other words, the protection instead of preserving the special character of a traditional product, GI may well conflict with safeguarding food heritage. GI products specifications should not be too rigorous, as it could rule out production as it is now. The specification should not also be too broad because it may lead to a change in production methodology (change of a cow breed for milk etc.) which would result in the product losing most of its original features. Farmers need to be very well integrated into the application and qualification processes, well-informed about the possible results of gaining a GI status, and about other promotional strategies and quality protection schemes available for them (private or collective trademarks, certification).⁴¹⁴

It appears that EU quality schemes, especially the GIs that indicate the products' strong connection with the region where they are produced, in general tend to have an impact on the definition of the products, development of production areas, on working practices and on producers itself. In some cases, GI may conflict with the specific nature of food heritage itself.⁴¹⁵

⁴¹³ *Ibidem*

⁴¹⁴ *Ibidem*

⁴¹⁵ BERARD L. & MARCHENAY P., 2004, Les produits de terroir entre cultures et règlements, CNRS Editions, Paris. Citation taken from: Delphine Vitrolles, «When geographical indication conflicts with food heritage protection», *Anthropology of food* [Online], 8 | 2011, Online since 12 May 2011, accessed on July 16, 2014. URL : <http://aof.revues.org/6809>

Chapter 4: Oscypek Cheese and Oscypek Heritage Trail in Poland

In the fourth chapter author explains the reasons for focusing on a cheese product throughout the main case study of this thesis, as well as the motives for choosing *oscypek* cheese from Southern Poland as the main case study, in particular. She explains the current general approach to treatment and management of intangible cultural heritage in Poland (with references to culinary heritage), as well as perspectives of its future development. She also elaborates on regional particularities of heritage treatment resulting from the historical experience of Poland and Central Europe (Soviet Communism from 1945 onward), as well as socio-political changes which exerted significant influence on attitudes toward Polish cultural heritage, which occurred as results of the fall of Communism in Poland in 1989 and accession to the European Union in 2004.

On the basis of *oscypek* cheese case, author elaborates on the application process of a culturally significant agricultural product for a Protected Designation of Origin certificate and points out some of the typical issues appearing in such cases within the process. The author also elaborates on specific features of this traditional regional food product, and follows particular issues, problems, and solutions which appeared in this specific case. The chapter contains also information about importance of cheese-making traditions in Europe, on some of the recognized cheese products protected by the Protected Designation of Origin Quality Scheme, and on the importance of traditional and regional products for the regional development of rural areas. Author aims at showing how promotion of regional food heritage and development of cultural culinary tourism may enhance progress in these regions. Detailed description of *oscypek* cheese production methodology, its importance in Polish highlander culture is what follows next, together with the translated transcripts and analysis of interviews conducted with randomly chosen *oscypek* producers from the region of Nowy Targ whose shepherd huts are joined within the culinary Oscypek Heritage Trail. Throughout the case study author aims at showing the peculiarities of quality protection of this regional

traditional food product of Polish Highlanders and at answering the main question, namely whether the Geographical Indication (in that case PDO) conflicts with the food heritage protection in case of *oscypek* cheese.

However, the question to really start with is the following: why is cheese going to be the main case study for this research? Why, among all the variety of European protected agricultural products, did the author choose cheese? The assortment of cheeses available currently on European market is enormous and diverse cheese products are in general very popular among consumers. Many varieties of cheeses survived centuries or thousands of years, from the moment when they first started being produced according to a particular recipe. The beginning of cheese production is inevitably connected with the moment of domestication and husbandry of animals, especially of oxen, goats and sheep. It is unknown where cheese production was first discovered, evidence of early cheese making is prevalent in the Middle East, Europe, and Central Asia.⁴¹⁶ Although it is also not known who made the first cheese, according to a popular legend, it was an Arabian merchant or a nomadic traveler who – while he was preparing for a journey across the desert - put the supply of fresh milk into a pouch which was made from a sheep's, goat's or other mammal's stomach. When he eventually stopped to take a drink, he noted that the milk had coagulated and divided itself in curd and whey. Then with time people starting also separating the curd from the fluid, drying it, and eventually salting it for storing.⁴¹⁷

This story presupposes that the nomad was already lactose-tolerant, and this is why it does not meet the acceptance of many scholars. The development of lactase persistence among adult populations did not occur for at least a thousand years after Neolithic humans began to harvest milk, cheese and butter.⁴¹⁸ According to a

⁴¹⁶ Kindstedt, P.S. "Cheese and Culture. A history of cheese and its place in Western civilization". Chelsea Green Publ. Co. White River Jct., 2012

⁴¹⁷ *Ibidem*

⁴¹⁸ *Ibidem*

growing consensus among cheese historians, cheese and butter-making processes long preceded the development of consumption of fresh milk by adults. According to Paul S. Kindstedt, a specialist in chemistry, biochemistry, structure, function and history of cheese, cheese making was discovered during the seventh millennium BC and constituted a step forward for Neolithic man because it transformed the milk into a vital food that was suitable both for adults and children, and into a food that could be stored for later use.⁴¹⁹

Travelers from Asia are believed to have brought the art of cheese-making to Europe. In fact, cheese was produced in many regions of the Roman Empire. The Romans, in turn, introduced cheese-making to England. During the Middle Ages cheese was made by monks in the European monasteries. For example, Gorgonzola was made in the Po Valley in Italy in 879 A.D. and Italy became the cheese-making center of Europe during the 10th century. Roquefort was also mentioned in the historical records of the monastery at Conques, France, already in 1070. Cheese-making continued to flourish in Europe and became an established food product.⁴²⁰

The dietary values of cheeses are not to be underestimated, since cheese is a source of high quality protein of animal origin, easily absorbed fat and lactose. Cheeses contain high amounts of calcium, phosphor, and group B vitamins. Skimmed products contain vitamins A and D. The high amounts of protein make them a valuable source of energy and are important for human immunity system. Fats, in reasonable quantity, are important energy-producing ingredients in human diet, since they provide organism with vitamin A, D, E and essential unsaturated fatty acids. In food consumed by humans, milk and food products made of milk cover 50% norm of protein and 40%

⁴¹⁹ *Ibidem*

⁴²⁰ International Dairy Foods Association, accessed <http://www.idfa.org/news-views/media-kits/cheese/history-of-cheese> on July 2007, 2014

norm of fats. Additional advantage of cheese is in the fact that it is better digested than meat protein.⁴²¹

The most basic division of cheeses derives from method in which they are produced. And thus:

- Dry cottage cheeses are obtained from sour milk which is then delicately heated until it forms curds. The curds are then strained from whey. The process of milk souring results in the fact that most of calcium and vitamin B content stay in the whey and not in the cheese;
- Rennet cheeses are obtained with rennet enzyme which, added to fresh milk, coagulates and creates a curd. Such cheeses are made without the souring process of milk therefore they contain much more calcium and vitamin B than cottage cheeses. This is also why cheeses made of sheep or goat milk have particular taste and health benefits. Sheep milk contains more dry mass, protein, fat and mineral salts. It is easier for humans to digest sheep milk than cow milk and it also contains more vitamins B and C.⁴²²

To provide a short answer to the initial question of this chapter, namely why make cheese the main case study of this research. Cheese, in variety of forms, is one of the most popular food products in the wide world but it can also be seen as an important nutrient that changed the Western Civilization. According to Kindstedt, together with the discovery of cheese, suddenly the early humans could add dairy to their diets. Cheese made an entirely new source of nutrients and calories available for adults and it also meant that “children and newborns would be exposed to milk frequently, which ultimately through random mutations selected for children who could tolerate

⁴²¹ Soszyńska K., “Charakterystyka serów - klasyfikacja, wartość odżywcza, produkcja, konsumpcja”. Published in Journal of NutriLife, ISSN:2300-8938. Date of publication: 18.07.2013. Retrieved from <http://www.nutrilife.pl/index.php?art=121> on April 30, 2015

⁴²² “Sheep milk – the facts”. Seven sisters – Sheep Centre. Retrieved http://www.sheepcentre.co.uk/sheep_milk_facts.htm on April 26, 2015

lactose later into adulthood.”⁴²³ As a result, in a relatively short time from the perspective of human evolution, the mutation spread throughout the population of Fertile Crescent. As the people migrated, they carried this particular genetic mutation with them. According to Kindstedt, “It’s an absolutely stunning example of a genetic selection occurring in an unbelievably short period of time in human development. It’s really a wonder of the world, and it changed Western civilization forever.”⁴²⁴

4.1. Historical Context of Intangible Cultural Heritage Treatment in Poland

Poland’s particular historical experience was caused to some extent by its unfortunate location on the map of Europe: somewhere between the West and the East (yet, not identifiable automatically with either) and between Germany and Russia. Poland is located almost in the center of the continent and, together with some of its closest neighboring countries, it constitutes Central Europe. This region and its borders are perceived and understood by scholars or writers in more historical and cultural terms, rather than in geographical ones. Probably even today the “belonging to East or West?” would be a difficult question for many people in Poland, Czech Republic, Slovakia, or Hungary. Belonging to Central Europe would probably be the best answer. This attitude constitutes an important feature of Central European identity. Belonging to Eastern or Western Europe is not a question of geographical borders but it is related to belonging to a particular cultural, economic, and political sphere, determined by a specific historical, political, economic, and cultural experience, as well as by particular cultural heritage and collective memory resulting from the past historical events.

⁴²³ Graber C., Twilley N., “Cheese changed the course of Western Civilization”, Quartz, posted May 30, 2015. Retrieved from <http://qz.com/371839/cheese-changed-the-course-of-western-civilization/> on April 25, 2015

⁴²⁴ *Ibidem*

Against this complex background, there occurs a constant development of new attitudes toward, and new dimensions of Central European cultural heritage. These dimensions are characterized by a dynamic relationship between the modern culture and civilization from one side, and the heritage of the past from the other side. In many Central European countries, including Poland, the last two decades in the sphere of culture were dedicated to regaining their lost/stolen/destroyed heritage. These years were also devoted to learning the modern approaches to protection and preservation of goods of culture and to a discussion about the role, values and future of regional heritage at the European political and cultural arena, and its place in national, international and global civilization. According to many scholars Central Europe has been, for at least the last two decades, a field for development of new dimension of heritage in a changing globalized world and a place of emergence of new meanings regarding such cultural issues as treatment and management of tangible and intangible cultural heritage, identity issues, and economic potential of cultural heritage. The communities of Central Europe are looking forward to the future developments in the field of culture and diverse approaches to cultural heritage development and management, at the same time being very aware of: the necessity to widen the term "heritage", change of place of culture and heritage in social life of post-communist Central European nations, and the increasing role of globalization in commodification of heritage.⁴²⁵

While approaching the topic of treatment, management and development of cultural heritage in post-communist countries of Central Europe, one needs to be aware of the fact that after 1945 these countries were imposed with a political and social system which was completely contradictory to their previous historical experiences, systems of values, and economical systems. This led the countries to stagnation and crisis, followed by counter-actions organized by the

⁴²⁵ Purchla J. (ed.) "Europa Środkowa- nowy wymiar dziedzictwa". International conference materials (June 1-2, 2001, International Cultural Centre, Kraków). Międzynarodowe Centrum Kultury (ICC), 2002, p. 8

Central Europeans. These took the forms of protests, rebellions, and other resistance-oriented cultural initiatives. As a result of the experience of Communism and a half-century-long resistance against it, the traditional system of values and attachment to the national cultures became even more important and grounded. That happened because at the close of World War II, under the occupation of Soviet forces, all of the Central European countries were brought into the Soviet empire and remained within that particular cultural and political sphere until the fall of Communism in 1989. Then, one by one, each of these nations became independent again, with their peoples very eager to rediscover and cherish their cultural past. This also included the culinary past which was largely, officially, ignored for around forty-five years.⁴²⁶ This is an unfamiliar experience to the people of Western Europe, and up until today in many respects, including the treatment of cultural heritage on national level, it constitutes an important legacy and great capital, but also a certain stagnating ballast of Central Europe.⁴²⁷

In the countries of Central Europe that share the experience of Communism and memory of social life under cultural oppression, the need to protect and preserve as well as develop the material cultural heritage in times of newly regained independence and cultural freedom, came quite naturally. The times of communist pressure gave the Polish culture and broadly understood heritage a special importance - leading later on to the raise of nationalistic approaches and attitudes regarding protection of "polishness", Polish Catholic values, and generally understood Polish culture. Also, perhaps as a result of the experience of Communism and oppression, Poland fell behind the Western Europe, regarding many issues, starting from

⁴²⁶ However, it is important to note that the communist governments took a lot of interest in ethnographic research and therefore established many research institutes as well as museums where rural life could be studied. Nevertheless of the purely political interest, the result was that there were valuable archival materials gathered and preserved.

⁴²⁷ Purchla J. (ed.) "Europa Środkowa- nowy wymiar dziedzictwa". International conference materials (June 1-2, 2001, International Cultural Centre, Kraków). Międzynarodowe Centrum Kultury (ICC), 2002, p. 9

economic development, through the education of its people, up to the recognition and treatment of intangible cultural heritage.

Most likely, the most important factor for the recent general cultural growth and development of Poland was its accession to the European Union on May 1, 2004 as a result of the integration process which started in Athens in April, 1994.⁴²⁸ Many opportunities for cultural restoration, new investments and thorough education in the fields of culture and cultural heritage became opened due to the European Union funds for cultural sector. Even though the Polish material cultural heritage was greatly restored and preserved for the future generations, only very recently the notion of intangible cultural heritage, already recognized by the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, is becoming a mainstream topic in Poland. Although in many cases it is still perceived mainly in terms of its relations to material heritage and it rarely serves as the main topic of national meetings and conferences, there exists an ongoing common discussion about the urgent need to protect the Polish expressions of Intangible Cultural Heritage.

Currently, as this analysis is being created, the National List of Polish Intangible Cultural Heritage is under construction. The List has a more informative rather than practical character and it serves to spreading the information on elements of intangible cultural heritage from all regions of the country. The elements inscribed on the National List of Polish Intangible Cultural Heritage may be later nominated to be inscribed on the UNESCO Representative List of Intangible Cultural Heritage. The initial inscription is made following an official application from groups, communities, NGOs or units. The National List is created under supervision and in the name of the Polish Minister of Culture and Cultural Heritage with the applications submitted to the National Institute of Cultural Heritage for formal evaluation. Recommendations are made by the advisor body of the Minister,

⁴²⁸ "Poland's 10 years in the European Union". Polish Ministry of Foreign Affairs web page, retrieved <http://www.msz.gov.pl/resource/ef26c779-74e4-4a0c-aa73-0a9d3c8b695c>:JCR on April 28, 2015

namely by the Council for Immaterial Cultural Heritage. The Council consists of nineteen experts who have the possibility to invite external experts as well as to appoint special working groups for particular cases.

Particular expressions of intangible cultural heritage, namely gastronomic heritage, as well as local cuisines, vary greatly across Poland. Gastronomic heritage of Poland is a complex creation, just like the country's complicated history and resulting external influences resulting thereof - which have had a major impact on foods that are traditionally consumed in different regions of the country. Traditional Polish cuisine combines elements of the culinary traditions of the neighboring nations, such as Lithuania, Czech Republic or the Ukraine, to name a few. It also shows some oriental influences (Turkish, Tatar) acquired through both peaceful contacts and conflicts. It was also strongly influenced by Austria, Prussia and Russia, which during partitions occupied Poland in the past. Earlier in the 16th century, Bona Sforza d'Aragona from Italy, the wife of a Polish King Sigismund I the Old, greatly enriched the Polish culinary traditions with vegetables and fruit that were unknown before, such as: tomatoes, cauliflower, artichokes, broccoli, cabbage, carrot, beans, lettuce and spinach. Until now a particular category of these vegetables is called *włoszczyzna* in Polish, which means "of the Italian origin". Queen Bona also popularized other products and dishes from her country of origin. At the end of the 18th century also French influences started to spread within the Polish cuisine together with other western influences which are also reflected in Polish culinary traditions of today. Potatoes, an important staple in the national diet, were brought from Germany and became popular in the second half of the 18th century.⁴²⁹ Polish cuisine has also been influenced by Jewish inhabitants over the centuries. Contemporary Polish cuisine was eventually formed at the beginning of the 19th century and survived in this shape until the World War II.⁴³⁰

⁴²⁹Adamkowska, H., „Kuchnia polska: tradycje, smaki, potrawy”, Warszawa, New Media Concept, 2008.

⁴³⁰ *Ibidem*

During the period of Communism following the war, cultivation of culinary traditions was difficult due to food shortages and periods of food rationing. The variety of foods clearly decreased, some traditional dishes seemed set to disappear but it may be due to traditional twelve course Christmas Eve meals that many traditional foods were preserved until after 1989. Political, social and economic changes revived awareness of food as a part of Poland's tradition and currently regional diversity constitutes an important feature of Polish culinary traditions. Renaissance of the traditional, regional cuisine has been clearly visible in the last decade. Many restaurants are serving traditional foods and dishes again and regional governments promote culinary traditions within their regions.⁴³¹

In terms of protection of culinary traditions, many of which consist of regional foods, traditional methodologies of food production, and which are an important part of regional and national intangible heritage, Poland has yet to take a step forward into officially recognizing the Polish culinary traditions as intangible cultural heritage. Although, Poland ratified the Convention for the Safeguarding of the Intangible Heritage on May 16, 2011 until now it has no intangible heritage elements inscribed on the UNESCO Representative List of Intangible Heritage. Meanwhile, several traditions, such as traditional transhumance shepherding by the Highlanders and traditional way of making *oscypek* cheese in shepherd huts are in danger of being lost forever (see case study below). What has been done so far in Poland on national level is, according to the requirements of the ratified Convention (art.12), the creation and

⁴³¹Synthesis report No 6: Traditional Foods in Europe Dr. Elisabeth Weichselbaum and Bridget Benelam (British Nutrition Foundation), Dr. Helena Soares Costa (National Institute of Health). The European Food Information Resource (EuroFIR) Consortium, funded under the EU 6th Framework Food Quality and Safety. Accessed http://www.eurosfair.prdd.fr/7pc/documents/1263815283_traditional_foods_can_sustain_european_cultures.pdf on August 10, 2014.

opening for applications of the National List of Intangible Cultural Heritage by the National Heritage Board of Poland in 2013. Here the definition of intangible cultural heritage is in line with the definitions in the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage. The heritage elements inscribed on the List also have to fulfill the following conditions before inscription:

- "To be a living heritage, expressing both traditional and modern practices in which the identity of cultural groups is displayed;
- To have an inclusive character (not assigning the practices exclusively to a particular group), strengthening the social cohesion sustained in various expressions of intangible cultural heritage;
- Intangible cultural heritage may be recognized as an element of identity and tradition of particular communities only by these communities and by a common agreement to it;
- Elements inscribed on the Polish National List of Intangible Cultural Heritage may be in following years inscribed on the UNESCO Representative List of Intangible Cultural Heritage of Humanity".⁴³²

Application form for the proposal of particular intangible heritage elements for inscriptions consists of detailed questionnaire and description for informative purposes. An important part of the application is Preservation Plan which is designed in order to in advance draw the plans for all the actions for the protection of life-span of the inscribed intangible heritage element. The Plan is also designed to support organizations and authorities involved in developing

⁴³² Narodowy Instytut Dziedzictwa – Dziedzictwo Niematerialne. „Czym jest Krajowa Lista Dziedzictwa Niematerialnego – Kryteria wpisu na Krajową Listę.” Retrieved http://niematerialne.nid.pl/Dziedzictwo_niematerialne/Krajowa_inwentaryzacja/ on April 28, 2015

protection mechanisms and initiatives for enhancing the cultivation of this heritage element.

There have been various potential threats to the vitality and durability of immaterial cultural heritage, including the culinary heritage. This kind of heritage is particularly vulnerable because of its variable nature and going along a natural life-cycle. Its elements may change or even vanish, at the same time giving a beginning to new forms of expressions. The changes of processes in modern world may cause a threat to the expressions of intangible cultural heritage, and the high pace of these changes makes it extremely difficult to recreate the intangible cultural heritage and to grant its sustainable development and preservation. The results of such situation are various, just to name the few: the impoverishment of culture and disappearance of important cultural contents, which previously provided support (clearly stated identity and common values) to individuals, groups and communities. Some of the factors increasing the pace of changes and, at the same time, increasing the process of intangible cultural heritage disappearance and making it impossible to pass it on to future generations, are named below.

1. Globalization, by increasing uniformization of cultural role models, may cause the deterioration of local cultural contents, facing the more attractive or dominant cultural contents. Such dominant contents are usually distributed by mass media and often very easily adopted by many (especially young) people. Naturally, the dominant contents start replacing the old habits, traditions and skills.⁴³³
2. Migrations, namely changing place of living cause disconnection from one's own community and intangible heritage. On one hand, in new conditions, practicing of such heritage may become difficult or impossible, so it is enriched or

⁴³³ Narodowy Instytut Dziedzictwa – Dziedzictwo Niematerialne, „Zagrożenia dla dziedzictwa”. Retrieved from http://niematerialne.nid.pl/Dziedzictwo_niematerialne/zagro-enia-dla-dziedzictwa/ on April 30, 2015

replaced with new habits and traditions. In many cases, such a dispersion of members of community leads to the decrease of interests in their own intangible cultural heritage and to its eventual reshaping, influenced by individual role models and values. Dispersion from a community also makes it difficult to pass on traditions from generation to generation in the process of inter-generational transfer of intangible heritage and the social building of new values on the basis of this content. On the other hand, in case of members of community who were already familiar with and practicing intangible cultural heritage, being dispersed from the community may lead to ever stronger need of practicing of intangible heritage, while at the same time adding new elements to it.⁴³⁴

3. Progressing changes in urbanization and industrialization – fast pace of cities development contributes to the increasing pace of migration and development of threats related to the content of intangible heritage. Migrants may never feel fully attached to the new heritage of the new place of living, and at the same time they may lose the contact and attachment with the immaterial heritage of their place of origin. Even in case of culturally developed historic cities with a rich intangible cultural heritage, dispersion of people connected with this intangible cultural heritage or the inflow of people who are not at all connected with this intangible cultural heritage (people who do not know it, do not understand it and to whom it is not of an important value) may cause the change of its content and contribute to the dying out of this heritage. Also, the development of industry and technological progress contributes to the dying out of old ways of production of some goods and it makes these methods non-attractive and non-economic. There is also a smaller need for the products made using the old technologies. This is why traditional knowledge, craftsmanship and arts and crafts disappear, together with the

⁴³⁴ *Ibidem*

traditional knowledge about the surrounding world and natural environment, traditional household works etc. In this way, many skills which were acquired throughout centuries, a testimony to human creativity and adaptation skills disappear, as well.⁴³⁵

4. Gradual deterioration of social-economic conditions, as well as progressing impoverishment of society may cause a lack of interest in intangible cultural heritage for the sake of focus on the existence issues. Economic problems contribute to variety of difficulties in organization of cultural events, also connected with intangible cultural heritage, also to the production of necessary products needed for the practicing of such heritage (music instruments, outfits etc.). Economic crisis also contributes to the lack of time which people can pay to the practicing of intangible cultural heritage, including the craftsmen who fail to create and to pass on the knowledge to the next generation.⁴³⁶
5. No generation-to-generation transmission of the traditions. The transfer of knowledge, traditions and intangible cultural heritage in general, is the main condition for it to exist and survive throughout centuries. This transfer of knowledge may occur through participation in organized cultural events, through transfer of knowledge and meanings in every-day conversations and story-telling, through passing on the craftsmanship skills and production technologies to younger members of community, or even through giving an example of one's own engagements in cultivation of intangible cultural heritage. The key issue here is to sustain the interest of the younger generations in cultivation of intangible traditions, so they feel attached to it and appreciate its value. The disappearance of transfer of knowledge about intangible cultural heritage to the younger generations is the most

⁴³⁵ *Ibidem*

⁴³⁶ *Ibidem*

common cause of the dying-out of intangible traditions and it is especially dangerous in case when already the last living people cultivating the tradition are dying out without having passed it on to the younger community members.⁴³⁷

6. Intense touristic movement may be a threat factor to the intangible cultural heritage. High external interest in the intangible heritage of the region or a given community may create a situation where the economic benefits are the leading reason for cultivating of this heritage. In this case, intangible cultural heritage becomes purely an attractive sale product which contradicts the authentic motivation and need to cultivate and preserve the given expression of intangible cultural heritage. The heritage may be changed in order to make it more attractive for the tourists which can lead for instance to standardization of local patterns and lower quality of execution for the sake of maximizing the economic benefits. Also, in case of high touristic movement, the presence of many tourists (in fact, strangers to the community practicing the heritage and unattached to the heritage) may change the special mood accompanying the traditional event, make the focus on a ritual difficult, or change a way of re-living the celebration.⁴³⁸

An important attachment to the application form for the National List of Intangible Heritage is the proposed Financial Plan which contributes to planning, initiation and execution of protection initiatives and actions. Its goal is to make the prearranged actions more feasible through planning in advance, by estimating the following: financial requirements of particular types of actions, sources of financing (own sources and others). The plan is not a binding nor a

⁴³⁷ Narodowy Instytut Dziedzictwa – Dziedzictwo Niematerialne, „Zagrożenia dla dziedzictwa”. Retrieved from http://niematerialne.nid.pl/Dziedzictwo_niematerialne/zagro-enia-dla-dziedzictwa/ on April 30, 2015

⁴³⁸ *Ibidem*

final document, but even in case if the applicant holds the estimated finances in possession, it is highly recommended to develop a Financial Plan and use it as a valuable tool for the better execution of immaterial heritage protection.

Among the elements considered for the inscription on the National List of Intangible Heritage are the cultural transhumance shepherding and *oscypek* cheese-making. One of the main problems of Polish Highlanders related to sheep growing and shepherding is caused by the fact that each year the number of sheep in Poland diminishes. This may severely impact the Highlanders shepherding and cheese-making traditions, which constitute the basics of their cultural historical heritage. In 1985 there were around 5 million sheep in Poland, with over 350 thousand sheep only in one voivodship of Southern Poland (region around Nowy Sącz). Currently in the entire country there are only 200 thousand sheep with 50 thousand in Lesser Poland voivodship.⁴³⁹ According to Kazimierz Furczoń – the former President of the “Gazdowie” Association and *bacha* from Leśnica (Podhale), the increase in the general costs of sheep growing, restrictive regulations, and bureaucracy (both on national and international level) are impacting the situation of sheep and their growers. The shop price of lamb in Poland is very high (around 50-60 PLN per kilo), whereas farmers receive only 10 PLN per kilo while selling it at the lamb sell point. Currently, the sheep growing business in Poland and the situation of senior shepherds living from pastoral farming is saved by two factors, one being the EU funds for farmers, however Polish farmers currently receive 75% of average what farmers from Western countries of the EU.⁴⁴⁰ Highlanders are concerned that when the EU funds end, it will be also the end of transhumance shepherding, traditional cheeses making, and lamb producing in Poland. Nevertheless, the two southern regions of Poland (Lesser Poland and

⁴³⁹ Data according to a phone interview with Kazimierz Furczoń, August 2014.

⁴⁴⁰ Ankieta "Rzeczpospolitej": J. Włosowicz, April 18, 2014, Rzeczpospolita (online). Retrieved <http://www.rp.pl/artykul/1103217.html?print=tak&p=0> on September 12, 2014

Silesia) benefit from the traditions of cheese-making and manufacturing other sheep and cow agricultural products, therefore the situation of traditional sheep-growing and shepherding can be seen as currently stable but (if no changes will be implemented), with poor potential for development.⁴⁴¹

⁴⁴¹ Portal Gazet Regionalnych, accessed <http://extrapolska.pl/extra-z-extra/1752-kto-ma-owce> on July 25, 2014

4.2. Culinary Heritage and Regional Tastes Management – Polish Regional Products Contest

There are more than several ways to approach, treat and manage culinary heritage and traditional regional products. Although Poland has yet to apply the professional means of management to its culinary heritage, there have already been some local and regional initiatives taken in order to identify, document, preserve and promote the important culinary traditions, and to save some local and regional heritages. These initiatives take the forms of variety of festivals, programs, contests, or listings. One of the first contests on a national scale to be organized in this field in Poland took place fifteen years ago and since then it has become probably the most important initiative which gathers local and regional traditional food producers from the entire country, improves their education and collaboration, and supports the economic and social development of undeveloped rural regions of Poland.

The first edition of Our Culinary Heritage – Regional Tastes Contest took place in 2000. Currently, with its 14th edition it includes producers of traditional local and regional products, as well as all subjects encouraging the building of regional food market in Poland.⁴⁴² It is addressed to food producers, processors, institutions and authorities responsible for food controls on local, regional and national levels, territorial governments, and consumers, in order to educate them and raise their awareness about the importance of social and economic importance of traditional and regional products of Poland.⁴⁴³

For the purpose of documenting and promoting Polish traditional regional products the Contest was initiated in order to undertake the following actions in two fields:

⁴⁴² Polska Izba Produktu Regionalnego i Lokalnego. Accessed <http://www.produktyregionalne.pl/nkd.php?body=article&name=informacje-ogolne&lang=pl> on August 2, 2014

⁴⁴³ *ibidem*

- Cultural: identification and documentation of the traditional regional and local products of Poland,
- Economic: supporting the production of these products, inspiration for the creation of the traditional regional/local market, pointing out the additional sources of economic income.⁴⁴⁴

From the beginning, the aim of the contest was to protect the uniqueness of traditional regional food products. Throughout over a decade it was possible to identify and document more than 6000 local and regional traditional products. The identification included: the unique historical names of the products; specific, authentic and unique production methods; and cultural associations with the region of origin.

The main identified results of the contest were the following:

- "Step toward protection of Polish culinary heritage as a part of broader understood cultural heritage,
- Preparation of traditional food producers for the specific procedures regarding the protection of such products on the national level (such as inscription of products on the National List of Traditional Products), as well as encouragement to apply for quality certificates,
- Motivation of regional and traditional food producers to take action leading to gaining European geographical indications: Protected Designation of Origin, Protected Geographical Indications, and Traditional Speciality Guaranteed,
- Raising awareness of the rural areas communities regarding the differentiation of incomes,
- Creating new work places in rural areas and development of local entrepreneurship connected with production of traditional food products,

⁴⁴⁴ *Ibidem*

- Creating the market of regional and traditional products.”⁴⁴⁵

The contest was the first attempt on national scale to gather the knowledge and up-to-date documentation in the field of regional and traditional food products and to inspiration and motivation of producers from rural areas to produce such food products. It also initiated an organized education and dissemination of knowledge about opportunities in protection of local and regional foods on Polish and European markets. A direct result of the contest was the establishment of Polish Chamber of Regional and Local Product which was done mostly by the laureates of the previous contests.⁴⁴⁶

The Contest proved that Polish producers can offer high quality, authentic and original food products, not only to the consumers in Poland, but also in the European Union and outside of it. It also turns out that, around the awarded products, there emerged many producer groups and consortiums which support the regional Polish products on its way to registration within the European system of high quality regional and traditional products.⁴⁴⁷ The contest also contributes to the emphasis on the importance of regional and local traditional products which can be divided into two categories:

- The ones with a strong cultural meaning (preservation of culinary tradition and protection of cultural heritage),
- The ones with important economic meaning (the opportunity to differentiation of rural production and gaining new sources of income; increasing incomes of

⁴⁴⁵ Izabela Byszewska, „Strażnik kulinarnego dziedzictwa i jakości żywności”, Polish Chamber of Regional and Local Product. Accessed www.uprp.pl/uprp/redir.jsp?place=GalleryStats&id=29288 on July 31, 2014

⁴⁴⁶ Izabela Byszewska, „Strażnik kulinarnego dziedzictwa i jakości żywności”, Polish Chamber of Regional and Local Product. Accessed www.uprp.pl/uprp/redir.jsp?place=GalleryStats&id=29288 on July 31, 2014

⁴⁴⁷ Polska Izba Produktu Regionalnego i Lokalnego. Accessed <http://www.produktyregionalne.pl/nkd.php?body=article&name=informacje-ogolne&lang=pl> on August 2, 2014

farmers, regional/local producers, and processors of traditional food; regional development – culinary tourism and promotion).⁴⁴⁸

Traditional regional and local food products have a big impact on the development of local communities. Starting from “production in the closest neighborhood”, the development can proceed into creation of producer groups or starting small/medium firms, such as: butcher shops, dairies/creameries, bakeries, vegetable and fruit processing, or gastronomic firms. The attitude of preserving the tradition for the sake of present and future is beneficial also for the residents of regions, in the way that it creates additional source of income for farmers, guaranties the sale of best quality products, and ensures the sale of products and not raw-materials. It also supports the development of agritourist farms and offers support for local entrepreneurs. Finally, the traditional regional and local products are important for the development of the regions. They support promotion of the region and the creation of a brand, development of tourism and services, development of areas with the non-favorable conditions of management, consolidation of local communities, and organization of region promoting events.⁴⁴⁹

The next initiative of the Chamber, taken together with the Association of Voivodships, was to create a national quality and control system of high quality products, called “Quality Tradition”, based on the European Quality Schemes. Such system is recognized by the Polish Ministry of Agriculture and Rural Areas Development, and serves the purpose of distinguishing the high quality products including the traditional products. The most important are considered: the quality of products, quality control, transparency and traceability of products. The system is opened for all the national and international food producers and processors. The main qualifying criterion of the product

⁴⁴⁸ Izabela Byszewska, „Strażnik kulinarnego dziedzictwa i jakości żywności”, Polish Chamber of Regional and Local Product. Accessed www.uprp.pl/uprp/redir.jsp?place=GalleryStats&id=29288 on July 31, 2014

⁴⁴⁹ *Ibidem*

is its high quality. The products for the distinction should be gathered in one of the following categories: agricultural products, foodstuffs, and spirits. The products have to be specific because of:

- Traditional ingredients and traditional production methodology,
- Particularly high quality resulting from their traditional character or expressing their traditional character,
- Particular quality or reputation that makes them different from other products in the same category.⁴⁵⁰

The products of traditional content, traditional production methodology and character are those with at least 50 years of history of production. Traditional breeds and varieties are those already used before 1956.⁴⁵¹ The ingredients and foodstuffs for the creation of such products must originate from ecologic farms, from farms with the Good Practice System of Production or Good Growing practice, without the use of Genetically Modified Organisms. The foodstuffs and ingredients used for production of these products must be traceable. Gaining the certificate of compatibility is equal with the proof that the product is compatible with the product specification given by the producer.⁴⁵²

Such initiatives make traditional local and regional food products a great chance for local producers, enhancing cooperation within communities and development in rural areas. As stated in Chapter 2 of this research, producing high quality food products, as well as their preservation, protection and promotion, are one of the most important tasks in the Member States of the EU. One of the main means of pursuing the Quality Policy in the Community is distinction of certain agricultural and food products with special certificates that

⁴⁵⁰ *Ibidem*

⁴⁵¹ *Ibidem*

⁴⁵² Izabela Byszewska, „Strażnik kulinarnego dziedzictwa i jakości żywności”, Polish Chamber of Regional and Local Product. Accessed www.uprp.pl/uprp/redir.jsp?place=GalleryStats&id=29288 on July 31, 2014

confirm their high quality, authentic origin, and guarantee traditional way of production. Additionally, as an additional initiative, in February 2013, a three-year information campaign “Three Signs of Taste” started and it was funded by Poland and the European Union. The goals of the campaign are to inform the public about the EU system for protecting geographical indications and traditional products, and to promote Polish foodstuffs that have been awarded quality labels under this scheme. The campaign was initiated by the Agricultural Market Agency with support from the Ministry of Agriculture and Rural Development.⁴⁵³

Regional and traditional products have usually been produced in mostly unchanged form since centuries, and their original names, recipes, and production methodologies have been passed on from generation to generation. The EU treats culinary traditions as a unique and unrepeatable part of cultural heritage, specifically of the intangible cultural heritage. Within the last decade traditional local and regional foods started gaining wide recognition, appreciation as heritage expressions, and new meanings. This regional food heritage has a powerful influence on creating new social awareness, and many regions in Europe devote a big part of their development strategies on production, promotion, distribution and consumption of regional food products. If only to mention some of the benefits from production of traditional local and regional foods:

- Creation of a new image of the region – as a better taken care of, more competitive and attractive for investors, and friendly toward tourists;
- Creating new work places/ keeping the old work places;
- Entrepreneurship development;
- Emergence of new local initiatives, producer groups etc.

Production of regional products also supports rural areas development through creating new opportunities for farmers, as well as enabling them to work in their regions and, thus, decreases the

⁴⁵³ Retrieved from the webpage of the campaign:
<http://www.trzyznakismaku.pl/o-kampanii> on July 31, 2014

depopulation of rural areas. Preservation and protection of the culinary traditions related to regional food products, protects also the cultural heritage of rural areas and contributes to increasing the attractiveness of this, usually underdeveloped, areas. It also supports the development of agritourism in the regions of origin of these food products. Regional products are important parts of culinary heritage in rural areas and may constitute one of the crucial elements of region touristic strategy, especially in connection with agritourism or rural tourism. The benefits for rural areas, regions and local communities are unquestionable, and in a bigger scale preservation and cultivation of tradition at a reasonable (non-nationalistic) level, are very important and contribute to the preservation and strengthening of particular local, regional and even national identities.

4.3. European Cheeses Protected Within the PDO Geographical Indication Quality Scheme

As for May 1, 2015 there were 185 cheeses registered and protected under the Protected Designation of Origin type of geographical indication. The countries with leading number of protected cheeses with PDO status are: Italy, (48), France (45), Spain (26), Greece (21), Portugal (11), and United Kingdom (10). Other countries on the list are: Austria (6), Belgium (1), Germany (4), Ireland (1), Netherlands (5), Poland (3), and Slovenia (4).⁴⁵⁴ Poland has currently three cheese products with a Protected Designation of Origin registered status, namely: *bryndza podhalańska* (2007), *oscypek* (2008), and *redykołka* (2009). Although the application for *oscypek* cheese was prepared already in 2006-2007, *bryndza podhalańska* gained the status as the first Polish PDO product, because of the necessity of negotiations with Slovakian authorities regarding the applications for Polish *oscypek* and Slovakian *oštiepok*.⁴⁵⁵

There is a particular concern regarding the protection of names of the traditional European cheeses outside of Europe, for instance regarding the cheeses made in the United States and freely called “parmesan”, “muenster” or “feta”. Currently, as part of trade talks, the European Union takes actions in order to ban the use of European names of cheeses on cheese made in the United States. Naturally, the argument is that the American-made cheeses are merely substitutes of the original European varieties and they potentially cut into sales, good name and identity of the European cheeses. The European Union argument is in line with the Quality Schemes regulations. It means that, for instance, *parmesan* cheese should only come from Parma, Italy. *Feta* should only be from Greece, as it is so closely connected to Greece and

⁴⁵⁴ Data according to DOOR database retrieved on May 1, 2015

⁴⁵⁵ Pierwszy Portal Rolny - TVP Redakcja Rolna, “Oscypek na zgodę”, posted June 4, 2007. Retrieved from <http://www.ppr.pl/artykul-oscypek-na-zgode-137269.php> on May 5, 2015

embedded in Greek culture that it should be identified as an inherently Greek product.⁴⁵⁶

The lists of cheeses awarded with the PDO certificate, published cheese products before registration, and the most recent applications for PDO certificate can be found on the following pages of this chapter.

⁴⁵⁶ “Say bye bye to parmesan, muenster and feta: Europe wants its cheese back”, The Guardian online, AP, March 11, 2014 – accessed <http://www.theguardian.com/lifeandstyle/2014/mar/11/europe-trade-talks-cheese-back-parmesan-feta> on August 2, 2014

<u>Possier Number</u>	<u>Désignation</u>	<u>Country</u>	<u>Status</u>	<u>Type</u>	<u>Submission</u>	<u>Publication</u>	<u>Registration date</u>
AT/PDO/0017/14125	Gailtaler Almkäse	Austria	Registered	PDO			14/01/1997
AT/PDO/0017/1419	Vorarlberger Bergkäse	Austria	Registered	PDO			13/06/1997
AT/PDO/0017/1413	Vorarlberger Alpkäse	Austria	Registered	PDO			13/06/1997
AT/PDO/0017/1435	Tiroler Graukäse	Austria	Registered	PDO			02/07/1996
AT/PDO/0017/1416	Tiroler Bergkäse	Austria	Registered	PDO			13/06/1997
AT/PDO/0017/1436	Tiroler Almkäse ; Tiroler Alpkäse	Austria	Registered	PDO			25/11/1997
BE/PDO/0017/0312	Fromage de Herbe	Belgium	Registered	PDO			02/07/1996
DE/PDO/0017/0460	Allgäuer Bergkäse	Germany	Registered	PDO			24/01/1997
DE/PDO/0017/0462	Odenwälder Frühstückskäse	Germany	Registered	PDO			25/11/1997
DE/PDO/0005/00986	Weißlackner / Allgäuer Weißlackner	Germany	Registered	PDO	10/04/2012	15/10/2014	26/02/2015
DE/PDO/0017/0461	Altentburger Ziegenkäse	Germany	Registered	PDO			24/01/1997
DE/PDO/0017/0459	Allgäuer Emmentaler	Germany	Registered	PDO			24/01/1997
ES/PDO/0005/0307	Afuegal Pitu	Spain	Registered	PDO	20/08/2003	10/11/2007	26/07/2008
ES/PDO/0005/0718	Queso Casin	Spain	Registered	PDO	04/09/2008	26/11/2010	05/10/2011
ES/PDO/0005/0605	Queso de Flor de Guía	Spain	Registered	PDO	21/05/2007	23/12/2009	04/09/2010
ES/PDO/0005/0767	Queso Camerano	Spain	Registered	PDO	19/03/2009	04/04/2012	11/12/2012
ES/PDO/0005/0359	San Simón de Costa	Spain	Registered	PDO	19/08/2004	04/04/2008	11/12/2008
ES/PDO/0005/0497	Arzúa-Ulloa	Spain	Registered	PDO	27/09/2005	10/06/2009	13/01/2010
ES/PDO/0017/0087	Queso Manchego	Spain	Registered	PDO	06/11/2006	08/10/2008	21/06/1996
ES/PDO/0005/0443	Cebreño	Spain	Registered	PDO	15/12/2004	23/01/2008	17/10/2008
ES/PDO/0005/0213	Torta del Casar	Spain	Registered	PDO	26/10/2001	26/11/2002	26/08/2003
ES/PDO/0017/0091	Roncal	Spain	Registered	PDO			05/07/2003
ES/PDO/0017/0090	Quesucos de Liébana	Spain	Registered	PDO			21/06/1996
ES/PDO/0017/0089	Queso Zamorano	Spain	Registered	PDO			21/06/1996
ES/PDO/0017/0088	Queso Tetilla	Spain	Registered	PDO			21/06/1996
ES/PDO/0005/0172	Queso Palmiro ; Queso de la Palma	Spain	Registered	PDO		14/11/2001	11/07/2002
ES/PDO/0017/0085	Queso Nata de Cantabria	Spain	Registered	PDO			18/09/2007
ES/PDO/0005/0261	Queso Ibores	Spain	Registered	PDO	06/03/2004	05/02/2005	
ES/PDO/0005/0204	Queso de Murcia al vino	Spain	Registered	PDO	06/09/2001	25/06/2002	
ES/PDO/0005/0168	Queso de Murcia	Spain	Registered	PDO	06/09/2001	25/06/2002	
ES/PDO/0005/0094	Queso de Val Urgell y la Cerdanya	Spain	Registered	PDO	12/05/1999	17/03/2000	07/11/2000
ES/PDO/0017/0086	Queso de La Serena	Spain	Registered	PDO			21/06/1996
ES/PDO/0017/0084	Picón Bejes-Tresviesos	Spain	Registered	PDO			21/06/1996
ES/PDO/0017/0083	Mahón-Menorca	Spain	Registered	PDO			21/06/1996
ES/PDO/0017/0082	Idiazabal	Spain	Registered	PDO			21/06/1996
ES/PDO/0005/0308	Gomeroles ; Gomonedo	Spain	Registered	PDO	20/08/2003	09/10/2007	17/07/2008
ES/PDO/0017/0081	Cabratoles	Spain	Registered	PDO			21/06/1996
ES/PDO/0005/0045	Queso Majorero	Spain	Registered	PDO	06/06/1998	20/02/1999	
FR/PDO/0017/0105	Abondance	France	Registered	PDO			21/06/1996
FR/PDO/0017/0298	Picodon	France	Registered	PDO			27/11/2009
FR/PDO/0017/0128	Pouilly-Saint-Pierre	France	Registered	PDO			29/10/2009
FR/PDO/0105/0179	Morbier	France	Registered	PDO			30/10/2009
FR/PDO/0005/0542	Fourme de Montbrison	France	Registered	PDO			13/10/2010
FR/PDO/0017/0119	Fourme d'Ambert	France	Registered	PDO			02/07/1996
FR/PDO/0005/0553	Mâconnais	France	Registered	PDO	28/08/2006	18/12/2009	05/08/2010
FR/PDO/0005/0782	Rigotte de Cordieu	France	Registered	PDO	07/07/2009	07/05/2013	19/11/2013
FR/PDO/0005/0077	Bleu du Vercors-Sassenage	France	Registered	PDO	29/03/2006		16/03/2001
FR/PDO/0005/0076	Valençay	France	Registered	PDO	30/10/1998	02/10/2003	12/08/2004
FR/PDO/0005/0254	Tome des Bauges	France	Registered	PDO	18/09/2002	02/09/2006	09/05/2007
FR/PDO/0017/0135	Selles-sur-Cher	France	Registered	PDO			21/06/1996
FR/PDO/0017/0134	Salers	France	Registered	PDO			15/05/2003
FR/PDO/0017/0132	Saint-Nectaire	France	Registered	PDO			21/06/1996
FR/PDO/0017/0133	Sainte-Maure de Touraine	France	Registered	PDO			15/05/2003
FR/PDO/0017/0131	Roquefort	France	Registered	PDO			25/09/2008
FR/PDO/0205/0026	Rocamadour	France	Registered	PDO	07/05/1997	09/01/1999	
FR/PDO/0017/0130	Reblochon / Reblochon de Savoie	France	Registered	PDO			21/06/1996
FR/PDO/0017/0129	Pont-l'Évêque	France	Registered	PDO			21/06/1996
FR/PDO/0005/0140	Pélardon	France	Registered	PDO	18/07/2000	04/02/2011	05/12/2001
FR/PDO/0017/0127	Ossau-Iraty	France	Registered	PDO			21/06/1996
FR/PDO/0017/0126	Neufchâtel	France	Registered	PDO			21/06/1996
FR/PDO/0017/0125	Munster ; Munster-Géromé	France	Registered	PDO			13/11/1996
FR/PDO/0017/0124	Mort d'Oc ; Vacherin du Haut-Doubs	France	Registered	PDO			21/06/1996
FR/PDO/0017/0123	Maroilles / Maroilles	France	Registered	PDO			13/11/1996
FR/PDO/0017/0122	Livarot	France	Registered	PDO			21/06/1996
FR/PDO/0017/0121	Langres	France	Registered	PDO	25/08/2011	21/06/1996	
FR/PDO/0017/0120	Liquière	France	Registered	PDO			06/08/2008
FR/PDO/0017/0118	Époisses	France	Registered	PDO	23/10/2001	21/06/1996	
FR/PDO/0017/0117	Crottin de Chavignol / Chavignol	France	Registered	PDO			21/06/1996
FR/PDO/0017/0116	Comté	France	Registered	PDO			21/06/1996
FR/PDO/0005/0246	Chevroilin	France	Registered	PDO	31/10/2003	19/08/2005	
FR/PDO/0017/0114	Chauroux	France	Registered	PDO			21/06/1996
FR/PDO/0017/0115	Chabichou du Poitou	France	Registered	PDO			21/06/1996
FR/PDO/0017/0113	Cantal ; fourme de Cantal ; cantalel	France	Registered	PDO			21/06/1996
FR/PDO/0017/0112	Camembert de Normandie	France	Registered	PDO	18/05/2013	21/06/1996	
FR/PDO/0017/0136	Brocciu Corse / Brocciu	France	Registered	PDO			21/06/1996
FR/PDO/0017/0111	Brie de Melun	France	Registered	PDO			21/06/1996
FR/PDO/0017/0110	Brie de Meaux	France	Registered	PDO			21/06/1996
FR/PDO/0017/0109	Bleu de Gex Haut-Jura ; Bleu de Septmoncel	France	Registered	PDO			21/06/1996
FR/PDO/0017/0108	Bleu des Causses	France	Registered	PDO			21/06/1996
FR/PDO/0017/0107	Bleu d'Auvergne	France	Registered	PDO			21/06/1996
FR/PDO/0017/0106	Beaufort	France	Registered	PDO			15/05/2003
FR/PDO/0005/0290	Banon	France	Registered	PDO	07/05/2003	29/09/2006	12/06/2007
FR/PDO/0005/00838	Charolais	France	Registered	PDO	15/11/2010	31/01/2014	20/06/2014
UK/PDO/0017/0280	Beacon Fell traditional Lancashire cheese	UK	Registered	PDO			21/06/1996
UK/PDO/0017/0283	Swaledale ewes' cheese	UK	Registered	PDO	24/01/1994		21/06/1996
UK/PDO/0017/0277	White Stilton cheese ; Blue Stilton cheese	UK	Registered	PDO			21/06/1996
UK/PDO/0017/0279	West Country farmhouse Cheddar cheese	UK	Registered	PDO			21/06/1996
UK/PDO/0017/0282	Swaledale cheese	UK	Registered	PDO			21/06/1996

UK/PDO/0005/0354	Staffordshire Cheese	UK	Registered PDO		24/06/2006	18/09/2007
UK/PDO/0017/0281	Single Gloucester	UK	Registered PDO			21/06/1996
UK/PDO/0017/0300	Dorset Blue cheese	UK	Registered PDO			21/06/1996
UK/PDO/0017/0287	Buxton Blue	UK	Registered PDO			21/06/1996
UK/PDO/0017/0284	Borchester cheese	UK	Registered PDO			21/06/1996
EL/PDO/0017/0438	Αιγάρο	Greece	Registered PDO			21/06/1996
EL/PDO/0005/0731	Εύγυλο Σηρίας / Εύγυλο Σηρίας	Greece	Registered PDO	24/11/2008	17/11/2010	03/08/2011
EL/PDO/0017/0436	Εύγυλο Αράβας / Εύγυλο Αράβας	Greece	Registered PDO			21/06/1996
EL/PDO/0017/0427	Εύγυλο	Greece	Registered PDO			15/10/2002
EL/PDO/0017/0436	Εύγυλο	Greece	Registered PDO			21/06/1996
EL/PDO/0017/0432	Εύγυλο Μυκίνης	Greece	Registered PDO			21/06/1996
EL/PDO/0017/0429	Εύγυλο Μυκίνης	Greece	Registered PDO			13/11/1996
EL/PDO/0017/0444	Εύγυλο Κρήτης	Greece	Registered PDO			21/06/1996
EL/PDO/0017/0447	Εύγυλο Κρήτης	Greece	Registered PDO			21/06/1996
EL/PDO/0017/0433	Εύγυλο Κρήτης	Greece	Registered PDO			21/06/1996
EL/PDO/0017/0441	Εύγυλο Κρήτης	Greece	Registered PDO			21/06/1996
EL/PDO/0017/0445	Εύγυλο Κρήτης	Greece	Registered PDO			21/06/1996
EL/PDO/0017/0450	Εύγυλο Κρήτης	Greece	Registered PDO		26/06/2012	21/06/1996
EL/PDO/0017/0444	Εύγυλο Κρήτης	Greece	Registered PDO			21/06/1996
EL/PDO/0017/0452	Εύγυλο Κρήτης	Greece	Registered PDO			21/06/1996
EL/PDO/0017/0440	Εύγυλο Κρήτης	Greece	Registered PDO			21/06/1996
EL/PDO/0017/0435	Εύγυλο Κρήτης	Greece	Registered PDO			21/06/1996
EL/PDO/0017/0434	Εύγυλο Κρήτης	Greece	Registered PDO			21/06/1996
EL/PDO/0017/0451	Εύγυλο Κρήτης	Greece	Registered PDO			21/06/1996
EL/PDO/0017/0449	Εύγυλο Κρήτης	Greece	Registered PDO			21/06/1996
EL/PDO/0017/0443	Εύγυλο Κρήτης	Greece	Registered PDO			21/06/1996
IE/PDO/0005/0070	Imalky Regato	Ireland	Registered PDO	06/07/1998	11/11/1998	05/10/1999
IT/PDO/0017/0001	Asiago	Italy	Registered PDO			21/06/1996
IT/PDO/0005/0639	Salva Cremasco	Italy	Registered PDO	30/07/2007	27/04/2011	21/12/2011
IT/PDO/0005/0646	Piacentini Emme	Italy	Registered PDO	25/09/2007	24/06/2010	15/02/2011
IT/PDO/0005/0524	Formaggella del Lunese	Italy	Registered PDO	17/02/2006	14/08/2010	16/04/2011
IT/PDO/0005/0111	Pecorino Crotone	Italy	Registered PDO	13/05/2013	02/07/2014	27/11/2014
IT/PDO/0005/0104	Stracchino	Italy	Registered PDO	19/10/2012	05/10/2013	14/03/2014
IT/PDO/0005/00859	Pecorino di Piacenza	Italy	Registered PDO	28/02/2011	27/02/2013	19/11/2013
IT/PDO/0005/00823	Nostrano Valtrompia	Italy	Registered PDO	22/09/2010	15/10/2011	13/07/2012
IT/PDO/0005/0794	Squacquerone di Romagna	Italy	Registered PDO	04/12/2009	15/10/2011	25/07/2012
IT/PDO/0017/0017	Pecorino Romano	Italy	Registered PDO			21/06/1996
IT/PDO/0005/0661	Vastetta della valle del Belice	Italy	Registered PDO	26/11/2007	19/02/2010	29/10/2010
IT/PDO/0005/0686	Piave	Italy	Registered PDO	04/03/2008	29/09/2009	22/05/2010
IT/PDO/0005/0466	Provolone del Monaco	Italy	Registered PDO	20/05/2005	20/06/2009	11/02/2010
IT/PDO/0005/0580	Fornago di Fossa di Sogliano	Italy	Registered PDO	22/12/2006	12/05/2009	03/12/2009
IT/PDO/0017/1502	Bitto	Italy	Registered PDO	02/08/2006	16/04/2009	02/07/1996
IT/PDO/0017/1503	Valtellina Casera	Italy	Registered PDO			02/07/1996
IT/PDO/0017/1504	Valle d'Aosta Fromadzo	Italy	Registered PDO			21/06/1996
IT/PDO/0017/0026	Toma Piemontese	Italy	Registered PDO	25/06/1993		02/07/1996
IT/PDO/0017/0025	Taleggio	Italy	Registered PDO			21/06/1996
IT/PDO/0005/0255	Stilser	Italy	Registered PDO		11/10/2005	16/02/2007
IT/PDO/0005/0252	Spressa delle Giudicarie	Italy	Registered PDO		11/04/2003	23/12/2003
IT/PDO/0017/0024	Ribotta di Roccaverano	Italy	Registered PDO			02/07/1996
IT/PDO/0017/0023	Raschera	Italy	Registered PDO			02/07/1996
IT/PDO/0017/1505	Reggiano	Italy	Registered PDO			02/07/1996
IT/PDO/0017/0022	Quattroformaggio	Italy	Registered PDO			21/06/1996
IT/PDO/0017/0021	Provolone Valpadana	Italy	Registered PDO			21/06/1996
IT/PDO/0017/0020	Pecorino Toscano	Italy	Registered PDO			02/07/1996
IT/PDO/0017/0019	Pecorino Siciliano	Italy	Registered PDO			21/06/1996
IT/PDO/0017/0018	Pecorino Sardo	Italy	Registered PDO			02/07/1996
IT/PDO/0005/0279	Pecorino di Filiano	Italy	Registered PDO	25/02/2003	19/04/2007	15/12/2007
IT/PDO/0017/0016	Parmigiano Reggiano	Italy	Registered PDO		16/04/2009	21/06/1996
IT/PDO/0017/0015	Murazzano	Italy	Registered PDO			21/06/1996
IT/PDO/0017/0014	Mozzarella di Bufala Campana	Italy	Registered PDO			21/06/1996
IT/PDO/0017/0013	Monte Veronese	Italy	Registered PDO			02/07/1996
IT/PDO/0017/0012	Montasio	Italy	Registered PDO			21/06/1996
IT/PDO/0017/0011	Grana Padano	Italy	Registered PDO			21/06/1996
IT/PDO/0017/0010	Gorgonzola	Italy	Registered PDO			21/06/1996
IT/PDO/0017/0009	Formai di Mt dell'Alta Valle Brembana	Italy	Registered PDO			21/06/1996
IT/PDO/0017/0008	Fontina	Italy	Registered PDO			21/06/1996
IT/PDO/0017/0007	Fiore Sardo	Italy	Registered PDO			02/07/1996
IT/PDO/0017/0006	Castelmagno	Italy	Registered PDO			02/07/1996
IT/PDO/0017/0005	Casciotta d'Uzzano	Italy	Registered PDO			13/11/1996
IT/PDO/0005/0348	Castella Trevigiana	Italy	Registered PDO	01/09/2007	03/06/2008	
IT/PDO/0017/0004	Canestrato Pugliese	Italy	Registered PDO			21/06/1996
IT/PDO/0017/0003	Caciocavallo Silano	Italy	Registered PDO			05/07/2003
IT/PDO/0017/0002	Bra	Italy	Registered PDO			02/07/1996
IT/PDO/0005/00950	Pizzone di Moena / Sprezz Tzazri	Italy	Registered PDO	08/02/2012	15/03/2013	19/11/2013
IT/PDO/0005/01166	Pecorino delle Balze Volterran	Italy	Registered PDO	22/10/2013	26/09/2014	20/02/2015
NL/PDO/0017/0316	Boeren-Leidse met sieuets	Netherlands	Registered PDO			13/06/1997
NL/PDO/0017/0314	Noord-Hollandse Gouda	Netherlands	Registered PDO			21/06/1996
NL/PDO/0017/0315	Noord-Hollandse Edammer	Netherlands	Registered PDO			21/06/1996
NL/PDO/0005/0059	Kanterkaas	Netherlands	Registered PDO		30/12/1999	08/09/2000
PL/PDO/0005/0450	Żółty Podhalanski	Poland	Registered PDO	18/02/2005	23/09/2006	12/06/2007
PL/PDO/0005/0580	Żółty Podhalanski	Poland	Registered PDO	21/01/2007	05/05/2009	01/12/2009
PL/PDO/0005/0451	Oscypek	Poland	Registered PDO		02/08/2006	14/02/2008
PT/PDO/0017/0217	Queijo de Azeitão	Portugal	Registered PDO			21/06/1996
PT/PDO/0017/0226	Queijo de Cabra Transmontano	Portugal	Registered PDO		09/06/2012	02/07/1996
PT/PDO/0017/0251	Queijo de Évora	Portugal	Registered PDO			21/06/1996
PT/PDO/0017/0210	Queijo de Nisa	Portugal	Registered PDO			21/06/1996
PT/PDO/0005/0035	Queijo do Pico	Portugal	Registered PDO	31/01/1997	09/09/1997	19/06/1998
PT/PDO/0017/0221	Queijo Rabaçal	Portugal	Registered PDO			21/06/1996
PT/PDO/0017/0267	Queijo S. Jorge	Portugal	Registered PDO			13/11/1996
PT/PDO/0017/0260	Queijo Serpa	Portugal	Registered PDO			21/06/1996
PT/PDO/0017/0213	Queijo Serra da Estrela	Portugal	Registered PDO		08/06/2007	21/06/1996
PT/PDO/0017/0218	Queijo Terrincho	Portugal	Registered PDO			21/06/1996
PT/PDO/0017/0214	Queijo da Serra Baixa	Portugal	Registered PDO			21/06/1996
SI/PDO/0005/0423	Bovški sir	Slovenia	Registered PDO	29/10/2004	14/12/2011	21/08/2012
SI/PDO/0005/0424	Mohant	Slovenia	Registered PDO	29/10/2004	06/06/2013	19/11/2013
SI/PDO/0005/0421	Nanški sir	Slovenia	Registered PDO	29/10/2004	15/12/2010	05/10/2011
SI/PDO/0005/0422	Tolmenc	Slovenia	Registered PDO	29/10/2004	25/06/2011	08/03/2012

Figure 6: List of Cheeses Awarded with a PDO Certificate.

Source: DOOR, May 1, 2015

There are eight more cheese products which have already been published and are awaiting the registration date:

<u>Dossier Number</u>	<u>Designation</u>	<u>Country</u>	<u>ISO</u>	<u>Status</u>	<u>Type</u>	<u>Submission</u>	<u>Publication date</u>
ES/PDO/0217/01160	<i>Idiazabal</i>	Spain	ES	Published	PDO	20/09/2013	27/02/2015
FR/PDO/0117/01044	<i>Pont-l'Évêque</i>	France	FR	Published	PDO	12/10/2012	23/12/2014
FR/PDO/0105/00970	<i>Chevrolin</i>	France	FR	Published	PDO	23/02/2012	31/12/2014
FR/PDO/0117/01088	<i>Abondance</i>	France	FR	Published	PDO	07/12/2012	03/03/2015
FR/PDO/0117/01091	<i>Saint-Nectaire</i>	France	FR	Published	PDO	03/12/2012	29/01/2015
IT/PDO/0217/01228	<i>Pecorino Toscano</i>	Italy	IT	Published	PDO	16/05/2014	21/01/2015
IT/PDO/0005/01252	<i>Silter</i>	Italy	IT	Published	PDO	06/08/2014	29/04/2015
RO/PDO/0005/01182	<i>Telemea de Ibănești</i>	Romania	RO	Published	PDO	20/11/2013	10/01/2015

Figure 7: List of Published PDO Cheeses before Registration.

Source: DOOR, May 1, 2015

On the list of the products that the application for the PDO status was recently completed there are seven cheese products:

<u>Dossier Number</u>	<u>Designation</u>	<u>Country</u>	<u>ISO</u>	<u>Status</u>	<u>Type</u>	<u>Submission</u>
CY/PDO/0005/01243	<i>Χαλούμι/Hellim</i>	Cyprus	CY	Applied	PDO	17/07/2014
DE/PDO/0005/00905	<i>Allgäuer Sennalpkäse</i>	Germany	DE	Applied	PDO	11/10/2011
ES/PDO/0105/01128	<i>Torta del Casar</i>	Spain	ES	Applied	PDO	08/07/2013
ES/PDO/0117/01232	<i>Queso Tetilla/Queixo Tetilla</i>	Spain	ES	Applied	PDO	21/05/2014
FR/PDO/0317/01271	<i>Laguiole</i>	France	FR	Applied	PDO	30/10/2014
FR/PDO/0305/01275	<i>Rocamadour</i>	France	FR	Applied	PDO	12/11/2014
IT/PDO/0217/01214	<i>Gorgonzola</i>	Italy	IT	Applied	PDO	18/03/2014

Figure 8: List of the Most Recent Applications for a PDO status.

Source: DOOR, May 1, 2015

4.4. *Oscypek* Cheese and Importance of Wallachian Cheeses in Polish Highlander Culture

This artisan cheese became widely recognized first and foremost as a traditional food product of Polish highlander culture, then – along with the development of tourism and gastronomic tourism in Southern Poland related to winter sports and all-year-round mountaineering – as a brand touristic product and a desired souvenir. Finally, the cheese became a subject of heated discussion between the supporters and skeptics of registering it under a Protected Designation of Origin Quality Scheme. This particular food product was chosen to serve as a main case study for this research for several reasons:

- *Oscypek* cheese is a prime example of a traditional regional food product that gained additional prestige and international recognition when it was registered as Protected Designation of Origin within the EU Quality Scheme;

- On the basis of *oscypek* cheese application and registration processes it is possible to observe some characteristic occurrences and particularities of these processes, as well as opportunities and obstacles which may regard food products on their way to gaining the GI certificate and EU protection;

- *Oscypek* and transhumance shepherding contributed to the shaping culture of Polish Highlanders. Transhumance and, currently rather “cultural”, shepherding and *oscypek*-making are deeply embedded in highlander culture and constitute an important and basic cultural heritage (with poor prospects for future development). This heritage is the testimony of the history of wallachian tribes who gave the beginning to the culture of Polish Highlanders;

- Cultural familiarity with the culture of Highlanders enabled author to conduct interviews with producers of the cheese, senior shepherds (*baca*). This familiarity is important because senior shepherds use particular dialect from the highlands, called “*gwara górska*”, which is difficult or impossible to understand for people from

outside of the region and without even the basic knowledge of the dialect;

- *Oscypek* cheese is one of the products awaiting acceptance of its nomination in The Ark of Taste Project organized by the Slow Food Foundation for Biodiversity, as one of the food heritage products currently facing the risk of their extinction within a few generations. This online cataloguing project encourages people from around the world to take actions to help protect the small-scale quality culinary productions that belong to the cultures, history and traditions of the entire planet.⁴⁵⁷

Oscypek is probably the most famous, recognized and characteristic representative of the wallachian heritage cheeses, with some other popular ones to include the following:



Redykołka is a little cheese made from the remaining part of cheese curd which is not enough to make an entire *oscypek* from. *Redykołka*, just like *oscypek*, is salted and smoked. These little cheeses take different shapes: from a double cone to a spindle, and even to miniature animals: sheep, deer, duck or rooster. They are traditionally made on the last day of grazing season, before shepherds' return home. They are made for their family members, especially children. *Redykołka* gained a PDO certificate in 2009 (applied in January 2007).⁴⁵⁸

⁴⁵⁷ The Ark of Taste Project – Slow Food Movement for Biodiversity. Retrieved from <http://www.fondazioneSlowFood.com/en/what-we-do/the-ark-of-taste/> on April 30, 2015

⁴⁵⁸ Picture of *redykołka* retrieved from <https://newsgastro.pl/wydarzylosie/82604-redykoka-modsza-qsiostraq-oscypka.html> on May 2, 2015



Bundz (also called *bunc*, *grudka*) is a traditional regional sheep milk product and is considered the best in summer when sheep milk is the richest. It is very delicate in taste, with a sweetish aroma and a very particular and strong sheep milk aftertaste. The curd is formed using

rennet. Freshly made *bundz* may be eaten sweet, or left to ripen for some days - then it should be eaten with salt. Ripened sour *bundz* is often used to make another kind of traditional wallachian cheese, *bryndza*.⁴⁵⁹



Bryndza podhalańska (Romanian origin: *brinze* – cheese) is, next to *oscypek*, the most recognized Highlander cheese in Poland. It was used as a mean of payment in the 16th/17th century.⁴⁶⁰ Milk used for its production can come from a cow or a cow and sheep (not more than 40% of

cow milk). It is rather spicy and very salty in taste and comes in a form of white paste. *Bryndza* was the first Polish product to gain the PDO certificate in 2007 (applied in 2005).⁴⁶¹

⁴⁵⁹ Picture retrieved from <http://www.smakizpolski.com.pl/bundz-bunc/> on May 2, 2015

⁴⁶⁰ Three Signs of Taste Campaign – Bryndza podhalańska. Retrieved from <http://www.trzynakismaku.pl/produkty/bryndza-podhalanska> on May 2, 2015

⁴⁶¹ Picture retrieved from http://www.potravyregionalne.pl/308,1114,BRYNDZA_PODHALANSKA_.htm on May 2, 2015

Other wallachian cheeses include goat cheeses (goat *bryndza*, white or smoked cheese), *bryndza żywiecka* (more delicate than *bryndza podhalańska*), wallachian smoked *bryndza*, gazda cheeses (gołka, pucek), wallachian natural or smoked cheese. Among other cheeses there is also *hurda* cheese which contains albumin – a very valuable and rich protein which is collected from the top of *żentyca* (whey fluid left from production of *bundz*). Sour *żentyca* is made only in shepherd huts, requires a lot of experience and skills of the producer and is made mainly because of the respect for the tradition and culture of the past wallachian generations.

4.4.1. *Oscypek Cheese as a Protected Designation of Origin*

Oscypek (also called: *oszcypek*) is a hard smoked sheep and cow milk cheese characteristic of the Polish mountainous South. It is traditionally made by the Highlanders (Polish: Górale) from Carpathians in Podhale region (the Highlands), Spisz region, Gorce Mountains, and produced in wooden huts built directly on sheep pastures.



*Oscypek*⁴⁶² is an ancient product of the wallachian shepherds who tended their sheep on mountain meadows. The cheese was brought to Podhale region together with the culture of Wallachs, their way of organizing pasturage, their tradition of living in shepherd huts and their way of processing the sheep and cow milk. The first evidence

of cheese making in Podhale and the neighboring areas is found in the

⁴⁶² Picture of oscypek cheese retrieved from “Gazdowie” Association website, URL: <http://www.gazdowie.ebiznes.fm/oferta/oscypek.html> on May 3, 2015

charter of Ochotnica village in Gorce. In 1416 Dawid Wołoch (David Valachi) received the right of charter.⁴⁶³ The first exact description of how cheese was to be made in the log huts comes from the rules of the Slemieński State. They were drawn up in 1748, and in 1773 they were rewritten and prescribed for use.⁴⁶⁴ In 1830, Ambroży Grabowski, in his description of the Highlanders, mentioned that they built log huts for the whole summer in the mountains, "to which they bring their sheep from all around, and make their cheese (oszcypek)".⁴⁶⁵ A more detailed description of sheep pasturage, the huts' equipment and cheese production was given by Maria Steczkowska (1858) which was also the first such detailed description of the traditional vessels used for the production of cheeses by shepherds in the Tatra Mountains.⁴⁶⁶

Polish Highlanders are the descendants of Wallachians (Latin: Montan, Montani) who migrated and settled in the Carpathian region, bringing with their transhumance shepherding tradition, characteristic social organization and rich culture. They led their sheep herds through the entire arch of Carpathians up to Moravia, settling in the most comfortable and grass-rich mountains and hills. The Polish Highlanders, are today one of the most particular and interesting of Polish ethnographic groups. They still cultivate their ancient traditions and their culture is very different from the ones in the other regions of Poland. Many towns and villages in Polish Carpathians hold numerous folkloristic events related to highlander culture which constitutes a popular and original touristic attraction of the Southern Polish regions. *Oscypek* also constitutes an important element of several tradition, also religious ones, connected with the social life and shepherding in general - in particular with the beginning and end of the shepherding

⁴⁶³ Polish Ministry of Agriculture, List of Registered Traditional Products. Retrieved from <http://www.minrol.gov.pl/Jakosc-zywnosci/Produkty-regionalne-i-tradycyjne/Lista-produktow-tradycyjnych/woj.-malopolskie/Oscypek-oszcypek> on May 2, 2015

⁴⁶⁴ *Ibidem*

⁴⁶⁵ *Ibidem*

⁴⁶⁶ *Ibidem*

season (officially starting on St. Wojciech April, 23 and ending on St. Michael Archangel September, 29).

Etymologically connected with the production process, the name *oscypek* can be derived from two words — from the verb “*oszcypywać*”, meaning “to pinch repeatedly” in the sense of beating (one of the stages of its production process), and from “*oszcypek*”, a diminutive form of “*oszczep*” (javelin) in reference to the characteristic traditional shape of the cheese. *Oscypek* natural ties to the area and the skills of the local producers are confirmed by numerous references in literature. It constitutes an important part of cultural heritage of the Polish Highlanders, the traditional recipe being passed on from older generations to the future ones. *Oscypek* is nowadays among the most recognized cultural symbols of the Polish Highlanders and greatly contributes to the development of culinary tourism in the South of Poland. On October 28, 2005 *oscypek* has been inscribed on the Polish List of Traditional Products from Lesser Poland (Małopolska) in category “Cheese and other dairy products”. In 2006 Poland applied on the forum of the EU for Protected Designation of Origin certificate for *oscypek* cheese. Due to the objection from the side of Slovakia, and the mediation process between the two states and the EU, *oscypek* eventually gained its PDO status on February 14, 2008, soon after *bryndza* cheese and followed by *redykołka*.

4.4.2. *Oscypek Cheese as a Cultural Object and Its Linkages with the Polish Highlander Communities*

Currently, *oscypek* is the most characteristic and famous cheese from the Polish mountains. It is purchased as a local food product, a souvenir from the South or simply as a gift. For centuries it has been used in highlander culture as a traditional gift and food or snack during important ceremonies, such as weddings, Baptism, First Communion, and other family gatherings. Also it is an element of annual religious ceremonies connected with the beginning and end of sheep grazing season. Together with the traditions surrounding it, it

constitutes an important part of highlander culture and, as such, became a cultural object.

Taking into consideration also the issues stated in Chapter 2 of this study pertaining to perception of food as cultural object, vehicle of local culture and identity marker for the communities, and Wendy Griswold's Cultural Diamond model, the Cultural Diamond for *oscypek* cheese and its linkages with Polish highlander community can be pictured in the following way:

Producers:

- Polish Highlanders as people practicing and passing on the tradition of transhumance shepherding, traditional way of sheep and cow milk cheese-making, and the producers of heritage product,
- Senior shepherds and helpers, including family members of senior shepherds,

Receivers:

- Tourists who buy *oscypek* directly in the huts (PL and foreign),
- Highlanders who cultivate the tradition (i.e. during weddings and family meetings) but who do not make *oscypek* themselves,
- Local shops and food markets,
- Other (bigger or chain) shops in the region or in big cities,
- People living abroad to whom *oscypek* is brought directly from Poland (for instance Polish population living in the USA).

Social World:

- Highlanders (heirs to the heritage) practicing various traditions related to *oscypek* cheese,
- Associations of producers, for instance Tatra-Beskid "Gazdowie" Association from Leśnica,
- Association of Goat and Sheep Growers,

- Dairy industry in Poland,
- Local, regional and European market of dairy products,
- Monitoring bodies on different levels: local, regional, national (and Community level),
- Restaurants and eateries serving dishes with *oscypek*,
- Gastronomic tourism sites.

Cultural object – *oscypek* cheese:

- Food product in category: cheese
- Important element of culture of Highlanders, for instance during *redyk* – the going-out of sheep to the pastures in the beginning of the season (religious ceremony),
- Traditional food gift in highlander culture during family meetings and religious ceremonies,
- A brand touristic product,
- A typical souvenir from the South of Poland.

Being so closely tied to the culture of Highlanders and often used in communities across regions of Southern Poland as a mean to express their Highlander identity, *oscypek* has also a role of a cultural identifier. Food can play a role of a cultural identifier, since the food choices people make, construction of the local menu, peoples' taste preferences, cooking methods, culinary traditions and various eating patterns altogether create a very rich mosaic that defines who people are and indicates where they came from. Preferences of tastes tend to be strong and long lasting, as they are learned over time, usually starting already from early childhood, creating culinary and cultural boundaries.

4.5. Particularities of PDO *Oscypek* Cheese Protection within the EU Quality Schemes

According to the official *oscypek* parameters specified within the EU Protected Designation of Origin certification, the length of each particular cheese should be between 17 cm and 23 cm, width: 6-10 cm, weight: 0,6 - 0,8 kg. *Oscypek* has the shape of a double-sided cone. Its middle widest part is cylindrical and ornamented with various figures which are specific for each producer and depending on the cheese-from used within the production process.⁴⁶⁷ After cutting *oscypek* in two parts, one can easily see a little central hole in the center of the cheese. After cutting in half, *oscypek* has a slightly crème color which becomes darker in places closer to its rind. It may also be brighter, up to white. The color of the rind is light brown and gives a shiny glow caused by the fat content of the cheese. Its consistency is rather hard but has an elastic “flesh” matter. *Oscypek* is salty in taste and smells like aromatic smoke. Water content of varies from 42% up to 50%. Fat content in dry mass ought to be between 40% and 60%.

Oscypek's way to the protection by the EU was not an easy one and its registration took more time than it was initially expected. After the submission of official application by the Polish Ministry of Agriculture, the representatives of Republic of Slovakia, according to the rules, protested against registration of *oscypek* as a PDO and a typically Polish regional product. Their argument was that a very similar cheese (called *oštiepok*) is, since centuries, produced in Slovakian mountainous regions of Tatras. The main concern was whether the registration of *oscypek* by the Polish Ministry of Agriculture would mean that this particular cheese could be made only in Poland.

According to the Polish Ministry of Agriculture, the Slovakian Ministry of Agriculture submitted an official question regarding *oscypek* and *oštiepok* cases to the EC. At the same time, both states expressed the will to find and reach an agreement regarding the registration of their regional mountain cheeses. During a meeting in Krakow on the

⁴⁶⁷ The cheese-form is called *oscypiorka*

December 13, 2005 representatives of the appropriate ministries of Poland and Slovakia presented their plans to solve the problem so that both states and both regional cheeses could benefit from the protection of the European Union Quality Schemes. As a result of the proceedings, representatives of the Slovakian Ministry of Agriculture expressed their full support for polish *oscypek* to be registered under the PDO certification, if this fact will not block the Slovakian *oštiepok* from receiving an EU certificate in the future. On the January 11, 2006 the Polish Ministry of Agriculture obtained an official confirmation of mutual agreement signed from the Slovakian side. After reaching of the agreement between Slovakia and Poland what was left to the EU was simply a confirmation of the meeting's results.

Moreover, during this meeting the representatives of both countries agreed as to important differences in the production process of two discussed cheeses. Although they share wallachian historical origins and are manifestations of the common tradition, the differences in production process make Polish *oscypek* and *slovensky oštiepok* in reality two completely different cheeses. First of all, in Poland the milk used for the production of *oscypek* comes exclusively from "Polish Mountain Sheep" and a maximum amount of cow milk (Polish Red Cow) added in the process cannot be more than 40%. In Slovakia the amount of cow milk added to the production of *oštiepok* can be up to 80%. Furthermore, in Poland the only way to make *oscypek* is by the hands of *baca* in a shepherd hut located directly on a pasture, whereas in Slovakia it is acceptable to produce the cheese in other places. There are also obvious differences in technology of production of the two cheeses. Slovakian Highlanders make their *oštiepok* without the cold ripening stage and the cheese is being made in a different temperature. Slovakian cheese is rounder in shape than *oscypek* and has smoother surface as a result of soaking in hot water.

4.5.1. *Regions of Oscypek Production and Oscypek-Related Heritage Trails*

The production of *oscypek* cheese is also tied to the specific exceptional skills of the producers. Their experience and knowledge passed on from one generation to another enable them to carry out the entire production process in the appropriate manner. *Oscypek* is traditionally produced in the following areas located within two southern voivodships of Poland:



Figure 9: Regions of *oscypek* cheese production in Southern Poland

Silesian (Śląskie) voivodship:

- Cieszyn district, Istebna municipality
- Żywiec district, municipalities: Milówka, Węgierska Góra, Rajcze, Ujsoły, Jeleśnia and Koszarawa

Lesser Poland (Małopolska) voivodship:

- The entire Nowy Targ and Tatrzański counties,
- Zawoja and Bystra Sidzina municipalities in Sucha district,
- Municipalities in the Limanowa district: Niedźwiedź and part of the Kamienica municipality, Kamienica river and the following municipal subdivisions in Mszana Dolna municipality: Olszówka, Raba Niżna, Łostówka, Łętowe and Lubomierz,

- Municipalities in the Nowy Sącz district: Piwniczna, Muszyna and Krynica.⁴⁶⁸

According to the specification *oscypek* cheese must be produced in a shepherd hut between April and October. *Baca*, the senior shepherd and the head of the shepherd hut has several helpers (*juhasy*) and shepherd dogs to help with the herd of sheep. The sheep are milked usually twice a day and the work starts from 4 a.m. and lasts until 10 p.m. when *baca* and other shepherds take turns on carrying for the sheep at night. The shepherd dogs (Podhalanski Shepherd Dog usually) keep the herd together during the day and guard it at night to protect the sheep from wolves and bears. Especially the wolf population, estimated around 600 animals in Poland, is a threat to sheep herds in the mountains. Yearly, wolves kill over 350 sheep in Poland in 2013 (compared to only two sheep killed by a bear). In 2014, until September, wolves killed 177 sheep and two cows in over 59 documented attacks, and it is predicted that there will be more attacks to follow as in autumn the wolves usually teach their cubs the art of hunting. In Poland wolves are under strict protection and the decreasing population of forest deer and other forest animals contributes to the fact that the wolves are more often searching for food closes to the cities and attacking the sheep herds.⁴⁶⁹

Oscypek cheese since decades ago has been the flagship Polish product. It has strong ties to the social life and culture of Highlanders, serves as a traditional regional food product (culturally tying together different highlander communities from Southern Poland), cultural object, and as a powerful expression of highlander cultural heritage. Yet, it was awarded a Protected Designation of Origin certificate only in 2008 following a complicated application process characterized by:

⁴⁶⁸ Council Regulation (EC) No 510/2006, Application for registration in accordance with Articles 5 and 17(2)

‘OSCYPEK’, No EC: PL/0451/21.02.2005, PDO – A Summary.

⁴⁶⁹ Zalot B., “Wilki uczyć zabijać”, Tygodnik Podhalański, 36/2014, p. 1 and 39

1. Lack of agreement between the *oscypek* producers as to the specification of production methodology (which later resulted in the lack of consensus in case of specification of other product, such as the lamb from Podhale);
2. Lack of social and public opinion consensus about the benefits of gaining the PDO certificate for the future of the product and its producers;
3. A dispute with Slovakia at the Community level as to the production and registration of *oscypek* cheese and production and possible future registration of *oštiepok* cheese from Slovakia (finalized with an agreement that each cheese has different origins, production methodology and meaning in Polish and Slovakian national cultures, therefore there shall be no obstacles on the way to registering *oscypek* cheese as a Protected Designation of Origin, and later *oštiepok* cheese as a Protected Geographical Indication). This caused a delay in registration process;
4. Disinformation and confusion caused by the unreliable media coverage of the application process (followed later by unprofessional coverage of the situation after gaining the PDO certificate). Spreading unverified information about the specification of the product as well as unprofessional articles about dishonest practices of “majority” of Highlanders contributed to the fact that visitors at shepherd huts (tourists, potential buyers) are misinformed and have a negative attitude toward the producers.

Nevertheless of the lengthy public discussion pertaining to the registration of this culinary heritage product and of the delay in the registration process to the EU Quality Schemes, the Oscypek Heritage Trail was created already around 2006 at the initiative of Andrzej Gašienica-Makowski (Starosta of Tatrzański Region). It is also sometimes called the Bacówka Trail, taking the name after senior

shepherds (*baca*) and shepherd huts in which the cheeses are produced. The Trail consists of 34 huts and leads from one shepherd hut to another taking the visitors on a trip through picturesque mountainside and allowing the people to witness the original and centuries old traditional way of producing Oscypek. The existence of the Trail itself contributes to the cultivation of transhumance shepherding traditions in Poland, to the education of young shepherds and cheese-makers – and in a longer perspective - to the transmission of traditional skills and knowledge to the future generations. The main purposes for which the Trail was created are the following: presentation, promotion and preservation of the cultural heritage of Tatra Region (Podtatrze) – transhumance shepherding of sheep on Tatra meadows connected with the traditional work of *baca*. Of course, among the main aims of the Trail creators, there is presentation and preservation of the *oscypek* cheese made in shepherd huts.

In fact, one could distinguish two separate, but overlapping, cultural heritage trails related to presentation and protection of *oscypek* cheese-making tradition and cultural transhumance shepherding of the Highlanders. The first trail would be the aforementioned one, The Oscypek Heritage Trail, also called Bacowka Trail (for Trail detailed specification see Chapter 2). The creators of this Trails aim mainly at preserving and protecting intangible cultural heritage expressions and traditions as well as gaining regional economic benefits, through:

- Encouraging the Highlanders to keep on cultivating their ancient cultural heritage;
- Preservation and promotion of traditional and local food products, customs and culinary traditions connected with the change of seasons;
- Encouraging and boosting local development;
- Development of gastronomic tourism related to traditional local and regional products of highlander culture.

The second trail was created somewhat automatically resulting from the protection of material cultural heritage (monuments), here presented in forms of old wooden shepherd huts. In many of these huts located directly on mountainous sheep pastures, the cheeses - including

oscypek - are still produced until today. On the Polish National Registry of Protected Monuments there are currently fifteen wooden shepherd huts located in Limanowa, Tatrzański region, Kościelisko, and Zakopane (for detailed Registry information see Chapter 2).

4.5.2. *The Making of Oscypek Cheese*

Oscypek has the shape of a double cone or spindle. It is between 17 and 23 cm long, between 6 and 10 cm wide and weighs between 0.6 – 0.8 kg. Inside it has a light cream color, darker at the rind (color closer to white is also acceptable). The rind has a straw-colored gleam, and a light brown soft shine. *Oscypek* is a seasonal product and it is made exclusively in the period from April/May to September/October (depending on the beginning of spring and winter), and may only be sold whole. The chemical composition of the cheese depends on the duration of smoking and also varies depending on the season: water content is no greater than 44%, dry mass content not less than 56%, and fat content in the dry mass not less than 38%.⁴⁷⁰ Stages of production of *oscypek* cheese are the following:

Stage 1: Sourcing raw materials — the milk used in the production of *Oscypek* comes from the breed “Polish Mountain Sheep”. Cow's milk, if used at all for production, comes from the 'Polish Red Cow' and the addition must not exceed 40%,

Stage 2: Cold maturation (acidification) — the milk is kept at room temperature so as to increase its acidity,

⁴⁷⁰ Summary of Council Regulation (EC) No 510/2006 – Application for Registration in Accordance with Articles 5 and 17(2) “*Oscypek*”, No EC: PL/0451/21.02.2005 - Publication of an application in accordance with Article 6(2) of Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (2006/C 180/09)- Official Journal of the European Union.

- Stage 3:** Warm maturation (acidification) — involves mixing soured milk with sweet milk. The proportion of sheep's milk used in 'Oscypek' production must not be less than 60 %,
- Stage 4:** Adding rennet — rennet is added to the milk,
- Stage 5:** Coagulation — formation of coagulum,
- Stage 6:** Beating of the coagulum — using traditional tools, e.g. a wooden "ferula",
- Stage 7:** Settling — lumps of cheese settle on the bottom of the container,
- Stage 8:** Removal of whey — up to 50 % of the whole,
- Stage 9:** Removal of cheese — pressing of grains and removal of cheese,
- Stage 10:** Grinding — the mass of cheese is ground by hand, a ball is formed and placed in a container with whey,
- Stage 11:** Pressing of the ball — the ball is shaped and then pierced (opened) with a skewer,
- Stage 12:** Shaping — the ball is pressed along the skewer until it takes on the shape of a double cone. A ring is placed round the cheese at its widest point,
- Stage 13:** Final smoothing — the ring is removed and the cheese is squeezed and smoothed by hand. It is then placed in cold water in order to preserve the shape obtained,
- Stage 14:** Soaking in brine — for up to 24 hours,
- Stage 15:** Drying — the cheeses are dried over a period of between 12 and 24 hours,
- Stage 16:** Smoking — maturation — smoking is carried out using cold smoke and lasts between 3 and 7 days."⁴⁷¹

⁴⁷¹ *Ibidem*

The production process of *oscypek* cheese according to the following stages of traditional methodology⁴⁷²:

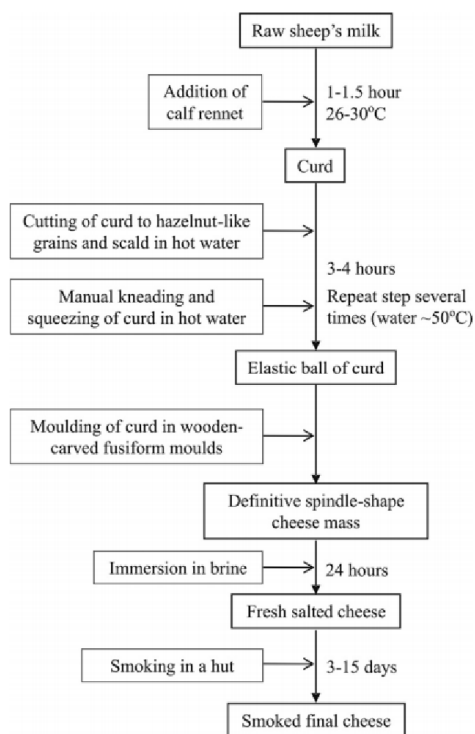


Figure 10: Flowchart of manufacturing and ripening stages of the PDO *Oscypek* cheese. Source: Alegría A. (and others), “Biodiversity in *oscypek*, a Traditional Polish Cheese, Determined by Culture-Dependent and -Independent Approaches”.

⁴⁷² The graph originates from Alegría A., Szczesny P., Mayo B., Bardowski J., and Kowalczyka M. (Institute of Biochemistry and Biophysics, Polish Academy of Sciences, Warsaw, Poland), “Biodiversity in *oscypek*, a Traditional Polish Cheese, Determined by Culture-Dependent and -Independent Approaches”. Applied and Environmental Microbiology, p. 1890-1898. Accessed August 10, 2014

Milk used to make *oscypek* is obtained from the “Polish Mountain Sheep” breed which is an upgraded variety of the primitive “Cakiel Sheep” commonly found in the Eastern Carpathians and Balkans. The specification of *oscypek* clearly states that it can be produced exclusively from the “Polish Mountain Sheep” milk. The breed is closely linked with the history and tradition of the Podhale region and the local population. The breed is well adapted to the climatic conditions and traditional methods of breeding and grazing in mountain areas. Moreover, the “Polish Mountain Sheep” pastured in Podhale feed on very diverse and unique vegetation, which affects the composition and taste of the milk, and consequently gives the product processed from such milk its famous particular taste and aroma. If cow milk is used at all within the production process, it may only be milk obtained from the “Polish Red Cow” breed, the oldest Polish breed of cattle.

The particular vegetation shaped by rough climate conditions (particular grass type, herbs and flowers) found in the regions of *oscypek* production exerts a major influence on the final taste of the sheep milk used within the production process of the cheese. Moreover, many of these species of vegetation can be found only in Podhale, where they cover meadows, lowland pastures and mountain pastures.

4.6. Monitoring Process and Controls of the PDO Oscypek Cheese

The Polish bodies on national and regional levels involved in the control and certification system of products registered as PDO, PGI or TSG and their authorities are the following:

“1. The Minister with competence in agricultural markets who authorizes the certification bodies to carry out controls and to issue and withdraw certificates confirming that products registered as PDO, PGI and TSG meet the requirements laid down in the specification,

2. The Chief Inspector of Agricultural and Food Quality Inspection who supervises the certification bodies authorized by the minister with competence in agricultural markets,

3. The Voivodship Inspector of Agricultural and Food Quality Inspection who carries out verification with compliance with specification of products with PDO, PGI and TSG; carries out official controls of foodstuffs bearing protected names: Protected Designation of Origin, Protected Geographical Indication and Traditional Speciality Guaranteed, and supervises product certification bodies,

4. Other authorized certification bodies which carry out verification in compliance with specification of products with PDO, PGI and TSG. Currently there are six authorized certifying bodies in regional and traditional products in Poland.”⁴⁷³

The selection of certification body is made by producers who cover the costs of the inspection. Verification of compliance with specifications of the production process of products registered as PDO (also as PGI and TSG) is done by several responsible parties on different levels. And thus:

The verification is done by the Chief and Voivodship Inspectors of Agricultural and Food Quality Inspection or an authorized certification body. It is carried out on the request of

⁴⁷³ Polish patent Office, URL: <http://www.uprp.pl/informacje-podstawowe/Lead05,43,1824,4,index,pl,text/> accessed on August 12, 2014

producers and it checks whether the product is in compliance with the declared specification. The scope, frequency and type of control(s) depend on the specific nature of the production process of the given product and are defined in the specification. The Chief Inspector forms special guidelines concerning proceedings of the Voivodship Inspectors of Agricultural and Food Quality during conducting official control of food and agricultural products.⁴⁷⁴ The controls are also performed by the Agricultural and Food Quality Inspection which checks official documents in order to identify the food and agricultural product, quality certificates, results of laboratory analyses and other documents that confirm the commercial quality. It performs checks of the products packaging, labeling, presentation of agricultural and food products and transport and storage conditions. It also checks the agricultural and food products themselves. It determinates the category of agricultural and food products and collects samples for laboratory analyses. It can also control the way of production or correctness of processing, if it results from earlier provisions.⁴⁷⁵

Regular controls of the authenticity and quality of *oscypek* are carried out at all stages of production in wooden shepherd huts: from milk production through to the finished product on the market. This multistage monitoring contributes to a coherent supervision system designed to ensure that the final product is of the proper, highest possible quality. It is important to emphasize (because it seems to be outside of common knowledge) that *oscypek* producers may apply for EU financial aid which covers almost all the costs related to the certificate application process and controls of their certified products. Such financial aid is planned within European Agricultural Fund for Rural Development and is granted for five consecutive years.⁴⁷⁶ Additionally, it is possible to apply for reimbursement of funding

⁴⁷⁴ Polish Patent Office, URL: <http://www.uprp.pl/oznaczenia-geograficzne-w-systemie-wspolnotowym/Lead05,46,1849,4,index,pl,text/> accessed September 12, 2014

⁴⁷⁵ *Ibidem*

⁴⁷⁶ *Ibidem*

related to marketing and promotional actions, which are supposed to increase the demand for regional products. Summarizing, according to some sources, *oscypek* producers may receive back up to 70% of costs incurred within the production, controlling and promotion of *oscypek*, however they have to cover on their own all the costs related to veterinary controls which can sum up to 1500 PLN⁴⁷⁷ per year.⁴⁷⁸

A list of all entities engaged in production of *oscypek* is kept and regularly updated. Producers enter the list before they register manufacturing their products. At the place of production, each producer must keep a register containing information related to the production process. This enables the history of a product to be recreated, so that each cheese on the market can be traced, according to the rules of food safety in the EU Member States. The monitoring body checks if production methods are in accordance with EU specifications. All producers and the union of producers' associations are subject to monitoring in accordance with the monitoring plan.

In case of *oscypek*, the responsible departments in the Member State are the Ministry of Agriculture and Rural Development and the Regional Association of Sheep and Goat Growers. The national inspection body is the Inspectorate for the Trade Quality of Agricultural and Food Products (IJHARS) located in Warsaw, with local offices in all voivodships (WIJHARS). Since *oscypek* can be only produced in Lesser Poland and in Silesia, controls can be organized by Lesser Poland or Silesian Voivodship Inspector of Trade Quality for Food and Agricultural Products, or a private certifying body.⁴⁷⁹

Inspections are organized in order to confirm the fact that *oscypek* is made in accordance with the production methods described

⁴⁷⁷ According to data from May 5, 2015: 1 Euro = 4,03 PLN

⁴⁷⁸ According to an interview with Kazimierz Furczoń, August 2014, he experiences up to 7 controls per year.

⁴⁷⁹ Polish Patent Office, URL: <http://www.uprp.pl/oznaczenia-geograficzne-w-systemie-wspolnotowym/Lead05,46,1849,4,index,pl,text/> accessed September 12, 2014

in the specification which was earlier officially prepared and agreed upon by the producer group of *oscypek* cheese. It is important to note that the first controls, after which the producer has the chance to gain the PDO certificate for the product, are carried out only at the request and expense of the producer. After gaining the certificate, the following inspections are usually carried out without a warning in advance and at the expense of the producer. A positive result of the inspection is a confirmation of the high quality of the product, which plays an important role in building consumer trust and confidence and may potentially increase the demand for the product.

The inspection consists of controlling the various stages of production, which is performed directly in the shepherd hut during the production process of *oscypek*. In addition, the inspector verifies the documentation, with the help of which the manufacturer records the various stages of production. The inspector may also interview the producer to supplement the information required for the decision to issue or re-issue the certificate of quality, in this case a PDO certificate. If the inspection verifies compliance of the product with the specification, the voivodship inspector issues a certificate of quality, which is a document by which a product called "*oscypek*" may be marketed. The term of validity of the certificate of quality (1 or 2 years) is determined by the provincial inspector based on product specifications taking into account: seasonality of production and the results of previous controls. In case if there was no compliance of the production process of *oscypek* with specifications, the producer should improve the production process and clear all deficiencies within the specified period of time. If the manufacturer does not remove deficiencies within that time, the voivodship inspector may issue an administrative decision, resulting in a ban to market the produced cheese as *oscypek* cheese as well as the ban to use the symbol of a Protected Designation of Origin.

The costs of inspection to state compliance of the production process with the specification are calculated in accordance with the Regulation of the Minister of Agriculture and Rural Development

dated February 18, 2009 concerning fees for access to the site assessment activities related to the assessment, laboratory testing and certification merchantable quality and method and date of payment of these fees (Acts of 2009. No. 36, p. 282). And thus, in accordance with the aforementioned Regulation, the following fees are collected from manufacturers for various activities necessary for the implementation of control⁴⁸⁰:

- Compliance verification: 34 PLN
- Travel costs to a control site from 8.40 to 167.00 PLN
- Issuing of a certificate of quality 7.00 PLN
- Plus costs of laboratory tests

The following is a sample calculation of the cost related to *oscypek* control.⁴⁸¹ It is important to note that the costs vary depending on the location of controlled site and its distance from the controlling body location. For instance, in case of *oscypek* the distance is usually from between the distances from Kraków to Zakopane (105 km) or from Kraków-Nowy Targ (66 km).

- Access to an inspected site (distance of 50-100 km)- 63 PLN
- Sample collection for laboratory tests- 27 PLN
- Inspection (5hx34 PLN for every hour of work) – 170 PLN
- Laboratory tests – 157 PLN
- Shipping costs of the samples – 25 PLN
- Issuing of the certificate of quality – 7 PLN

TOTAL: 470 PLN (around 115-120 Euro)

Again, manufacturers of *oscypek* who manage to confirm compliance with the specifications and obtained the certificate of quality can be supported financially, which covers the costs associated with the inspection by the voivodship inspector, as well as marketing/promotional actions.

Regarding the packaging of the protected product intended for sale, the name *oscypek* may be replaced or supplemented by the word: “oszcypek”, a regional name in highlander dialect. The packaging

⁴⁸⁰ Calculation of costs according to 2014

⁴⁸¹ Data collected from the Lesser Poland Inspectorate for the Commercial Quality of Agricultural and Food Products

features the logo or the logo with the words “Protected Designation of Origin” (Polish: Chroniona Nazwa Pochodzenia). Use of the abbreviation PDO (Polish: Ch.N.P.) on the packaging is permitted. The name must be given in Polish. In practice it means that each and every producer should receive from Regional Association of Sheep and Goat Grower a supply of appropriate food packaging with the PDO logo and number of the particular producer. But according to the official regulations, the sale of *oscypek* cheese without packaging is accepted.

Since *oscypek* cheese has been protected by the EU PDO Quality Scheme, there were several cases of fines placed upon the Highlanders who did not apply for the PDO certificate and kept on producing cheeses which they called with the protected name. For instance, a case of a Highlander who produced around 70 *oscypek* cheeses and 700 *redykołka* cheeses was put to trial by the Inspector of Trade Quality of Agricultural Food Products. For the illegal production and sale of protected products the Highlander could have been sentenced to five years in prison, but the verdict was eventually changed to a fine in the amount of 5000 PLN. The *baca* claimed that he was innocent because he was producing the cheeses only for his family’s private use.⁴⁸²

According to the Inspector of Trade Quality for Food and Agricultural Products up till June 2014 there were only thirty senior shepherds who obtained a certificate for their *oscypek*, with twenty eight more currently in the process of application. This means that out of more than one hundred senior shepherds producing traditional cheeses in Poland, half of them produce cheeses without a certificate. Many Highlanders are reluctant to apply for the certificate for the reasons of complicated process of application, demanding regulations related to the certificate, and costs related to repeated renewals of the certification. The certificate for *oscypek* was supposed to preserve the wallachian traditions of transhumance shepherding and cheese-making, protect the original *oscypek* recipe and way of production, as

⁴⁸² Tygodnik Podhalański online, published June 16, 2011. Retrieved from http://www.tygodnikpodhalanski.pl/druk.php?mod=news&strona=1&id=12777?TB_iframe=true&height=530&width=700 on May 3, 2015

well as prevent the sale of cheese untraceable imitations. Seven years into the implementation of the certificate and the protection under EU Quality Schemes, the Highlanders are still reluctant to start an application processes for obtaining the PDO certificate. In Zakopane area, the cradle of highlander culture and style, it is sometimes difficult to find original certified *oscypek* – because they were simply replaced by a variety of cheaper cow milk cheeses, distantly resembling *oscypek*.

4.7. Implications and Impact of the GI Status and EU Protection on *Oscypek* Cheese and its Producers – Field Research

Out of the total number of traditional cheeses producers in Southern Poland, over 50% ignore the EU Quality Scheme and protection rules and fail to register their products, including *oscypek* cheese, *bryndza* and *redykołka*. It results in development of dishonest competition between the producers with and without quality certificates and in flooding food markets with fake, lower quality and unauthentic products. In 2014 only three traditional cheese producers (shepherds) from Southern Poland received the EU PDO certificate which allows production and sale of the traditional *oscypek* cheese.

According to Jan Janczy, the head of the Sheep and Goats Breeders Association, the certificate costs several hundred PLN and is valid only for one year (actually, it is given for one or two years, depending on the decision of the controlling inspector). Authorities and controllers do not have control over manufacturers who produce fake *oscypek* cheese, rare are also any punishments imposed over the dishonest producers. Therefore, majority of Highlanders who produce traditional cheeses, including *oscypek*, decide not to apply for EU quality certificates.⁴⁸³ In his opinion, 75% of all *oscypek* cheeses available on the market are fakes (not made according to specification) or sold under the name of “uoscypek” or “scypek”. Janczy also stated that “Poland fought a long battle to register *oscypek* under a regional EU trademark and Highlanders have wasted it”.⁴⁸⁴

The cost of a PDO certificate (which mainly includes the veterinary and other control payments) is currently around 500 PLN; however, manufacturers from Polish mountains are very often not

⁴⁸³ Woźniak K. “Tylko trzech baców może wytwarzać oscypka”, 01.06.2010. Interview with Jan Janczy, the Head of the Regional Association of Sheep and Goat Growers, for TVP.info. URL: <http://www.tvp.info/1874818/informacje/polska/tylko-trzech-bacow-moze-wytwarzac-oscypka/> retrieved August 20, 2014

⁴⁸⁴ *Ibidem*

interested in acquiring it. They explain that the sale of *oscypek* without having a PDO certificate is high, and customers do not ask for cheese production methods or for the certificate itself. According to them, in addition, acquiring a PDO certificate requires a lot of complicated bureaucratic issues and additional costs (insurance, health certificates for all the workers and working dogs) and the “threat” of subsequent frequent checks. The result is the following: high percentage of cheeses called *oscypek*, “*scypek*”, “*uosypek*” are sold on the market but they are not certified by the European Union. Therefore, the mountainous districts of Southern Poland where the cheese is produced are experiencing many unexpected controls in all places where the cheese is produced, sold, or served: from cozy mountain huts and shelters serving food and snacks, through restaurants and other eateries, to street food stands. These places that buy and sell cheeses under the name *oscypek* but cannot provide controllers with the required documents can expect harsh penalties, including jail time.

According to some producers, the direct impact of the implementation of EU quality certificate on them is the quite negative. On the forum of their regional associations they voted for applying for the PDO certificate for *oscypek* but after gaining it they seem to be overwhelmed and took by surprise by several formal and bureaucratic issues related to the legal protection of their traditional products. Several cheese producers claim that they were against applying for the *oscypek* PDO certificate in the first place and that they were later forced by the regional controlling bodies to obtain it. It did not bring any additional benefits except for the legal recognition of their *oscypek* cheese as a legal and high quality product. The worrying fact is that Polish Highlanders do not work together for the sake of protection of their protected regional products, cultural traditions and culinary heritage; moreover they often fight with each other. For instance, just between Nowy Targ and Bukowina there are two regional associations of shepherds who produce regional agricultural products, starting from wool and wooden products, through traditional regional cheeses (all of them obtained PDO certificates for *oscypek* and/or other cheeses), up to traditional lamb. One association is The Regional Association of Goats

and Sheep Growers (Head: Janczy), and the second one is the Tatra-Beskid "Gazdowie" Association from Leśnica (Head: Furczoń). Instead of working together for the sake of protection and promotion of their regional heritage, including their agricultural products and gastronomic heritage, they cannot agree to basic rules regarding the specification of products, treatment of heritage, promotion of highlander culture or general effective approach toward the future preservation and development of their culture connected with pastoral farming.

4.7.1. Interviews with Oscypek Producers

Field research for the purpose of this analysis consists of interviews with senior-shepherds, Highlanders, who produce *oscypek* cheese and other traditional regional cheeses. The sample was not statistically representative but gives a clear idea of the dynamics within the territory, as the objective of the field research was to understand the dynamics and not to measure or quantify. Cheese producers were chosen at random, depending on the accessibility of the shepherd hut where they spend the sheep grazing season. All of the interviewed producers claimed to have the PDO certificate for *oscypek* cheese (and, in majority, for other regional milk products). Interviews in general followed a six-point plan:

1. Producer description;
2. Land and administrative characterization of the unit of agricultural production;
3. Basic infrastructure;
4. Characterization of livestock (number of sheep in total);
5. Characterization of cheese production (process, marketing, quality, territory, link with origin, community life, institutional support);
6. Producer perceptions of quality label implementation and future.

The interviews were noted down by the author – the use of recording device was unrecommendable due to the showed lack of trust from the side of interviewees. The general structure of interviews was the following:

Certificate: YES/NO

Applied: individually/collectively

Number of sheep in total:

Season length:

Additional notes:

Is oscypek an important heritage for the Polish Highlanders?

Main buyers and heritage users:

Is oscypek a brand touristic product?

If YES (PDO): What was the process of applying for the PDO certificate

If NO certificate: What were the reasons for this decision? (Not visible in transcripts since none of the interviewees said “no”)

Gaining of the PDO certificate has the following implications:

- *Benefits:*
- *Minuses:*
- *Obstacles:*

Regarding the production, marketing (if existent), and sale what changed after gaining the EU certificate?

Is the certificate important for oscypek production and Highlanders?

Should the PDO certification be cancelled or should it stay as it is?

What could be improved regarding the certificate? (procedures, bureaucracy, specification?)

Knowledge about and opinion on the EU ban of smoking of traditional products: will it affect a PDO oscypek?

Does a GI status conflict with food heritage protection in case of oscypek cheese?

The transcript of interviews is located in the Annex to this thesis (p.300). Interviews were conducted in Polish, therefore the transcript was translated into English.

4.7.2. *Results of the Interviews with Oscypek Producers*

As expected before conducting the interviews, the Highlanders were very suspicious of the reasons for which they were asked questions on the topic of the EU certificate for their traditional regional products. Several shepherds requested to remain anonymous and one even rejected giving the interview at all. They are “the salt of this land”, simple people who in majority do not own a mobile phone, internet or e-mail, but they have decades of experience in shepherding, pastoral farming and *oscypek*-making.

Highlander huts are usually difficult to reach, as they are located in the mountains and on the meadows far from the cities, roads and car traffic. Therefore author chose to interview some of the shepherds who reside in more accessible places throughout the cheese-making season. Also, the reason behind choice to talk to shepherds mainly from around Nowy Targ (Spisz region) was that in this case shepherds are under one district controlling authority, they are associated within the same sheep growers or farmers organization, and they face similar issues/problems related to the production and management of *oscypek* – nevertheless of the fact that each of them usually deals with problems in a different manner.

As expected all of the interviewed shepherds automatically stated that they do have a PDO certificate for *oscypek* – although none of them was prepared to actually show it on demand of the interviewer. In none of the huts was the certificate visible, although it was stated by the *baca* that they kept all the necessary documents on the site. It is quite impossible to check whether they indeed have it, while not being a representative of a controlling organization, but according to official information on Nowy Targ website, in all of the huts included within *Oscypek* Heritage Trail around the city, the Highlanders legally produce certified cheeses according to the Protected Designation of Origin specification.

During interviews several senior shepherds mentioned the conflict with “the other association of regional agricultural product

producers”, namely “Gazdowie” Association from just outside of Nowy Targ. The accusations pertained mainly to dishonest competition and harmful actions regarding the general well-being of regional highlander cultural heritage, specifically to the production of sheep/cow-milk cheeses, cultural transhumance shepherding and sheep breeding (“Polish Mountain Sheep” and “Cakiel” breeds, production of milk for cheeses and production of lamb). Interestingly, despite the general harsh criticism of the controlling bodies, several of the senior shepherds expressed their trust in the regional controlling bodies and authorities, as in the ones who represent *oscypek* producers within the wider regional food market (as the ones who would protect their interests in case of any future problems with the certification of agricultural products, including *oscypek* cheese).

The results and findings of interviews with the producers of *oscypek* cheese in Southern Poland can be summed up in the following points:

1. There are more than one hundred *baca* – senior shepherds - in Southern Poland. According to the regional organizations (“Gazdowie” Association and WIJHARS) until today fifty-three *baca* gained the PDO certificate for *oscypek* cheese. From these, only around thirty produce *oscypek* cheese strictly according to the official specification in the PDO documents. The rest tend to seek alternative sources for milk supply, for instance from Slovakia, or from different sheep or cow breed than it is specified in the PDO documents.
2. Out of the ten randomly chosen cheese producers, only one refused to be interviewed. Majority of shepherds showed signs of distrust toward the interviewer. This problem was possible to overcome throughout the duration of interviews.
3. Each of the interviewed producers claimed to have gained at least one certificate for one of the produced traditional

products. Majority of them stated that they hold all three appropriate certificates for the produced cheeses.

4. Most of the shepherds claimed to have applied for the *oscypek* PDO certificate (and others) collectively (together with other producers, using the help of the local/regional associations or having been advised to do so by WIJHARS or by the more experienced farmers. Many of them saw the advice as a form of pressure and concluded that they have been forced to apply for the EU certificate.
5. The producers who have bigger herds of their own or they tend to bigger herds consisting of other farmers sheep as well, struggle less financially. They also usually have alternative sources of income, such as ecological farms, small/middle sized agricultural farms connected with providing accommodation and attractions for tourists, or they simply produce also other agricultural products which bring income (leather, pelts, furs, bee honey, shepherd dog farms etc.). These wealthier producers do not complain about the total costs related to gaining EU certificates because they do not have problems with fulfilling the payments. Also they seem to be better informed about the application process, reimbursements of application and promotional costs etc.
6. Only few shepherds mentioned the reimbursement, at all. Only three of the interviewed producers had any promotional materials such as leaflets, informational cards, business cards, logo etc.
7. All of the producers claim to produce cheeses only within the season – which means that they do not produce and sell them in the winter (from cow milk).
8. Each and every one of the interviewed producers complained about the dishonest competition from the side of other Highlanders who produce and sell illegal cheeses (from cow milk only/ made from a wrong breed of sheep/cow/not smoked above the fire (soaked in tea,

instead)/ not made in a shepherd hut/ or simply about those who buy cheeses from them and sell them next to the road on their own account (higher price, better location to sell more products).

9. Each and every one of the interviewed producers complained about the lack of effective controls from the side of regional controlling bodies and about the lack of actions taken from the state regarding the dishonest competition (the controllers should be accompanied by police in order to control the shepherds who is not registered within the system and violate the law).
10. Several shepherds mentioned that tourists are misinformed about the specification of PDO products, especially *oscypek* (since it is the most recognized product). They often look for cheeses made only out of sheep milk or expect to purchase one in the middle of winter (when there is no season for it and there is no sheep milk supply).
11. Vast majority of interviewed shepherds saw the benefits and minuses of the PDO certification, but almost none could point out any obstacles on the way to gaining a certificate throughout application process (which is understood as: the process is not very complicated and/or they received help in applying from the responsible bodies and organizations).
12. All of the interviewed producers stated that they receive harsh unannounced controls up to seven times a year – but who should really experience more controls are the dishonest highlanders who violate the law.
13. Except for one shepherd, none stated that the certificate should be cancelled. The one claimed to see no benefits from the protection and certification, so “if nothing changes in the near future, there is no need for it at all”.
14. Many did not understand the question about whether there is a conflict of a GI and the protection of their heritage

related to *oscypek* cheese-making tradition and cultural shepherding.

15. All stated that *oscypek* cheese-making is the most important tradition of the Highlanders, next to the transhumance cultural sheep grazing.

4.7.3. *Interviews with Representatives of Relevant Authorities on Local, Regional and National Levels*

Phone interviews were conducted with the representatives of three authorities on local, regional and national levels responsible for: associating the cheese-makers (and other products manufacturers) in producer groups ("Gazdowie" Association in Leśnica); monitoring the production processes of *oscypek* as well as for controlling the quality of products - Voivodship Inspector of Agricultural and Food Quality (WIJHARS) in Krakow. An interview was also conducted with the representative of Polish Ministry of Agriculture and Rural Development in the Department of Geographical Indications. The following information was obtained.

1. Representative of the Department of Geographical Indications in the Polish Ministry of Agriculture and Rural Development

The representative of the Department stated that the most important issue while dealing with the protection and preservation of quality of protected regional agricultural products, including mountain cheeses, is to guarantee the continuity of controls of every single registered producer. Therefore, on local, regional and national levels there are organized separate controls of producers, products, and the environment where the products are made. A different organization controls the specification and documents, a different one performs veterinary controls, and another one performs adequate controls on state level. According to the Ministry representative, that explains why many producers during interviews stated that they received up to

seven controls this previous year, even if the Regional Inspectorate admits to performing not more than two, and only in case if the producer failed to meet the requirements of the previous control.

The person formerly responsible for representing the Department, stated before that the initial application for registration of *oscypek* cheese within the EU Agricultural Products Quality Schemes was a must because the protection it had gained before from the Polish Patent Office was expiring and the products quality and name would be left without any legal protection. Furthermore, he emphasized the important difference between obtaining a patent from the Polish Patent Office which would serve one company only, and a European certificate of quality would be important and potentially available for the producers in the entire region.⁴⁸⁵

According to the representative of the Department further plans regarding the issuance of PDO and other EU certificates on national level currently include an Amendment to the Act on Registration and Protection of Names and Designations of Agricultural Products, Food Stuffs and Traditional Products from December 17, 2004. The amendment includes the period of certification given to producers by the controlling regional inspector, following the positive outcome of the first official control. The change would mean that the inspectorate would be awarding the certificate for three years, instead of current one or two. In this case, taking the analysis of risk 10% into account, the controls would be without warning and carried out in more frequent manner.

⁴⁸⁵ Kuraś B., „Oscypek bez ochrony w Unii Europejskiej”, posted May 5, 2004. Retrieved from <http://wiadomosci.gazeta.pl/wiadomosci/1,53600,2055402.html> on May 5, 2015

2. Voivodship Inspector of Agricultural and Food Quality (WIJHARS) in Krakow

In a phone interview with the Voivodship Chief-Inspector of Agricultural and Food Quality in Lesser Poland, five major questions were asked. The inspector stated that, in Lesser Poland region, there are fifty-eight senior shepherds who produce *oscypek* cheeses with a PDO certificate and that the difficulties of managing *oscypek* as a PDO and as a protected culinary heritage in this regions result not from the bureaucratic issues which are impossible to solve for the producers, and not from the fact that the costs of controls of the protected product are too high because they can apply for reimbursement of majority of these costs. According to the Inspector the real problem is to be found in the mentality of Highlanders from this region who applied for the EU certificates but never expected additional work or costs connected with it – they rather expected another form of a patent for making of *oscypek* cheese. Meanwhile, it occurred that when they obtain a legal personality when being associated in a group of certified producers, it is connected also with paying taxes from the produced and sold goods. These Highlanders cannot agree with the fact that they have been producing *oscypek* cheese from generations and for entire decades this process was “natural”: neither the Polish state, not the European Union interfered with it. Currently, the Highlanders have a shorter specified season for *oscypek* production (before the PDO certificate it was sold all-year round as *oscypek* cheese, even if it was made only out of cow milk), the prices of *oscypek* did not change, and the costs related to pastoral farming increased: to include, among others: inspections, veterinary controls, obtaining health certificates for workers and shepherd dogs).

The most striking information shared by the Inspector was that the certificates are given according to one control (if the producer is able to meet the requirements of the specification), but what really happens afterwards is not really well known. Apparently the cases where producers are using the milk of “Cakiel Sheep” and not the one of the “Polish Red Cow” are very common. Sometimes, when producers run out of milk of the proper sheep breed, they bring just

any milk from Slovakia. Some dishonest sellers also state that they have fresh *oscypek* in winter time (there is no season for *oscypek*), and some others buy ready cheeses from other producers and sell them as their own products for a higher price.

As to what to do about the controls of sellers of cheeses without certificates who still call them *oscypek*, the Inspector stated that it is a case lost as the Inspectorate does not have the right to control them if they are not registered and do not have the legal personality. The only possible action to undertake is to have someone anonymously call the police who can take action and even arrest the person in question for violating the law.

According to the Inspector, many educational actions have been organized, including presentations on the importance of regional products as an alternative to mass-produced food goods, as well as an idea for business and a way of making a living. They did not seem to be effective and did not convince the producers, nor did they improve the communication between the producers and controlling body.

Summarizing, according to the Voivodship Inspector, WIJHARS is currently helpless. According to the chief inspector they are doing everything they can in the light of law and nothing more can be done.

3. Head of “Gazdowie” Association (Spółdzielnia “Gazdowie” in Leśnica

Kazimierz Furczoń has been a *baca* in Southern Poland for over 30 years. As the first *baca* producing cheeses in Poland he applied and obtained the PDO certificate for *oscypek*. He also runs an agritouristic farm in Leśnica (120 ha) and works for popularizing of ecological farming idea. He is repeatedly awarded with prizes for the best cheese-making *baca* (*oscypek*, *bundz*, *bryndza*) during highlander cultural festivals and in regional and national contests for a farmer of the year. He is the chief of “Gazdowie” Association which gathers more than one hundred producers. Among other activities, the Association assists

senior shepherds to deal with a GI application processes, as well as promotes the cultural heritage of Highlanders by preparing applications for new products (such as lamb from Podhale). Furczoń also contributes to the preservation of highlander heritage by growing the “Polish Mountain Sheep” which is the only breed from which milk can be used according to the specification of *oscypek* and other highlander cheeses with a protected GI status. His sheep were repeatedly awarded during national farm animals competitions. Furczoń is a leader in building and bringing together the shepherd community in Poland and an idea-maker for the “Little shepherd communities in Carpathians”.⁴⁸⁶

During a phone interview conducted in August 2014, Furczoń stated that currently on the market there is only around 10% of authentic legal *oscypek*, the rest being unauthentic and of a different lower quality. According to him, in Lesser Poland voivodship 53 senior shepherds obtained certificates for their *oscypek*, and many of also certificates obtained it for other protected products. However, as he clearly stated, more than twenty certificates should be taken away from the producers because they use the milk of the wrong sheep breed for the production of *oscypek*. It is clearly stated in the PDO specification for *oscypek* that it can only be produced from the milk of “Polish Mountain Sheep” and addition of “Red Cow” milk is permissible. According to Furczoń several producers use the milk of “Cakiel Sheep” which is against the specification, nevertheless they managed to prove the quality of their product during the initial inspection and to obtain the PDO certificate of quality for *oscypek* cheese from WIJHARS, Krakow. After receiving the certificate they produce the cheese from the milk of “Cakiel Sheep”.

Regarding the reimbursement of costs related to regular controls (only in 2013 Furczoń received seven inspections), as well as

⁴⁸⁶ Zalot-Tomalik B., “Farmer roku wybrany”. Website of Gazdowie – Tatrzarsko-Beskidzka Spółdzielnia Producentów. Retrieved from <http://www.gazdowie.ebiznes.fm/bacowie/kazimierz-furczon.html> on May 5, 2015

the costs incurred for promotional purposes, all the producers can apply for it. Moreover, according to him, after the first reimbursement, the national responsible authorities next time inform and remind the producer that it is already time to apply for another reimbursement.

When asked about the possibility to control the producers who illegally produce and/or sell *oscypek* without certificate and create dishonest competition for the Highlanders producing certified cheeses, Furczoń stated that it is almost impossible for the controlling bodies to perform checks on producers who do not have the veterinary number. They would have to come with the police, but still it is a grey area: the producer of illegal *oscypek* may state that he was producing it for his own use at home, not for sale.

Many educational actions have been organized by “Gazdowie” Association, during local and regional festivities and meetings for rising awareness on the product specification, during which issues related to application process were raised. It is much easier to work with Highlanders and producers from Silesian regions where certified *oscypek* is made, because there their awareness is much higher and every single producer obtained the PDO certificate of quality for his products and produces them according to the specification.

Furczoń has recently created an album on wallachian heritage in Polish highlander culture together with a catalogue of wallachian cheeses, and he is planning to co-create a new album on pastoral farming in Carpathians”. Currently, he is working for the further preservation and promotion of their heritage by taking part in creating the nomination of Highlander culture for inscription on:

- 1). the National List of Intangible Heritage, and then on
- 2). the UNESCO Representative List of Intangible Cultural Heritage.

4. Head of Regional Association of Sheep and Goat Growers in Nowy Targ

Unfortunately, the person in question was not available for an interview despite repeated attempts of the thesis' author to schedule a meeting or a phone interview over the time between March and end of September 2014. Also, the *baca* was absent in his *bacówka* in Nowy Targ on the days of author's two visits. Therefore, the following information was retrieved from the two sources: an interview which was published in 2004 (before *oscypek* gained EU protected status) in a regional weekly *Tygodnik Podhalański*⁴⁸⁷; and from an interview for TVP.info from June 1, 2010 (produced after *oscypek* was awarded the PDO certificate).⁴⁸⁸

In the first interview, the Head of Regional Association of Sheep and Goat Growers stated that the senior shepherds and the Regional Association collectively decided to apply for a protected status for *oscypek* (followed soon by other traditional regional products), because there was an urgent need to preserve it and protect it: "not as some smoked cheese from Podhale region, but as our Polish national good". In the latter TV interview from 2010, he commented on practical issues related to the protection of products within the GI and TSG schemes. He stated the certificate costs several hundred zloty and it is valid only for one year. Currently, the certificate is given for one or maximum two years, depending on the decision of the controlling inspector. There is also a plan of amendment to the Act on Registration and Protection of Names and Designations of Agricultural Products, Food Stuffs and Traditional Products from December 17, 2004, which,

⁴⁸⁷ Kalinowski M. „Oscypek wchodzi do Unii”, posted on August 10, 2004 in E-Zakopane. Source: „Tygodnik Podhalański. URL: <http://www.ezakopane.pl/wiadomosci/tygodnik/486.html> retrieved August 20, 2014

⁴⁸⁸ Woźniak K. “Tylko trzech baców może wytwarzać oscypka”, 01.06.2010. Interview with Jan Janczy, the Head of the Regional Association of Sheep and Goat Growers, for TVP.info. URL: <http://www.tvp.info/1874818/informacje/polska/tylko-trzech-bacow-moze-wytwarzac-oscypka/> acceded August 20, 2014

among other issues, will allow the inspectors to give the certificates for a maximum of three years.

The Head went also further to state that the authorities and controllers do not punish manufacturers who produce fake *oscypek*-like cheeses. According to him, these two issues contribute to the fact that many Highlanders who make traditional cheeses decide not to apply for EU certificates. In his opinion 75% of all *oscypek* cheeses on the market are unauthentic, or they are sold under the name of “uoscypek” or “scypek”. He also stated that “Poland fought a long battle to register *oscypek* under a regional EU trademark and Highlanders have wasted it”.⁴⁸⁹

⁴⁸⁹ Woźniak K. “Tylko trzech baców może wytwarzać oscypka”, 01.06.2010. Interview with Jan Janczy, the Head of the Regional Association of Sheep and Goat Growers, for TVP.info. URL: <http://www.tvp.info/1874818/informacje/polska/tylko-trzech-bacow-moze-wytwarzac-oscypka/> acceded August 20, 2014

4.8. SWOT Analysis for Sustainable Development of *Oscypek*-making Tradition as Intangible Cultural Heritage and a PDO

Conducting interviews with cheese producers from Southern Poland, as well as with the representatives of appropriate organizations responsible for agricultural products' applications and controls within the EU Quality Schemes helped to gain knowledge about the dynamics between the chosen Highlander associations and communities in Southern Poland, and revealed their attitudes toward the protection, management and future development of *oscypek* cheese-making tradition. This was expected and searched for, as the objective of interviews and fieldwork in general was organized precisely to understand these dynamics and not to measure or quantify.

In order to put together interviews' findings and to perform an organized analysis of current situation and prospects for future development of *oscypek* cheese-making tradition and well as its protection under the EU Quality Schemes, author decided to use a SWOT analysis. This will also allow to clearly state and divide the crucial contributing positive and negative factors into internal and external, in light of the results of interviews with *oscypek* producers and representatives of authorities responsible for EU Quality Schemes applications and controlling processes on local, regional and national levels.

SWOT analysis (Strengths, Weaknesses, Opportunities and Threats) is a basic business tool supportive in the process of developing a strategy for a particular action or entrepreneurship. It allows a clear and well-organized analysis of all the strengths, weaknesses, opportunities, and threats concerning a given business. Strengths and weaknesses are understood as internal to the company/action/entrepreneurship/task and may concern issues such as: reputation, patents or location. These issues require a considerable amount of time to work through or change them, but the feasibility of their improvement or change is high. Opportunities and threats are thought to be external and usually regard suppliers, competitors, prices. These are players and factors which are always existent on the market and a

people responsible for the development of the company/action/entrepreneurship/task cannot change them.

Even though *oscypek*-making tradition and sale of the *oscypek* cheeses are not new on the market, SWOT is an appropriate tool to be used in the making of analysis of sustainable development of *oscypek*-making Tradition as intangible cultural heritage practice and a Protected Designation of Origin. SWOT analysis can be used also for the already existing businesses or, in this case, for products already existent on the food market which have been introduced on it decades ago. In such cases the analysis should be used regularly to assess a changing environment and to be able to respond to changes proactively, as well as to counteract the potential threats. In fact, it is recommended to conduct a full strategy review at least once a year, and it should begin with a SWOT analysis.

Therefore, basing on the results of the conducted interviews and the data regarding *oscypek* cultural meaning as a cultural object, its traditional method of production which is connected with traditional cultural shepherding as intangible cultural heritage, as well as *oscypek* availability, sale and distribution methods, author decided to perform a SWOT analysis for the preservation and sustainable development of *oscypek*-making tradition and as a regional product with a PDO certificate.

	<i>Helpful to meeting the objective</i>	<i>Harmful to meeting the objective</i>
I N T E R N A T I O N A L	<p>STRENGTHS:</p> <ul style="list-style-type: none"> -<i>Oscypek</i> believed by Highlanders/producers to be an important heritage and part of highlander culture (inevitably connected with it and positioned at the basis of their culture) -Made/cultivated by specialized people with decades-long experience -Unique and prestigious (+high quality certified) seasonal food product -Intangible cultural heritage element -Important part of highlander culture -Brand touristic and widely recognized food product - An important cultural object in highlander culture -Typical souvenir from the South of Poland -Brings together different communities of the Polish Highlanders within and between the regions (associations, unions) 	<p>WEAKNESSES:</p> <ul style="list-style-type: none"> -Short season of <i>oscypek</i>-making -Less Highlanders keep producing it legally (unprofitable) -Passive attitude regarding the future development of <i>oscypek</i> production -Lack of agreement between the highlander associations of cheese producers and sheep growers -Dishonest competition among producers with and without PDO certificates for <i>oscypek</i> -Dying-out tradition of transhumance shepherding (“cultural shepherding” to maintain the tradition and remind of the past), not inscribed on the Polish National List of ICH - Decrease in number of “Polish Mountain Sheep” breed in Poland - Endangered tradition of genuine <i>oscypek</i>-making in huts -Weak or non-existent promotion on individual level - Few, or almost non-existent, creative gastronomic experiences for tourists connected with the <i>Oscypek</i> Heritage Trail

E X T E R N A L	OPPORTUNITIES:	THREATS:
	<p>-EU funds and reimbursement for application process and promotion/marketing actions</p> <p>-General increase in interest in healthy local and authentic foods, regional cultures and folklore</p> <p>-Fast pace of development of gastronomic tourism in PL, EU and beyond</p> <p>-Future inscription on the Polish National List of Intangible Heritage</p> <p>-Possible future inscription on the RLoICH⁴⁹⁰ as a part of highlander culture intangible cultural heritage</p>	<p>-Limited possibilities of inspections over dishonest and not-registered producers</p> <p>- Little engagement to improve situation from the appropriate authorities responsible for application processes and controls</p> <p>-Little action taken by appropriate authorities in order to place highlander culture (including its culinary heritage) on the UNESCO Representative List of Intangible Cultural Heritage</p> <p>- No will to further educate Highlanders or to lead a discussion with them</p> <p>-Little impact of controls on the production process of the cheese</p> <p>-Rich offer of other smoked cheeses from the Southern regions</p> <p>-Not well-known outside of Poland</p> <p>-Unpasteurized milk cheese unacceptable in some countries</p> <p>-Dying-out intangible cultural heritage (far from listing on UNESCO RLoICH)</p>

Figure 11: SWOT Analysis for *Oscypek* Cheese-making Tradition Development

⁴⁹⁰ UNESCO Representative List of Intangible Cultural Heritage of Humanity

After analyzing the first-hand information obtained during performed interviews and according to the performed SWOT analysis, many – if not majority - of the weaknesses and threats regarding the protection, preservation and sustainable development of the production of *oscypek* cheese and its development as an important intangible heritage of Polish Highlanders, have the internal origin – they come from the producers themselves. Some major factors contributing to stagnation of traditional cheese-making tradition and to the lack of protection of this intangible heritage practice, are however also external and come from the side of authorities and bodies responsible for EU Quality Schemes application processes and controls.

This means that (while developing the strengths and opportunities for the preservation and development of this intangible cultural heritage practice) the first actions for the future protection of *oscypek*-making tradition and, later, sustainable protection and development of the traditional sheep grazing by Highlanders, should be taken within the producer associations and shepherds, with a strong contribution from the side of the appropriate controlling bodies and authorities on local, regional and national levels. Discussions, meetings, actions and agreements should be reached throughout an intense cooperation between all the stakeholders and interested parties involved in that matter.

In general, especially harmful internal and external factors to meeting the objective of reaching sustainable development of the tradition seem to be the following:

Internal factors:

- Passive attitudes regarding the future development of *oscypek* production,
- Lack of agreement between the highlander associations of cheese producers and sheep growers (+harsh competition between one another),
- Dishonest competition among producers with and without PDO certificates for *oscypek*,
- Weak or non-existent promotion on individual level,

- Few, or almost non-existent, creative gastronomic experiences for tourists connected with the *Oscypek* Heritage Trail.

External factors:

- Limited possibilities of inspections over dishonest and not-registered producers,
- Little engagement to improve situation from the appropriate authorities responsible for application processes and controls,
- Little action taken by appropriate authorities in order to place highlander culture (including its culinary heritage) on the UNESCO Representative List of Intangible Cultural Heritage,
- No will to further educate Highlanders or to lead a discussion with them,
- Little impact of controls on the production process of the cheese,
- Rich offer of other smoked cheeses from the Southern regions,
- Dying-out intangible cultural heritage (which is yet far from listing on UNESCO Representative List of Intangible Cultural Heritage).

Author elaborates on the results of the conducted interviews and the SWOT analysis in the last chapter of this thesis, which provides also a complete and detailed conclusion of the entire research.

Chapter 5: Conclusion

The situation of *oscypek* cheese-making tradition both as traditional regional PDO, as well as an expression of intangible heritage of the Polish Highlanders, is well-grounded within the highlander culture, in their cultural traditions and annual cultural processes connected with the change of seasons. However, the practicing of the tradition itself (together with the transmission of specialized knowledge to younger generations) has a downward tendency and faces the lack of visible development prospects. Additionally, an important threat to the safety and authenticity of this food heritage is posed by the dishonest producers who manufacture fake *oscypek* cheeses. Therefore, the tradition is under a threat of ceasing to exist in the future. This may be the result of the following issues:

- Passive/negative attitudes of the *oscypek* producers toward undertaking any new actions in terms of preservation, protection and quality management of *oscypek* cheese;
- The attitude of general lack of interest in undertaking future actions concerning improvement of EU Quality Schemes requirements by the producers and by the appropriate authorities responsible for application processes and controls - on local, regional and national levels;
- Hostility between the Highlanders from different villages, towns and regions of Southern Poland contributing to the development of dishonest competition between each other (and violation of the PDO specification rules) and to the lack of real prospects for protecting their culinary highlander heritage.

Only a major change in these attitudes will make it possible to treat the producers as one united group sharing the same goals for the sake of future protection and development of their highlander heritage, and to create a professional management plan for the production and development of the protected agricultural products, including artisan cheeses, such as *oscypek*, *bryndza* and *redykołka*.

Such a management plan should include:

- Market research and current situation analysis (to be performed regularly),
- Detailed SWOT analysis (performed frequently),
- Management and development strategy for the protection and strengthening of the *oscypek* cheese on the market of Polish and European regional food products (also in a wider perspective treated as cultural heritage of Polish Highlanders),
- Management and development strategy for the Oscypek Heritage Trail, including addition of new creative gastronomic experiences for tourists within the Trail,
- Specification of target groups (main, minor, influential target groups),
- Marketing goals and communication goals directed particularly to the previously specified target groups,
- Intended positioning of *oscypek* as a traditional regional product with a PDO certificate and as an element of highlander culture on the market of Polish and European regional food products,
- Message and value proposition specifying why this traditional product is superior to other competing products on the market,
- Clear strategy of *oscypek* inscription on the National List of Intangible Cultural Heritage and, as the next step, an element on UNESCO Representative List of Intangible Cultural Heritage (agreed upon with all the stakeholders and appropriate organizations involved within the processes),
- Communication mix,
- Advertisement and promotional plans and materials,
- Estimated budget.

5.1. Conclusion on UNESCO Frameworks for Tangible and Intangible Heritage Pertaining to Food Heritage

In order for food to be considered as cultural heritage, it has to be an expressive living practice which is deeply embedded within the culture and ongoing cultural processes of a given community. Traditional gastronomic heritage consists of historically gained knowledge and traditions that are transmitted from generation to generation in order to ensure the viability of practices, its future preservation and development. Such a heritage has an expressive meaning and it is often perceived by the community members as their identity marker. Food heritage may consist of a single food product, a meal, or even of an entire dietary system. It can be cultivated by a specifically educated group of people from a given community, or it can be an expression of a common practice or celebration by regular community members.

Some expressions of gastronomic heritage are considered within the framework of UNESCO 2003 Convention for the Safeguarding of the Intangible Cultural Heritage. Eleven food heritage elements⁴⁹¹ from different regions of the world have already been inscribed on the UNESCO Representative List of Intangible Cultural Heritage, with more to follow. A pitfall of food heritage inscription on the UNESCO Representative List may lie in preserving the food heritage elements without considering the possibility of their natural change throughout time. However, cuisines and ingredients inevitably change throughout time and what is really left to protect and preserve is the historical knowledge and traditional production methodology. Protection of food heritage can also take a form of an attempt to grasp a particular currently existing tradition, but real chances for saving it from any kind of changes in the future are very little. Stopping the opportunity to change would put a development of culinary traditions in serious danger. Nevertheless, the current official recognition and protection of food heritage expressions within the UNESCO legal

⁴⁹¹ As of May 2015

framework, adds unquestionable prestige and popularity to them, as well as contributes to the development of gastronomic tourism in their places of origin.

In terms of protection of food as material cultural heritage the notion is mostly based on protection of the sites where food heritage is made and where food-related traditions are practiced, usually in the places of which the environment, climate, and all man-added features contribute to the final unique character of the protected food heritage. The final product of an intangible heritage food practice is in fact a material product, however, the protection mostly pertains to the historical knowledge, living tradition and traditional production methodology learned from previous generations.

In this research, examples of protection of cultural heritage sites where gastronomic heritage is made include:

- Protection and promotion of the Gastronomic Cities within the UNESCO Creative Cities Network;
- Protection of local or regional culinary trails (such as *Oscypek* Heritage Trail),
- Protection of monuments/buildings connected with the making of food heritage and other food-related intangible traditions (such as old wooden shepherd huts in Southern Poland included in the national registry of monuments).

The unique feature of food-related heritage is the continuous overlapping of tangible and intangible dimensions of heritage: starting from intangible tradition and intangible historical practice transmitted from generation to generation, through material ingredients, traditional tools and final food product, up to the physical locations/places (cities, town districts, regions, culinary trails, monuments such as wooden shepherd huts) which become recognized and protected specifically because of food heritage produced there. Such overlapping constitutes a unique feature of the complex food heritage concept; however it also contributes to the difficulty in shaping of its definition, approaches in management and its treatment.

5.2. Conclusions on the EU Food Safety Regulations

The main goal of the EU General Food Law is to grant safe, healthy and high quality food to the consumers and to prevent local, regional, national or even international outbreaks of bacteria poisonings, diseases or chemical contamination of food. High level of protection of human life and consumers' interests in relation to food is also among the most important aims of the General Food Law. Through the Regulation, the European Food Safety Association was established as the EU main risk assessment body for food and feed safety that provides independent scientific advice to risk managers.

The European citizens need to have access to safe and wholesome food of the highest standard. After years of overproduction of food, the main objective is to produce and supply less quantities of food and, instead, to put focus on providing consumers with safe and high quality food. Currently, the guiding principle of EU food safety policy is to apply an integrated approach “from farm to table” which refers to all stages of production of food. Its main goal is making the way of food from its production place to the consumers’ plates as safe as possible.

The framework provided by the EU General Food Law Regulation encompasses definitions, principles and obligations that cover all stages of food production and distribution, including making the food traceable, monitoring and control systems, rapid alert system in case of emergencies, and established lines of effective communication between all parties involved in food production and distribution. Moreover, it grants the consumers their right to be well and accurately informed about all food products they decide to purchase for consumption through the system of transparent of information.

While providing the consumers with food complying with the highest EU safety standards, one needs to remember that these does not always simply comply with specifications of traditional regional products protected under the EU Quality Schemes. Authentic local

products such as *oscypek* cheese may be produced from unpasteurized milk (which is unaccepted in some countries, such as the USA) and smoked above fire in shepherd huts (against recent EU policy on lowering the cancerogenic substances in smoked products), and still be considered safe products for the consumers. Although currently, *oscypek* cheese seems not to be affected by the restrictive EU General Food Law, the future developments in the field of food safety pose a potential threat to the traditional way of production of several traditional regional food products – even if currently they are under the protection of the European Quality Schemes.

5.3. Conclusions on the EU Agricultural Quality Schemes

Three main goals of the EU Agricultural Products Policy can be stated in the following way:

1. To encourage differentiated agricultural production;
2. To protect the names of authentic products from misuse and imitation;
3. To provide consumers with most accurate information on agricultural products and to help them understand the specificity and uniqueness of the protected products.

Geographical Indications (GIs) encompass two categories of products and protect them under the two following quality schemes: Protected Designation of Origin (PDO) and the Protected Geographical Indication (PGI). Each of them indicates a special link of the product with the region where it originates from. This link is very strong in case of a PDO (the main focus of this research) and less pronounced in case of a PGI.

And thus, products awarded with PDO certificates:

- Must originate in that region, specific place or country;
- Their quality or characteristics must come essentially or exclusively due to a particular geographical environment with its inherent natural and human factors;

- Their entire production, processing and preparation must take place in the defined geographical area. The production process must also follow the official specifications for a given product. The certificate guarantees that these regional agricultural products are safe, authentic, and of highest quality.

GIs can be used as effective tools for safeguarding traditional regional heritage, traditions and practices, including, in a bigger picture, the gastronomic heritage of the EU regions. They add prestige and give a certificate of quality and authenticity to agricultural products, providing an organized framework for regular controls and monitoring of production processes, at the same time contributing to:

- Development of regional products manufacture (thus, supporting the diversity of the EU regional agricultural products and heritage);
- Activation of rural areas and communities;
- Boosting cooperation between producers;
- Development of tourism (specifically of gastronomic tourism), also in less developed regions of the EU.

Analysis of the main case study and results of interviews with cheese producers and representatives of relevant organizations and authorities responsible for GI application and controlling processes, showed that there is no conflict between the Geographical Indication and the safeguarding of food heritage in case of *oscypek* cheese. In this case, the GI can be used as an effective tool for defining, protecting, preserving and promoting of this regional agricultural product and culinary heritage of the Polish Highlanders.

5.4. Recommendations for Producers Regarding Future Preservation and Sustainable Development of Oscypek-making Tradition

Recently the topic of traditional products protection has gained a lot of public interest in the EU. As a popular topic of debate it receives a significant interest and media coverage. Unfortunately, in case of Polish *oscypek* cheese, the coverage fails to present the accurate data. Various media present a one-sided version based on information obtained either exclusively from cheese producers, or only from the regional or national authorities responsible for application process, certification and controls. *Oscypek* cheese is one of the most popular protected products; therefore the number of publications regarding this topic is considerably high. This contributes to spreading of inaccurate information and development of negative attitudes regarding the PDO certification and EU protection of *oscypek*, basing on imprecise and incomplete data.

Nonetheless, awarding *oscypek* cheese with PDO certificate in 2008 occurred at the right moment and contributed to the protection of *oscypek*-making tradition and, in longer perspective, to the preservation of cultural transhumance shepherding in Southern Poland – if only by focusing public attention on the problems regarding this cultural and culinary heritage. Creating official specification, according to which the *oscypek* cheese must be produced, contributed to the safeguarding of authentic ancient wallachian way of cheese making and to the establishment of a good practice of preservation of food-related heritage in Poland.

At the same time, system of controls performed by appropriate regional and national institutions regarding the production of *oscypek* according to the PDO specification has revealed serious malpractices (production of *oscypek* without a PDO certificate, milk used for production from the wrong breed of sheep and/or cow, stages of production not according to the official specification etc.) and dishonesty of many producers within the cheese-making process and distribution of fake cheeses. These wrongful practices directly endanger

the authenticity of highlander heritage and question the quality of *oscypek* cheeses currently available on the food market.

Further strengthening and deepening of cooperation between the producers and appropriate regional and national authorities, as well as improving communication between all parties involved within the production, safeguarding, and controlling processes, create a chance for maintaining the authenticity of food heritage and traditions related to *oscypek*-making tradition and cultural shepherding in Southern Poland. Also, substantial at this point is regular and consequent education of cheese producers in terms of issues related to:

- Significance of highlander cultural heritage and importance of its protection (involving producers' role in the process);
- Practical issues related to EU Quality Schemes application processes (such as: various benefits of gaining the quality certificate, necessary preliminary investments, application and promotional cost reimbursement opportunities etc.);
- Opportunities for the highlander communities and regions of *oscypek* production (such as development of gastronomic tourism in Southern Poland, including professional management and expansion of *Oscypek* Heritage Trail and the trail of old shepherd huts, and creating creative gastronomic experiences for the trail visitors);
- Importance of instituting close cooperation between the producers, leading perhaps in future to establishment of one single *Oscypek* Producers Association/Consortium which would unite them and effectively represent their common interests;
- Importance of investing in quality and safety of highlander agricultural food products (*oscypek*, other wallachian certified cheeses, meat products etc.), both as culinary heritage expressions and as brand touristic products;
- Importance of taking actions contributing to a further protection and development of the highlander traditions

and toward future inscriptions on the National List of Intangible Cultural Heritage and UNESCO Representative List of Intangible Cultural Heritage.

After having studied the case of *oscypek* cheese in depth (its application process for a PDO certificate, the specification made by producers and the quality controlling system by the appropriate organizations on local, regional and national levels), it is correct to state that at this point of time the GI does not conflict with safeguarding of food heritage. There are no interferences between the EU General Food Law, UNESCO regulations pertaining to tangible and intangible heritage frameworks for protection of food-related heritage, and the legal framework of the EU Quality Schemes - here in a form of a PDO certificate for *oscypek* cheese. The GI in this case can be used as an effective safeguarding and marketing tool for the promotion of *oscypek* cheese as a brand touristic product and for the preservation of *oscypek*-making tradition which is so important for the culture of Polish Highlanders.

Regarding recommendations for the producers of *oscypek* cheese on local level, there should be a constant initiative to carry out an effective monitoring of the production process by the local associations of producers and by the producers themselves. They are the people directly responsible for the highest possible quality of their products which are important elements of their highlander cultural heritage. In that case, if they keep on producing traditional regional products (including culinary heritage) which do not meet the specification agreed upon in the certification (i.e. *oscypek* which would not comply with the PDO specification), they will be directly responsible for putting in danger the authenticity, good name, publicity, future, and general positive image of their own cultural and gastronomic heritage and related traditions. There seem to be several problems regarding the attitude toward, and therefore treatment of products with a PDO certificate by the producers. Just to mention some of the main ones:

- Lack of awareness of the importance of these products in terms of regional development opportunities, their importance and economic potential as regional cultural and culinary heritage, and as an economic asset with rich prospects for future development;
- Lack of willingness to accept any changes for the sake of future development, preservation and promotion of their cultural heritage and intangible food-related traditions;
- Lack of education about the benefits resulting from the protected status of their products, including the reimbursement procedures of the costs incurred for controls and promotion;
- An attitude of gaining more economic benefits in an easy way, usually by cheating and producing more products that do not comply with the PDO specification (the specification, which was, by the way, created by the Highlanders, themselves);
- Passive attitude toward working for the preservation and toward a sustainable development of their Highlander tradition and manufacturing of traditional regional products. Passive attitude poses also a great threat to their tangible and intangible heritage, including regional products and intangible cultural traditions;
- Common consent/ignorance and lack of actions toward the illegal practices of dishonest producers;
- The senior shepherds, who obtained certificates for *oscypek* and other regional products, feel disappointed by the fact that the traditional cheese is being falsified by dishonest producers (and frustrated because they are usually not receiving any punishment for doing so).

Naturally, there are also several positive initiatives that in future could lead to improvement of situation of traditional regional products and culturally embedded traditions and practices, such as the very presence of producer and senior shepherds' associations and initiatives which they propose:

- Regular meetings at the beginning and end of the shepherding season;
- Discussing existing problems (even if it not always leads to finding solutions);
- Organizing local and regional festivities for the promotion of the regional products, traditions and practices;
- Encouraging representatives of younger generations to carry on with highlander heritage in future.

These organizations should work on both local and inter-regional level (Lesser Poland with Silesia) in order to cancel any personal animosities and local issues and representing various interests of *oscypek* cheese producers with one strong voice.

General recommendations for producers of PDO *oscypek* cheese are the following:

1. Information and integration: Highlanders/producers must be very well integrated into the application and qualification processes, well-informed about the possible results of gaining a GI status, and about other promotional strategies and quality protection schemes available for them (private or collective trademarks, certification);
2. Granting education and raising awareness of the farmers, producers, especially the young ones who are going to take over production in the future: Granting the passing down of the tradition from generation to generation, and transfer of traditional knowledge. Organization of workshops on practical issues, i.e.: how to apply for certificates, where to turn to in case of problems etc.;

3. Integration of farmers, producers (in general, of the shepherd community): Bringing them closer together, also between the regions and counties of Lesser Poland and Silesia. They all need to realize that they are supposed to work together in order to safeguard their common wallachian/highlander heritage and to protect the good name of their common food-related heritage from misuse and imitation;
4. Collective applications for new certificates, renewals of the older certificates annually/biannually, and reimbursements of costs of controls and promotion for ALL producers with certificates;
5. To develop effective promotional plans and appropriate management and marketing strategies with a professional help as ONE *oscypek* producer association with the same main and intermediate goals;
6. To promote *oscypek* cheese and other elements of Highlander gastronomic culinary heritage abroad;
7. To react to quality and other crises according to an agreed-upon crises strategy;
8. To connect all working shepherd huts in Southern Poland into one big heritage trail including all the heritage elements: the intangible tradition of transhumance shepherding, the *oscypek* and other cheeses-making tradition, and old wooden shepherd huts as monuments of highlander culture. This trail could also break into several regional trails (specific variations of highlander culture in each region: Spisz, Beskid, Podhale with different traditional music, dances, dialect-*gwara*, traditional clothing, seasonal traditions etc.);
9. To implement obligatory packaging for *oscypek* for sale in shepherd huts and elsewhere. It will have to be provided for every *oscypek* producer and for each and every cheese with a PDO certificate. It will include all the necessary information for the consumer: producer (traceability and safety of food), way of production, ingredients, date of production, expiration date etc.;

10. To solve problems on every level together (as one association) because acting collectively producers will have more power. To have one general representative in national scale and each region's representative separately. Meet regularly before the beginning of the season, during the season (i.e. during festivities), and after the end of grazing season to sum up and effectively plan for the next pastoral and cheese-making season to come;
11. Make plans to fundraise for and to promote the Polish traditional and cultural shepherding, pastoral-farming, and cheese-making abroad. Optimally initiate the promotion from Central European region and neighboring countries in which the wallachian heritage has also been practiced, but the long term goal should be to reach the other countries, such as Italy, Germany, Austria, and France. It would probably be more feasible in the countries with their own tradition of mountain shepherding, but at the same time, it could be seen as more attractive and "exotic" in the countries without the familiarity of these traditions;
12. Raising awareness about the underestimated power of cultural heritage, especially of intangible cultural heritage expressions of the highlander culture, and the opportunities arising from the development of culinary tourism in Southern Poland.

5.5. Two Approaches Toward Sustainable Development of Oscypek-making Tradition

Author proposes two separate but overlapping and cooperative approaches toward the future preservation and development of *oscypek*-making tradition connected with the traditional sheep-grazing tradition of the Highlanders from Southern Poland:

1. Oscypek as a Brand Touristic Product:

- Preserving its authenticity, originality and seasonality;
- Element of regional highlander culinary heritage which is also an important and recognizable touristic product;
- Guarantying that *oscypek* is a safe food product made according to an old traditional method which is passed down from generation to generation;
- Working toward gaining more economic benefits from production and sale of *oscypek*, using regional highlander cuisine as a touristic product and an important potential in reaching regional progress and development (plus regional foods and cuisine promotion);
- *Oscypek*, a strong and recognizable brand, can contribute to the strengthening of the tradition of cheese-making and traditional sheep-grazing in Lesser Poland and Silesian voivodships;
- Using the Geographical Indication (PDO certificate) as a solid and effective marketing, promotional, and safeguarding tool.

2. *Oscypek-making as Traditional Practice and as Mixed Intangible and Tangible Cultural Heritage:*

- Clearly defined within the framework of intangible cultural heritage (as a seasonal tradition and culturally embedded practice), as well as in terms of places where *oscypek* cheeses are made (protection of old traditional shepherds' huts as material heritage);
- Three main goals: protection, preservation, sustainable development;
- Detailed definition of *oscypek* as protected heritage product is provided by the GI specification;
- Taking an active approach toward the preservation of tradition because passive attitude provides no development opportunities;
- Once the producers reach agreement and together stand for protection of the same/similar values, goals and attitude toward development of *oscypek*-making tradition, develop a professional management strategy of development using appropriate tools and analyses, such as: SWOT, Problem Solving, Risk Management, crisis management (if/when needed), and others;
- Improving communication between all parties involved in the production, sale, promotion and protection of *oscypek* protected within the EU Quality Scheme;
- Undertake actions at local, regional and national level to increase the chances of inscription of Highlander Culture on the Representative List of Intangible Cultural Heritage (gaining new level and means of protection, prestige, interest, financial support, plus involvement and opinion of experts). This will work to prevent disappearance of *oscypek*-making tradition and to preserve traditional transhumance shepherding (also by increasing the number of "Polish Mountain Sheep" and "Cakiel Sheep" by using additional financial support).

5.6. *Recommendations for Relevant Authorities on Regional and National Levels*

On regional level, in Lesser Poland voivodship, the representatives of Voivodship Inspector of Trade Quality for Food and Agricultural Products (WIJHARS) claim to do everything what lies in their legal competences in order to provide effective controlling systems of traditional regional products. The first years following the implementation of PDO certificate for *oscypek* have showed the fundamental discrepancy between the practices and attitude of many producers and the will of execution of law and rules by the controlling bodies. Several actions were taken in order to raise awareness and educate the Highlanders about the great potential in production of traditional regional products. Initiatives in order to assist the producers in the bureaucratic procedures during application processes were also frequently organized. However, there still exists a lack of good communication and understanding between the controlling bodies and producers. Some producers even claim to have been “forced” to apply for the EU certificates for their products, including a PDO certificate for *oscypek*. They claim also to keep on renewing certificates every year/two years, being threatened by the controlling inspectors, even though the certificate does not seem to bring any economic benefits.

The communication between controlling bodies and producers needs to be improved and all potential benefits of gaining the EU certificate should be repeatedly explained. Otherwise, the main objective of quality and authenticity preservation is lost between the mutual animosities. Even some of the certified cheese-makers produce *oscypek* not according to the traditional recipe and traditional method agreed upon in the specification (in order to increase the economic benefits they produce the cheese from the milk of a wrong sheep or cow breed or use milk from Slovakia etc.). However, the biggest problem on regional level seems to be that Regional Inspectorates do not have the legal right to control the unregistered producers of false cheeses. Perhaps creating such a right in the future with an appropriate system of penalties and consequences would change the situation of

dishonest production and sale of fake cheeses and other traditional regional products.

The second authority on regional level, the Regional Association of Sheep and Goat Growers, is represented only by the Head of the Association. It is difficult to get in touch with him as he is never reachable at the Association headquarters, via telephone (with no e-mail provided) or in his shepherd hut. The possibility of contact with the Association should be improved in the future. There is an urgent need for the Association and its members to find common language with Tatra-Beskid “Gazdowie” Association and other producer groups/associations from the Lesser Poland and Silesian voivodships. It will be beneficial for the already protected products (using one strong voice, finding common main and minor goals regarding each and every traditional regional product to be protected), as well as for the new future ones for which the application procedure is still on-going.

A good example can be the case of *Jagnięcina from Podhale* (Podhale Lamb) for which the application process was first submitted in 2008 by the Regional Association of Sheep and Goat Growers but it was immediately stopped by the Tatra-Beskid “Gazdowie” Association from Leśnica because of limiting the production area only to Podhale region in product specification. The next year, the latter association submitted a new application for the Podhale Lamb and, in turn, this time it was stopped by the Regional Association of Sheep and Goat Growers.

On national level, recommendations for the Ministry of Agriculture and Rural Development are the following:

- To further work on the new amendments regarding the protection of products with Protected Designation of Origin, Protected Geographical Indication and Traditional Speciality Guaranteed certificates, which will contribute to a more effective preservation of these traditional regional products, including *oscypek* cheese;

- To work on a closer basis with the regional and private controlling bodies regarding the dishonest producers who, after gaining the certificate, start producing false products;
- To engage more in the education process of the producers, regarding spreading useful information on beneficial issues regarding the protection, matters relevant to the more effective applications processes, as well as to informing (and reminding) producers about the reimbursement opportunities;
- To initiate more direct contact with the producers of *oscypek* (and other protected products);
- To build a trustful connection with the producers through reaching out and organizing effective informative campaigns;
- To work more effectively on the issues regarding the creation of the National List of Intangible Cultural Heritage and focus on working toward inscription of the first intangible heritage element on the UNESCO Representative List of Intangible Cultural Heritage (some elements of the culture of Highlanders, hopefully including the *oscypek*-making tradition and traditional seasonal sheep-grazing, have high chances to be inscribed).

5.7. Final Conclusion

The analysis was focused on the ways in which EU legal food safety and quality regulations may impact the safeguarding of traditional gastronomic heritage of the European regions. The research was also dedicated to potential interferences between the EU Food Safety regulations, the EU Quality Schemes for Agricultural Products, and UNESCO frameworks for intangible and intangible heritage in regard to particular chosen cases of culturally important food products. The chosen main case study was the Protected Designation of Origin (PDO) *oscypek* cheese from Southern Poland.

The main research questions to answer were, if in case of *oscypek* cheese, a Geographical Indication (GI) conflicts with traditional

regional food heritage protection and in what ways it may impact the producers and the protected food heritage itself. The analysis provided an overview of dynamics between the Polish community of Highlanders and appropriate authorities responsible for legal protection, controls, and quality management of regional agricultural products (including culturally important food products perceived as food heritage). It also revealed various attitudes toward the possible impact of a Geographical Indication status on future of *oscypek* cheese as a traditional regional food heritage, on preservation and development of the intangible practice of *oscypek* cheese-making tradition, and places/sites in Southern Poland recognized and protected specifically for the reason of being the locations where *oscypek* cheese is made (*Oscypek* Heritage Trail, wooden shepherd huts).

The analysis showed particularities of the complex concept of culinary heritage which can be perceived in several different ways and contexts:

- As intangible heritage (food-related traditions such as the ones inscribed on the UNESCO Representative List of Intangible Cultural Heritage),
- As tangible heritage (final food products, cultural objects, which are culturally significant and deeply embedded in the cultures of particular communities (i.e. *matzah* bread for the Jewish people), and
- As a mixture of tangible and intangible heritage, combining the qualities of a material food heritage product with intangible practice and tradition. It is culturally important for certain communities and prepared exclusively according to a traditional recipe and methodology in a strictly defined location or region, which is also often protected for this reason (i.e. PDO *oscypek* cheese from Southern Poland).

The research indicated that in some cases there may exist a conflict between regulations pertaining to protection of regional food heritage and European regulations and standards granting safe food. However, with relation to the EU General Food Law the case of *oscypek*

cheese demonstrates that interferences between the EU General Food Law and protection of regional food heritage do not occur in case of this particular regional product and an expression of traditional regional food heritage. However, it is important to note, that the food safety standards may sometimes interact with the traditional way of making of the traditional regional cheeses (use of unpasteurized milk for production of regional cheeses, traditional natural smoking of food products).

In case of PDO *oscypek* cheese, no cases of legal interferences between the European food safety regulation and the protection of traditional way of production have been found. By acquiring the protected PDO status, this regional product gained also an official specification created by the *oscypek* producers which was legally accepted as traditional, authentic and, at the same time, safe for the health of consumers. Therefore, the traditional way of cheese production is in line with EU food safety regulations, and - provided that all the producers make cheese according to the specification – constitutes no threat to the health of consumers. Potential interferences do occur in cases where dishonest producers make cheeses not according to the specification (without controlling process, using milk of unknown origin, not obeying the rules of sanitary production). Therefore, strict controls of all *oscypek* cheese producers in Southern Poland (and elimination of the threat-posing production places) lies in the best interest of all parties involved.

With relation to the European Quality Schemes for Agricultural Products the case study analysis also did not indicate conflicts between the regulation and the protection of this traditional regional culinary heritage and brand touristic product. Traditional *oscypek* cheeses are made according to an official specification which was created and agreed upon by the *oscypek* producers. This traditional cheese is produced in several different counties located in two voivodships of Poland, however each and every producer must obey the same rules of production and use the same traditional recipe and production methodology. The strict use of the same traditional recipe across the counties does not conflict with the safeguarding of this traditional

regional food heritage. This is also in line with the European food safety regulations because the ingredients and food products are frequently controlled and traceable. Therefore, the producers acquiring certificates must make their products according to the specification and the ones producing cheeses without the specification may not call their products by the protected name. The chosen main case study in relation to EU Agricultural Quality Schemes demonstrates that the Geographical Indication creates more opportunities for regional food heritage producers and for the protection of the culinary tradition, even by such simple means as requiring shepherd huts to be clean, making running water available on production sites, providing regular controls of milk and final products, obtaining health certificates for workers, veterinary controls of the animals involved in the production of milk and in the production process (i.e. from cows and sheep to shepherd dogs).

PDO *oscypek* cheese as an important element of highlander heritage and of their culinary culture perfectly fits within the UNESCO framework for intangible heritage. In order to grant its protection and preservation for the future and also to provide opportunities for its development, responsible local, regional and national authorities should cooperate and prepare the following in the nearest future:

- nomination of this element for inscription on the National List of Intangible Heritage as part of the broader concept of heritage of Polish Highlanders and, as the next step,
- nomination to the UNESCO Representative List of Intangible Cultural Heritage,
- develop and consolidate the Oscypek Heritage Trail between the counties (to combine the main Trail with the wooden shepherd huts trail, at the same time pointing out particularities of local trails, such as the one around Nowy Targ,
- develop actions for applications of Zakopane (Nowy Targ, if feasible) for recognition as UNESCO City of Gastronomy.

Inclusion within the Creative Cities Network as a City of Gastronomy would be economically and culturally very beneficial for

the city(ies) concerned and for the two southern regions of *oscypek* cheese production. In a wider perspective this could be also an important factor in development of gastronomic tourism in the region and could contribute to popularizing this particular kind of tourism in scale of the entire country. It would contribute to creation of new opportunities for the future safeguarding and sustainable development of the highlander (and wallachian) cultural heritage in Poland and, possibly, in the Carpathian region.

Annex

Transcript of Interviews with Randomly Chosen Oscypek Producers from around Nowy Targ (Spisz Region) ⁴⁹²

1. Bacówka u Łasiów

PDO certificate:	YES	Accurate EU certificates for <i>oscypek</i> , <i>bryndza</i> , <i>bundz</i> (made of sheep milk exclusively), <i>żentyca</i> , and <i>korbacze</i> cheeses.
Applied:	Individually	Applied as soon as it was possible.
Number of sheep in herd:	In total over 1000 sheep, combining sheep of different owners, altogether 1700. This constitutes the biggest herd in Spisz region.	Notes: The entire family is involved in the production of regional products and shepherding); The <i>baca</i> and family produce up to 4000 <i>oscypek</i> pieces per year. The exact number depends on what the season was like (weather conditions, amount of natural animal feed, amount of milk processed);

⁴⁹² The interviews were conducted in Polish and translated from Polish to English for the purpose of this research.

		It is a wealthy producer. Marketing actions and promotional materials are noticeable (business cards, fliers, posters, plastic bags).
Season length:	May - October	From early spring until the first snow fall.
Is <i>oscypek</i> treated as a cultural heritage of the Polish Highlanders?	Yes, a very important one. It should be inscribed on the UNESCO Representative List of Immaterial Heritage (within the cultural heritage of highlander culture). That is why providing its highest possible quality and preserving the traditional methodology of production is so important.	
Is <i>oscypek</i> a brand touristic product?	Yes, for tourists it is considered a typical and very well-known product from the Polish South (that is why you want to have a certificate for high quality traditional products that you want to advertise). <i>Oscypek</i> is the most expensive and precious of them, it costs usually around 40 PLN. <i>Redykołka</i> cheese is often taken for <i>oscypek</i> , but it is made exclusively from cow milk and has a different shape and size. <i>Bundz</i> cheese is much cheaper but it is also characteristic and very popular in the area, some say it has the best quality in May. Among other regional products there are cow and mixed cow-sheep milk cheeses, fresh milk, kefir, and cream. Characteristic products are also varieties of flees (sheep, cow, game etc.) and leather	

	products (shoes, bags, coats end other).
If PDO certificate for <i>oscypek</i> cheese is present, was it difficult to apply for it?	There was a lot of bureaucracy involved in the process, but it is doable even if you do it on your own (but many Highlanders apply collectively). He applied for the certificate on his own, as soon as it was possible.
Benefits:	High quality certified legal products. Everyone should know about the tradition, and the situation for now is rather good. (Polish: „Nie ma się czym chwalić, ale też nie ma co narzekać” - There is not much to brag about but also it does not make much sense to complain).
Obstacles:	n/a
Minuses:	Controls for which a producer has to pay from his own pocket every year. Up to 900 PLN per year for the controls, plus controls of milk in Krakow, controls of already produced cheese. Vaccinations, veterinary checks for sheep and dogs, quality of water used.
Regarding the production, marketing (if existent), and sale what has changed after gaining the EU certificate?	Not much has changed after the implementation of the certificate. Traditional tools and ingredients must be used in any case, with or without a certificate.
Is the certificate important for <i>oscypek</i> and	It is very important. Authentic highlander products and cheeses are deep at the roots of their traditions.

Highlanders?	
Should the PDO certification be cancelled?	Definitely no. It is beneficial for the quality of <i>oscypek</i> and its “good name”. It also makes <i>baca</i> directly responsible for the products he makes.
What could be improved regarding the certificate?	More controls over the cheese producers who don’t have the PDO certificate and still sell their cheeses under the name of <i>oscypek</i> .
Does a GI status conflict with food heritage protection in case of <i>oscypek</i> cheese?	No, but the dishonest producers and sellers lower the product quality and work against the authenticity of the real prestigious and seasonal product. In this respect the heritage protection is not working properly because the authorities responsible for controls do not counteract the breaking of the law.

2. *Baca* from Brzegi

PDO certificate:	YES	PDO for <i>oscypek</i> , <i>bryndza</i> , <i>redykołka</i> (estimated total cost of certificates at around 1500 PLN)
Applied:	Collectively	Applied in 2006 (meaning, voted for the PDO certificate)
Number of sheep in herd:	400	Notes: The only certified female <i>baca</i> in Poland, she has been producing cheeses for over 20 years.

		Works with family (daughter, husband) etc. They produce around 29-30 medium sized cheeses per day
Season length:	April - October	Depends on a year (from beginning of spring until beginning of winter)
Is <i>oscypek</i> treated as a cultural heritage of the Polish Highlanders?	Yes, but not well taken care of, though. Main buyers: other Highlanders, tourists passing by <i>bacówka</i> , shops. Also international tourists and people buying <i>oscypek</i> and bringing it to the USA.	
Is <i>oscypek</i> a brand touristic product?	Yes, many tourists stop and ask for it, although they are not well informed about the real PDO product specification (they often ask for pure sheep milk <i>oscypek</i> although addition of cow milk is acceptable up to 40%). Promotional materials, cards, plus sale of woolen products.	
If PDO certificate for <i>oscypek</i> cheese is present, was it difficult to apply for it?	Not a very problematic process with the help of Tatra-Beskid Association "Gazdowie" (Kazimierz Furczoń), fill the documents, apply through	

	WIJHARS in Kraków, deal with the veterinary controls. Milk, sheep, pasture, dogs, juhasy, and ready products checked. First for 1 season, now for 2-3 seasons.
Benefits:	Producing legal product, selling officially to shops with invoices etc. appreciated product
Obstacles:	n/a
Minuses:	<p>A need to hire an additional worker, additional costs.</p> <p>Bureaucracy (filling the documents, running the registry every day: how many liters of milk, cheeses, separately for cow and sheep).</p> <p>Dishonest competition from the side of other Highlanders who do not have shepherd huts or a certificate but they sell cow-milk <i>oscypek</i> illegally (they claim they purchased the cheeses from <i>baca</i> Janina, which is not true). They are not (or very rarely) controlled.</p> <p>Costs (but they are not a big problem if you have a big herd of sheep).</p>
Regarding the production, marketing (if existent), and sale what has changed after gaining the EU certificate?	<i>Baca</i> needed to hire an additional worker which is connected with additional costs. The entire family already helps: the wife (<i>baca</i>) is running a shepherd hut while the husband runs the farm and takes

	care of the fields. They also have a guest house rent rooms for tourists.
Is the certificate important for <i>oscypek</i> and Highlanders?	It is, but it would be more fair and efficient if all of the cheese producing Highlanders had certificates.
Should the PDO certification be cancelled?	It should not be cancelled.
What could be improved regarding the certificate?	There should be more controls over the Highlanders producing and selling illegal products without the certificate because they constitute the biggest problem and threat to this kind of Highlander heritage.
Does a GI status conflict with food heritage protection in case of <i>oscypek</i> cheese?	No.

3. *Baca* on the road to Zakopane

PDO certificate:	YES	They received a certificate valid for 2 years and then they will renew it for another 2 seasons.
Applied:	Collectively	<i>Baca</i> claims to have been forced to apply by WIJHARS, otherwise he would receive a fine for illegal production and sale of cheeses.
Number of sheep in herd:	700	Notes: Asked to remain

		anonymous. Marked that he produces cheeses only in bacówka.
Season length:	From spring to autumn (first snow).	
Is <i>oscypek</i> treated as a cultural heritage of the Polish Highlanders?	Yes, culturally important (weddings, christening, family gatherings, farming festivals). Main buyers/heritage users: Highlanders, tourists, many cheeses are brought to the USA (for sale, or as a gift for families). Everyone wants to have it (plus other regional cheeses).	
Is <i>oscypek</i> a brand touristic product?	Yes, many tourists want to buy it but they don't really care if it is real (60% of sheep milk, 40% of cow milk), or they are misinformed.	
If PDO certificate for <i>oscypek</i> cheese is present, was it difficult to apply for it?	No, but inspectors from WIJHARS came and made him apply.	
Benefits:	There are no real (economic or other) benefits, at all. Offering legal product.	
Obstacles:	"We decided to apply because we were forced by WIJHARS. We are not gaining anything but have to pay more for controls etc." The illegal sellers offering products without certificate are not	

	controlled almost at all – dishonest competition among local cheese producers.
Minuses:	Costs, frequent annoying controls of, literally, everything (starting from shepherd dogs, ending on checking the measurements of the pastures; sheep, milk, veterinary controls and ready product controls). Many unexpected controls per year.
Regarding the production, marketing (if existent), and sale what changed after gaining the EU certificate?	Nothing in production, it still has to be traditional. More costs. Unexpected controls which take a lot of time (“measuring the pasture so many times as if they expected it grew since the last time they did it”). Plus, now it has to always be clean in <i>bacówka</i> .
Is the certificate important for <i>oscypek</i> and Highlanders?	“It is if you want to produce legal products. Either everybody should have it, or at least the illegal producers and sellers should be controlled and punished. Currently, this certificate has not much sense, at all. It could as well be cancelled.”
Should the PDO certification be cancelled?	If nothing changes, then yes.
What could be improved regarding the certificate?	Financial support, reimbursement for some percentage of costs, more controls and legal actions against the illegal producers and sellers.
Does a GI status	n/a

conflict with food heritage protection in case of <i>oscypek</i> cheese?	
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4. *Baca* on the top of a hill in Czorsztyn

PDO certificate:	YES	Certificates for all three PDO products
Applied:	Individually	"WIJHARS inspectors came and threatened me with some legal actions. They came several times to check, good that I had the documents confirming the application status."
Number of sheep in herd:	700	Notes: Currently his son is taking over the <i>bacówka</i> and production of cheeses – he also takes care of the documents.
Season length:	April/May - October	
Is <i>oscypek</i> treated as a cultural heritage of the Polish Highlanders?	Yes, it is a very important tradition which needs to be cultivated and protected. Main buyers/heritage users: Mainly brought to the USA. Someone comes, buys 20-30 and takes all of them to America.	
Is <i>oscypek</i> a brand touristic product?	Yes, it is as well.	
If PDO certificate for <i>oscypek</i> cheese is present, was it	No, WIJHARS people came and "strongly recommended" it. It was necessary to apply for it.	

difficult to apply for it?	
Benefits:	No legal troubles. I can make and sell a legal product, traditional and authentic.
Obstacles:	n/a
Minuses:	Controls, but they are not really annoying. The illegal producers and sellers are not controlled enough. Or, also, not enough legal pressure to make them stop breaking the law (i.e. the story of a Highlanders from the other side of the lake who lies about everything)
Regarding the production, marketing (if existent), and sale what changed after gaining the EU certificate?	Not much, it is traditional as it was and as it should be. It has to be clean in <i>bacówka</i> , including mice traps etc. Veterinary controls are frequent.
Is the certificate important for <i>oscypek</i> and Highlanders?	It is, but it also brought a bit of difficulties for Highlanders. It guards and maintains the authenticity and quality of the product.
Should the PDO certification be cancelled?	No. But there should be more controls on the illegal producers (here again the story about the Highlander from another side of the Czorsztyn Lake who does not have his own heard but claims to produce legal cheeses with certificates).
What could be improved regarding the	Much more controls over the illegal producers and sellers. They lower the quality and counteract the preservation of

certificate?	traditional way of authentic <i>oscypek</i> -making.
Does a GI status conflict with food heritage protection in case of <i>oscypek</i> cheese?	n/a

5. *Baca* next to a sculpture on a hill in Kluszkowce

PDO certificate:	YES	"Yes, of course we have it. Otherwise we could not produce some cheeses, including <i>oscypek</i> "
Applied:	Collectively	
Number of sheep in herd:	800	Notes: n/a
Season length:	April-October	
Is <i>oscypek</i> treated as a cultural heritage of the Polish Highlanders?	Yes, of course it is. Everyone knows it.	
Is <i>oscypek</i> a brand touristic product?	Yes. Main buyers/heritage users: Tourists (the <i>bacówka</i> is located on the main road between Nowy Targ and Krościenko), local Highlanders, people from Kluszkowce and Czorsztyn villages. We sell some to local and bigger shops.	
If PDO certificate for <i>oscypek</i> cheese is present, was it difficult to apply	No, it had to be done in order to still produce cheeses legally.	

for it?	
Benefits:	Production and sale of legal traditional products.
Obstacles:	n/a
Minuses:	Controls, some additional costs and paper-work ("But we have a big herd")
Regarding the production, marketing (if existent), and sale what changed after gaining the EU certificate?	Not much has changed since the certification. Perhaps tourists' interest in our products rose (and they are better informed about what they are looking for).
Is the certificate important for <i>oscypek</i> and Highlanders?	Yes, if you want to produce legal products (big <i>oscypek</i> , <i>gołka</i> (no need for a certificate), <i>bundz</i>).
Should the PDO certification be cancelled?	No
What could be improved regarding the certificate?	n/a
Does a GI status conflict with food heritage protection in case of <i>oscypek</i> cheese?	n/a

6. *Baca* residing behind the Agricultural University in Nowy Targ:

As the only one out of the randomly chosen senior-shepherds asked for a short interview he refused to talk, claiming that he has learned for so many years how to make the traditional highlander cheeses that he does not want to share this knowledge with anyone else. He gave the author advice to better sign in on a cheese-making course.

7. *Baca* from Leśnica in Podhale

PDO certificate:	YES	
Applied:	Individually	Applied as the 1 st <i>baca</i> in Poland
Number of sheep in herd:	150 (mothers only), exclusively the “Polish Mountain Sheep” and “Cakiel Sheep”	Notes: Except for a farm and a hut in Leśnica, <i>baca</i> also has another <i>bacówka</i> in Łapsze Wyżne in Spisz region.
Season length:	April/May-October	
Is <i>oscypek</i> treated as a cultural heritage of the Polish Highlanders?	Yes, it is an old tradition in need of protection. Times change, sheep growing in Poland becomes less popular and less feasible.	
Is <i>oscypek</i> a brand touristic product?	Yes, definitely. Very popular as a souvenir and a typical snack. Main buyers/heritage users: tourists, Highlanders, shop customers	
If PDO certificate for <i>oscypek</i> cheese is present, was it difficult to apply for it?	No, even though I was the first to apply for it. There was a bit of paper-work involved in it but it was worth it.	
Benefits:	Legal product Promotion of wallachian shepherds' cheese-making tradition Promotion and preservation of Polish shepherding tradition	

	Contribution to preservation of particular sheep breed (Polish Mountain Sheep)
Obstacles:	n/a
Minuses:	Lack of awareness among some producers and “heritage producers” about the importance of this tradition, lack of knowledge about real specifications among tourists. That is why he came with his sheep herd (<i>kierdel</i>) to graze them on Krakow Błonia meadow in the middle of the city, and to popularize the tradition among city inhabitants.
Regarding the production, marketing (if existent), and sale what changed after gaining the EU certificate?	Better communication between people, everything has to be clean, clear and transparent. Even more dishonest competition, some Highlanders started looking for ways to bend the rules, or to overcome them.
Is the certificate important for <i>oscypek</i> and Highlanders?	It is very important, also because it puts all of us on the same level and gives us opportunities to take actions for the promotion of <i>oscypek</i> and some chances of increasing about of money for sheep growing and grazing.
Should the PDO certification be cancelled?	No, that would be the nail to the coffin of a great Highlander tradition.
What could be improved regarding	More education and raising awareness of the importance and benefits of such a

the certificate?	certificate. Improving the reimbursement of costs for promotion etc.
Does a GI status conflict with food heritage protection in case of <i>oscypek</i> cheese?	No, it protects the authenticity of the product.

8. Bacówka in Dursztyn

PDO certificate:	YES	
Applied:	Individually	
Number of sheep in herd:	More than 700, including some sheep “rented out” by other owners (who don’t have to take care of them or feed them during the season).	Notes: There usually exists an agreement between the farmer and <i>baca</i> , in money and in cheeses.
Season length:	May-September/October*	*Dursztyn, located 15km from Nowy Targ, is the highest located village in Spiskie Pieniny. Therefore, there is a particular microclimate all around the year: early, long and rather heavy winters. Snow often lies on the fills and pastures until May which impacts the <i>baca</i> ’s decision to lead

		his sheep to the fields.
Is <i>oscypek</i> treated as a cultural heritage of the Polish Highlanders?	Yes, both in terms of the traditional cheeses as most common regional food products. Also in terms of traditional shepherding and <i>oscypek</i> -making methodology (as an old tradition and practice).	
Is <i>oscypek</i> a brand touristic product?	In general yes, it is. Main buyers/heritage users: local Highlander families, sporadically tourists (since the <i>bacówka</i> is located far from Nowy Targ but on a red walking route leading to Niedzica), taking part in highlander festivals and festivities.	
If PDO certificate for <i>oscypek</i> cheese is present, was it difficult to apply for it?	No, it was necessary to obtain it and we just followed the rules.	
Benefits:	Producing legal products, safety, and prestige.	
Obstacles:	Little time to deal with bureaucracy, we still have to work on a farm, in the field, cut and collect the hay, crops etc.	
Minuses:	Numerous unexpected controls throughout the year and regular registry making process (a lot of additional paper-work).	
Regarding the production, marketing (if existent), and	There are many more veterinary controls but it is good to have your herd (<i>kierdel</i> in highlander dialect) and working dogs checked.	

sale what changed after gaining the EU certificate?	
Is the certificate important for <i>oscypek</i> and Highlanders?	Yes, in terms of cultivating the tradition of sheep growing and grazing, as well as producing sheep/cow milk cheese, including <i>oscypek</i> .
Should the PDO certification be cancelled?	No, there is no need for that. The execution of controls should be better, improved.
What could be improved regarding the certificate?	More controls over the illegal sellers (and producers who make cheeses outside of <i>bacówka</i> , or without smoking them under the roof, instead dipping them in tea for days).
Does a GI status conflict with food heritage protection in case of <i>oscypek</i> cheese?	Why would it? It is designed to protect it.

9. *Baca* who wanders with the sheep to Beskid Żywiecki

PDO certificate:	YES	For all products with EU certificates.
Applied:	Collectively	
Number of sheep in herd:	400	Notes: Every year in the spring this <i>baca</i> leaves his family at home and leads his sheep herd from Ratułowo in Podhale to Soblówka in Beskid Żywiecki. He has been doing so for over 40 years and he is currently joined by his son. They lead the heard, consisting of their own sheep as well as of sheep of other farmers, for 160 km on an annual “redyk”. They have three <i>juhas</i> helpers and three Podhalański Shepherd dogs. On their five-day journey they go through Orawa, then around Babia Mountain, up until they reach Hala Rycerzowa where they are going to spend the six following months working with sheep, trying to protect them against some occasionally appearing wolves and bears at night, and making <i>oscypek</i> and other mountain cheeses.
Season length:	April- first snow in Autumn	

Is <i>oscypek</i> treated as a cultural heritage of the Polish Highlanders?	Not only <i>oscypek</i> , but other Highlander cheeses made of sheep and cow milk, as well. Also the tradition of sheep growing is a very important factor here, without it there would be no <i>oscypek</i> -making tradition in such a form as it is now.
Is <i>oscypek</i> a brand touristic product?	n/a Main buyers/heritage users: Travelers, tourists (good location of bacówka – on the trail to a mountain shelter), local people for different occasions (and most wedding happen in the summer so there is a higher interest in <i>oscypek</i> in the wedding-season).
If PDO certificate for <i>oscypek</i> cheese is present, was it difficult to apply for it?	No, it was a collective initiative and I had no other choice, if you want to legally stay in the business. For him it is not as important as the very fact of cultivating the transhumance shepherding tradition.
Benefits:	Legal work and more controls contribute to high-quality final food products
Obstacles:	n/a
Minuses:	Much more paper work and costs, also related with travelling to Krakow for dealing with the application and paper-work.
Regarding the production, marketing (if existent), and sale what	Everything has to be clean, washed, dried properly- in the end we make food and people are coming pretty often. He somehow became famous as the most experienced <i>baca</i> in the region and many tourists come to visit and buy particularly his cheeses and <i>żentyca</i> .

changed after gaining the EU certificate?	
Is the certificate important for <i>oscypek</i> and Highlanders?	For some Highlanders it is, as an appreciated, prestigious product. Some others do not care about the documents and certificates.
Should the PDO certification be cancelled?	No. For what reason? We already went through the application etc. so now it would make no sense to cancel it.
What could be improved regarding the certificate?	Less bureaucratic issues, less time-consuming controls and application process (or make it just easier).
Does a GI status conflict with food heritage protection in case of <i>oscypek</i> cheese?	n/a

10. *Baca* W. K. on the route to the mountains around Czorsztyn

PDO certificate:	YES	For all protected products
Applied:	n/a	
Number of sheep in herd:	800	Notes: They work with four helpers and dogs, every day he produces around 40 <i>oscypek</i> cheeses.
Season length:	April-first snow	
Is <i>oscypek</i> treated as a cultural heritage of the Polish Highlanders?	Yes, as a product inevitably connected with the shepherding tradition, but also as a product which can promote Polish highlander culture abroad (he visited Torino with his cheeses on a cheese/agricultural festival).	
Is <i>oscypek</i> a brand touristic product?	Yes, also the one to export abroad if possible. People even take some <i>oscypek</i> cheeses in order to bring them to USA with them. Main buyers/heritage users: Tourists walking on the trail from Czorsztyn to Three Crowns Mountain. The route is around 3 hours long so many people take a break near his <i>bacówka</i> , drink some <i>żentycza</i> and buy cheeses.	

	Even if they do not buy <i>oscypek</i> , they buy <i>redykołka</i> or small cow cheeses without the certificate.
If PDO certificate for <i>oscypek</i> cheese is present, was it difficult to apply for it?	There was a lot of paper work involved, but if you asked around you learned how to fill it out correctly. The costs increased but the herd is healthy thanks to regular veterinary (and other) controls.
Benefits:	Promotion of Polish highlander culture and traditions, seasonal product, prestige of the name know around, also outside of Poland.
Obstacles:	n/a
Minuses:	Costs increase, paper work, annoying controllers and inspectors (but it depends on a person).
Regarding the production, marketing (if existent), and sale what changed after gaining the EU certificate?	More tourists willing to buy <i>oscypek</i> with a certificate, even if the price is considerably higher than the price of other cheeses. More and better control over the whole herd and paper work.
Is the certificate important for <i>oscypek</i> and Highlanders?	Yes, it is and this chance for promotion of our tradition and cheeses should be used. Many don't realize that, some others just are too lazy. On the other hand, fulfilling all the

	obligations and necessary work connected with shepherding, cheese-making and the necessary seasonal work on the farm leaves not much time for any additional actions, and – even less time for going personally to Nowy Targ or to Krakow.
Should the PDO certification be cancelled?	No.
What could be improved regarding the certificate?	Make the gaining of the status faster. But once you applied you have the proof, so the controls cannot fine you while waiting for the issuance of the certificate.
Does a GI status conflict with food heritage protection in case of <i>oscypek</i> cheese?	n/a

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