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From: Presidency  
To: Delegations  
Subject: Regulation on geographical indications and quality schemes  
- *Presidency drafting suggestions on Articles 1-52*

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Delegations will find attached revised Presidency drafting suggestions on Articles 1-52 of the abovementioned proposal, its Annex I and recitals 6b, 12a, 18, 25, 32, 35, 58.

Compared to the Commission proposal (7639/22 REV 1 + ADD 1-3), added text is marked in bold and underlined, and strikethrough is used for deleted text. Changes compared to the previous drafting suggestions set out in 15113/22 are indicated in yellow.

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on European Union geographical indications for wine, spirit drinks and agricultural products,  
and quality schemes for agricultural products, amending Regulations (EU) No 1308/2013,  
(EU) 2017/1001 and (EU) 2019/787 and repealing Regulation (EU) No 1151/2012**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) and the first paragraph of Article 118 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,

Having regard to the opinion of the Committee of the Regions<sup>2</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

(...)

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<sup>1</sup> OJ C XX, XX.X.2022, p. XX.

<sup>2</sup> OJ C XX, XX.X.2022, p. XX.

**(6b) For the purpose of this Regulation, first and last name of natural persons and related contact details may appear in the documents the Commission and Member States process in the course of the procedures set out by this Regulation. On the one hand, personal data may appear, albeit rarely, in the procedures for registration, amendment or cancellation of geographical indications and traditional specialities guaranteed, both at Member State and Commission level, where the name of the concerned producer group, or of the opponent, contains the name of a natural person. Personal data may also appear as part of the names of recognised producer groups, processed in relation to the designation of these groups and to the inclusion of their names in the Union register of geographical indications, as well as part of the names of delegated bodies and natural persons, processed in the context of the control procedures for geographical indications and traditional specialities guaranteed, both at Member State and Commission level. On the other hand, personal data are more likely to appear as part of the names of producers who are granted a transitional period in the framework of a procedure for registration or amendment of a geographical indication or of a traditional speciality guaranteed, both at Member State and Commission level. Personal data could also appear as part of the names of the producers included in the list of the producers of products designated by a geographical indication and in the tool delivering the certificates of compliance with the product specification, processed by Member States in the context of the control procedures for geographical indications. The Commission and the Member States may, therefore, be obliged to process information that contains personal data, notably names of natural persons and related contact details.**

(...)

**(12a) Environmental sustainability standards should be understood as standards in the meaning of Article 210a(3) of Regulation (EU) No 1308/2013. Social sustainability standards should be understood as standards going beyond the requirements related to applicable working and employment conditions or employer obligations arising from the legal acts referred to in Annex IV of Regulation (EU) No 2115/2021. Economic sustainability standards should be understood as standards aiming to further contribute to smart, competitive, resilient and diversified agricultural sector ensuring long-term food security.**

(...)

- (18) Protection should be granted to names entered in the Union register of geographical indications with the aim of ensuring that they are used fairly and in order to prevent practices liable to mislead consumers **as well as to strengthen the protection of geographical indications and to combat counterfeiting more effectively, the protection of designations of origin and geographical indications should also apply to domain names on the internet. The same protection should apply to terms that are part of a compound name and are considered not to be generic.** ~~In order to strengthen the protection of geographical indications and to combat counterfeiting more effectively, the protection of designations of origin and geographical indications should also apply to domain names on the internet.~~

(...)

- (25) The relationship between internet domain names and protection of geographical indications should be clarified as regards the scope of the application of the remedy measures, the recognition of geographical indications in dispute resolution, and the fair use of domain names. Persons having a legitimate interest on a geographical indication applied for registration before the registration of the domain name should be empowered to request for the revocation or the transfer of the domain name in case of conflict. **Alternative dispute resolution systems throughout the Union should acknowledge geographical indications as a right to be invoked during such disputes. Intermediary services, in particular online platforms, are increasingly being used for the sale of products, including those designated by geographical indications. In this regard, information related to the advertising, promotion and sale of goods that contravenes the protection of geographical indications provided for in Articles 27 and 43 of this Regulation should be considered illegal content within the meaning of Article 3(h) of Regulation 2022/2065 of the European Parliament and of the Council and be subject to obligations and measures under that Regulation.**

(...)

(32) In order to ensure that they are impartial and effective, the competent authorities designated to perform the verification of the compliance with the product specification should meet a number of operational criteria. Provisions on delegating some competences of performing specific control tasks to ~~product certification~~ **delegated** bodies **and natural persons** should be envisaged to facilitate the task of the control authorities and make the system more effective.

~~(33)~~ Information on the competent authorities, ~~and product certification~~ **delegated** bodies **and natural persons** should be made public to ensure the transparency and allow interested parties to contact them.

(...)

(35) Enforcement of geographical indications in the marketplace, **in accordance with Regulation (EU) 625/2017**, is important to prevent fraudulent and deceptive practices thus ensuring that producers are properly rewarded for the added value of their products bearing a geographical indication and that illegal users of those geographical indications are prevented from selling their products. Controls should be carried out based on risk assessment or notifications from operators, and appropriate administrative and judicial steps should be taken to prevent or stop the use of names on products or services that contravene the protected geographical indications.

(...)

(58) The Commission should be empowered to adopt implementing acts without applying Regulation (EU) No 182/2011 in respect of: registering a name if there is no admissible opposition or in case of an admissible opposition, where the agreement has been reached for geographical indications and traditional specialities guaranteed and if necessary amending the information published, provided that these amendments are not substantial; establishing and maintaining a publicly accessible electronic register of geographical indications and electronic register of traditional specialities guaranteed; granting a transitional period for use of geographical indications following an opposition lodged in the national procedure; cancelling the geographical indications registered in breach with a wholly or partly homonymous geographical indication already applied for or registered; defining the means by which the name and address of competent authorities, **and product certification delegated bodies and natural persons** are to be made public for traditional specialities guaranteed.

(...)

HAVE ADOPTED THIS REGULATION:

## Title I

### General provisions

#### *Article 1*

#### Subject matter

1. This Regulation lays down the rules on:

- (a) **protected designations of origin and protected geographical indications for wine, protected designations of origin and protected geographical indications for agricultural products, including foodstuffs, as defined in Article 5(1)(c), and geographical indications for** ~~geographical indications for wine, spirit drinks and agricultural products;~~
- (b) traditional specialities guaranteed and optional quality terms for agricultural products, **including foodstuffs, as defined in Article 53a.**

For the purpose of Titles I, II and V of this Regulation, with the exception of Chapter 6 of Title II, the term ‘geographical indications’ covers designations of origin and geographical indications for wine, designations of origin and geographical indications for agricultural products, including foodstuffs, as defined in Article 5(1)(c), and geographical indications for spirit drinks.\*

2. The measures set out in this Regulation are intended to support agricultural and processing activities and the farming systems associated with products having special qualities.

## Article 2

### Definitions

1. For the purposes of this Regulation the following definitions shall apply:

- (a) ~~‘producer group’ means any association, irrespective of its legal form, mainly composed of producers or processors of the same product;~~
- (b) ~~‘traditional’ and ‘tradition’, associated with a product originating in a geographical area, means proven historical usage by producers in a community for a period that allows transmission between generations; this period is to be at least 30 years and the said usage may embrace modifications necessitated by changing hygiene and safety practices;~~

**(0a) ‘wine’ means the products referred to in Part II, points 1, 3 to 6, 8, 9, 11, 15 and 16 of Annex VII to Regulation (EU) No 1308/2013;**

**(0b) ‘spirit drinks’, as defined in Article 2 of Regulation (EU) No 2019/787;**

- (c) ~~the definition of ‘labelling’ in Article 2(2), point (j), of Regulation (EU) No 1169/2011~~ **means any words, particulars, trade marks, brand name, pictorial matter or symbol placed on any packaging, document, notice, label, ring or collar accompanying or referring to a given product;**

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\* Moved from Art. 7(1)(a).

(d) ‘production step’ means any stage of production, processing, preparation or ageing, up to the point where the product is ~~in a form~~ **ready** to be placed on the ~~internal~~ market;

**(da) ‘producer’ means an operator engaged in any production step of a product covered by the product specification;**

**(db) ‘operator’ means a natural or legal person who performs activities covered by the product specification;**

(e) ‘processed products’, **as defined in** ~~means food resulting from the processing of unprocessed products within the meaning of Article 2-(m) and (o) of Regulation 852/2004;~~

(f) ‘~~product certification~~ **delegated** bodies’, **as defined in Article 3(5)** ~~means bodies within the meaning of Title II, Chapter III, of Regulation (EU) 2017/625, which certify compliance with the product specification for that products designated by geographical indications or traditional specialities guaranteed ~~comply with the product specification;~~~~

(g) ‘generic term’ means:

- (i) the name of products which, although relating to the place, region or country where a product was originally produced or **placed on the** ~~marketed~~, have become the common name of a product in the Union; and
- (ii) a common term descriptive of types of products, product attributes or other terms that do not refer to **a** specific product;

- (h) 'plant variety denomination' means a ~~a~~ designation of a given variety, that is in common use or officially registered **accepted in a national or Union catalogue** pursuant to Council Directives 2002/53/EC<sup>1</sup>, 2002/55/EC<sup>2</sup>, 2008/90/EC<sup>3</sup> or Council Regulation (EU) No 2100/94<sup>4</sup>, in the language or languages **in which** they are ~~so~~ used or listed, at the date of application for the registration of the geographical indication concerned;
- (i) 'animal breed denomination' means the names of breeds **covered by** ~~in the meaning of Article 2 of~~ Regulation (EU) 2016/1012 of the European Parliament and of the Council<sup>5</sup> that are listed in breeding books or breeding registers. **For species not covered by that Regulation, it means names of breeds which are listed in breeding books or breeding registers under national legislation.** **Such names shall be** in the language or languages **in which** they are ~~so~~ listed, at the date of application for the registration of the geographical indication concerned;
- (ia) 'combined nomenclature' means the goods nomenclature established by Article 1 of Regulation (EEC) No 2658/87; \***

<sup>1</sup> Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species (OJ L 193, 20.7.2002, p. 1).

<sup>2</sup> Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed (OJ L 193, 20.7.2002, p. 33).

<sup>3</sup> Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production (OJ L 267, 8.10.2008, p. 8).

<sup>4</sup> Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights (OJ L 227, 1.9.1994, p. 1)

<sup>5</sup> Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof and amending Regulation (EU) No 652/2014, Council Directives 89/608/EEC and 90/425/EEC and repealing certain acts in the area of animal breeding ('Animal Breeding Regulation') (OJ L 171, 29.6.2016, p. 66).

\* Moved from Art. 7

**1a. For the purpose of Title II, the following definitions apply:**

**(a) ‘product specification’ means the document referred to in:**

**(i) Article 94 of Regulation (EU) No 1308/2013 for wine;**

**(ii) Article 22 of Regulation (EU) 2019/787 for spirit drinks;**

**(iii) Article 51 of this Regulation for agricultural products;**

**(b) ‘single document’ means a document summarising the product specification and referred to in:**

**(i) Article 95 of Regulation (EU) No 1308/2013 for wine;**

**(ii) Article 23 of Regulation (EU) 2019/787 for spirit drinks;**

**(iii) Article 52 of this Regulation for agricultural products.**

**1b. For the purpose of Title III Chapter 1, ‘traditional’ and ‘tradition’ means proven historical usage by producers in a community for a period that allows transmission between generations; this period is to be at least 30 years and the said usage may embrace modifications necessitated by changing hygiene and safety practices.**

### *Article 3*

#### **Data protection**

1. The Commission and the Member States shall process and make public the personal data received in the course of the procedures for registration, approval of amendments, cancellation, opposition, granting of transitional period and control pursuant to this Regulation, Regulation (EU) No 1308/2013 and Regulation (EU) 2019/787, in accordance with Regulations (EU) 2018/1725 and (EU) 2016/679.

2. The Commission shall be a controller within the meaning of Regulation (EU) 2018/1725 in relation to the processing of personal data in the procedure it is competent for in accordance with Regulation (EU) 2019/787, ~~Commission Delegated Regulation (EU) 2021/1235~~<sup>†</sup> **1308/2013** and this Regulation.
3. The competent authorities of the Member States shall be controllers within the meaning of Regulation (EU) 2016/679 in relation to the processing of personal data in the procedures they are competent for in accordance with Regulation (EU) 2019/787, ~~Delegated Regulation (EU) 2021/1235~~ **1308/2013** and this Regulation.

**3a. EUIPO shall be a processor within the meaning of Regulation (EU) 2018/1725 in relation to the processing of personal data linked to its tasks.**

## Title II

### Geographical indications

#### Chapter 1

#### General provisions

##### *Article 4*

##### Objectives

1. — This Title provides for a unitary and ~~exclusive~~ **exhaustive** system of geographical indications, protecting the names of wine, spirit drinks and agricultural products having characteristics, attributes or reputation linked to their place of production, thereby ensuring the following:

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<sup>†</sup> — ~~Commission Delegated Regulation (EU) 2021/1235 of 12 May 2021 supplementing Regulation (EU) 2019/787 of the European Parliament and of the Council with rules concerning applications for registration of geographical indications of spirit drinks, amendments to product specifications, cancellation of the registration and the register (OJ L 270, 29.7.2021, p. 1).~~

- (a) producers acting collectively have the necessary powers and responsibilities to manage their geographical indications, including to respond to societal demands for products resulting from sustainable production in its three dimensions of economic, environmental and social value, and to operate in the market;
- (b) **generating added value by contributing to** fair competition for producers in the marketing chain, **a fair income for farmers and producers and contributing to the achievement of rural development policy objectives;**
- (c) consumers receive reliable information and a guarantee of authenticity of such products and can readily identify them in the marketplace including in electronic commerce;
- (d) efficient registration of geographical indications taking into account the appropriate protection of intellectual property rights; and
- (e) effective **controls,** enforcement and marketing throughout the Union, **including and** in electronic commerce, ensuring the integrity of the internal market.

## *Article 5*

### **Scope**

1. This Title covers:

**a) wine, as defined in Article 2, point (0a) of this Regulation;\***

**b) spirit drinks, as defined in Article 2, point (0b) of this Regulation; and**

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\* Part moved from Art. 7

c) agricultural products, including foodstuffs and fishery and aquaculture products, **intended for human consumption**, listed under Chapters 1 to 23 of the combined nomenclature set out in Annex I to Council Regulation (EEC) No 2658/87<sup>1</sup>, and the additional agricultural products under the combined nomenclature headings and codes set out in Annex I to this Regulation, **except wine and spirit drinks**.

2. The registration and the protection of geographical indications is without prejudice to the obligation of producers to comply with other Union rules, in particular those relating to the placing of products on the market, sanitary and phytosanitary rules, the common organisation of the markets, the competition rules and the provision of food information to consumers.
3. Directive (EU) 2015/1535 of the European Parliament and of the Council<sup>2</sup> shall not apply to the system of geographical indications laid down in this Regulation.

## *Article 6*

### **Classification**

1. Products designated by geographical indications shall be classified according to the combined nomenclature at two, four or six digit level. Where a geographical indication covers products of more than one category, each entry shall be specified. Product classification shall only be used for registration, statistical and record keeping purposes, **in particular for customs authorities**. The said classification shall not be used to determine comparable products for the purposes of protection against direct and indirect commercial use referred to in Article 27(1), point (a).

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<sup>1</sup> Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

<sup>2</sup> Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).

2. The Commission may adopt implementing acts defining the technical presentation of, and online access to, the classification referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2) **84a(2)**.

*Article 7*

**Definitions**

1. ~~For the purposes of this Title the following definitions shall apply:~~

- (a) ~~‘geographical indication’, unless otherwise stated, means designations of origin and geographical indications of wine, as defined in Article 93 of Regulation (EU) No 1308/2013, designations of origin and geographical indications of agricultural products, as defined in Article 48 of this Regulation and geographical indications of spirit drinks, as defined in Article 3(4) of Regulation (EU) 2019/787, that are applied for or entered in the Union register of geographical indications referred to in Article 23;\*~~
- (b) ~~‘wine’ means the products referred to in Part II, points 1, 3 to 6, 8, 9, 11, 15 and 16 of Annex VII to Regulation (EU) No 1308/2013;\*\*~~
- (c) ~~‘spirit drinks’ as defined in Article 2 of Regulation (EU) 2019/787;~~
- (d) ~~‘agricultural products’ means products referred to in Article 5(1) excluding wine and spirit drinks;~~
- (e) ~~‘combined nomenclature’ means the goods nomenclature established by Article 1 of Regulation (EEC) No 2658/87;\*\*\*~~
- (f) ~~‘recognised producer group’ means a formal association having legal personality and recognised by the competent national authorities as the sole group to act on behalf of all producers;\*\*\*\*~~

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\* Moved to Art. 2

\*\* Moved to Art. 5

\*\*\* Moved to Art. 2

(g) ~~‘producer’ means an operator engaged in any production step of a product protected by a geographical indication, including processing activities, covered by the product specification;\*\*\*\*~~

## Chapter 2

### Registration of geographical indications

#### Article 8

#### Applicant **in the national stage of the procedure of registration**

1. Applications for the registration of geographical indications may only be submitted by a producer group of a product ('applicant producer group'), the name of which is proposed for registration. ~~Regional or local p~~Public bodies may **help assist** in the preparation of the application and in the related procedure.
2. An authority designated by a Member State may be deemed to be an applicant producer group for the purposes of this Title, with respect to geographical indications of a spirit drink, if it is not feasible for the producers concerned to form a group by reason of their number, geographical location or organisational characteristics. In such case, the application referred to in Article 9(2) shall state those reasons.
3. A single producer may be deemed to be an applicant producer group for the purposes of this Title where it is shown that both of the following conditions are fulfilled:
  - (a) the person concerned is the only producer willing to submit an application for the registration of a geographical indication **and, in the case of wine, is the winemaker**; and

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\*\*\*\* Moved to Art. 233

\*\*\*\*\* Moved to Art. 32

- (b) the geographical area concerned is ~~defined by~~ **qualified on the basis of** natural features ~~without reference to~~ **and not of** property boundaries and has characteristics which differ appreciably from those of neighbouring areas or the characteristics of the product are different from those produced in neighbouring areas **or, with respect to geographical indications of a spirit drink, the spirit drink has a special quality, reputation or other characteristic which is clearly attributable to its geographical origin.**
4. In the case of a geographical indication that designates a cross-border geographical area, several producer groups from different Member States or third countries may lodge a joint application for the registration of a geographical indication. **Such joint applications shall be addressed to all Member States concerned.**

#### *Article 9*

#### **National stage of the procedure of registration**

1. An application for the registration of a geographical indication concerning a product originating in the Union shall be addressed to the competent authorities of the Member State in which the product originates.
2. The application referred to in paragraph (1) shall comprise:
  - (a) the product specification ~~provided for in Article 11~~ ;
  - (b) the single document ~~provided for in Article 13~~;
  - (c) the accompanying document~~ations~~ referred to in Article 14(1) ~~points b), c) and d)~~.
3. The Member State shall scrutinise the application for registration in order to check that it meets the conditions for registration of the respective provisions for wine, spirit drinks or agricultural products as appropriate.

4. As part of the scrutiny referred to in paragraph (3), the Member State shall conduct a national opposition procedure. The national opposition procedure shall ensure publication of the application for registration **with the exception of the documents referred to in Article 14(1), points (b) and (c)**, and provide for a period of at least 2 months from the date of publication within which any natural or legal person having a legitimate interest and established or resident on the territory of the Member State in which the product concerned originates may lodge an opposition to the application for registration with that Member State.
5. The Member State shall establish the modalities of the opposition procedure. These modalities may include criteria for the admissibility of an opposition, a period of consultation between the applicant producer group and each opponent, and submission of a report from the applicant producer group on the outcome of the consultations including any changes the applicant producer group has made to the application for registration.
6. If, after the scrutiny of the application for registration and the assessment of the results of any opposition received and any changes to the application agreed with the applicant producer group, the Member State considers that the requirements of this Regulation are met, it may take a favourable decision and lodge ~~an Union~~-application **for registration at the Union stage** as referred to in Article 15.
7. The Member State shall ensure that ~~its decision, be it favourable or not, is made public and that~~ any natural or legal person having a legitimate interest has an opportunity to lodge an appeal. The Member State shall also ensure that **a favourable decision and** the product specification on which its ~~favourable decision~~ is based is published, and shall provide electronic access to the product specification.

**7a. In the case of joint applications as referred to in Article 8(4), the related national procedures, including the opposition stage, shall be carried out in all the Member States concerned.**

## Article 9a\*

### Sustainability undertakings

- 1. A producer group or a recognised producer group where it exists may agree on sustainability undertakings to be adhered to in the production of the product designated by a geographical indication. Such undertakings shall aim to apply a sustainability standard higher than mandated by Union or national law and go beyond good practice in significant respects in terms of social, environmental or economic undertakings. Such undertakings shall be specific, shall take account of existing sustainable practices employed for products designated by geographical indications, and may refer to existing sustainability schemes.**
- 2. Where the producer group decides that the sustainability undertakings referred to in paragraph (1) are mandatory for all producers of the product concerned, those undertakings shall be included in the product specification.**

## *Article 10*

### **Transitional national protection**

1. A Member State may, on a temporary basis, grant transitional protection to a name at national level, with effect from the date on which a Union application for registration is lodged with the Commission.
2. Such national protection shall cease on the date on which either the implementing act deciding on the application for registration, adopted in accordance with Article 22, enters into force or the application for registration is withdrawn.
3. Where a name is not registered under this Regulation, the consequences of the transitional national protection shall be the sole responsibility of the Member State concerned.

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\* Moved from Art. 12

4. The measures taken by Member States in accordance with this Article shall produce effects at national level only, and they shall have no effect on the internal market or in international trade.

*Article 11\**

**Product specification**

For the purposes of this Title, the ‘product specification’ of a geographical indication shall be the document referred to in:

- (a) Article 94 of Regulation (EU) No 1308/2013 for wine;
- (b) Article 22 of Regulation (EU) 2019/787 for spirit drinks;
- (c) Article 51 of this Regulation for agricultural products.

*Article 12\**

**Sustainability undertakings**

1. A producer group may agree on sustainability undertakings to be adhered to in the production of the product designated by a geographical indication. Such undertakings shall aim to apply a sustainability standard higher than mandated by Union or national law and go beyond good practice in significant respects in terms of social, environmental or economic undertakings. Such undertakings shall be specific, shall take account of existing sustainable practices employed for products designated by geographical indications, and may refer to existing sustainability schemes.
2. The sustainability undertakings referred to in paragraph (1) shall be included in the product specification.
3. The sustainability undertakings referred to in paragraph 1 shall be without prejudice to requirements for compliance with hygiene, safety standards and competition rules.

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\* Moved to Article 2

\* Moved to Art. 9a

4. ~~The Commission shall be empowered to adopt delegated acts in accordance with Article 84 defining sustainability standards in different sectors and laying down criteria for the recognition of existing sustainability standards to which producers of products designated by geographical indications may adhere.~~
5. ~~The Commission may adopt implementing acts defining a harmonised presentation of sustainability undertakings. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2).~~

#### ~~Article 13\*~~

#### ~~Single document~~

1. ~~The ‘single document’ for a geographical indication refers to:~~

~~(a) the document summarising the product specification referred to in Article 94~~95~~ of Regulation (EU) No 1308/2013 for wine;~~

~~(b) the document referred to in Article 23 of Regulation (EU) 2019/787 for spirit drinks;~~

~~(c) the document referred to in Article 52 of this Regulation for agricultural products.~~

#### *Article 14*

#### **Accompanying documentation**

1. The documentation accompanying the application for registration shall comprise:
- (a) **where relevant**, information ~~concerning~~ **explaining** any proposed limitations on the use or on the protection of the geographical indication, and, ~~where relevant~~, any transitional measures, proposed by the applicant producer group ~~or by the national authorities notably following the national scrutiny and opposition procedure\*~~;
- (b) the name and contact details of the applicant producer group;

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\* Moved to Article 2

\* Moved to Art. 15(1)(ca)

- (c) the name and contact details of **one or more of** the competent **authority/authorities,** ~~and/or product certification~~ **delegated body/bodies and/or natural persons** verifying compliance with the ~~provisions of the~~ product specification pursuant to:
- (i) ~~Article 116a of Regulation (EU) No 1308/2013 as regards wine;~~
- (ii) ~~Article 39 of this Regulation as regards agricultural products and spirit drinks;~~
- (d) any other information deemed appropriate by the Member State, or by the applicant producer group where applicable.

~~2. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by provisions clarifying the requirements or listing additional items of the accompanying documentation to be supplied.~~

3. The Commission ~~may~~**shall** adopt implementing acts defining the format and online presentation of the accompanying documentation provided for in paragraph (1), and on the exclusion or anonymisation of ~~protected~~ personal data. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article ~~53(2)~~ **84a(2)**.

#### *Article 15*

#### **Union aApplication for registration at Union stage**

1. For geographical indications concerning products originating in the Union, the **Union** application for registration shall comprise:
- (a) the single document ~~referred to in Article 13;~~
- (b) the accompanying documentation referred to in Article 14;
- (c) a declaration by the Member State to which the application was ~~initially~~ addressed **at the national stage of the procedure of registration**, confirming that the application meets the conditions for registration;

**(ca) information on any admissible opposition at national level and any transitional period granted or proposed by the national authorities following the national scrutiny and opposition procedure;\* and**

(d) the electronic publication reference **of to** the **up-to-date** product specification **which shall be maintained up to date.**

2. For geographical indications concerning products originating outside the Union, the ~~Union~~ application for registration **at Union stage** shall comprise:

(a) the product specification with its publication reference,

(b) the single document **referred to in Article 13;**

(c) the accompanying documentation referred to in Article 14;

(d) legal proof of protection of the geographical indication in its country of origin; and

(e) a power of attorney where the applicant is represented by an agent.

~~3. A joint application for registration referred to in Article 8(4) shall be submitted by one of the Member States concerned or by an applicant producer group in a third country, directly or through the authorities of that third country.\*\*~~

4. The joint application for registration referred to in Article 8(4) shall include, as relevant, the documents listed in paragraph (1) **(b), (c), (ca) and (d)** or (2) **(c), (d) and (e)** from all Member States or third countries concerned. **The related national procedures, including the opposition stage, shall be carried out in all the Member States concerned.**

5. The documents referred to in this Article shall be drafted in one of the official languages of the Union.

~~6. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 defining procedures and conditions applicable to the preparation and submission of Union applications for registration.~~

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\* Moved from Art. 14(1)(a)

\*\* Moved to Art. 16(2a).

7. The Commission ~~may~~**shall** adopt implementing acts laying down detailed rules on procedures, the form and presentation of Union applications for registration, including ~~for~~ applications concerning more than one national territory. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article ~~53(2)~~ **84a(2)** .

#### Article 16

##### **Submission of the ~~Union~~ application for registration at Union stage**

1. ~~An~~ **Union** application for the registration of a geographical indication shall be submitted **by the Member State concerned** to the Commission electronically, through a digital system. ~~The digital system shall have the capacity to allow the submission of applications to national authorities of a Member State, and to be used by the Member State in its national procedure.~~
2. Where the application for registration relates to a geographical area outside the Union, the application shall be submitted to the Commission, either directly **by an applicant such as a producer group or a single producer**, or via the authorities of the third country concerned. ~~The digital system, referred to in paragraph 1, shall have the capacity to allow submission of applications by an applicant producer group established outside the Union and by national authorities in the third country concerned.~~  
**A single producer of a third country shall meet the conditions set out in Article 8(3).  
A producer group of a third country shall be a producer group of a product, the name of which is proposed for registration.**
- 2a. A joint application for registration referred to in Article 8(4) shall be submitted by one of the Member States concerned, directly by an applicant, such as a producer group or a single producer, of a third country, or through the authorities of that third country.**
3. The ~~Union~~ **names for which** applications ~~s~~ for registration **at Union stage have been submitted** shall be made public by the Commission through the digital system referred to in paragraph (1).

## Article 17

### Scrutiny by the Commission and publication for opposition

1. ~~The Commission **EUIPO** shall scrutinise examine any applications for registration submitted that it receives in accordance with pursuant to Article 16(1) and (2). It Such scrutiny shall check consist of a check that there are no manifest errors, that the applications contain the required information provided in accordance with Article 15 is complete and that the single document referred to in Article 13 is precise and technical in nature. It shall take into account the outcome of the national and that they do not contain manifest errors, taking into account the outcome of the scrutiny and opposition procedure carried out by the Member State concerned. It shall focus in particular on the single document referred to in Article 13. It shall deliver its opinion to the Commission.~~
2. ~~Scrutiny should not exceed a period of 6 months. In the event that the scrutiny period exceeds or is likely to exceed 6 months the Commission shall inform the applicant of the reasons for the delay in writing.~~
3. ~~The Commission may seek supplementary information from the applicant.~~
4. ~~Where, based on the scrutiny carried out pursuant to paragraph 1, Based on the opinion referred to in paragraph 1, the Commission shall finalise the scrutiny and, where it considers that the conditions laid down in Articles 29, 30, 31, 35, 48, 49(1) and (2) and 50 of this Regulation, and in Articles 93 and 100 of Regulations (EU) No 1308/2013, and in Article 3(4) of Regulation (EU) 2019/787, as appropriate, are fulfilled, it shall publish in the *Official Journal of the European Union* the single document and the reference to the publication of the product specification.~~
  - 4a. **EUIPO or the Commission, as appropriate, may request from the applicant any supplementary information or modification necessary to finalise the examination or scrutiny.**
  - 4b. **Scrutiny shall, as a general rule, not exceed a period of 6 months. In the event that the scrutiny period exceeds or is likely to exceed 6 months, EUIPO or the Commission, as appropriate, shall inform the applicant of the reasons for the delay in writing!**

5. ~~The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by rules on entrusting EUIPO with the tasks set out in this Article.~~

### *Article 18*

#### **National challenge to an application for registration**

1. Member States shall keep the Commission informed of any national administrative or judicial proceedings that may ~~affect~~ **prejudice** the registration of a geographical indication.
2. The Commission shall be exempted from the obligation to meet the deadline to perform the scrutiny referred to in Article 17(2) and to inform the **applicant Member State** of the reasons for the delay where it receives a communication from a Member State, concerning an application for registration in accordance with Article 9(6), which:
  - (a) informs the Commission that the decision referred to in Article 9(6) has been invalidated at national level by an immediately applicable but not final **administrative or** judicial decision; or
  - (b) requests the Commission to suspend the scrutiny because national administrative or judicial proceedings have been initiated to challenge the validity of the application and the Member State considers that those proceedings are based on valid grounds.
3. The exemption shall have effect until the Commission is informed by the Member State that the original application has been restored or that the Member State withdraws its request for suspension.
4. If the **decision of a Member State to submit an** application has been invalidated **in full or in part** by a final decision taken by a national court, the Member State shall consider appropriate action such as withdrawal or modification of the ~~Union~~ application for registration **at Union stage**, as necessary.

## Article 19

### Union opposition procedure

1. Within 3 months from the date of publication in the *Official Journal of the European Union* of the single document and the reference to the product specification pursuant to Article 17(4), the authorities of a Member State or of a third country, or a natural or legal person having a legitimate interest, established or resident in a third country, may lodge an opposition ~~or a notice of comment~~ with the Commission.
2. Any natural or legal person having a legitimate interest, established or resident in a Member State other than the one from which the ~~Union~~ application for registration **at Union stage** was submitted, may lodge an opposition with the Member State, in which it is established or resident, within a time limit permitting **that Member State to examine this** ~~an opposition or notice of comments~~ **and to decide whether** ~~to be lodged~~ **lodge it with the Commission** pursuant to paragraph (1). **Member States may specify that time limit in their national legislation.**
3. An opposition shall claim that the application ~~could infringe~~ the conditions **for registration, based on the grounds in Article 20.** ~~laid down in this Regulation, Regulations (EU) No 1308/2013 or (EU) 2019/787, as appropriate, and give reasons.~~ An opposition that does not contain the said claim shall be void.
4. The Commission shall check the admissibility of the opposition. If the Commission considers that the opposition is admissible, it shall, within 5 months from the date of publication **referred to in Article 17(4)** ~~in the Official Journal of the European Union~~ invite the ~~authority or the person that lodged the opposition~~ **opponent** and the ~~authority or the applicant producer group that lodged the application~~ to engage in appropriate consultations for a reasonable period that shall not exceed 3 months. **The Commission shall transmit to the applicant the opposition and all the documents provided by the opponent.** At any time during that period, the Commission may, at the request of ~~the authority or the applicant producer group~~, extend the deadline for the consultations **once** by a maximum of 3 months.

5. The ~~authority or the person that lodged the opposition~~ **opponent** and the ~~authority or applicant producer group that lodged the application~~ shall start appropriate consultations without undue delay. They shall provide each other with the relevant information to assess whether the application for registration complies with this Regulation, Regulations (EU) No 1308/2013 or **Regulation** (EU) 2019/787, as appropriate.
6. Within 1 month from the end of the consultations referred to in paragraph (4), the applicant ~~producer group established in the third country or the authorities of the Member State or of the third country from which the Union application for registration was lodged~~ shall notify the Commission of the result of the consultations, including all the information exchanged, whether agreement was reached with one or all of the opponents, and of any consequent changes to the application for registration. The ~~authority or person that lodged an opposition~~ **opponent** ~~to the Commission~~ may also notify the Commission of its position at the end of the consultations.
7. Where, following the end of the consultations referred to in paragraph (4), the data published in accordance with Article 17(4) have been modified, the Commission shall repeat its scrutiny of the application for registration as modified. Where the application for registration has been modified in a substantial manner, and the Commission considers that the modified application meets the conditions for registration, it shall publish the ~~application~~ **single document and a reference to the publication of the product specification** once more in accordance with that paragraph.
8. The documents referred to in this Article shall be drafted in one of the official languages of the Union.
9. ~~After completion of the opposition procedure, t~~ **The** Commission shall finalise its assessment of the ~~Union~~ application for registration **at Union stage**, taking into account any request for transitional periods, the outcome of the opposition procedure, ~~any notice of comments received~~ and any other matters arising subsequently to its scrutiny that may imply a change of the single document.

10. The Commission shall be empowered to adopt delegated acts, in accordance with Article 84 supplementing this Regulation by detailed procedures and deadlines for the opposition procedure, for the ~~official~~ submission of **notices of** comments by national authorities and persons with a legitimate interest, which will not trigger the opposition procedure, ~~and by rules on entrusting its tasks set out in this Article to EUIPO.~~
11. The Commission ~~may~~**shall** adopt implementing acts defining the format and online presentation of oppositions and ~~official comments, if applicable, and~~ providing for the exclusion or anonymisation of ~~protected~~ personal data. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article ~~53(2)~~ **84a(2)**.

### **Article 19a**

#### **Notice of comments**

- 1. A notice of comments may be submitted following the conditions of paragraphs 1 and 2 of Article 19.**
- 2. A notice of comments shall point out any error or contain additional information in relation to the application for registration, including possible infringement of other Union legislation. It shall not confer any rights on the sender nor trigger an opposition procedure.**
- 3. The Commission shall be empowered to adopt delegated acts, in accordance with Article 84, supplementing this Regulation by detailed procedures and deadlines for the submission of notices of comments by national authorities and persons with a legitimate interest.**
- 4. The Commission may adopt implementing acts defining the format and online presentation of notices of comments. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 84a(2).**

## Article 20

### Grounds for opposition

1. An opposition lodged in accordance with Article 19 shall be admissible only if the opponent ~~demonstrates~~ **shows** that:
  - (a) the proposed geographical indication does not comply with the definition of the geographical indication or with the requirements referred to in this Regulation, **Section 2 of Chapter 1 of Title II of Part II of** Regulation (EU) No 1308/2013 or **Article 3(4) and Chapter 3 of** Regulation (EU) 2019/787 as the case may be; **or**
  - (b) registration of the proposed geographical indication would be prevented by one or more of the circumstances referred to in Article 29, Article 30, Article 31 or Article 49(1) ; **or**
  - (c) the registration of the proposed geographical indication would jeopardise the existence of an entirely or partly identical name or of a trade mark or the existence of products which have been legally on the market for at least 5 years preceding the date of the publication provided for in Article 17(4);
  - (d) the product specification does not comply with EU law.**
2. The admissibility of an opposition shall be assessed by the Commission in relation to the territory of the Union.

## Article 21

### Transitional period for the use of geographical indications

1. The Commission may adopt implementing acts granting a transitional period of up to 5 years to enable, for products originating in a Member State or a third country the designation of which consists of or contains a name that contravenes Article 27(1), the continued use of that designation, under which they were marketed, provided that an admissible opposition, under Article 9(4) or Article 19, to the application for registration of the geographical indication whose protection is contravened shows that:

- (a) the registration of the concerned geographical indication would jeopardise the existence of an entirely or partly identical name in the product designation; or
  - (b) such products have been legally marketed with that name in the product designation in the territory concerned for at least 5 years preceding the publication provided for in Article 17(4), point (a).
2. The implementing acts referred to in paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article ~~53(2)~~ **84a(2)** except those where an admissible opposition is lodged under Article 9(4), which shall be adopted without applying that examination procedure.
3. The Commission may adopt implementing acts extending the transitional period granted under paragraph (1) up to **a total period of** 15 years, or **granting directly a transitional period allowing continued use for of** up to 15 years, provided it is additionally shown that:
  - (a) the name in the designation referred to in paragraph (1) of this Article has been in legal use consistently and fairly for at least 25 years before the application for registration of the concerned geographical indication was submitted to the Commission; **and**
  - (b) the purpose of using the name in the designation referred to in paragraph (1) has not, at any time, been to profit from the reputation of the name of the product that has been registered as geographical indication; and
  - (c) the consumer has not been or could not have been misled as to the true origin of the product.
4. The implementing acts referred to in paragraph 3 shall be adopted in accordance with the examination procedure referred to in Article ~~53(2)~~ **84a(2)** except those where an admissible opposition is lodged under Article 9(4), which shall be adopted without applying that examination procedure.
5. When using a designation referred to in paragraphs 1 and 3, the indication of the country of origin shall clearly and visibly appear ~~on~~**in** the labelling.

6. To overcome temporary difficulties with the long-term objective of ensuring that all producers of a product designated under a geographical indication in the area concerned comply with the related product specification, a Member State may grant a transitional period for compliance, of up to 10 years, with effect from the date on which the application is lodged with the Commission, provided that the ~~operators~~ **producers** concerned have legally marketed the products in question, using the names concerned continuously for at least 5 years preceding the lodging of the application to the authorities of that Member State and have referred to that fact in the national opposition procedure referred to in Article 9(4).

**6a. In cases where the time between the application for registration at Union stage and the registration of the name concerned exceeds 5 years, the Member State may extend the transitional period by up to 5 years.**

7. ~~¶~~ Paragraph (6) shall apply *mutatis mutandis* to a geographical indication referring to a geographical area situated in a third country, with the exception of the opposition procedure.

#### Article 22

#### Commission decision on the application for registration

1. Where, on the basis of the information available to the Commission from the scrutiny carried out pursuant to Article 17, the Commission considers that any of the ~~requirements~~ **conditions** referred therein is not fulfilled, it shall adopt implementing acts rejecting the application for registration. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article ~~53(2)~~ **84a(2)**.
2. ~~Where it receives no~~ **In the absence of an** admissible opposition, the Commission shall adopt implementing acts, without applying the procedure referred to in Article ~~53(2)~~ **84a(2)**, registering the geographical indication. The Commission may take in-to account the notices of comments received in accordance with Article 19~~a(1)~~.
3. Where it receives an admissible opposition, the Commission shall, following the ~~consultations~~ **procedure** referred to in Article 19~~(4)~~ and taking into account the results thereof,

- (a) adopt implementing acts registering the geographical indication without applying the procedure referred to in Article 53(2) **84a(2)**, if an agreement has been reached, after checking that the agreement complies with Union law, and, if necessary, amend the information published pursuant to Article 17(4) provided that such amendments are not substantial; or
- (b) adopt implementing acts deciding on the application for registration, if an agreement has not been reached. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2) **84a(2)**.
4. The acts registering a geographical indication shall provide for any condition applicable to the registration and for the republication for information of the single document **published according to Article 17(4) and amended following the opposition procedure** published for opposition in the *Official Journal of the European Union* in case of any necessary amendments ~~that are not substantial~~ **other than those referred to in Article 19(7)**.
5. **Regulations of on registration and d**ecisions on rejection shall be published in the Official Journal of the European Union, L series.

### Article 23

#### Union register of geographical indications

1. The Commission shall adopt implementing acts, without applying the procedure referred to in Article 53(2) **84a(2)**, containing provisions on establishing and maintaining a publicly accessible ~~electronic register of geographical indications protected under this Regulation~~ (the ‘Union register of geographical indications’). The register shall have three parts corresponding to geographical indications of wine, of spirit drinks and of agricultural products respectively.
2. Each geographical indication of wine and of agricultural products shall be identified in the Union register of geographical indications as a ‘protected designation of origin’ or a ‘protected geographical indication’ as the case may be, and each geographical indication of spirit drinks shall be identified as a ‘geographical indication’.

3. Geographical indications concerning products from third countries that are protected in the Union under an international agreement to which the Union is a contracting party may be entered in the Union register of geographical indications. **In such cases, The** Commission shall register such geographical indications by means of implementing acts adopted in accordance with the examination procedure referred to in Article 53(2) **84a(2)**. As regards wine and agricultural products, unless specifically identified in those agreements as protected designations of origin, the names of such products shall be entered in the Union register of geographical indications as protected geographical indications.
4. Each geographical indication shall be entered in the Union register of geographical indications in its original script. Where the original script is not in Latin characters, the geographical indication shall be transcribed **or transliterated** in Latin characters and both versions of the geographical indication shall be entered in the Union register of geographical indications and shall have equal status.
- ~~5. The Commission shall make public and regularly update the list of the international agreements referred to in paragraph (3) as well as the list of geographical indications protected under those agreements.\*~~
6. The Commission shall retain documentation related to the registration of a geographical indication in digital or paper form, **for the period of validity of the geographical indication, and in** case of cancellation, **it shall retain the documentation** for 10 years thereafter.
- [7. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by rules on entrusting EUIPO to **shall** operate the Union register of geographical indications **and keep it updated as regards applications for and publication, registration, amendment and cancellation of geographical indications and any other required information.****
8. The Commission ~~may~~**shall** adopt implementing acts defining the content and presentation of the Union register of geographical indications. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2) **84a(2)**.

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\* Moved to Art. 46

## Article 24

### Extracts from the Union register of geographical indications

1. Any person shall be able to download an official extract from the Union register of geographical indications that provides proof of registration of the geographical indication, and the relevant data including the date of application for the registration of the geographical indication or other priority date. This official extract may be used as an authentic certificate in legal proceedings, in a court of law, court of arbitration or similar body.
2. Where a producer group has been recognised by the national authorities in accordance with Article 33, that group shall be identified as the ~~rights' holder~~ **representative of the producers of a product designated by a** of the geographical indication in the Union register of geographical indications and in the official extract referred to in paragraph (1).
3. The Commission may adopt implementing acts defining the format and online presentation of extracts from the Union register of geographical indications, and providing for the exclusion or anonymisation of ~~protected~~ personal data. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article ~~53(2)~~ **84a(2)**.

## Article 25

### Amendments to a product specification

1. A producer group ~~having a legitimate interest~~ **of a product the name of which is a registered geographical indication** may apply for the approval of an amendment to the product specification. ~~of a registered geographical indication.~~
2. Amendments to a product specification shall be classified into two categories:
  - (a) Union amendments, requiring an opposition procedure at Union level; and
  - (b) standard amendments to be dealt with at Member State or third country level.

3. An amendment shall be a Union amendment if it entails a change of the single document **or its equivalent** and:
- (a) includes a change in the name, or in the use of the name, or, for wine and spirit drinks, in the category of product or products designated by the geographical indication, or, for spirit drinks, in the legal name; or
  - (b) risks voiding the link to the geographical area referred to in the single document; or
  - (c) entails further restrictions on the marketing of the product.
4. Any other amendment to a product specification of a registered geographical indication, that is not a Union amendment in accordance with paragraph 3, shall be considered as a standard amendment.
5. A standard amendment shall be considered as a temporary amendment when it concerns a temporary change in the product specification resulting from the imposition of obligatory sanitary and phytosanitary measures by the public authorities or a temporary amendment necessary because of a natural disaster or adverse weather conditions **or significant market disturbances due to exceptional circumstances affecting the supply of raw materials** formally recognised by the competent authorities.
6. Union amendments shall be approved by the Commission. The approval procedure shall follow, *mutatis mutandis*, the procedure laid down from Article 8 to Article 22.
7. Applications for Union amendments submitted by a third country or by producers in a third country shall contain proof that the requested amendment complies with the laws on the protection of geographical indications in force in that third country.
8. If an application for a Union amendment to the product specification of a registered geographical indication also includes standard amendments or temporary amendments, the Commission shall scrutinise the Union amendment only. Any standard amendments or temporary amendments shall be deemed as not having been submitted. **The scrutiny of such applications shall focus on the proposed Union amendments.** Where appropriate, the Commission or the Member State concerned may invite the applicant to modify other elements of the product specifications.

9. Standard amendments shall be approved by Member States or third countries in whose territory the geographical area of the product concerned is located and communicated to the Commission. The Commission shall make those amendments public.
10. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by provisions ~~entrusting EUIPO with the publication of~~ **on Union amendments to product specifications of geographical indications for which no single document was published and on** standard amendments ~~referred to in paragraph (9).~~
11. The Commission ~~may~~**shall** adopt implementing acts laying down detailed rules on procedures, the form and presentation of an application for a Union amendment and on procedures, the form and communication of standard amendments to the Commission. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article ~~53(2)~~ **84a(2)**.

#### Article 26

#### Cancellation of the registration

1. The Commission may, on its own initiative or on a duly substantiated request by a Member State, a third country or any natural or legal person having a legitimate interest, **established or resident in a third country**, adopt implementing acts to cancel the registration of a geographical indication in the following cases:
- (a) where compliance with the requirements for the product specification can no longer be ensured; or
  - (b) where no product has been placed on the market under the geographical indication for at least **the last** seven consecutive years.
2. **The Commission may also adopt implementing acts cancelling the registration at the request of the producers of the product marketed under the registered name.**
3. The implementing acts referred to in paragraphs **1 and 2** shall be adopted in accordance with the examination procedure referred to in Article ~~53(2)~~ **84a(2)**.

4. Articles 9, ~~Articles from Article 15 to Article 19~~20 and Article 22 shall apply *mutatis mutandis* to the cancellation procedure.

**Oppositions shall be admissible only if they show continued commercial reliance by an interested person on the registered name.**

5. Before adopting the implementing acts referred to in paragraphs 1 and 2, the Commission shall consult the authorities of the Member State, the authorities of the third country or, where possible, the third country producer which had originally applied for the registration of the geographical indication concerned, unless the cancellation is directly requested by those original applicants. **The consultation period shall be at least one month.**

- ~~6. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by rules entrusting EUIPO with the tasks set out in paragraph (5).~~

7. The Commission ~~may~~**shall** adopt implementing acts laying down detailed rules on procedures **and as well as** the form **and presentation** of **the requests for** the cancellation of **a** registrations, **as well as on the presentation of the requests referred to in paragraphs 1 and 2.** Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article ~~53(2)~~**84a(2)**.

## Chapter 3

### Protection of geographical indications

#### *Article 27*

#### **Protection of geographical indications**

1. Geographical indications entered in the Union register of geographical indications shall be protected against:

- (a) any direct or indirect commercial use of the geographical indication in respect of **comparable** products not covered by the registration, ~~where those products are comparable to the products registered under that name~~ or where use of ~~a name that~~ **geographical indication for any other product or any service** exploits, weakens, dilutes, or is detrimental to the reputation of, the protected name, **including when those products are used as an ingredient**;
- (b) any misuse, imitation or evocation, even if the true origin of the products or services is indicated or if the protected name is translated, **transcribed or transliterated** or accompanied by an expression such as ‘style’, ‘type’, ‘method’, ‘as produced in’, ‘imitation’, ‘flavour’, ‘like’ or similar, **including when those products are used as an ingredient**;
- (c) any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product that is used on the inner or outer packaging, **on** advertising material, **in** documents or information provided on ~~websites~~ **online interfaces** relating to the product concerned, and the packing of the product in a container liable to convey a false impression as to its origin;
- (d) any other practice liable to mislead the consumer as to the true origin of the product.

~~2. For the purposes of paragraph (1), point (b), the evocation of a geographical indication shall arise, in particular, where a term, sign, or other labelling or packaging device presents a direct and clear link with the product covered by the registered geographical indication in the mind of the reasonably circumspect consumer, thereby exploiting, weakening, diluting or being detrimental to the reputation of the registered name.\*~~

3. ~~Paragraph (1) shall also apply to~~ **any use of** a domain name containing or consisting of the registered geographical indication.

4. The protection referred to in paragraph (1) also applies to:

- (a) goods entering the customs territory of the Union without being released for free circulation within that territory; ~~and~~

\* Moved to recital (19a).

(b) goods sold by means of distance selling, such as electronic commerce; **and**

**(ba) goods intended for export to third countries.**

5. ~~The recognised group of producers or any operator that is entitled to use the protected designation of origin or protected geographical indication~~ **The entities listed in Article 3(1)(d) of Regulation 608/2013** shall be entitled to **submit an application to the custom authorities to** prevent all third parties from bringing goods, in the course of trade, into the Union without being released for free circulation there, where such goods, including packaging, come from third countries and are in breach of paragraph (1).
6. Geographical indications ~~protected~~ **registered** under this Regulation shall not become generic in the Union.
7. Where a geographical indication is a compound name which contains a term which is considered to be generic, the use of that term shall not constitute a conduct referred to in paragraph (1), points (a) and (b).

#### *Article 28*

#### **Ingredients in the names of processed products**

1. ~~Article 27 is without prejudice to the use of a geographical indication by operators in conformity with Article 36 to indicate that a processed product contains, as an ingredient, a product designated by that geographical indication provided that such use is made in accordance with honest commercial practices and does not weaken, dilute or is not detrimental to the reputation of the geographical indication.~~
2. The geographical indication designating a product ingredient shall ~~not~~ **may** be used in the food name of the related processed product, ~~unless~~ **except** in cases of an agreement with a producer group representing ~~two thirds~~ **a majority** of the producers **notifies its disagreement to the user and the control authority.**

**Subparagraph 1 shall not apply to spirit drinks.**

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by additional rules on the use of geographical indications to identify ingredients in processed products referred to in paragraph (1) of this Article, **notably with reference to the use of comparable ingredients and the criteria to confer essential characteristics on the processed products.**

### *Article 29*

#### **Generic terms**

1. Generic terms shall not be registered as geographical indications.
2. To establish whether or not a term has become generic, account shall be taken of all relevant factors, in particular:
  - (a) the existing situation in the areas of consumption;
  - (b) the relevant national or Union legal acts.
- ~~3. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by additional rules for determining the generic status of terms referred to in paragraph (1) of this Article.~~

### *Article 30*

#### **Homonymous geographical indications**

1. A geographical indication that has been applied for after a wholly or partly homonymous geographical indication had been applied for or protected in the Union, shall not be registered unless there is sufficient distinction in practice between the conditions of local and ~~traditional~~ **long-established** usage and the presentation of the two homonymous indications, taking into account the need to ensure equitable treatment of the producers concerned and that consumers are not misled as to the true identity or geographical origin of the products.

2. A wholly or partly homonymous name which misleads the consumer into believing that products come from another territory shall not be registered even if the name for the actual territory, region or place of origin of the products in question is accurate.
3. For the purposes of this Article, a homonymous geographical indication applied for or protected in the Union refers to:
  - (a) geographical indications that are entered in the Union register of geographical indications;
  - (b) geographical indications that have been applied for provided that they are subsequently entered in the Union register of geographical indications;
  - (c) appellations of origin and geographical indications protected in the Union pursuant to Regulation (EU) 2019/1753 of the European Parliament and of the Council<sup>1</sup>; and
  - (d) geographical indications, names of origin and equivalent terms protected pursuant to an international agreement between the Union and one or more third countries.
4. The Commission shall **adopt an implementing act to remove**~~cancel~~ **from the Union register any**~~the~~ geographical indications registered in breach of paragraph (1) ~~and~~ **or** (2).
5. The implementing acts referred to in paragraph (4) shall be adopted **in accordance** ~~without~~ ~~applying~~ the **examination** procedure referred to in Article 53(2)~~84a~~ **(2)**.

### *Article 31*

### **Trade marks**

A name shall not be registered as a geographical indication where, in the light of a trade mark's reputation and renown **or the length of time it has been used**, registration of the name proposed as a geographical indication ~~could~~ **would be liable to** mislead the consumer as to the true identity of the product.

<sup>1</sup> Regulation (EU) 2019/1753 of the European Parliament and of the Council of 23 October 2019 on the action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (OJ L 271, 24.10.2019, p. 1).

**Article 32**

**Producer groups**

2. A producer group shall be **an association, irrespective of its legal form, composed mainly of producers of the same product or products. It shall be** set up on the initiative of interested **producers or other interested** stakeholders, including farmers, farm suppliers, intermediate processors and final processors, as specified by the national authorities and according to the nature of the product **or products** concerned. ~~Member States shall verify that the p~~**Producer groups shall** operate in a transparent and **non-discriminatory democratic manner**, and that ~~a~~**All** producers of the product designated by the geographical indication **shall have the** enjoy right of membership **to join** in the group. ~~Member States may provide that public officials, and other stakeholders such as consumer groups, retailers and suppliers, also participate in the works of the producer group.~~
2. A producer group may exercise in particular the following powers and responsibilities:
- (a) develop the product specification, **apply for amendment** and manage **the** ~~internal~~**own** controls **of its members** ~~to~~ that ensure compliance of production steps of the product designated by the geographical indication with the said specification;
  - (b) take **administrative and** legal action to ensure protection of the geographical indication and of the intellectual property rights that are directly connected with it, **including filing applications for actions with custom authorities in accordance with Regulation (EC) No 608/2013, and to prevent or counter any measures which are, or risk being, detrimental to the image of their products;**
  - (c) agree sustainability undertakings, whether ~~or not~~ included in the product specification or as a separate initiative, including arrangements for verification of compliance with those undertakings and assuring adequate publicity for them notably in an information system provided by the Commission;
  - (d) take action to improve the performance of the geographical indication, including:
    - (i) development, organisation and conduct of collective marketing and advertising campaigns;

- (ii) dissemination of information and promotion activities aiming at communicating the attributes of the product designated by a geographical indication to consumers;
  - (iii) carrying out analyses into the economic performance, sustainability of production, nutritional profile, and organoleptic profile, of the product designated by the geographical indication;
  - (iv) dissemination of information on the geographical indication and the relevant Union symbol; and
  - (v) providing advice, and training **and best practice guidelines** to current and future producers, including on **sustainability undertakings, scientific-technical progress, digitalisation,** gender mainstreaming and equality.
- (e) combat counterfeiting and suspected fraudulent uses on the internal market of a geographical indication designating products that are not in compliance with the product specification, by monitoring the use of the geographical indication across the internal market and on third countries markets where the geographical indications are protected, including on the internet **online interfaces**, and, as necessary, inform enforcement authorities using confidential systems **where** available.

### *Article 33*

#### **Recognised producer groups**

1. ~~Upon a request of producer groups fulfilling the conditions of paragraph 3,~~ Member States shall **may** designate, in accordance with their national law, one producer group as **the** recognised producer group for each geographical indication originating in their territory that is registered or is subject to an application for registration or for product names that are a potential subject for application for registration.

**In case of such designation, the Member States shall notify the Commission electronically, through a digital system of the name and address of the recognised producer group for each registered geographical indication, and update that information when a change occurs. The EUIPO shall enter this information in the Union register of geographical indications.**

2. **A recognised producer group shall be a formal association having legal personality.** A producer group may be designated as recognised producer group subject to a prior agreement concluded between at least two-thirds of the producers of the product **designated by** bearing a geographical indication, accounting for ~~at least two-thirds~~ **more than a half** of the production of that product in the geographical area referred to in the product specification. As an exception, an authority, as referred to in Article 8(2), and a single producer, as referred to in Article 8(3), shall be deemed to be a recognised producer group.
3. In addition to the powers ~~and responsibilities~~ referred to in Article 32(2), a recognised producer group ~~may exercise the following powers and responsibilities:~~
  - (a) ~~to liaise with intellectual property enforcement and anti-counterfeit bodies and participate~~ **represents the producers of a product designated by a geographical indication** in intellectual property enforcement networks **and towards anti-counterfeit bodies established by national or Union authorities.** ~~as the geographical indication right holder;~~
  - (b) ~~to take enforcement actions, including filing applications for actions with custom authorities, to prevent or counter any measures which are, or risk being, detrimental to the image of their products;~~
  - (c) ~~to recommend to the national authorities binding rules to be adopted in accordance with Article 166a of Regulation (EU) No 1308/2013 for the regulation of the supply of products designated by a geographical indication;~~

(d) ~~with a view to protecting the geographical indication in the internet domain name systems outside the jurisdiction of the Union, to register an individual, collective or certification trade mark depending on the trade mark system concerned, containing, as one of its prominent elements, a geographical indication and restricted to product conforming to the corresponding product specification.~~

4. ~~The powers and responsibilities referred to in paragraph 2 shall be subject to a prior agreement concluded between at least two thirds of the producers of the product designated by a geographical indication, accounting for at least two thirds of the production of that product in the geographical area referred to in the product specification.~~
5. Member States shall **verify** ~~carry out checks in order to ensure~~ that the conditions laid down in paragraph 2 are complied with. Where the competent national authorities find that such conditions have not been complied with, Member States shall annul the decision on the recognition of the producer group.

**5a. In the case of a geographical indication that designates a cross-border geographical area, the authorities of the Member States concerned or, where relevant, of the United Kingdom (Northern Ireland), shall cooperate in designating the recognised producer group.**

#### *Article 34*

### **Protection of geographical indication rights in Alternative dispute resolution procedures for domain names**

1. ~~Country code top level domain name registries established in the Union may, upon the request of a natural or legal person having a legitimate interest or rights, revoke or transfer a domain name registered under such country code top level domain to the recognised producer group of the products with the geographical indication concerned, following an appropriate alternative dispute resolution procedure or judicial procedure, if such domain name has been registered by its holder without rights or legitimate interest in the geographical indication or if it has been registered or is being used in bad faith and its use contravenes Article 27.~~

2. ~~Country code~~ Top-level domain name registries established in the Union shall ensure that ~~any alternative dispute resolution procedures established to solve disputes relating to the registration of for~~ domain names referred to in paragraph (1), ~~shall~~ recognise geographical indications as ~~a rights~~ that ~~may prevent a domain name from being registered or used in bad faith~~ **can be invoked in these procedures.**
3. ~~The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by provisions entrusting EUIPO~~ **shall** to establish and manage a domain name information and alert system that ~~would~~ **to** provide the applicant **and the applicant producer group**, upon the submission of an application for a geographical indication, with information about the availability of the geographical indication as a domain name, ~~and, on optional basis, the registration of a domain name identical to their geographical indication. That delegated act shall also include the obligation for~~ **The** registries of ~~country code~~ top-level domain names, established in the Union, **shall cooperate with** to provide EUIPO with **a view to providing** the relevant information and data. **I**

### *Article 35*

#### **Conflicting Relationship between geographical indications and trade marks**

1. The registration of a trade mark the use of which would contravene Article 27 shall be rejected if the application for registration of the trade mark is submitted after the date of submission to the Commission of the application for the registration of the geographical indication.
2. Trade marks registered in breach of paragraph (1) shall be **declared** ~~invalidated~~ by EUIPO and, when applicable, the competent national authorities. **I**

3. A trade mark the use of which contravenes Article 27, which has been applied for, registered, or established by use in good faith within the territory of the Union, if that possibility is provided for by the legislation concerned, before the date on which the application for registration of the geographical indication is submitted to the Commission, may continue to be used and renewed notwithstanding the registration of a geographical indication, provided that no grounds for invalidity or revocation of the trade mark exist under Directive (EU) 2015/2436 or Regulation (EU) 2017/1001. In such cases, the use of the geographical indication, if then registered, and that of the relevant trade mark shall be permitted.
4. **For the purposes of paragraphs 1 and 3, where** geographical indications **were** registered in the Union without the submission of a Union application for registration, **the date of submission to the Commission of the application for registration of the geographical indication shall be** the date of the first day of protection **shall be deemed to be the date of submission to the Commission of the application for registration of the geographical indication for the purposes of paragraphs 1 and 3.**
5. Without prejudice to Regulation (EU) No 1169/2011, guarantee or certification marks referred to in Article 28(4) of Directive (EU) 2015/2436 and collective marks referred to in Article 29(3) of that Directive, **as well as collective marks and certification marks as referred to in Chapter VIII of Regulation (EU) 2017/1001** may be used on labels, together with the geographical indication.

### *Article 36*

#### **Right to use**

A registered geographical indication may be used by any operator marketing a product **which is in conformity with** the corresponding product specification ~~or single document or an equivalent to the latter.~~

Member States shall ensure that any operator complying with the rules set out in this

Title is covered by the verification of compliance of the product specification established pursuant to Article 39. ~~Member States may charge a fee to cover their costs of managing the controls system.~~

The circumstance by which a geographical indication consists of or contains the name of the estate of a single applicant producer shall not prevent other ~~producers and~~ operators from using the registered geographical indication provided that it is used to designate a product that is in conformity with the product specification.

*Article 37*

**Union symbols, indications and abbreviations**

**0. Indications, abbreviations and symbols referring to geographical indications shall not be used other than in connection with products produced in conformity with the relevant product specification.**

1. The following Union symbols designed to mark and publicise geographical indications shall be established:
  - (a) a symbol identifying protected designations of origin of wine and of agricultural products; and
  - (b) a symbol identifying protected geographical indications of wine and of agricultural products ~~and geographical indications of spirit drinks.~~ **This symbol may also be used for geographical indications of spirit drinks.**
2. In the case of products originating in the Union that are marketed under a geographical indication, the Union symbol associated with it shall appear ~~on~~**in** the labelling and advertising material. The geographical indication shall appear in the same field of vision as the Union symbol. The labelling requirements laid down in Article 13(1) of Regulation (EU) No 1169/2011 for the presentation of mandatory particulars shall apply to the geographical indication.
3. ~~By way of derogation from the first subparagraph (2), in the case of wine and spirit drinks originating in the Union that are marketed under a geographical indication,~~ Union symbols may be omitted from the labelling and advertising material of the product concerned.

~~4. The Union symbol for protected geographical indications established pursuant to paragraph (1) may be used in the description, presentation and labelling of spirit drinks the names of which are geographical indications.~~

5. Where wine, agricultural products or spirit drinks are designated by a geographical indication the indications ‘protected designation of origin’ or ‘protected geographical indication’ shall appear ~~in~~ the labelling **and advertising material** of wine, the indications ‘protected designation of origin’ or ‘protected geographical indication’ may appear ~~in~~ the labelling **and advertising material** of agricultural products and the indication ‘geographical indication’ may appear ~~in~~ the labelling **and advertising material** of spirit drinks, respectively. **The derogation provided for in Article 119(3) of Regulation (EU) 1308/2013 shall apply.**

The abbreviations ‘PDO’ or ‘PGI’, corresponding to the indications ‘protected designation of origin’ or ‘protected geographical indication’, may appear ~~in~~ the labelling **and advertising material** of wine and of agricultural products designated by a geographical indication.

6. **Indications and,** abbreviations **and Union symbols** may be used in the labelling and advertising materials of processed products when the geographical indication refers to an ingredient thereof. In that case, the indication, **or** abbreviation **or Union symbol** shall be placed next to the name of the ingredient that is clearly identified as an ingredient. The Union symbol shall not be placed in association with the name of the food within the meaning of Article 17 of Regulation (EU) No 1169/2011 or in a manner that suggests to the consumer that the processed product rather than the ingredient is the object of registration.

~~7. After the submission of a Union application for the registration of a geographical indication, producers may indicate on the labelling and in the presentation of the product that an application for registration has been filed in compliance with Union law.~~

8. Union symbols indicating the protected designation of origin or protected geographical indication and the Union indications ‘protected designation of origin’, ‘protected geographical indication’ and ‘geographical indication’ and the abbreviations ‘PDO’ or ‘PGI’ as relevant, may appear on the labelling only after the publication of the act of registration of that geographical indication.

9. Where an application is rejected, any products labelled in accordance with paragraph (6) may be marketed until the stocks are exhausted.

10. The following may also appear ~~on~~in the labelling:

- (a) depictions of the geographical area of origin referred to in the product specification; and
- (b) text, graphics or symbols referring to the Member State and the region in which that geographical area of origin is located.

11. Union symbols associated with geographical indications entered in the Union register of geographical indications designating products originating in third countries, may appear ~~on~~in the product labelling and advertising material, in which case the symbols shall be used in conformity with paragraph (2) ~~and (4)~~.

12. The Commission ~~may~~shall adopt implementing acts ~~establishing the Union symbols for geographical indications~~, defining the technical characteristics of the Union symbols for geographical indications as well as ~~the~~technical rules on their use and the use of the indications and abbreviations on products marketed under a registered geographical indication, including ~~rules concerning the appropriate linguistic versions to be used~~. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2) ~~84a~~84a(2).

# Chapter 4

## Controls and enforcement

### Article 38

#### Scope

- ~~1. This Chapter covers controls and enforcement of geographical indications of spirit drinks and of agricultural products.~~
2. For the purposes of this Chapter, controls **include** **mean**:
  - (a) verification that a product designated by a geographical indication has been produced in compliance with the corresponding product specification; and
  - (b) ~~monitoring~~ **verification** of the use of geographical indications in the marketplace.
- 2a. For the purposes of this Chapter, enforcement includes any action that aims to ensure compliance with Chapter 3 of Title II of this Regulation.**
- 2b. Notwithstanding Article 1(4)(a) of Regulation (EU) 2017/625, that Regulation shall apply to controls on geographical indications of wine.**
3. ~~When performing the controls and enforcement activities provided for in this Title, the responsible e~~Competent authorities, **and** ~~product certification~~ **delegated** bodies **and** **natural persons** shall comply with the requirements laid down in Regulation (EU) 2017/625. However, Title VI, Chapter 1, of Regulation (EU) 2017/625 shall not apply to controls of geographical indications.

**Verification of compliance with the product specification**

1. **For the purposes of this Chapter,** Member States shall draw up and keep up to date a list of ~~producers~~ **operators who perform activities covered by the** ~~of products~~ **specification of designated by** a geographical indication entered in the Union register of geographical indications originating in their territory.

**Each operator wishing to participate in any activity covered by the product specification of a product bearing a geographical indication shall inform the competent authorities, delegated bodies or natural persons referred to in paragraph (3)(a) and (b).**

2. Producers are responsible for ~~internal~~ **own** controls that ensure compliance with the product specification of products designated by geographical indications before the product is placed on the market.
3. In addition to ~~internal~~ **own** controls referred to in paragraph 2, prior to placing on the market a product designated by a geographical indication and originating in the Union, ~~third party~~ verification of compliance with the product specification, shall be carried out by:
  - (a) one or more competent authorities within the meaning of Article 3, point (3), of Regulation (EU) 2017/625; or
  - (b) one or more ~~product certification~~ **delegated** bodies **or natural persons** to which ~~responsibilities~~ **tasks** have been delegated as referred to in Regulation (EU) 2017/625, Title II, Chapter III.

**For the purpose of the application of point (a), Article 4(2) and (4) and Article 5(1), (4) and (5) of Regulation (EU) 2017/625 of the European Parliament and of the Council shall apply.**

**In respect of geographical indications in the wine sector, verifications of compliance with the product specification shall be carried out annually both during the wine production and during or after conditioning.**

4. In respect of geographical indications that designate products originating in a third country, verification of compliance with the product specification, before placing the product on the market, shall be carried out by:
- (a) **one or more** ~~a public~~ competent ~~authority~~ **authorities** designated by the third country; or
  - (b) one or more ~~product certification~~ **delegated** bodies.
5. ~~Where~~ **If**, in accordance with the product specification, **an operation** ~~production step~~ **covered by the product specification** is carried out by one or more ~~producers~~ **operators** in a country other than the country of the origin of the geographical indication, provisions for verification of compliance of those ~~producers~~ **operators** shall be set out in the product specification. If the relevant ~~production step~~ **operation** takes place in the Union, the ~~producers~~ **operators** shall be notified **it** to the competent authorities of the Member State where the ~~production step~~ **operation** takes place and be subject to verification ~~as a producer of the product designated by the geographical indication.~~
6. Where a Member State applies Article 8(2), the verification of compliance with the product specification shall be ensured by an authority other than that deemed to be a producer group under that paragraph.
7. **The Member States may charge a fee to cover their** costs of verification of compliance with the product specification. **may be borne by the operators which are subject to those controls. The Member States may also contribute to those costs.**

**7a. The Commission shall adopt implementing acts concerning the following:**

**(a) the communication to be made by the third countries to the Commission;**

**(b) the checks and verification to be carried out by the Member States, including testing.**

**Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 84a(2).**

*Article 40*

**Public information on competent authorities, ~~and product certification~~ delegated bodies ~~and~~ natural persons**

1. Member States shall make public the names and addresses of the competent authorities, ~~and product certification~~ delegated bodies ~~and~~ natural persons referred to in Article 39(3) **for each product designated by a geographical indication** and keep that information up-to-date.
2. The Commission shall make public the names and addresses of the competent authorities and ~~product certification~~ delegated bodies referred to in Article 39(4) and update that information periodically.
3. The Commission may establish a digital portal where the names and addresses of the competent authorities, ~~and product certification~~ delegated bodies ~~and~~ natural persons referred to in paragraphs 1 and 2 are made public.

*Article 41*

**Accreditation of ~~product certification~~ delegated bodies**

1. The ~~product certification~~ delegated bodies referred to in Article 39(3), point (b) and Article 39(4), point (b) shall comply with and be accredited in accordance with **either of the following standards as relevant for the delegated tasks:**
  - (a) ~~European standard EN ISO/IEC 17065:2012 ‘Conformity assessment — Requirements for bodies certifying products, processes and services, including European standard ISO/IEC 17020:2012 ‘Conformity assessment — Requirements for the operation of various types of bodies performing inspection’; or~~

**(aa) Standard EN ISO/IEC 17020 ‘Conformity assessment — Requirements for the operation of various types of bodies performing inspection.**

(b) ~~other suitable, internationally recognised standards, including any revisions or amended versions of the European standards referred to in point (a).~~

2. Accreditation referred to in paragraph 1 shall be performed by an accreditation body recognised in accordance with Regulation (EC) No 765/2008, that is a member of European Accreditation, or by an accreditation body outside the Union that is a member of International Accreditation Forum **or International Laboratory Accreditation Cooperation.**

*Article 42*

**Controls-Verification and enforcement of the use of geographical indications in the marketplace and enforcement**

1. Member States shall designate one or more ~~competent enforcement~~ **authorities responsible for verification of and enforcement actions on the use of geographical indications after the product designated by a geographical indication has been placed on the market, which includes operations such as,** which ~~may be the same as the competent authorities referred to in Article 39(3)(a),~~ responsible for controls in the marketplace and enforcement of geographical indications after the product designated by a geographical indication has completed all production steps, whether it is in ~~storage, transit, distribution,~~ or ~~offered~~ **offering** for sale at wholesale or retail level, including in electronic commerce. **These authorities may be the same as the competent authorities referred to in Article 39(3)(a). Verification of the use of geographical indications shall be carried out on the basis of a risk analysis.**
2. The ~~enforcement authorities~~ **referred to in paragraph 1** shall ~~act~~ carry out controls of products designated by geographical indications to ensure conformity with the product specification or the single document or an equivalent to the latter **for the geographical indication concerned.**

3. Member States shall take appropriate administrative and judicial steps to prevent or stop the use of names of products or services that are produced, ~~operated~~**provided** or marketed in their territory, **or intended for export to third countries,** and that contravenes the protection of geographical indications provided for in Article 27 and Article 28.
4. **The** authority **or authorities** designated in accordance with paragraph 1 shall ~~coordinate enforcement of geographical indications~~ **facilitate the information exchange** among relevant departments, agencies and bodies, ~~including~~ **such as** police, anti-counterfeiting agencies, customs, intellectual property offices, food law authorities and retail inspectors, **to ensure efficient enforcement.**

### *Article 43*

#### **Obligations of applicable to providers of intermediary services on the online market**

1. ~~Any~~ **Any** sale of goods to which persons established in the Union have access, that contravenes **the protection of geographical indications provided for in Articles 27 and 28,** shall be considered illegal content within the meaning of Article 2, point (g) of ~~this~~ Regulation (EU) 2022/xxx of the European Parliament and of the Council<sup>1</sup>. **shall be considered illegal content within the meaning of Article 3, point (h) of Regulation (EU) 2022/2065<sup>2</sup>.**
2. ~~Competent~~ **Relevant national judicial or administrative** authorities of the Member States may, ~~issue an order to act in accordance with Article 89 of Regulation (EU) 2022/xxx~~ **2022/2065, issue an order to act** against illegal content as referred to in paragraph 1 of this Article.
3. ~~Pursuant to Article 14 of Regulation (EU) 2022/xxx, any individual or entity may notify providers of hosting services of the presence of a specific content that is in breach Article 27 of this Regulation.~~

<sup>1</sup> Regulation (EU) [...] of the European Parliament and of the Council of [...] on a Single Market For Digital Services (DSA) and amending Directive 2000/31/EC (OJ L ..., XXX, dd/mm/yyyy, p. X).

<sup>2</sup> Regulation (EU) 2022/2065 of the European Parliament and of the Council on a Single Market For Digital Services (DSA) and amending Directive 2000/31/EC (OJ L 277, 27.10.2022, p. 1).

~~4. This regulation is without prejudice to Regulation (EU) 2022/xxx.~~

#### Article 44

### Mutual assistance and exchange of information

1. Member States shall assist each other for the purpose of carrying out the controls and enforcement provided for in this Chapter in accordance with **Title IV of** Regulation (EU) 2017/625.
2. The Commission may adopt implementing acts detailing the nature and the type of the information to be exchanged **among Member States** and the methods for exchanging **that** information for the purpose of controls and enforcement under this Chapter. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2) **84a(2)**.
- ~~3. Administrative assistance may include, where appropriate, and, by agreement between the competent authorities concerned, participation by the competent authorities of a Member State in on-the-spot checks that the competent authorities of another Member State perform.~~
- ~~4. In case of a possible violation of protection conferred to a geographical indication, Member States shall take measures to facilitate the transmission, from law enforcement authorities, public prosecutors and judicial authorities, to the competent authorities referred in Article 39(3) of information on such possible violation.~~
- ~~5. For the specific purpose of facilitating the exchange of information on non-compliance or fraud concerning registered geographical indications, Member States shall use the information management system established under Regulation (EU) 2017/625 or any other system that might be established in the future for that purpose.~~

**Certificates-Proof of compliance with the product specification**~~authorisation to produce~~

1. An ~~producer~~**operator** whose product, following the verification of compliance referred to in Article 39, is found to comply with the product specification of a geographical indication protected in accordance with this Regulation shall ~~be receive, on request, from the competent authorities, delegated bodies or natural persons~~ entitled to an official ~~certificate~~**proof of compliance with the product specification,** ~~or other proof of certification,~~ of eligibility to produce the product designated by the geographical indication concerned in respect of the production steps performed by the said producer.
  2. ~~An operator to whom a~~ The proof of ~~certificate~~**compliance** referred to in paragraph 1 ~~has been provided~~ shall ~~be made~~ **make that certificateproof** available, on request, to ~~control and~~ enforcement authorities, ~~such as~~ customs or other authorities in the Union engaged in verifying the use of geographical indications on goods declared for free circulation or placed on the internal market. The ~~producer~~**operator** may make the proof of ~~certification~~**compliance** available to the public or to any person who requests such proof in the course of business.
- 2a. The Commission shall adopt implementing acts laying down detailed rules on the form and content of the proof of compliance, as well as its update, period of validity, use, including in case of products originating in third countries.**

## Chapter 5

### ~~Technical assistance~~ International agreements

#### Article 46

#### ~~Scrutiny of third country g~~ Geographical indications under international agreements

1. ~~The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by rules on entrusting~~ **Upon request of the Commission, EUIPO with the shall carry out** scrutiny of third country geographical indications, ~~other than geographical indications under the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications, proposed for protection pursuant to international negotiations or international agreements.~~

- 1a. On the basis of information received from the Commission, EUIPO shall make public and regularly update the list of the international agreements protecting geographical indications to which the Union is a contracting party as well as the list of geographical indications protected under those agreements.\***

#### *Article 47*

#### **Monitoring and reporting**

1. ~~Where the Commission exercises any of the empowerments provided for in this Regulation to entrust tasks to EUIPO, it shall also be empowered to adopt delegated acts in accordance with Article 84 to supplement this Regulation by criteria for monitoring performance in the execution of such tasks. Such criteria may include:~~
  - ~~(a) the extent of integration of agricultural factors in the scrutiny process;~~
  - ~~(b) quality of assessments;~~
  - ~~(c) coherence of assessments of geographical indications from different sources;~~

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\* This paragraph was moved from Art. 23(5).

(d) ~~efficiency of tasks; and~~

(e) ~~user satisfaction.~~

2. ~~No later than 5 years after the first delegation of any tasks to EUIPO, the Commission shall prepare and submit a report to the European Parliament and to the Council on the results and experience of the exercise of these tasks by EUIPO.~~ ]

## Chapter 6

### **Designations of origin and Geographical indications of agricultural products**

#### *Article 48*

#### **Designations of origin and geographical indications of agricultural products**

1. A ‘designation of origin’ of an agricultural product is a name which identifies a product:
  - (a) originating in a specific place, region or, in exceptional cases, a country;
  - (b) whose quality or characteristics are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors; and
  - (c) the production steps of which all take place in the defined geographical area.
  
2. A ‘geographical indication’ of an agricultural product is a name which identifies a product:
  - (a) originating in a specific place, region or country;
  - (b) whose given quality, reputation or other characteristic is essentially attributable to its geographical origin; and
  - (c) at least one of the production steps of which takes place in the defined geographical area.

~~3. The following agricultural products are excluded from being the subject of a protected designation of origin or a protected geographical indication:~~

~~(a) products that by their nature cannot be traded within the internal market and can only be consumed in or near their place of manufacture, such as restaurants;~~

~~(b) products that, without prejudice to the rules referred to in Article 5(2), are contrary to public policy or to accepted principles of morality and may not be placed on the internal market.~~

4. Notwithstanding paragraph 1, certain names shall be registered as designations of origin even though the raw materials for the products concerned come from a geographical area larger than, or different from, the defined geographical area, provided that:

(a) the production area of the raw materials is defined;

(b) special conditions for the production of the raw materials exist;

(c) there are control arrangements to ensure that the conditions referred to in point (b) are adhered to; and

(d) the designations of origin in question were recognised as designations of origin in the country of origin before 1 May 2004.

Only live animals, meat and milk may be considered as raw materials for the purposes of this paragraph.

5. For the purposes of paragraph (2), point (b), ‘other characteristic’ may include ~~traditional~~ **well-established** production practices, ~~and traditional~~ **specific** product attributes ~~and farming practices that protect environmental value including biodiversity, habitats, nationally recognised environmental zones and landscape.~~

~~6. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 concerning restrictions and derogations with regard to the sourcing of feed in the case of a designation of origin. \*~~

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\* Moved to Art. 48a(3).

~~7. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 concerning restrictions and derogations with regard to the slaughtering of live animals or with regard to the sourcing of raw materials. These restrictions and derogations shall, based on objective criteria, take into account quality or usage and recognised know-how or natural factors. \*\*~~

### Article 48a

#### Specific rules on sourcing of feed and of raw materials, and on slaughtering

1. In respect of products of animal origin the name of which is registered as a designation of origin, feed shall be sourced entirely from within the defined geographical area.
  - 1a. Insofar as sourcing entirely from within the defined geographical area is not technically practicable, feed sourced from outside that area can be added, provided that the product quality or characteristic essentially due to the geographical environment are not affected. Feed sourced from outside the defined geographical area shall not exceed 50 % of dry matter on an annual basis.
2. Any restrictions to the origin of raw materials provided in the product specification of a product the name of which is registered as a geographical indication shall be justified with respect to the link referred to in Article 51(1), point (f)(ii).
3. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 concerning restrictions and derogations with regard to the sourcing of feed in the case of a designation of origin.
4. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 concerning **derogations and conditions** with regard to the slaughtering of live animals **and** with regard to the sourcing of raw materials. These derogations **and conditions** shall, based on objective criteria, take into account **animal welfare**, quality or usage **of raw materials** and recognised know-how or natural factors.

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**\*\*** Moved to Art. 48a(4).

### Plant varieties and animal breeds

1. A name may not be registered as a geographical indication where it conflicts with a ~~denomination of a plant variety or animal breed~~ **denomination** and is likely to mislead the consumer as to the true identity or origin of the product designated by the geographical indication or cause confusion between products designated by the geographical indication and the **plant** variety or **animal** breed in question.
2. The conditions referred to in paragraph (1) shall be assessed in relation to the actual use of the names in conflict, including the use of the ~~denomination of the plant variety or animal breed~~ **denomination** outside its area of origin and the use of the denomination of a plant variety ~~protected by Community plant variety rights~~.
3. This Regulation shall not prevent the placing on the market of a product that does not conform with the product specification of a registered geographical indication, the labelling of which includes the name or part of the name of that geographical indication, that contains or comprises the ~~denomination of a plant variety or animal breed~~ **denomination**, provided that the following conditions are met:
  - (a) the product in question comprises or is derived from the **plant** variety or **animal** breed indicated;
  - (b) consumers are not misled;
  - (c) the usage of the ~~denomination of the~~ **plant** variety or **animal** breed **denomination** ~~name~~ constitutes fair competition;
  - (d) the usage of the **plant** variety or **animal** breed **denomination** does not exploit the reputation of the registered geographical indication; and
  - (e) the production and marketing of the product in question had spread beyond its area of origin prior to the date of application for registration of the geographical indication.

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 concerning **supplementing this Regulation with** rules for determining the use of ~~denominations of plant varieties~~ and animal breeds **denominations**.

*Article 50\**

**~~Specific rules on sourcing of feed and of raw materials~~**

1. ~~For the purposes of Article 48, feed shall be sourced entirely from within the defined geographical area in respect of products of animal origin the name of which is registered as a designation of origin.~~
2. ~~Insofar as sourcing entirely from within the defined geographical area is not technically practicable, feed sourced from outside that area can be added, provided that the product quality or characteristic essentially due to the geographical environment are not affected. Feed sourced from outside the defined geographical area shall not exceed 50 % of dry matter on an annual basis.~~
3. ~~Any restrictions to the origin of raw materials provided in the product specification of a product the name of which is registered as a geographical indication shall be justified with respect to the link referred to in Article 51(1), point (f).~~

*Article 51*

**Product specification**

1. ~~Products the names of which are registered as a designation of origin or a geographical indication shall comply with a~~ **product specification** ~~which shall include at least:~~
- (a) the name to be **protected-registered** as a designation of origin or geographical indication, **as it is** ~~which may be either a geographical name of the place of production of a specific product, or a name used in trade or in common language to describe the specific product in the defined geographical area;~~

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\* Moved to Art. 48a(1) and (2).

- (b) a description of the product, including where relevant, the raw materials, plant varieties and animal breeds concerned, including the commercial designation of the species and its scientific name, as well as the principal physical, chemical, microbiological or organoleptic characteristics of the product;
- (c) the definition of the delimited geographical area **creating with regard to** the link referred to in point (f)(i) or (ii), and, where appropriate, details indicating compliance with the requirements of Article 48(4) ;
- (d) evidence that the product originates in the defined geographical area specified in accordance with Article 48(1), point (c), or Article 48(2), point (c);
- (e) a description of the method of obtaining the product and, where appropriate, the **traditional well-established** methods and specific practices used; as well as information concerning packaging, if the applicant **producer** group so determines and gives sufficient product-specific justification as to why the packaging must take place in the defined geographical area to safeguard quality, to ensure the origin or to ensure control, taking into account Union law, in particular that on the free movement of goods and the free provision of services;
- (f) details establishing the following:
  - (i) as regards a **protected** designation of origin, the link between the quality or characteristics of the product and the geographical environment referred to in Article 48(1), point (b). The details concerning human factors of that geographical environment may, where relevant, be limited to a description of the soil and landscape management, cultivation practices or any other relevant human contribution to the maintenance of the natural factors of the geographical environment referred to in that provision;
  - (ii) as regards a **protected** geographical indication, the link between a given quality, the reputation or other characteristic of the product and the geographical origin referred to in Article 48(2), point (b).<sup>5</sup>:-
- ~~(g) any specific labelling rule for the product in question;~~

~~(h) other applicable requirements where provided for by Member States or by a producer group, if applicable, having regard to the fact that such requirements must be objective, non-discriminatory and compatible with national and Union law.~~

2. The product specification may also include:

**(a)** sustainability undertakings;

**(b) any specific labelling rule for the product in question;**

**(c) other applicable requirements where provided for by Member States or by a producer group, if applicable, having regard to the fact that such requirements must be objective, non-discriminatory and compatible with national and Union law.**

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 concerning rules which limit the information contained in the product specification referred to in paragraph 1 of this Article, where such a limitation is necessary to avoid excessively voluminous applications for registration.

4. The Commission may adopt implementing acts laying down rules on the form of the product specification. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article ~~53(2)~~ **84a(2)**.

## *Article 52*

### **Single document**

1. The single document shall comprise **at least**:

(a) the main points of the product specification, namely: the name **to be registered as a designation of origin or geographical indication**, a description of the product, including, where appropriate, specific rules concerning packaging and labelling and a concise definition of the geographical area;

(b) a description of the link between the product and the geographical environment or geographical origin referred to in Article 51(1), point (f), including, where appropriate, the specific elements of the product description or production method justifying that link.

2. The Commission may adopt implementing acts defining the format and the online presentation of the single document provided for in paragraph 1 and providing for the exclusion or anonymisation of ~~protected~~ personal data. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article ~~53(2)~~ 84a(2).

(...)

## ANNEX I

### Additional agricultural products referred to in Article 5(1)

#### Products

CN Heading 25.01 (salt)

~~CN Code 29.05.43 (mannitol)~~

~~CN Code 29.05.44 (sorbitol)~~

**CN Heading 32.03 (cochineal)**

CN Heading 33.01 (essential oils)

CN Headings 35.01 to 35.05 (albuminoidal substances, modified starches, glues)

~~CN Code 38.09.10 (finishing agents)~~

~~CN Code 38.23.60 (sorbitol n.e.p.)~~

~~CN Headings 41.01 to 41.03 (hides and skins)~~

~~CN Heading 43.01 (raw furskins)~~

CN Heading 45.01 (cork)

**CN Headings 50.01 to 50.03 (raw silk and silk waste)**

**CN Headings 51.01 to 51.03 (wool and animal hair)**

**CN Headings 52.01 to 52.03 (raw cotton, waste and cotton carded or combed)**

CN Heading 53.01 (raw flax)

CN Heading 53.02 (raw hemp)

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