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Exporting protection: EU trade agreements, geographical indications, and gastronationalism

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ABSTRACT

One of the main objectives of EU trade policy is to establish wider protection for its regional specialty foods, known as Geographical Indications (GIs). In spite of US opposition, the EU has successfully considered additional protection for its GIs a red line in recent trade agreements. A key piece to the puzzle of this success is that whereas the literature has typically treated trade and non-trade issues as a dichotomy, GI protection encompasses both trade and non-trade aspects. In the EU, trade agreements are negotiated by the Commission but require member state approval. Both Greece and Italy have threatened not to ratify CETA over insufficient GI protection, so GIs clearly matter. This article develops and tests a theory of GI protection using new data on GIs listed for protection in 11 recent EU trade agreements. It finds that EU trade agreements are more likely to protect GIs with higher sales values and from countries in the South of Europe, where GIs are highly salient because of gastronationalism. These findings illustrate how economic, cultural and political factors shape and enable EU policy exports through trade agreements.

KEYWORDS

Trade agreements; geographical indications; intellectual property; TRIPS; European Union

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). A famous example of a GI product is Parma ham. Recognizing their importance in trade, the Design of Trade Agreements (DESTA) project has coded whether GIs are mentioned in trade agreements (Dür et al., 2014), but provides no details on the protection of individual GIs.[1] In line with the recommendations of Baccini (2019), this article studies the political economy of EU trade policy by providing and analyzing in-depth data on the protection of individual GIs in 11 EU trade agreements.

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GIs are more than a trivial detail in trade agreements. According to a former UK trade negotiator, 'EU geographical indications are the number one 'ask' of the EU in all trade talks' (Foster & Brunsden, 2020). Greece and Italy have threatened not to ratify CETA because of insufficient GI protection (Malkoutzis, 2016; Reuters, 2018). In August 2020, the Cypriot parliament voted against the ratification of CETA because of its failure to protect Halloumi cheese (Moens et al., 2020). Even German media reported on the lack of protection of Bavarian Beer in CETA (Uken, 2015). Any agreement on Brexit will have to deal with GIs (European Commission, 2017; Prescott et al., 2020), and the EU is far from happy with UK proposals to scale back their protection of EU GIs (Rankin, 2020).

This article addresses two puzzles. First, in spite of US opposition and in spite of weak policy exports in other domains, why has the EU been able to export protection of its GIs to its trading partners. And second, why is the EU also seeking and obtaining protection for GIs that are less important from an economic point of view.

To explain why the EU has been relatively successful in exporting its GI policies through trade agreements, this article develops and tests a two-level theory. Most member states are expected to only demand protection for high-sales GIs. However, because GIs are so important to five Southern member states for cultural as well as economic reasons, trade agreements will only be ratified if they protect a sufficient number of GIs from these countries, even economically less important ones. Hence the Commission can credibly threaten that no agreement is possible without protection of high sales GIs and a sufficient number of GIs from the Southern 5. As such, GIs are an offensive red line for the EU (Hogan, 2019). Depending on the willingness of the partner to accept, the Commission will make the necessary concessions in return.

In terms of contribution to the wider International Political Economy (IPE) literature, this article moves beyond the simple dichotomy of trade and non-trade issues (NTIs). It shows how certain countries have both an economic and a cultural, 'gastronationalist' interest in external GI protection. In addition, it expands the scope of NTIs investigated in IPE, since existing literature typically focuses on human rights, labor laws, animal welfare, or environmental protection.

Existing studies on GIs in EU trade agreements are mostly descriptive, focusing on qualitative levels of protection and comparing only a limited selection of agreements. In contrast, this article considers 11 recent trade agreements negotiated by the EU and moves to a quantitative analysis based on its novel coding of the lists of protected GIs. It contributes to the literature on EU trade policy and GIs by developing and testing a political economic theory of GI protection in EU trade agreements. The conclusion is that EU trade agreements are more likely to protect GIs with higher sales values and from countries in the South of Europe, where GIs are highly salient because of gastronationalism. In terms of broader substantive relevance, this article illustrates how economic and cultural considerations interact with political mechanisms in shaping and enabling policy exports.

EU GI policy and the war on terroir

The EU currently counts about 1,400 GIs protecting food items such as Prosciutto di Parma (Parma Ham) or Gouda Holland. They are labeled Protected Designation of Origin (PDO) or Protected Geographical Indication (PGI). On average, such products are sold for about twice the price of similar non-GI products (Chever

et al., 2012). Protected GI names cannot be used by producers outside of the relevant area. As an example, in the EU cheese can only be sold as Feta if it was manufactured in the protected area in Greece according to the product specification.

Domestically, GI policy has been a means of protecting differentiated agricultural products from cheaper competition (Huysmans & Swinnen, 2019; Meloni & Swinnen, 2018; Raustiala & Munzer, 2007, p. 342). In trade, EU protection of GIs within the single market is a defensive tool, functioning as a prohibitive non-tariff barrier to imported imitations.

Protecting GIs outside of the EU mostly constitutes an offensive special interest: the goal is to obtain external recognition and increase product exports. Even though GI producers are the only group who directly benefit from external GI protection, it also appears to be a tool to convince or compensate overall farm lobbies for increased liberalization of agricultural trade, especially in countries like Italy and Greece (Matthews, 2016, pp. 15–16). In more prosaic terms, 'it is always helpful to have some export-oriented food producers balancing the habitual moaning from the import-competing beef farmers' (Beattie, 2019).

Most EU countries have at least one GI, Malta and Estonia being the exception. However, the vast majority of GIs is concentrated in the *Southern Five*: France, Greece, Italy, Portugal and Spain. These five countries are strong supporters of mandatory origin labeling of all foods on the EU Single Market (Wanat & Hanke Vela, 2019), and have over 70% of all EU food GIs, and 80% of wine GIs (Huysmans & Swinnen, 2019). Figure 1 illustrates the number of food GIs per country by September 2020.

For the application and registration of each GI, a producer group is required. These producer groups are in contact with their national ministries of agriculture, or the special government agencies responsible for GIs, such as the INAO (*Institut national de l'origine et de la qualité*) in France. At EU level, GIs are administered by the Commission's Directorate General for Agriculture (DG AGRI). While trade policy in general is the responsibility of DG Trade, member states have delegated 'agricultural aspects of international trade negotiations' to DG AGRI (Dür & Elsig, 2011, p. 331).

The EU rationale for protecting GIs on its internal market

The EU argues that there is 'a demand for agricultural products or foodstuffs with identifiable specific characteristics, in particular those linked to their geographical origin' (European Union, 2012, EU 1151/2012 preamble 2). However, 'producers can only continue to produce a diverse range of quality products if they are rewarded fairly for their effort', which 'requires them to be able to correctly identify their products on the marketplace' (European Union, 2012, preamble 3). GIs are argued to have positive welfare effects by improving consumer information: consumers buying Feta in the EU know it was manufactured according to product standards in Greece, and not in Denmark.

Theoretical work by economists supports that this can be the case (Lence et al., 2007; Moschini et al., 2008). By spreading the fixed costs of marketing and certification, GI schemes may allow small high-quality producers to survive even if they cannot afford to build up an individual trademark-protected brand (Moschini et al., 2008, p. 807).[2]

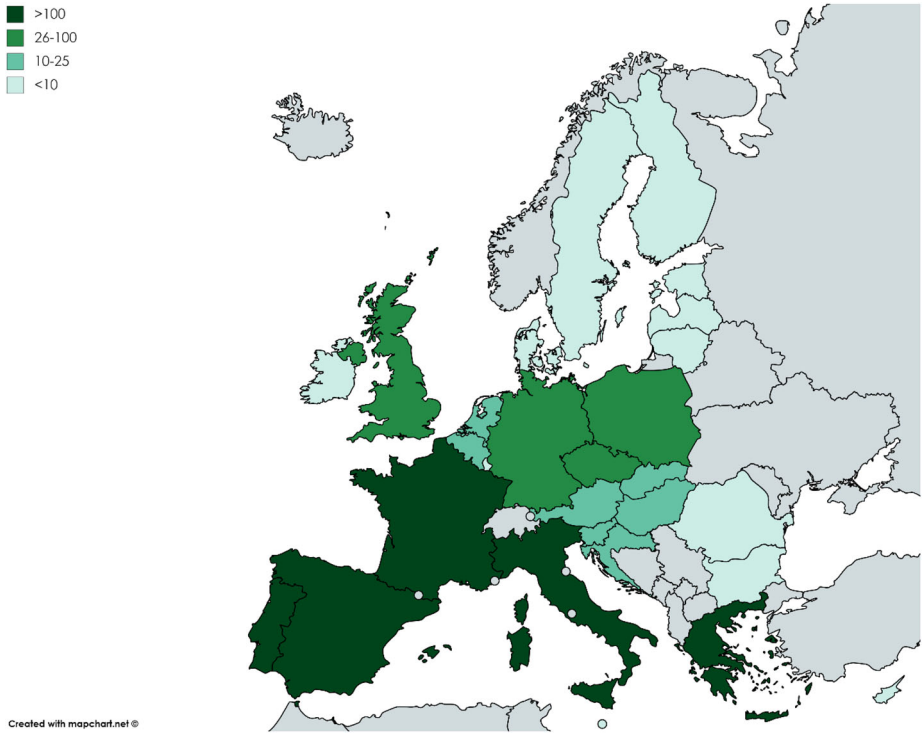

Figure 1. EU-28: food GIs by September 2020.

Clearly, EU GI policy is also about culture. The very first preamble to the EU GI regulation references the Union's 'living cultural and gastronomic heritage' (European Union, 2012). Broude (2005, p. 631) reports that the EU justifies GIs as 'required for the preservation of local traditions, national culture, and cultural diversity'. Sorgho and Larue (2014, p. 10) argue that GI products 'evoke culture and tradition'.

A related argument to the preservation of traditional production methods, is the preservation of rural economies and populations. This argument is mentioned explicitly in Article 1 of regulation EU 1151/2012: 'The measures set out in this Regulation are intended to support agricultural and processing activities and the farming systems associated with high quality products, thereby contributing to the achievement of rural development policy objectives'.

EU objectives for GIs in extra-EU trade

Just like GI policy within the Single Market, EU trade policy on GIs is clearly about more than just economics, but also about gastronationalism. Indeed, in 2010, only about 1 B€ worth of food GIs was exported outside of the EU (Chever et al., 2012). This corresponds to less than 0.01% of EU GDP. While the number of food GIs has grown from about 900 in 2010 to about 1,300 in 2017 and extra-EU exports of food GIs have risen from about 1B€ to about 1.8B€ over the same period (AND-International, 2019, p. 18), no generally robust additional effect of

the legal protection of GIs on top of having a GI and trade agreements was found by Huysmans and Curzi (2020).

A clear illustration of the symbolic importance of GIs in certain countries is the case of Feta and CETA. The Greek party Syriza has threatened not to ratify CETA (Christides, 2013) because, among other things, it does not fully protect Feta.[3] This is striking for two reasons. First, under the status quo there is no protection of Feta in Canada at all. Second, exports of Feta to Canada in 2011 amounted to only about 4 M€ (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.

In a sociological study, DeSoucey (2010, p. 433) has used the term 'gastronationalism' to refer to the attachment to and protection of foods in response to globalization and its 'homogenizing tendencies'. While the fear of homogenization may be overblown, it does seem clear that free trade often benefits mostly large and cost-competitive firms (Baccini et al., 2017). Regarding the Mexican GI Tequila, Bowen and Gaytán (2012, p. 71) have shown the importance of gastronationalism in its development, even if in this case it has been 'mobilized to forward corporate agendas in the global marketplace', i.e. precisely the opposite of safeguarding small-scale traditional production against homogenization. By 2019, the term 'gastronationalism' even appeared in the media in reference to the Southern Five EU countries (Wanat & Hanke Vela, 2019).

In recent years, economists have started paying attention to identity politics in trade policy (Grossman & Helpman, 2018). Arguably, gastronationalism is one form of identity politics. If consumers identify with regional specialty foods, maintaining popular support for free trade agreements will require some form of protection for these foods. Outside of the EU context, Bestor (2014) has argued that Japan uses 'gastrodiplomacy' to 'promote, protect, and prove the essence of culinary authenticity, internationally and domestically'.

EU GIs are only partially protected outside the Single Market. The agreement on Trade Related Aspects of Intellectual Property (TRIPS) specifies minimum standards for WTO members. Under Article 23 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 food GIs (Addor & Grazoli, 2005; Vittori, 2010).

Under Article 22, GI producers who wish to stop the use of a GI name by others have to prove that consumers are being misled or that there is an act of unfair competition. The simple addition of the true origin (e.g. US Feta) already rules this out, making litigation unlikely to succeed and rare (Addor & Grazoli, 2005, pp. 878–883). Under Article 23, with some exceptions for prior use, GI producers wanting to stop illegitimate use only have to show that a product does not originate from the GI region (Addor & Grazoli, 2005, p. 882). Hence this article focuses on food GIs, for which the explicit protection in trade agreements makes a bigger difference.

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 trade agreements: 'In the new generation of FTAs a satisfactory GI Chapter is a "must have" for the EU' (DG AGRI, 2012, p. 8). This statement is not just position-taking by

DG AGRI: scholars have indeed observed that for the EU, GIs 'have become a key element in negotiating trade agreements' (Morin & Surbeck, 2020, p. 111). The 2009 Free Trade Agreement (FTA) with South Korea was the first in this series (Elsig & Dupont, 2012).

While not explicitly naming the Southern Five, the Commission's DG AGRI (2012, p. 4) admits that its insistence on GI protection in trade agreements is driven by economic reasons as well as non-economic reasons for a subset of member states:

> *Besides this economical importance, it should be recalled that GI's carry a strong political weight in international negotiations, in particular for certain Member States who see it as a crucial offensive interest. For this reason, today, it would not be conceivable to negotiate a Free Trade Agreement (FTA) without an appropriate chapter on GIs.*

The EU commitment to GI protection in trade agreements remains strong. Recently, the EU has started negotiations for a trade agreement with Australia and New Zeeland. As per its mandate from the Council, the Commission will have to ensure that any agreement provides '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, p. 15). In a speech in Australia, Agriculture Commissioner Hogan reaffirmed the EU commitment to GIs: 'On the offensive side, we have strong red lines […] on Geographical Indications' (Hogan, 2019).

The 'War on Terroir' and EU policy exports

Detractors of GIs, such as the US, argue that they stifle competition and innovation, and that they are a form of unnecessary protectionism given the possibility of using private trademarks (Osgood & Feng, 2018). A major US objection is that the EU has granted GI protection for some high-profile names which the US considers generic types of products, such as Feta cheese (Beattie, 2019; Matthews, 2016).

The different appraisal of GIs between EU and US has resulted in an ongoing conflict, dubbed the 'War on Terroir' by Josling (2006). Recently, the conflict became apparent during the negotiations over the Transatlantic Trade and Investment Partnership (TTIP), where GIs were a major stumbling block (Beattie, 2019; Hough, 2016; Matthews, 2016; Michalopoulos, 2016; Young, 2016, p. 360). In the past, ASEAN countries were reluctant to succumb to the EU on GIs for fear of jeopardizing negotiations with the US (Meissner, 2016, p. 329).

Part of the reason the US opposes GIs is that concessions to the EU by third countries also affect US exporters. When Canada agreed to protect EU GIs, US exporters to Canada had to stop using these names. This explains why the US was not in favor of Korea and Canada protecting EU GIs, and why the Consortium for Common Food Names is supported by the US Patent and Trademark Office.

Given the fundamental disagreement on GIs, studying them 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 in terms of

policy export. It also explains why the UK is seeking to reduce its GI obligations to the EU after Brexit, hoping to facilitate a US-UK deal (Foster & Brunsden, 2020). Some commentators have concluded that 'The EU's disputed system of geographical indications is taking over the planet' (Livingstone, 2017).

Of course, optimism on the EU's recent success in exporting its GI policies 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; Sbragia, 2010).[4] In addition, in many areas other than GIs the EU's capacity to export its policies and regulations through trade deals seems to have declined significantly.[5] Young (2015) argues that the EU is afraid that opposition in the partner countries to EU regulations might block potential agreements altogether. This article puts forward the argument that because of strong demands for protection from Southern EU member states, GIs seem to be the exception to this overall assessment: the EU would rather forego a trade agreement than conclude one without GI protection.

Recent EU trade agreements

This article studies all EU trade agreements that protect lists of foodstuff GIs and for which negotiations have been concluded in the period 2009 – 2017. It does not include standalone agreements on GIs nor trade agreements that only protect wine or spirits GIs. It also excludes the Stabilization and Association Agreements (SAAs) with the Balkan countries: they have been signed before 2009, with the exception of the Kosovo agreement which protects all registered EU food GIs.

The resulting 11 agreements are listed in Table 1. By WTO standards they are all Free Trade Agreements (FTAs), but the names in the table are the names used by the EU. They are listed according to the end date of negotiations. The table also lists the years of signature and of provisional application. Because ratification by 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 from September 2017. Once the member states have ratified, the agreements come into complete effect.

The agreements with South Korea, the Andean countries (Columbia, Peru and since 2017 Ecuador), Singapore and Vietnam are simply called FTAs.[6] 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).[7]

The last column of Table 1 shows the disparity in the number of listed food GIs. While the Andean FTA protects only 34 GIs, the DCFTA with Moldova protects 852. Figure 2 illustrates the share of GIs listed in these 11 agreements per EU-28 country. To compute the shares, observations were limited to GIs registered at the latest in the calendar year before the conclusion of negotiations. While there are some differences with Figure 1, again the Southern Five stand out: France,

Table 1. Overview of EU trade agreements and the number of food GIs protected.

Order	Counterparty	Type	Negotiated	Signed	Provisional	GIs
1	South Korea	FTA	2009	2010	2011	60
2	Andean	FTA	2010	2012	2013	34
3	Central America	AA	2010	2012	2013	88
4	Ukraine	DCFTA	2012	2014	2016	811
5	Georgia	DCFTA	2013	2014	2014	805
6	Moldova	DCFTA	2013	2014	2014	852
7	South Africa	EPA	2014	2016	2016	110
8	Canada	CETA	2014	2016	2017	143
9	Singapore	FTA	2014	2018	2019	83
10	Vietnam	FTA	2015	2019	2020	59
11	Japan	EPA	2017	2018	2019	78

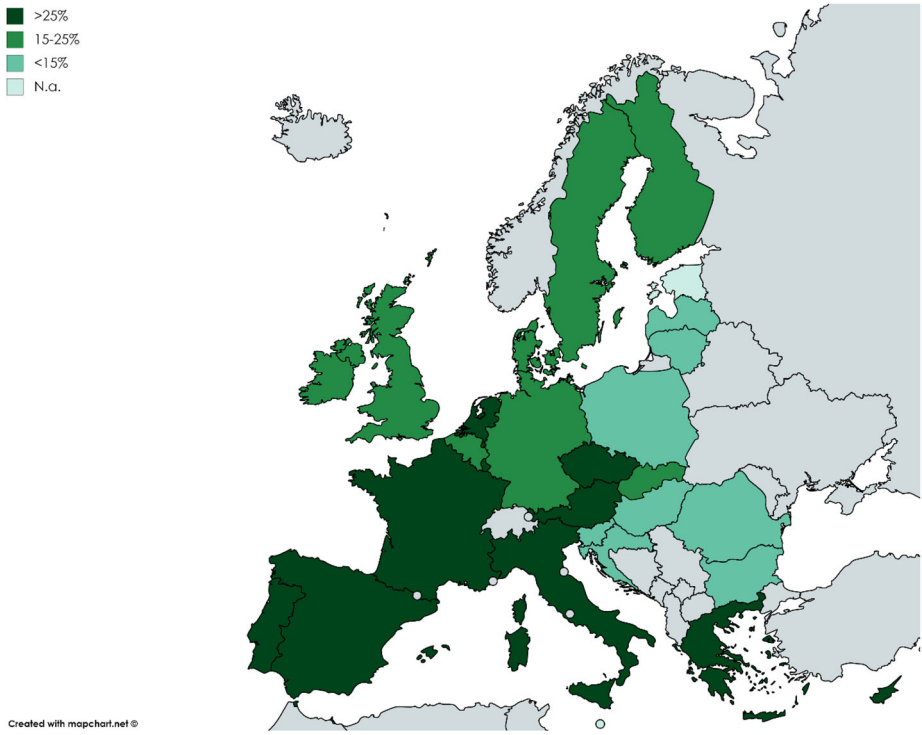

Figure 2. EU-28: fraction of GIs protected in 11 trade agreements.

Greece, Italy, Portugal, and Spain. Not only do they have far more GIs, but they also have a higher probability of protection in trade agreements.

Qualitative aspects of GI protection

While O'Connor and Richardson (2012) analyze lists of protected GIs, their analysis remains descriptive and limited to three trade agreements (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.

Table 2. GIs listed in all 11 trade agreements.

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

Table 2 gives an overview of the GIs listed in all 11 agreements. It is striking that this list only contains GIs from the Southern Five. While most of the products 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).[8] From the economic perspective of imitation outside of the EU, it hardly seems necessary to protect these products. The reason for their inclusion in all agreements may be cultural demand and a favorable political process more than anything else. As discussed, both Greece and Italy have threatened not to ratify CETA because of too limited GI protection. While padding the lists with unknown GIs may not bring much economically, it is likely to lead to less concessions to the counterparty in return. Thus, the listing of (relatively) unknown GIs from the Southern Five appears to be a strategy by the EU to satisfy gastronationalism while limiting the required concessions.

Engelhardt (2015) studies 5 EU trade agreements: 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 related to GIs. 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 trade agreements provide for equally strong administrative enforcement of GI protection.

Matthews (2016) compares a set of EU agreements to a set of US agreements, in order to predict 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) that was 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 the protection of listed GIs in Vietnam may be invalidated later on. Partial exceptions were also made for prior users of the terms Feta and other listed GIs.

To conclude, existing literature has established two main findings. First, it shows that across EU trade agreements the lists of protected GIs as well as the protection level differ. Second, it shows how the conflict between EU and US has affected their preferential trade agreements with third parties. Building on this prior literature, this article develops and tests a theory of GI protection in EU trade agreements.

A Theory of EU GI trade policy

How agreements are negotiated

EU Trade agreements are negotiated by the European Commission, on mandates from the Council of the European Union (Dür & Zimmermann, 2007). The final agreement needs to be approved by the Council and, since the Lisbon Treaty, also the European Parliament. The Council, where the member states are represented, operates de facto by consensus.[9] As stated by De Bièvre (2018, p. 79): 'all big EU trade deals have been approved by consensus (no votes cast) or even strict unanimity'. This means that the Commission has to devise compromises that are acceptable to all member states, also taking into account non-trade issues (Lechner, 2016).

In principle, trade is an exclusive EU competence. However, since these agreements often also include state-investor dispute settlement (Dietz et al., 2019), the Court of Justice of the EU has ruled in relation to the Singapore FTA that similar mixed agreements also need to be ratified by the parliaments of the member states (Opinion 2/15 CJEU). Even before this ruling, the Commission decided that CETA was to be ratified by the national parliaments. On top of consensual decision-making in the Council, this means that in these cases the EU national parliaments have an explicit ex-post veto on mixed agreements.

Given the difficulty of pleasing all member states and trading partners, in order to secure any agreement at all, issue linkage or 'package deals' are necessary (Davis, 2004; Dür, 2007; Mansfield & Milner, 2012; Moerland, 2017, pp. 763–764). Of course, if a partner is completely unwilling to accept GI protection, it means that no deal is possible at all; a predicament that seems to apply to EU-US trade negotiations.

By integrating GIs into broad trade agreements, all EU member states as well as the negotiating partner can benefit from the final agreement; the 'institutional context' of comprehensive trade negotiations supports the combination of multiple issues 'to change the balance of interests in favor of a negotiated agreement' (Davis, 2004, p. 153). The idea of GI protection through issue linkage is not new: as argued by Heron (2011), developing countries may be willing to strengthen intellectual property protection in exchange for increased access to the EU market.

In order to ensure ex-post approval from the member states, the Commission bases its demands regarding GIs on their input. Responding to a written question from an Italian member of the European Parliament, trade Commissioner Malmström wrote about the GIs protected in CETA: 'These GIs are among the most traded EU and Italian GIs and have been selected on the basis of priorities requested by Member States' (Malmström, 2017).

Interest groups and lobbying

The interests of GI producers are represented through industry associations at different levels. Each GI has its own producer group (Deconinck et al., 2015). For instance, the French PDO cheese Beaufort is held by the *Syndicat de Défense du Fromage Beaufort*. Sometimes they form regional alliances such as 'Fromages de Savoie', which groups 8 GI cheeses from the French Savoie region. Some product categories have national alliances, such as the French grouping of dairy GIs, CNAOL (*Conseil national des appellations d'origine laitières*). All of these groups can potentially lobby their governments for inclusion in the priorities sent to the Commission.

Local and national groups also form international federations. For instance, all of the groups mentioned above are members of the Organization for an International Geographical Indications Network (OriGIn). It represents around 500 members, and is included in the Commission's civil dialogue group on international aspects of agriculture. This illustrates how in addition to representation *via* the member states, interest groups and especially European federations can also lobby the Commission directly (Dür & Elsig, 2011).

A search in the EU Transparency Register reveals that several producers, producer groups and federations have indeed registered for lobbying EU institutions. The French company Lactalis, which produces 24 PDO cheeses, targets trade policy issues. Among other things, the producer group for Asiago cheese indicates that it has targeted CETA and the EU-Japan agreement. The producer group for Comté cheese targets promotion on global markets. The Dutch dairy federation NZO, which registered the PGI Gouda Holland, lobbies on trade. The French NGO AREPO (*Association des régions européennes des produits d'origine*) seeks to promote regional foods in Europe and worldwide, targeting, among other things, international agreements. The Portuguese federation Origin Portugal/Qualifica is active with 7 full-time equivalent staff; lobbying for the defense and promotion of geographical indications in Portugal and worldwide is one of its objectives.

In light of this lobby, we would expect the member states and Commission to focus on obtaining protection for GIs with a high export potential. One predictor for export potential is current sales. Based on the Melitz (2003) model of trade, the opposite hypothesis is also viable, since GIs with large sales are likely to already be competitive in exports (Curzi & Olper, 2012). However, this requires that they are safeguarded from imitation under the same name; otherwise their price premium risks being eroded (Meloni & Swinnen, 2018; Winfree & McCluskey, 2005). So even though high sales GIs might already be more competitive in exports than low sales GIs, they can still be expected to lobby more in order to maintain their price premium in export markets.

While partner countries may also be likely to oppose the protection of valuable GIs, the logic of lobbying and collective action (Grossman & Helpman, 1994; Olson, 1974) would favor the GI producers. They are already organized, as GI

registration requires producer groups. In addition, the benefits of protection for them are likely to be more concentrated and politically relevant than the domestic and trade diversion costs for the partner country. Indeed, the producers of competing non-GI products that are forced to change names can be located in the partner country, but also in any country exporting to it. This means that part of the costs of conceding protection will fall outside of the partner country. For instance, if in a future FTA with the EU Australia would start protecting Feta, producers in the US exporting 'Feta' to Australia would have to change the name of their product.

High-demand countries

As explained, EU trade agreements require ex-post approval from the member states. Recent agreements require explicit ratification by all individual member states, but also in the past the Council de facto only ratified if there was a consensus (De Bièvre, 2018). This means that countries have an ex-post veto if they feel that an insufficient number of their GIs is protected. Anticipating this, the Commission is likely to focus on GIs from countries where they are highly salient, and the demand for protection is high. Indeed, such high demand countries might otherwise not approve the agreement.

High demand for (external) GI protection is likely to stem from different sources such as better or more differentiated food, strong agricultural and GI lobbies, limited cost-competitiveness, public salience of GIs, and gastronationalism (DeSoucey, 2010; Huysmans & Swinnen, 2019; Wanat & Hanke Vela, 2019). Where gastronationalism is at play, the protection of a GI in a trade agreement is a symbolic affirmation of its value, an expression of national identity, and a source of pride. Each protected GI externally strengthens the (perceived) food culture of the relevant country. In terms of getting the agreement ratified, each protected GI undermines the notion that free trade only promotes cost-competitive large firms and uniform foods.[10] To secure the support of countries with high levels of gastronationalism the Commission may also choose to protect GIs with less export potential, especially given that the partner concerned will be likely to require less concessions in return.

This hypothesis on the inclusion of economically less important GIs ties in with the notion of symbolic regulation as defined by Peacock (2018, p. 10) in her dissertation on human rights in preferential trade agreements: 'the creation of regulation can also serve as a visible reassurance mechanism designed to appease regulatory advocates rather than to regulate'.

An anecdote illustrates the importance of the agricultural lobby in countries like Italy. The announcement that Italy would not ratify CETA because of insufficient GI protection was made by deputy prime minister Di Maio during a speech to the national farming association Coldiretti (Reuters, 2018). To date, Italy has not ratified CETA.

Partner interests and concessions

Based on EU documents and statements by EU trade and agriculture Commissioners, I have posited that the protection of at least some GIs is an offensive red line for the EU: it will not conclude trade agreements without it. The

hypothesized two-level mechanism is the willingness of some member states to veto the agreement otherwise (Dür & Elsig, 2011, p. 329). This is consistent with, though not strictly proven by, the fact that since 2009 the EU has only concluded trade agreements that protect GIs, and that Greece and Italy have threatened not to ratify CETA because of insufficient GI protection.

For Greece, the main issue with CETA is the partial protection of Feta (Malkoutzis, 2016). Notably, it is subject to a grandfathering clause that allows existing Canadian producers of 'Feta' to continue using the name, and to a clause which allows potential new producers to refer to their product as Feta-style, Feta-like etc. While CETA protects more than 40 Italian GIs, Deputy Prime Minister Di Maio and the Italian farm lobby Coldiretti are not satisfied (Reuters, 2018). So far, neither Greece nor Italy have ratified CETA, nor have any GIs been added to CETA due to the threat not to ratify. In August 2020, the Cypriot parliament voted against ratification, because CETA does not protect Halloumi cheese (Moens et al., 2020). Since Cyprus has not yet notified the Commission that its failure to ratify is definitive, CETA is still provisionally applied. In theory, Halloumi or other products could be added to the deal '*via* a decision of the joint committee' without reopening the treaty, though this seems unlikely to be practically feasible (Moens et al., 2020). In any case, these events prove that threats of not ratifying trade agreements ex-post because of GIs are not fully empty.

When discussing the role of GIs in TTIP negotiations, the then EU trade Commissioner De Gucht explained to the House of Lords that a deal would be very difficult without the protection of at least some GIs (House of Lords, 2014, p. 46). De Gucht also anticipated that GI protection would prove to be a counterweight for concessions on US offensive interests such as larger beef quota (House of Lords, 2014, p. 46). This is consistent with the notion that GI protection is an offensive red line for the EU, and that it is prepared to make concessions in return. Matthews (2016, p. 15) confirms this: 'Previous agreements on GIs […] were successful because the EU offered additional market access'.

If the Commission seeks to ensure adoption, it will make sure to at least protect the GIs that member states care about most. Indeed, Trade Commissioner Malmström has stated that trade volumes and member state priorities are taken into account (Malmström, 2017). In interviews with the author, employees of national ministries of Agriculture have confirmed that they transmit priority lists to the Commission. After high-priority GIs, the Commission may seek protection of additional GIs if the cost is not too high.

From a concessions-trading perspective, a GI is more likely to be protected by a partner who faces lower protection costs, and therefore has no credible reason to demand more concessions. Given the limited number of 11 agreements and partners, this article focuses on the demand for protection rather than the supply. Nonetheless, to avoid bias in the estimation of demand-side variables, a series of partner characteristics will be controlled for and remaining variation at the partner level will be absorbed using agreement fixed effects.

Hypotheses for testing

Based on the theory discussed above, this section establishes three key hypotheses regarding GI protection in EU trade agreements.

First, the Commission negotiates trade agreements on behalf of the member states and with input from interest groups. Through interest groups at different levels of aggregation, GI producers can lobby member states and the Commission directly. As a result, the Commission may be expected to focus on GIs with higher export values. While partners may also have more objections to protecting such GIs, part of the costs will be for third country producers. In addition, based on its mandate from member states, the Commission sees GI protection as an offensive interest and will make concessions if needed.

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

Second, the Commission seeks to have its negotiated trade agreements ratified. Considering GIs, it is likely to focus on GIs from countries with a high demand for protection, i.e. countries that might refuse to ratify an agreement protecting too few of their GIs.

H2: GIs from high demand countries are more likely to be protected.

Third, while most member states are expected to care about GIs for their export value, high demand countries also care about the protection of GIs for broader cultural and symbolic reasons. Hence, the hypothesis is that the Commission also seeks protection for GIs from those countries with lower export values, especially because less concessions will likely have to be made in return.

H3: For high demand countries, export value matters less for protection.

Data

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

Dependent variable and predictors

The starting point of the analysis is an overview of all GIs registered in the EU, collected from the Commission's DOOR database, which has recently been replaced by the database eAmbrosia. The dependent variable, *Listed*, is 1 for GIs that are listed for protection in a given agreement and 0 otherwise. It has been newly coded from the annexes to the 11 agreements of Table 1. Since the last-minute addition of new GIs to agreements seems unlikely, the main analysis limits observations to GIs that had been registered one year before negotiations were concluded. This leads to a total of 11,510 observations. Robustness checks reported later use longer lags.

Since there is no systematic public data on the export of GIs, H1 will be tested with two proxy variables. The first proxy, *ln(Sales)*, is the log of estimated 2010 sales in euros. 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 estimated sales are GI sales divided by the number of GIs in that country-category. If for reasons of confidentiality the figures for a certain country-category combination are omitted in Chever et al. (2012), the average value in that category across countries is used. This imputation of category-level data instead of country-category data has been applied

in 42 out of 156 observed country-category combinations, and for 21.9 percent of observations. A robustness check reports results without category-level data.

Sales is a rough proxy, but it is the best systematically available data. On average, there are 76 GIs per country-category. Based on data provided by EUIPO (2016), the average sales value of the top 10 GIs (including wine and spirits) is 1.3B€.[11] Comparing this to the maximum country-category sales estimate of 103 M€, it is clear that in practice GI values have much more variation than the proxy. The resulting measurement error means that there will be attenuation bias in the results: the true effect of sales is likely to be larger than the coefficient of the proxy.

The second proxy for export value is *CatExport*, also taken from Chever et al. (2012). It gives the share of GI value exported outside of the producer country. This data is only available at the GI category level, e.g. '1.1 Fresh Meat'. Hence the variable is a rough proxy for how much of a given GI is exported. However, it might appear less rough if one keeps in mind that more or less category-specific value-to-weight ratios are likely to be important drives of the ability to export GI products.

Unfortunately, trade data are not generally suitable for a systematic analysis at GI level. GIs are classified in broad categories with no direct mapping to trade data, e.g. GI class 1.2 for processed meat products. Internationally, trade data reporting is standardized in a Harmonized System up to 6 digit codes (HS6). However, they are far too broad for an analysis at the product level. For instance, HS6 code 160100 is the code for sausages. Any exports of any sausages (whether GI or not) will be recorded in this category. The EU reports more fine-grained data based on its eight-digit Combined Nomenclature classification (CN8), but even these categories tend to be very broad e.g. code 16010091 groups sales of uncooked sausages. Nonetheless, a robustness check will use a mapping of CN8 trade data to cheese GIs developed by Huysmans and Curzi (2020); for cheese, the CN8 classification is relatively specific, e.g. code 04069032 refers to Feta.

To test H2 on high demand countries, the dummy *Southern5* is 1 for France, Greece, Italy, Portugal and Spain. Other measures for high demand countries are reported as robustness checks. The Southern Five are well known for their food and food culture, and have high levels of gastronationalism (DeSoucey, 2010): they have long-standing national GI regulations and have registered their food culture with UNESCO (France in 2010 and the Mediterranean countries in 2013). Within the EU, these five countries are in favor of mandatory origin labeling for all food products (Wanat & Hanke Vela, 2019). This shows that these countries are proud of their food cultures, and willing to invest resources in protecting them.[12] For them, receiving external protection of GIs matters beyond the direct sales of individual GI products: it is also a validation of the broader food culture they value and benefit from. Hence, they may refuse to ratify agreements because of GIs.

If both *ln(Sales)* and *Southern5* have positive coefficients, H3 can be tested by interacting them. The expectation is for the interaction effect to be negative but small, so that the effect of *Southern5* is strongest for low-sales GIs.

Control variables

The variables *NatlCuisine* and *CAP* are other potential measures of high demand. *NatlCuisine* codes the share of restaurants in the capital city serving the national cuisine, based on data from TripAdvisor. It attempts to code gastronationalism in a

more continuous way. *CAP* is the amount of subsidies in million euros that was allocated in 2010 to each EU country under the Common Agricultural Policy. It is a measure of how dependent countries are on agricultural protectionism.

While I have argued that all countries have an ex-post veto, one may still expect larger countries to have more influence, irrespective of whether they have high demand for GI protection. Given potential correlation between *Southern5* and country size or influence, omitting a measure thereof might bias the coefficient of *Southern5*. To control for this, *CtryVotes* registers the number of country votes in the Council under the rules of the Nice Treaty, which applied up to 2014. Robustness checks will use shares of EU population and Shapley-Shubik power indices instead.

At the GI level, three control variables are used to limit omitted variable bias. More established GIs may be more likely to be protected simply because of their age, so *YearReg* controls for the year a GI was registered in the EU.[13] The second, *PDO*, is 1 for GIs that are registered as Protected Designations of Origin (PDOs) rather than Protected Geographical Indications (PGIs). PDOs require all production steps to take place in the geographical area, versus only one step for PGIs. Given that they are stricter and more in line with older member state systems such as the AOC in France, PDOs may have higher margins than PGIs, leading to more producer lobbying and perhaps more protection. Finally, a listing in previous trade agreements may make being listed again more likely. The variable *Listed before* gives the number of times a GI has been listed in previous agreements as ordered in Table 1. It could capture path-dependency at the GI-level or inertia in the demands made by the Commission, but it certainly captures unobserved heterogeneity at the GI-level, such as a GI's true export value.

Four partner characteristics are also included in the controls. They are measured in the year negotiations for the agreement were concluded. The dummy *GIsystem* is 1 for partners that had their own GI system in place and therefore may be more likely to accept protecting EU GIs (Raimondi et al., 2020). To control for bargaining power, *GDPEUPartner* gives the ratio of EU GDP to partner GDP, using Worldbank data. To account for EU leniency towards developing countries in the global South, the dummy *SouthDevp* is 1 for the Andean, Central America, and Vietnam agreements. To control for more concessions being exchanged in deeper agreements, the dummy *DCFTA* is 1 for the Deep and Comprehensive Free Trade Agreements with Ukraine, Georgia and Moldova.

The bilateral dummy *Colonial ties* is 1 for GIs from formerly colonizing countries: Spain for Central America and Andean, the Netherlands for South Africa, France for Canada and Vietnam, and the UK for Canada and South Africa. GIs from former colonizers may be sold and imitated more often, increasing demand for protection. However, on the supply side of protection an opposite effect may play: former colonies may resist protection of GIs from their former colonizers, for instance because they feel that they internalized the knowhow for some GI products and should be entitled to use the original names.

To control for any other unobserved sources of relative bargaining power and other agreement-specific sources of variation, agreement fixed effects are applied.

Table 3 shows descriptive statistics for the main variables. The dependent variable *Listed* is 1 for 27% percent of observations. A correlation table is provided in Table A1 in the *Appendix*.

Table 3. Descriptive statistics.

Variable	N	Min	Max	Average	Source of underlying data
Listed	11,510	0	1	0.27	Agreement appendices coded by author
ln(Sales)	11,495	10.6	18.4	15.7	Chever et al. (2012), country-category
CatExport	11,510	0	0.66	0.22	Chever et al. (2012), category estimate
Southern5	11,510	0	1	0.77	Huysmans and Swinnen (2019)
NatlCuisine	11,510	0.00	0.71	0.48	Tripadvisor
CAP	11,510	0.00	9854	5355	European Commission
CtryVotes	11,510	4	29	23.0	Council votes
YearReg	11,510	1996	2016	2003	DOOR database: year of registration
PDO	11,510	0	1	0.50	DOOR database: PDO vs. PGI
Listed before	11,510	0	10	1.52	Agreement appendices coded by author

Methods and results

The probability that GI i in category k from country c is listed in agreement a is estimated as:

$$p(Listed_{ikca}) = \Phi(\alpha + \beta_1 ln(Sales)_{kc} + \beta_2 CatExport_k + \beta_3 Southern5_c + \gamma X_{ikca} + \delta_a).$$

In this expression, X_{ikca} is a vector of controls and δ_a are trade agreement fixed effects. To account for correlated errors within countries, standard errors are clustered at the country level unless reported otherwise. Note that the data for $ln(Sales)_{kc}$ covers the year 2010 and the first agreement in our sample becomes provisional in 2011, so there is no concern of reverse causality from protection to sales.

The results are reported in Table 4. Model 1 includes only the variables for H1 and H2. To test H3, Model 2 adds the interaction term *ln(Sales)*Southern5*. Model 3 adds all controls mentioned above, and Model 4 adds the agreement fixed effects.

The results confirm all three hypotheses: GIs with higher sales and from the Southern Five are significantly more likely to be protected in trade agreements, but low sales matter less for the Southern Five. As reflected by Figure 3, the effects are of substantial magnitude. It shows that GIs from the Southern Five are more likely to be protected especially at lower sales. This is consistent with H3 and the notion of gastronationalism: for those countries, GI protection is about identity as much as it is about economics.

Keep in mind that *ln(Sales)* is a proxy with measurement error: because there is no better data available covering all GIs, it is an estimate at the country-category level (e.g. Italian cheeses). Hence the coefficient of the (unobserved) true sales value is likely to be higher due to attenuation bias. Indeed, upon inspection of the data it is clear that products are not protected in country-category groups, and that high-sales GIs in a country-category are much more likely to be protected. For instance, in the category of Italian cheeses, Parmigiano Reggiano and Gorgonzola are listed in all 11 agreements, while more obscure cheeses such as Canestrato di Moliterno and Formaggio di Fossa di Sogliano are listed in only 1 resp. 0 agreements. As a further illustration of the variance within country-categories, Table A2 in the Appendix shows the variation in the number of listed Italian cheeses per trade agreement. A robustness check will take advantage of the detailed classification of trade data for cheeses, and use CN8 trade data for that category.

The coefficients for *NatlCuisine* and *CAP* are not significant: they do not seem to capture elements of high demand that are not already captured by *Southern5*.

Table 4. Probit regressions of listed.

Probit of listed	(1)	(2)	(3)	(4)
ln(Sales)	0.052**	0.125***	0.186***	0.123***
	(0.024)	(0.029)	(0.045)	(0.038)
CatExport	0.160	0.228*	0.788***	0.839***
	(0.161)	(0.131)	(0.265)	(0.256)
Southern5	0.278***	1.661***	2.158**	1.636**
	(0.072)	(0.613)	(0.990)	(0.770)
ln(Sales)*Southern5		−0.085**	−0.128**	−0.097**
		(0.038)	(0.059)	(0.042)
NatlCuisine			0.108	−0.104
			(0.857)	(0.668)
CAP			0.000	−0.000
			(0.000)	(0.000)
CtryVotes			−0.004	0.002
			(0.021)	(0.018)
YearReg			−0.107***	−0.095***
			(0.012)	(0.012)
PDO			−0.002	−0.075
			(0.130)	(0.113)
Listed before			0.360***	0.944***
			(0.018)	(0.122)
Partner controls	No	No	Yes	Yes
Agreement FE	No	No	No	Yes
Constant	−1.681	−2.889	208.6	187.9
N	11,495	11,495	11,495	11,495
Pseudo R-squared	0.01	0.01	0.61	0.70
Clusters	25 countries	25 countries	25 countries	25 countries

Robust standard errors in brackets. $^{*}p < 0.1$, $^{**}p < 0.05$, $^{***}p < 0.01$.

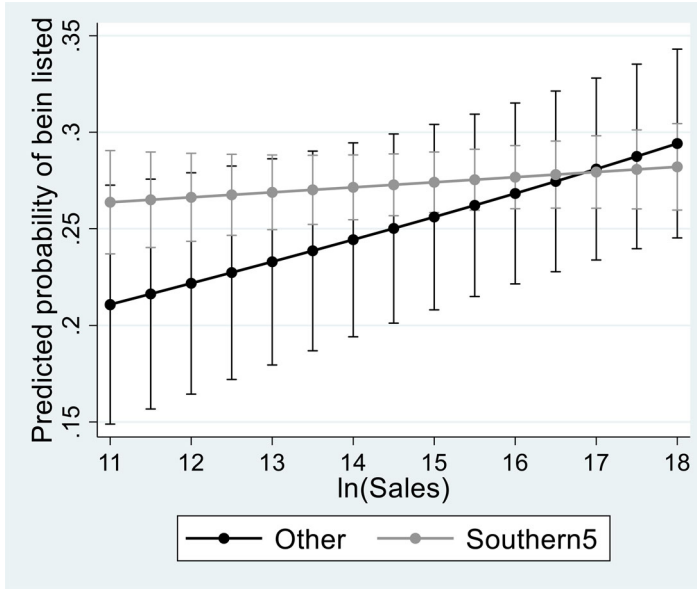

Figure 3. Predicted probabilities based on Model 4.

Consistent with the idea that countries each have an ex-post veto irrespective of their size and voting weight, the coefficient for *CtryVotes* is not significant. This confirms the hypothesis that in the matter of GI protection in trade agreements

high demand is more important than voting weight. As shown by the significant coefficient for *YearReg*, older GIs are more likely to be listed, likely because they are more valuable or more established. The coefficient for *PDO* is never significant, while *Listed before* is always strongly significant.

Omitting category-level data and using trade data for cheese GIs

For cheese GIs, the CN8 classification of trade data is relatively detailed, allowing Huysmans and Curzi (2020) to map GIs to CN8 codes and trade data for the EU's 36 biggest trading partners. While this data is much more GI-specific than the main data used for *ln(Sales)*, some CN8 codes still have multiple GIs from the same country, and also include non-GI sales. For instance, CN8 code 04069078 includes generic non-GI Gouda, Gouda Holland PGI, and Gouda North-Holland PDO. To estimate sales using these trade data, for each country and CN8 code, the 2010 exports are divided by the number of GIs of the country in the CN8 code. For example, the approximation of sales for Gouda Holland PGI and Gouda North-Holland PDO is for each one half of the exports of the Netherlands in the CN8 code 04069078.

Table 5 shows three analyses for cheese GIs. Model 5 simply repeats the baseline Model 4 but for cheese only. The coefficients of interest retain their signs but are no longer significant on this smaller sample. Model 6 drops the observations where the sales data is least accurate, i.e. where Chever et al. (2012) did not report country-category data and category data had to be imputed instead. While the coefficients of interest are not significant in this specification either, they do increase, consistent with attenuation bias in the main results.

As dropping less accurate category-level data indeed leads to results that are more consistent with the hypotheses, it makes sense to expect even stronger results when using the fine-grained CN8 trade data that can be used for cheese GIs. Model 7 confirms this expectation: using actual trade data, the coefficients for *ln(Sales)* and *Southern5* are positive and significant even on this small sample.

Robustness checks

Table 6 reports a set of robustness checks using alternative measures for high demand countries and for voting power. The coefficients of interest retain their sign and are significant throughout. Model 8 adds the *Number of GIs* at the country level. While the coefficient is positive, it is not significant. A possible explanation could be that countries like Germany also have many GIs registered within the EU, but do not have as strong a food culture and demand for protection as the Southern Five (DeSoucey, 2010).[14]

Model 9 adds *Agri VA/GDP*, measured at country level. It gives the share of the added value of the agricultural sector of GDP as reported by Eurostat. Model 10 uses *GI sales/Agri VA*: GI sales relative to the added value of the agricultural sector. The data for total GI sales is from Chever et al. (2012); it is missing for Cyprus, Finland, Slovenia and Sweden. Both the coefficients of *Agri VA/GDP* and *GI sales/Agri VA* are unexpectedly negative but not significant. These results strengthen the idea that the *Southern5* countries care about GI protection for more than economic reasons.

Table 5. Cheese GIs: omitting category-level data and using trade data.

Probit of listed, cheese only	(5)	(6) Drop Cat. level data	(7) CN8 trade data
ln(Sales)	0.129	0.180	0.056***
	(0.132)	(0.156)	(0.018)
Southern5	1.619	2.064	0.609*
	(2.051)	(2.470)	(0.327)
ln(Sales)*Southern5	−0.075	−0.154	−0.027
	(0.113)	(0.152)	(0.024)
NatlCuisine	−0.712	1.003	−0.387
	(1.108)	(1.799)	(0.664)
CAP	−0.000	0.000	0.000
	(0.000)	(0.000)	(0.000)
CtryVotes	0.014	−0.0236	−0.000
	(0.020)	(0.027)	(0.016)
YearReg	−0.073***	−0.074**	−0.073***
	(0.027)	(0.030)	(0.025)
PDO	−0.387	−0.502	−0.295
	(0.237)	(0.313)	(0.204)
Listed before	0.825***	0.850***	0.815***
	(0.194)	(0.226)	(0.193)
Partner controls, FE	Yes	Yes	Yes
Constant	144.6	146.3	144.9
N	2,217	1,876	2,217
Pseudo R-squared	0.66	0.67	0.67
Clusters	19 countries	10 countries	19 countries

Robust standard errors in brackets. *$p < 0.1$, **$p < 0.05$, ***$p < 0.01$.

Model 11 replaces *CtryVotes* by EU population share based on Eurostat population data. It includes Croatia as of 2013. Just like *CtryVotes*, *Population share* is not a significant predictor of GI listing in trade agreements, while *Southern5* remains significant. Model 12 replaces *CtryVotes* by *Lisbon power share*, the Shapley Shubik index under the Lisbon voting rules for qualified majority in the Council (Widgrén, 2009). Surprisingly, the coefficient for *Lisbon power share* is negative, but it is not significant. *Southern5* remains significant, even controlling for the alternative measures of power. This confirms that high demand is more important than a country's voting power in getting its GIs protected in trade agreements.

The Table A3 in the Appendix reports four further robustness checks. Model 13 clusters the standard errors at the GI level rather than the country level. Model 14 only codes *Listed* as 1 for GIs that have been fully listed, i.e. no grandfathering for existing producers or other exceptions were made. For instance, since Feta was not fully protected in CETA, in this model it is coded as a 0 for Canada. In total, only 27 observations are affected, and results are very similar to model 4, if even a little more significant. Model 15 varies the time that needs to elapse between a GI registration and the end of trade negotiations for it to be used as an observation from one year to two years. Overall, neither the significance nor the magnitude of the coefficients varies much across these different specifications. Finally, Model 16 splits out the Southern Five; while all have similar positive coefficients, none is significant on its own.

Conclusion

Through recent trade agreements the EU has been able to expand the international protection of its GIs, despite opposition by the US. This article presented the first

Table 6. Robustness checks: alternative measures of high demand and voting power.

Probit of listed	(8) Number of GIs	(9) Agri VA/GDP	(10) GI sales/Agri VA	(11) Population share	(12) Lisbon Index
ln(Sales)	0.123***	0.120***	0.150***	0.124***	0.126***
	(0.038)	(0.039)	(0.042)	(0.043)	(0.042)
CatExport	0.849***	0.840***	0.864***	0.842***	0.844***
	(0.256)	(0.256)	(0.258)	(0.252)	(0.253)
Southern5	1.650**	1.611**	1.731**	1.660**	1.687**
	(0.758)	(0.762)	(0.796)	(0.832)	(0.817)
ln(Sales)*Southern5	−0.099**	−0.093**	−0.125**	−0.099**	−0.102**
	(0.041)	(0.042)	(0.042)	(0.050)	(0.049)
NatlCuisine	−0.278	−0.088	0.768	−0.099	−0.088
	(0.785)	(0.671)	(0.886)	(0.665)	(0.671)
CAP	−0.000	−0.000	0.000	−0.000	−0.000
	(0.000)	(0.000)	(0.000)	(0.000)	(0.000)
CtryVotes	0.000	0.001	−0.008	0.004	0.005
	(0.019)	(0.018)	(0.017)	(0.032)	(0.024)
YearReg	−0.095***	−0.094***	−0.097***	−0.095***	−0.095***
	(0.012)	(0.012)	(0.013)	(0.012)	(0.012)
PDO	−0.072	−0.072	−0.073	−0.075	−0.076
	(0.111)	(0.112)	(0.118)	(0.112)	(0.113)
Listed before	0.945***	0.944***	0.941***	0.943***	0.943***
	(0.122)	(0.122)	(0.125)	(0.122)	(0.122)
Number of GIs	0.001				
	(0.002)				
Agri VA/GDP		−0.004			
		(0.010)			
GI sales/Agri VA			−0.756		
			(0.962)		
Population share				−0.004	
				(0.048)	
Lisbon power share					−0.006
					(0.031)
Partner controls, FE	Yes	Yes	Yes	Yes	Yes
Constant	Yes	Yes	Yes	Yes	Yes
N	11,495	11,495	11,254	11,495	11,495
Pseudo R-squared	0.70	0.70	0.70	0.70	0.70
Clusters	25 countries	25 countries	25 countries	25 countries	25 countries

Robust standard errors in brackets. *$p < 0.1$, **$p < 0.05$, ***$p < 0.01$.

quantitative analysis of GI lists in all 11 relevant trade agreements since the 2009 FTA with South Korea. It finds that more valuable GIs are more likely to be listed, but that sales value matters less for the Southern Five: France, Italy, Greece, Portugal and Spain. These five countries also get frequent external protection for less valuable GIs.

The demand for external GI protection through trade agreements is as much cultural as it is driven by economics. Overall, only about 1 B€ of GIs or less than 0.01% of EU GDP was exported outside of the EU when it began seeking external protection for them (Chever et al., 2012). Even though Greece only exports 4 M€ of Feta to Canada, it has threatened not to ratify CETA because it only partially protects Feta. Clearly, a key factor in the demand for protection is gastronationalism: cultural attachment to food and the desire to protect it as an expression of national identity. This factor is especially strong in the Southern Five: for them, external GI protection is both a trade and a non-trade issue.

It follows from this analysis that both economic and cultural factors explain the demand for external GI protection through trade agreements. Combined with the political process for concluding EU trade deals, they continue to enable the

'paradox of weakness' in EU trade deals. Finding a compromise that all EU countries will agree to is not easy for the Commission. Yet in line with the logic of two-level games, countries' potential ex-post veto gives the Commission a credible red line. This has enabled the EU to successfully convince 11 partners, including Canada, to protect at least some of its GIs.

The implication of this analysis is that the EU will not back down on GIs any time soon, and that comprehensive trade agreements with post-Brexit Britain, Australia and the United States will either protect a minimum of EU GIs or not materialize at all.

One may wonder whether protecting GIs is worth it, especially in light of the likely concessions and the risk of foregoing a trade deal with the US, which seems unwilling to protect EU food GIs other than through individual trademarks. For better or for worse, the gastronationalist appeal of GIs in the Southern Five appears to trump economics. In other words, given the growing resistance to globalization, the price of protecting GIs seems necessary to maintain support for free trade across EU member states.

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

As suggested by Baccini (2019), future research on trade agreements would benefit from studying distributional effects of specific design aspects. The detailed data on the protection of individual GIs presented in this article may be used for precisely this purpose. With this data, future research could study the effect of GI protection on GI producing firms and their generic competitors. A first step in this direction was made by Huysmans and Curzi (2020).

Notes

1. See https://www.designoftradeagreements.org/ for the dataset.
2. Trademarks do not require a link to a geographical location, although they can have one, such as Idaho potatoes in the US (Matthews, 2016). Geographical indications under the EU system are *sui generis*: one of a kind, i.e. not like other trademarks (Josling, 2006). They are tied to a specific region and collective: anyone who operates in the region and respects the product specification can use the GI.
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 using the name, and to a clause which allows potential new producers to refer to their product as Feta-style, Feta-like etc. A robustness check in the empirical analysis codes Feta and other products with similar exceptions as not being protected at all.
4. In November 2019, the EU acceded to the Geneva Act of the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, which is administered by the World Intellectual Property Organization. Outside of the EU, only 5 countries have ratified the Geneva Act so far.
5. On the other hand, Bradford (2020) makes a case for a 'Brussels effect' where market mechanisms outside of international agreements have led to wide adoption of EU regulations in areas such as privacy and food safety.
6. For more background on EU-Andean negotiations on GIs, see Covarrubia (2011).
7. 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).

8. While Prosciutto di Parma generates about 15 million google hits, Mastichi Chiou only hits about 50 thousand.
9. Note that even if a vote would be taken in the Council, the Southern Five countries could block agreement. They represent about 38% of the EU population, while a qualified majority under the Lisbon rules requires at least 65%.
10. Although protecting traditional small-scale producers is one of the stated objectives of EU GI policy, some GIs are actually produced by large firms. The French group Lactalis for instance produces 24 French PDO cheeses. Also outside of the EU, GIs for products like Tequila and Darjeeling tea have been criticized as benefiting mainly large-scale industrial producers (Besky, 2014; Bowen & Gaytán, 2012).
11. As listed in alphabetical order: Bayerisches Bier, Cava, Champagne, Cognac, Grana Padano, Parmigiano Reggiano, Pays d'Oc, Prosciutto di Parma, Rioja, Scotch Whisky.
12. An exploratory survey (N = 67) confirmed much higher levels of gastronationalism in the Southern Five versus other countries with many GIs. The survey ran for three days in the 10 countries with the most GIs: Italy, France, Spain, Portugal, Greece, Germany, United Kingdom, Poland, Czechia, Slovenia (in that order). The average result for the question 'On a scale of 1-10, how proud are you of your country's specialty foods?', was 9.6 for the Southern Five, versus 6.1 for the other five. For the question 'On a scale of 1-10, how important do you find legal protection of EU regional specialty foods outside of the EU (e.g. in Canada)?', the average was 9.2 for the Southern Five, versus 6.4 for the others.
13. Note that more valuable GIs may also have been registered earlier. So including a control for year of registration will produce a conservative estimate of the true coefficient of *ln(Sales)*.
14. See also the footnote in 12 regarding the results of a small-scale survey on this topic.

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