Exporting Protection: Geographical Indications in EU Trade Agreements[*]

Martijn Huysmans[†]

Abstract

Starting with the 2009 Free Trade Agreement (FTA) with South Korea, the EU has achieved increased external protection for some of its Geographical Indications (GIs), such as Prosciutto di Parma. This is achieved by specifying a level of protection above WTO Trade Related Aspects of Intellectual Property (TRIPS) for FTA-specific lists of GIs. Statistical analysis of newly coded data for 11 FTAs shows that GIs with higher sales values are more likely to be protected. In contrast, the data do not support the hypothesis of lobbying by large and GI-rich countries. At first sight, these findings suggest a cost-benefit approach at protecting GIs outside of the EU. Yet one could question the overall benefit, since only about €1 billion of EU GI foodstuffs is exported outside of the EU. Identity aspects and the need to obtain public support for free trade seem to trump pure economic concerns in this area.

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[†] Assistant Professor, Utrecht University School of Economics. Email: m.huysmans@uu.nl.

1 Introduction

A Geographical Indication (GI) certifies and protects an agricultural product from a specific geographical origin, with "given quality […] essentially attributable to its geographical origin" (WTO, 1994). The EU counts over 1300 GIs protecting food items such as Gouda Holland or Prosciutto di Parma. On average, such products are sold for about twice the price of similar non-GI products (Chever, Renault, Renault, & Romieu, 2012). Protected GI names cannot be used by producers outside of the relevant area. As an example, in the EU you cannot sell a cheese as Feta if it was not manufactured in the protected area in Greece.

Outside of the EU Single Market these GIs are not necessarily protected. Under Article 23 of Trade Related Aspects of Intellectual Property (TRIPS), GIs for wines and spirits are fairly well protected (Goldberg, 2001; Raustiala & Munzer, 2007; WTO, 1994). In contrast, Article 22 TRIPS provides less protection for GIs covering foodstuffs (Addor & Grazoli, 2002; Vittori, 2010).

Given the failure of the WTO Doha round (De Bièvre & Poletti, 2013; Evans & Blakeney, 2006; Hughes, 2006), the EU has been seeking to extend the protection level of Article 23 TRIPS to its foodstuff GIs by means of bilateral Free Trade Agreements (DG AGRI, 2012). Consistent with the Global Europe strategy, the EU has focused on large economies for these 'new generation' preferential trade agreements (Young, 2015). The 2009 FTA with South Korea is generally seen as the first in this series.

Proponents of GIs, such as the EU, argue that they improve consumer information and may hence have positive welfare effects. Theoretical work by economists tends to support this claim (Lence, Marette, Hayes, & Foster, 2007; Moschini, Menapace, & Pick, 2008; Zago & Pick, 2004). However, some studies find a risk of excessive quality (Mérel & Sexton, 2012). In addition, political economy concerns such as lobbying by producers may mean that GIs are not defined over socially optimal production areas (Deconinck, Huysmans, & Swinnen, 2015; Landi & Stefani, 2015).

Detractors of GIs, such as the US, argue that they stifle competition and innovation, and that they are unnecessary given the possibility of using trademarks. This has resulted in an ongoing conflict between the EU and the US over GIs, dubbed the "War on Terroir" by Josling (2006). The fundamental disagreement between the EU and the US over GIs also became clear during the negotiations over the Transatlantic Trade and Investment Partnership (TTIP). GIs were a

major stumbling block during TTIP negotiations (Matthews, 2016; Young, 2016), even before they were suspended prior to President Trump's election.

Studying the provisions on GIs in FTAs allows for direct insight into the global battle for influence between the EU and the US (O'Connor & Bosio, 2017). For third countries, giving in to the EU may preclude or limit the potential of future deals with the US, and vice versa. In this respect, the inclusion of 143 GIs in the Comprehensive Economic and Trade Agreement (CETA) with Canada, a country close to the US, is a significant success for the EU.

Of course, optimism on the EU's recent success should be balanced by a reminder that it has been forced to take the bilateral road because it could no longer successfully export its policies at the multilateral level (De Bièvre & Poletti, 2013). In addition, in many other areas than GIs the EU's capacity to export its regulations seems to have declined significantly (Young, 2015).

GIs are not just a trivial detail in FTAs. Both Greece and Italy have threatened not to ratify CETA because they deem the obtained GI protection insufficient (Malkoutzis, 2016; Reuters, 2018). Studying the protection of EU GIs in FTAs is also relevant right now in light of negotiations with the UK and Australia. Regarding the UK, any agreement on Brexit will have to deal with GIs (European Commission, 2017). As to Australia, which in the past strongly opposed extending Article 22 TRIPS to food GIs (Van Caenegem, Cleary, & Drahos, 2014), the EU has started FTA negotiations in July 2018.

While some work has been conducted on the treatment of GIs in FTAs signed by the EU, existing studies have focused on qualitative levels of protection and compare only a limited selection of FTAs. In contrast, this paper includes all 11 FTAs signed by the EU since the agreement with South Korea of 2009, and moves to a quantitative analysis based on its novel coding of the lists of protected GIs.

This paper contributes to the literature by showing empirically that GIs with higher sales values are more likely to be protected. In addition, it finds that the data do not support the hypothesis of lobbying by large and GI-rich countries. While these findings suggest a cost-benefit approach at protecting GIs outside of the EU, one could question the overall cost-benefit, since only about 1 Billion euro worth of EU GI foodstuffs is exported outside of the EU.

2 Recent EU FTAs

EU Trade agreements are negotiated by the Commission, on mandates from the Council (Dür & Zimmermann, 2007). The final agreement then needs approval from the Council and, since

the Lisbon Treaty, also from the European Parliament. The Council, where the member states are represented, operates de facto by consensus. This means that the Commission has to search for compromises that are acceptable to all member states (De Bièvre, 2018).

In principle, trade is an exclusive EU competence. However, since these agreements often also touch upon other competences (such as state-investor dispute settlement), the European Court of Justice has ruled in relation to the Singapore FTA that such agreements also need to be ratified by the parliaments of the member states. Even before this judgement, the Commission had decided to have CETA be ratified by the national parliaments. On top of consensual decision-making in the Council, this means that the national parliaments have an ex-post veto.

The need for support from all member states has helped the EU in getting concessions from its trading partners (De Bièvre & Poletti, 2013). This has been called the "paradox of weakness" (De Bièvre, 2018). Consistent with the logic of two-level games, the Commission can credibly threaten that no agreement was possible unless the partner conceded (Putnam, 1988). On the other hand, this also means that in order to secure any agreement at all, issue linkage is often necessary (Dür, 2014). By integrating GIs into broad trade agreements, all EU member states as well as the negotiating partner can win from the final agreement.

In contrast to the literature reviewed below, this article studies all EU FTAs that protect lists of foodstuff GIs and for which negotiations have been concluded since 2009 – the start of the 'new generation'. It does not include standalone agreements on GIs nor FTAs that only protect wine or spirits GIs. It also excludes the Stabilization and Association Agreements (SAAs) with the Balkan countries: with the exception of Kosovo, these have been signed before 2009. The Kosovo SAA, signed in 2015, protects all registered EU food GIs and so does not contain a list of protected GIs.

In April 2018, an agreement in principle was reached with Mexico, but the complete negotiated texts with list of GIs have not been published yet. Hence the new EU-Mexico agreement is omitted from the analysis.

The resulting 11 agreements are listed in Table 1. They have been ordered by the end date of negotiations.[1] For the signed agreements, the table lists the year they were signed and also their date of provisional application and of full effect, if applicable. Because ratification by all

[1] The dates used are those of the conclusion of negotiations, as reflected by DG Trade press releases.

member states can take time, most parts of signed agreements are applied provisionally as soon as the European Parliament and the counterparty have given their approval and both sides are ready for implementation. As an example, this has been the case with CETA since September 2017. Once all member states have ratified, the agreements come into complete effect.

Table 1. Overview of EU FTAs since South Korea protecting GIs.

Order	Counterparty	Type	Negotiated	Signed	Provisional	Effective	GIs
1	South Korea	FTA	2009	2010	2011	2015	60
2	Andean	FTA	2010	2012	2013		34
3	Central America	AA	2010	2012	2013		88
4	Ukraine	DCFTA	2012	2014	2016	2017	811
5	Georgia	DCFTA	2013	2014	2014	2016	805
6	Moldova	DCFTA	2013	2014	2014	2016	852
7	South Africa	EPA	2014	2016	2016		110
8	Canada	CETA	2014	2016	2017		143
9	Singapore	FTA	2014	2018			83
10	Vietnam	FTA	2015				59
11	Japan	EPA	2017	2018			78

There are different types and names of trade agreements. The agreements with South Korea, the Andean countries (Columbia, Peru and since 2017 Ecuador), Singapore and Vietnam are simply called FTAs. With the Central American countries (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama) the EU has signed an Association Agreement (AA). With Georgia, Moldova and Ukraine, Deep and Comprehensive Free Trade Agreements (DCFTAs) have been concluded. Canada and the EU signed a Comprehensive Economic and Trade Agreement (CETA). With the South African Development Community and with Japan, the EU entered into Economic Partnership Agreements (EPAs). The table only refers to South Africa, because the provisions on GIs in the EPA only apply to South Africa itself and not to the other members of the community (Botswana, Lesotho, Mozambique, Namibia, Swaziland).

The final column of Table 1 shows the variance in the number of listed food GIs. While the Andean FTA protects only 34 GIs, the DCFTA with Moldova protects 852.

2.1 Prior literature

While O'Connor & Richardson (2012) analyze lists of protected GIs, their analysis remains descriptive and limited to three FTAs (South Korea, Andean and Central American) and three GI-only agreements (Switzerland, Moldova and Georgia). They show that the lists vary widely across these cases, although there is a common base protected in all of them.

Engelhardt (2015) studies 5 EU FTAs: those with South Korea, with Colombia & Peru (also known as the Andean FTA), the Central American countries, Canada, and Georgia. He concludes that the EU has been broadly successful in achieving its goals of GI protection. In particular, the EU managed to protect lists of GIs and have its partners accept co-existence with prior trademarks. On the other hand, he finds that the lists diverge widely and that not all FTAs provide for equally strong enforcement.

Matthews (2016) compares a set of EU agreements to a set of US agreements, in order to anticipate potential outcomes for the now frozen TTIP negotiations. On the EU side, his analysis includes the agreements between the EU and South Korea, Singapore, and Canada. He compares them to those between the US and South Korea and the Trans-Pacific Partnership (TPP) being negotiated between 12 American and Asian countries. He concludes that the EU and the US have negotiated very different agreements regarding GIs, and that finding a compromise for TTIP will be difficult.

In a similar spirit, O'Connor and Bosio (2017) compare the EU-South Korea agreement to US-South Korea and EU-Vietnam to the TPP. They find support for a "first come first served" rule: whoever comes first affects the scope for compromise with the second. For instance, because of what Vietnam had agreed to during TPP negotiations, a clause was added to the EU-Vietnam agreement that listed GIs may be invalidated later on. Partial exceptions were also made for prior users of the terms Feta, Champagne, and other listed GIs. In the meantime, while the TPP was signed in 2016, President Trump announced in 2017 that the US would not ratify it. In March 2018, the remaining 11 countries signed a new version of TPP without the US. Called the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), it came into effect in December 2018.

To conclude, the existing literature has established two main findings. First, it has shown that across EU FTAs the lists of protected GIs as well as the protection level differ. Second, it has shown how the conflict between the EU and the US has affected their preferential trade

agreements with third parties. Building on this prior literature, this article moves to a quantitative analysis of the protected GIs in EU FTAs.

3 Hypotheses and data

This section develops several hypotheses for empirical testing. Because the protection of a GI requires effort and perhaps concessions by the EU on other aspects such as market access (Matthews, 2016), the Commission is expected to focus on GIs that are valuable in export. Leading to the same hypothesis, producers of more valuable GIs in export are also more likely to lobby for protection:

H1: GIs with higher export values are more likely to be protected.

Since countries may seek to influence the Commission (and their ratification may be required), one can expect countries with more weight or with higher stakes to have more of their GIs protected:

H2: GIs from countries with more weight and incentive to lobby are more likely to be protected.

To test these hypotheses, a series of variables will be used as described below.

The dependent variable, *Listed*, is 1 for GIs that are listed in a given agreement and 0 otherwise. It has been newly coded from the annexes to the agreements. Since the South Korea FTA was signed in 2009, only the 845 GIs that were registered by the end of 2009 are included in the dataset. With 11 FTAs, the total amount of observations is 9,295.

Since there is no public data on the export value of GIs, H1 will be tested with proxy variables. There are two proxy variables for the value of a GI, and one for its likelihood of being exported. The first proxy, *PDO*, is 1 for GIs that are registered as Protected Designations of Origin (PDOs) rather than Protected Geographical Indications (PGIs). Since the requirements for PDOs are more strict, it is reasonable to assume that they are more valuable. This data is taken from the Commission's DOOR database.

The second proxy, *SalesEst*, is the estimated total sales in million euros of the GI in 2010. The estimate is based on data by Chever et al. (2012), who provide sales values of GIs at the country-category level. Categories are for instance "1.1 Fresh Meat" or "2.4 Bread, Pastry, Confectionary". The estimate for a GI is then simply the total value divided by the number of GIs of that country in that category. If for reasons of confidentiality the figures for a certain

country-category combination are omitted, *SalesEst* is equal to the average value in that category across countries.

SalesEst is a rough proxy. Based on data provided by EUIPO (2016), the average sales value of the top 10 GIs (including wine and spirits) is 1.3B€.[2] Comparing this to the maximum category-country sales estimate of 103 M€, it is clear that in practice GI values are much more skewed than the proxy.

The variable *CatExport*, also taken from Chever et al. (2012), gives the fraction of value exported outside of the producer country. This data is only available at the category level. Hence the variable is a rough proxy for how much of a given GI is exported.

To test H2, *CtryVotes* gives the number of country votes in the Council. This is basically a measure of country size and hence correlated to lobbying weight. To measure countries' incentive to lobby, *CtryGI/Vote* gives the number of GIs a country has per vote. A high value means that a country has many GIs relative to its size, and hence has more incentives to lobby for inclusion of its GIs.

Table 2 gives descriptive statistics for all of these variables. A correlation table is provided in the Appendix.

Table 2. Descriptive statistics for 845 GIs and 11 FTAs.

Variable	N	Min	Max	Average	Source of underlying data
Listed	9,295	0	1	0.33	FTA appendices coded by author
PDO	9,295	0	1	0.53	DOOR database
SalesEst	9,295	0.04	103	18.1	Chever et al. (2012)
CatExport	9,295	0	0.66	0.22	Chever et al. (2012)
CtryVotes	9,295	4	29	23.0	Council Votes
CtryGI/Vote	9,295	0.60	11.5	7.90	DOOR database

[2] As listed in alphabetical order: Bayerisches Bier, Cava, Champagne, Cognac, Grana Padano, Parmigiano Reggiano, Pays d'Oc, Prosciutto di Parma, Rioja, Scotch Whisky.

4 Methods and results

Since the outcome variable is dichotomous, a probit model will be estimated to test the hypotheses. Specifically, the probability that GI i in category k from country c is listed in agreement a is estimated as:

$$p(Listed_{ikca}) = \Phi(\alpha + \beta_1 PDO_i + \beta_2 SalesEst_{kc} + \beta_3 CatExport_k + \beta_4 CtryVote_c + \beta_5 CtryGI/Vote_c + \gamma_a).$$

In this expression, γ_a are FTA fixed effects. The results are reported in Table 3.

Model 1 includes only the first variable for each hypothesis. Model 2 includes all variables and FTA fixed effects. In both models, standard errors are clustered at the GI level. The fourth column gives the average marginal effects of the variables of interest. The models fit the data well. After running Model 2, the percentage correctly predicted is 92.2%, compared to an empty model with baseline probability of not being listed of 67.0%.

Table 3. Probit regression of Listed.

Probit of Listed	**Model 1**	**Model 2**	**Avg Marg. Effect**
PDO	0.107***	0.217**	0.029
	(0.035)	(0.093)	
SalesEst		0.010***	0.001
		(0.002)	
CatExport		0.797*	0.107
		(0.444)	
CtryVotes	0.002	-0.004	-0.001
	(0.002)	(0.005)	
CtryGI/Vote		0.011	0.001
		(0.014)	
FTA dummies	No	Yes	
Constant	-0.544	-2.311	
N	9,295	9,295	
Clusters	845 GIs	845 GIs	

*Robust standard errors in brackets. *p<10%, **p<5%, ***p<1%*

Both in Models 1 and 2 the proxies for export value are all statistically significant, while those for country lobbying are not.

In terms of magnitude, the average marginal effects should be compared against the baseline probability of being listed, which is 0.33 or 33%. The estimates for *PDO, SalesEst* and *CatExport* are all consistent with H1 concerning export value. A GI with PDO status rather than the lower PGI status is on average 2.9 percentage points more likely to be listed in an FTA. To every additional million in estimated sales (which range from 0.04 to 102.8 M€) corresponds an increase of 0.1 percentage points. To every percentage point increase in category exports corresponds an increase of 0.107 percentage points.

The data do not support H2 on country lobbying. Countries with more votes are not more likely to see their GIs listed, nor are high demand countries with a lot of GIs. The positive but insignificant coefficient for *CtryGI/Vote* means that countries with a lot of GIs have more GIs listed, but not in significant disproportion to the amount that they have.

4.1 Robustness Checks

Table 4 reports the results of several robustness checks. The significance of *SalesEst* is robust to all of these, while the coefficients for *PDO* and *CatExport* are no longer significant in all specifications. All three variables for H1 about export value always remain positive. The two variables related to country lobbying remain insignificant in all robustness checks.

The first robustness check controls for whether a GI was listed in previous FTAs. The variable *Listed_before* gives the number of times a GI has been listed in previous FTAs as ordered in Table 1. Its coefficient is positive and both highly significant and large, but hard to interpret. It could point at path-dependency at the GI-level, but it likely also captures unobserved heterogeneity at the GI-level (such as its true export value).

The second robustness check drops the three DCFTAs. In such more comprehensive agreements with countries in its neighborhood, the EU can demand closer regulatory alignment and/or exchange more concessions. As is clear from Table 1, they indeed list the majority of GIs. However, as Table 4 shows, the results are robust to dropping these FTAs. Note that without the DCFTAs, the baseline probability of being listed drops from 33% to 9%. In this light, the marginal effects reported previously appear even more substantial.

Finally, the third robustness check clusters the standard errors at the country level rather than the GI level. By the end of 2009, there were 21 countries who had registered GIs within the EU. Results are similar, except that *PDO* is no longer significant.

Table 4. Robustness checks.

Probit of Listed	**With control Listed_before**	**Dropping DCFTAs**	**Errors clustered at Country level**
PDO	0.104	0.209*	0.217
	(0.064)	(0.108)	(0.183)
SalesEst	0.005***	0.011***	0.010***
	(0.001)	(0.002)	(0.002)
CatExport	0.326	1.040**	0.797*
	(0.318)	(0.482)	(0.461)
CtryVotes	-0.003	-0.001	-0.004
	(0.004)	(0.006)	(0.008)
CtryGI/Vote	0.008	-0.002	0.011
	(0.011)	(0.015)	(0.021)
Listed_before	1.043***		
	(0.071)		
FTA dummies	Yes	Yes	Yes
Constant	-2.251	-2.366	-2.311
N	9,295	6,760	9,295
Clusters	845 GIs	845 GIs	21 EU countries

*Robust standard errors in brackets. *p<10%, **p<5%, ***p<1%*

5 Discussion

There are two main concerns related to the EU's approach in protecting its GIs through FTAs. The first is that the list-based approach discriminates against non-listed GIs. The second is that while the selection of protected GIs may be economically rational, the overall effort of protecting GIs outside of the EU does not seem to meet this test. This leads to a discussion of post-materialism and gastronationalism. Finally, expectations for EU-Australia are discussed.

5.1 Discrimination

In light of cultural preservation, one of the advantages of protecting GIs through a specific or *sui generis* system rather than through ordinary trademarks, is that this feature may help small traditional producers threatened by globalization (Broude, 2005: 651-656). By spreading the fixed costs of marketing and certification, GI schemes may allow small producers to survive

even if they cannot afford to build up an individual trademark-protected brand (Moschini et al., 2008: 807).

A related argument to the preservation of traditional production methods, is the objective of preserving rural economies and populations. This argument is mentioned explicitly in the preamble to regulation EEC 2081/92: "the promotion of products having certain characteristics could be of considerable benefit to the rural economy, in particular to less-favoured or remote areas, by improving the incomes of farmers and by retaining the rural population in these areas".

By focusing its protection effort to the most valuable GIs, the Commission partially undermines these arguments sometimes given to justify the protection of GIs through means other than standard trademarks.

Even irrespective of these concerns of rural preservation, one could make the case that the approach of protecting only selected lists of GIs constitutes discrimination (O'Connor & Richardson, 2012: 15-17).

5.2 Penny wise, Pound foolish?

While the present analysis has shown that the EU focuses its external protection efforts on GIs that are relevant economically, the overall effort may be questionable from an economic point of view. Indeed, in 2010, only about 1 B€ worth of food GIs was exported outside of the EU. This corresponds to less than 0.01% of EU GDP.

Regarding the FTAs that were concluded, it is hard to assess the cost of the concessions given in return for the protection of GIs (Matthews, 2016). However, it is not unthinkable that these exceed the potential benefits of additional exports of EU GIs. Even more importantly, if it continues treating the protection of GIs as a red line, the EU may never be able to reach an FTA with the US. In this light, the ongoing negotiations with Australia are important to watch.

5.3 Post-materialism and gastronationalism

Based on the numbers presented above, the overall effort of protecting EU GIs externally may not be economically justifiable. Rightly or wrongly, it seems that regarding GIs cultural concerns trump pure economics – consistent with the rise of post-materialist values in affluent societies (Inglehart, 1981).

Clearly, GIs and food culture more generally are important aspects of local and national identity (Broude, 2005). DeSoucey (2010: 433) has used the term "gastronationalism" to refer to the

nationalist attachment to and protection of foods in response to globalization and its "homogenizing tendencies".

A clear illustration of the symbolic importance of GIs is the case of Feta and CETA. In the past, the Greek party Syriza has threatened not to ratify CETA (Christides, 2013), among other reasons because it does not fully protect Feta.[3] This is striking mainly for two reasons. First, under the status quo there is no protection of Feta at all. Second, exports of Feta to Canada in 2011 amounted to only about 4M€ (Malkoutzis, 2016) or roughly 0.002% of Greek GDP. Even if these would have doubled or increased ten-fold through full protection, the potential contribution to Greek GDP seems modest.

Concerns over the protection of GIs are not uniquely Greek. The Italian government has also threatened not to ratify CETA because of insufficient GI protection (Reuters, 2018). Although less of a red line, GIs are in the public eye even outside of Southern Europe: the protection of Bavarian Beer in CETA was closely watched in Germany (Uken, 2015).

5.4 Expectations for EU-Australia

On June 25, 2018 the Council released its negotiating directives for an FTA with Australia. Regarding GIs, it states "The Agreement should provide direct protection […] through the agreement of a list of GIs […] at a high level of protection building upon Article 23 TRIPs" (Council of the EU, 2018: 15). GIs are also mentioned in the summary of objectives on page 5.

Given these objectives and the threat of non-ratification of CETA by Greece and Italy, it seems that no agreement will be possible without the inclusion of at least some GIs. Since CETA already protects 143 GIs, a reasonable lower bound is those 22 GIs that have been consistently listed in all agreements. They are listed in Table 5. It is striking that this list only contains GIs from GI-rich Southern EU countries. As such, it provides qualitative support for H2 concerning high-demand countries – even though no significant quantitative support was found for it.

While most of the products in Table 5 are well-known, some are not. Probably the two least known are Priego de Córdoba (an olive oil from Spain) and Masticha Chiou (a natural gum from Greece). From the perspective of imitation outside of the EU, it hardly seems necessary to protect these products. The reason for their inclusion in all FTAs may be more political. As

[3] While Feta is listed, it is only partially protected. Notably, it is subject to a grandfathering clause that allows existing Canadian producers of 'Feta' to continue, and to a clause which allows potential new producers to refer to their product as Feta-style, Feta-like etc.

discussed, both Greece and Italy have threatened not to ratify CETA because it does not protect enough GIs. When reading press articles, the focus is either on high-profile cases such as Feta, or on the total number of listed GIs. While padding the lists with unknown GIs may not bring much economically, it likely also requires less concessions to the FTA counterparty in return. Hence the listing of unknown GIs may be a strategy by the EU to satisfy gastronationalism while limiting the required concessions.

Table 5. GIs listed in all 11 FTAs.

GI	Country	Category
Brie de Meaux	France	Cheeses
Camembert de Normandie	France	Cheeses
Canard à foie gras du Sud-Ouest	France	Meat Products
Comté	France	Cheeses
Emmental de Savoie	France	Cheeses
Gorgonzola	Italy	Cheeses
Grana Padano	Italy	Cheeses
Jambon de Bayonne	France	Meat Products
Mortadella Bologna	Italy	Meat Products
Parmigiano Reggiano	Italy	Cheeses
Priego de Córdoba	Spain	Oils and Fats
Prosciutto di Parma	Italy	Meat Products
Prosciutto di San Daniele	Italy	Meat Products
Prosciutto Toscano	Italy	Meat Products
Provolone Valpadana	Italy	Cheeses
Pruneaux d'Agen	France	Fruit, Vegetables & Cereals
Reblochon (de Savoie)	France	Cheeses
Roquefort	France	Cheeses
Taleggio	Italy	Cheeses
Ελιά Καλαμάτας (Elia Kalamatas)	Greece	Fruit, Vegetables & Cereals
Μαστίχα Χίου (Masticha Chiou)	Greece	Natural Gums & Resins
Φέτα (Feta)	Greece	Cheeses

6 Conclusion

Through recent FTAs, the EU has been able to expand the international protection of some of its GIs, in spite of opposition by the US. This article presented the first quantitative analysis of GI lists in all relevant FTAs since the 2009 agreement with South Korea. It finds that more valuable GIs are more likely to be listed.

Although the protection of more valuable GIs seems economically sound, there are two potential concerns. The first is discrimination of lower-value GIs. The second is the limited overall economic benefit of externally protecting EU GIs – especially in light of the likely foregone FTAs and concessions needed for FTAs that have been concluded.

For better or for worse, the identity aspects of GIs seem to trump economics. However, given the growing resistance to globalization and the rise of post-materialist values, the price of protecting GIs may be necessary in order to maintain support for free trade across EU member states.

While the data do not statistically support the hypothesis of lobbying by large and GI-rich countries, a list of GIs common to all FTAs clearly shows the dominance of GI-rich Southern EU countries. Since Greece and Italy have threatened not to ratify CETA because of insufficient GI protection, this need not surprise. In line with the argument of two-level games, their potential ex-post veto on CETA gives the Commission a credible red line in negotiations with Australia. While it remains to be seen if Australia will give in, the US pullback from the TPP (to which Australia is a member) seems to make this more likely.

In conclusion, through its FTAs the EU seems to be winning its battle with the US over GIs. This finding is important, because across many policy areas it has been argued that the EU is no longer able to export its regulations (Young, 2015). One can only conclude that EU food really is exceptional.

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8 Appendix

Table 6. Correlations between the regression variables.

Correlations	Listed	PDO	Sales	Export	Votes	GI/Vote
Listed	1.00					
PDO	0.04	1.00				
SalesEst	0.09	0.06	1.00			
CatExport	0.03	0.22	-0.01	1.00		
CtryVotes	0.01	-0.03	0.22	0.08	1.00	
CtryGI/Vote	0.00	0.14	-0.14	-0.06	0.03	1.00