

**GIs**  
**ALL CAs agreed**  
**A Point shadows meeting 28.03.2023)**

**CA A (art. 1) A Point Shadows meeting 25.01.2023**

Covers AMs 204 (Re), 205 (EPP), 206 (Greens ), 207 Re, 208 EPP, 209 ECR, 210S&D, 211 GREENS, 212 (S&D), 213 (ECR), 214 (ECR), 215 (S&D), 216 (S&D), 217 (S&D), 218 (ECR), 219 (ECR), INTA 17, INTA 18

AMs to be discussed at political level: 207 (Re), 208 (EPP), 209 (ECR), 210 (S&D), 211 (Greens)

Article 1

Subject matter

This Regulation lays down the rules on *the following quality schemes (204, 205, 206)*:

- (a) *protected designations of origin (PDOs) and protected geographical indications (PGIs) for wine, ~~spirit drinks and~~ agricultural products and foodstuffs, and geographical indications for spirit drinks (207, 212)*;
- (b) *traditional specialities guaranteed (TSGs); and ~~optional quality terms for agricultural products.~~ (213, 214, 215, 216)*
- (c) *optional quality terms for agricultural products (217, 218, 219).*

**Comments**

**To be discussed for the inclusion or exclusion of wine**

## CA B (art. 2) B Point Shadows meeting 25.01.2023

Covers AMs 1, 2 (Rapporteur), 220 (S&D), 221 (EPP), 222 (Re), 223 (The Left), 224 (Greens ), 225 (ID), 226 (EPP), 228 (S&D), 229 (ECR), 230 (ECR), 231 (S&D), 232 (Re), 233 (Greens ), 234 (S&D), 235 (EPP), 236 (EPP), 237 (EPP), 238 (EPP), 239 (S&D), 240 (EPP), 241 (EPP), 242 (Re), 243 (EPP)

### Article 2

#### Definitions

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

*(-a) ‘quality schemes’ means the schemes established under Titles II, III and IV;*

*(a) ‘producer group’ means any association, irrespective of its legal form, ~~mainly~~ (1, 220, 221, 222) composed of producers ~~or of raw material~~, processors *or operators involved in the production* (1, 223) of the same product, ~~and listed in the national control system;~~ (225, 226)*

*(b) ‘traditional’ and ‘tradition’, associated with a product ~~originating in a geographical area~~ (228, 229, 230, 236), means proven historical usage *of the name* (234, 235, 237) by producers in a community for a period that allows transmission between generations; *that* period is to be at least 30 years and ~~the said~~ *such* usage may embrace modifications necessitated by changing hygiene, ~~and~~ safety *and other relevant practices, such as those related to sustainability, animal health and welfare* (231);*

*(d) ‘production step’ means any stage of ~~procurement-supply~~, production, processing, preparation or ageing, *performed* up to the point where the product ~~is in a form~~ *meets all the requirements needed* (240) to be placed on the internal market, ~~as defined in the product specification~~ (239);*

*(f) ‘product certification bodies’ means *delegated* (241, 242) bodies within the meaning of Title II, Chapter III, of Regulation (EU) 2017/625 which certify that products designated by geographical indications or traditional specialities guaranteed comply with the product specification.*

*(g) ‘generic term’ means *the name of products which, although relating to the place, region or country where a product was originally produced or marketed, have become the common name of a product in the Union.* (2, 243);*

~~—(i) the name of products which, although relating to the place, region or country where~~

~~a product was originally produced or 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 specific product;~~

**CA C (art. 4) A Point Shadows meeting 25.01.2023**  
**4.1d )and 4.1e) SHARED COMPETENCES WITH JURI**

Covers AMs 4, 5, 6, 7, 8, 9, 10 (Rapporteur), 255 Greens, 256 (Greens), 257 (EPP), 258 (EPP), 259 (EPP), 260 (Re), 261 (Greens), 262 (ID), 263 (EPP), 264 (S&D), 265 (S&D), 266 (NA), 267 (EPP), 268 (S&D), 269 (ID), 270 (EPP), 271 (EPP), JURI 16, JURI 17, JURI 18, INTA 19, INTA 20, INTA 21, INTA 22, INTA 23, INTA 24, INTA 25, INTA 26

Article 4

Objectives

1. This Title provides for a unitary and exclusive 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:

*(-a) helping producers obtain a fair return ~~for producers~~ for the quality of their products; (4, 257, 259, 261, [INTA 20](#))*

*(-aa) contributing to the achievement of rural development policy objectives by providing support to agricultural and processing activities and the farming systems associated with high-quality products, ~~thereby contributing to the achievement of rural development policy objectives~~; (5, 258, 259, 272, [INTA 21](#), [INTA 22](#))*

*(a) ensuring that producers acting collectively have the necessary powers and responsibilities to manage their geographical indication, including **to create value and** to respond to societal demands for products resulting from sustainable production in its ~~three~~ dimensions of economic, environmental and social value, **animal health and welfare**, and to operate in the **Union internal market and ~~on~~ international markets**; (6, 256, [INTA 19](#))*

*(b) ensuring fair competition for **farmers and** producers of agricultural products and foodstuffs, in order to ~~generating~~ generate added value in the marketing chain; (259, 260)*

*(ba) contributing to the aim of sharing that ~~the~~ added value ~~associated with geographical indications is fairly shared~~ across the supply chain, in order to ensure producers' capacity to invest in the quality, reputation and sustainability of their products; (7, 261, 262, 263, [JURI 18](#), [INTA 23](#))*

*(c) ensuring that consumers receive reliable information and a guarantee of authenticity **and traceability of the quality, reputation and other characteristics linked to the place of production** of such products and can readily identify them in the*

marketplace including in *the domain name system and in* electronic commerce; (8, 264, 265, 266, [INTA 24](#))

(d) *ensuring the* **simple,** efficient **and user-friendly** registration of geographical indications taking into account the *uniform,* appropriate *and effective* protection of intellectual property rights *in the internal market including ~~the Union~~ digital markets across the Union;* and (9, 267, [JURI 16, INTA 25](#))

(e) *ensuring* effective *controls,* enforcement, *use* and marketing throughout the Union *and in the domain name system* and in electronic commerce, *thereby* ensuring the integrity of the internal market; (10, 268, 269, 270, [JURI 17, INTA 26](#))

(ea) ~~preservation~~ *preserving know-how, and ~~promotion~~ promoting and supporting local and regional products* (271).

Article 6

Classification

1. Products designated by geographical indications shall be classified according to the combined nomenclature at two, four, ~~or~~ six *or eight*-digit level. *Additional codes established pursuant to Articles 3 and 5 of Regulation (EEC) No 2658/1987 may be added to the combined nomenclature by the Commission, upon the request of a Member State (11, 282).* 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. 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) *of this Regulation.*

Article 7

Definitions

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

(f) ‘recognised producer group’ means a formal association *of producers* ~~having legal personality and~~ (12, 297) recognised by the competent national authorities as the sole group to *represent and* act on behalf of all producers, *and fulfilling the requirements set out in Article 33 paragraphs (1) and (2); (295, 296)*

**CA F (art. 8) A Point Shadows meeting 25.01.2023**

**Covers AMs 14 (Rapporteur), 299 (Re), 300 (S&D), 301 (Verts), 302 (ECR), 303 (EPP)**

Article 8

Applicant

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. *Other interested parties, including (14, 299, 302) specialist organisations (303), non-governmental organisations or (301) regional or local public bodies may provide technical advice and (300) help in the preparation of the application and in the related procedure.*



**Covers AMs 16 (Rapporteur), 318 (Re), 319 (S&D), 320 (EPP)**

Article 9

National stage of the procedure of registration

7. The Member State shall ensure that its decision, be it favourable or not, is made public and that the applicant has ~~that any natural or legal person having a legitimate interest has an~~ opportunity to lodge an appeal. **(16, 318, 319)** The Member State shall also ensure that the product specification on which its favourable decision is based is published, and shall provide electronic access to the product specification.

*Article 12a AGREED*

*Sustainability report*

*1. ~~By 1 January 2026~~, Producer groups ~~shall~~ may prepare a sustainability report based on internal audit activities, comprising a description of existing sustainable practices implemented in the production of the product (337), of the impacts of the method of obtaining the product on sustainability, in terms of social, environmental, economic or animal health and welfare commitments, and information necessary to understand how sustainability affects the development, performance and position of the product.*

*The sustainability report shall, ~~where appropriate~~, may be updated to take account in particular of progress ~~following~~ compared with the outcome of ~~an~~ previous internal audit activities.*

*2. The Commission may adopt implementing acts setting out a harmonised format and ~~the~~ online presentation of the report provided for in paragraph 1 of this Article, contributing to the aim of sharing and replicating sustainable practices, ~~also~~ including through advisory services and the development of a network for the exchange of such practices. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2). (20, 355)*

**CA I (art. 14) A Point Shadows meeting 25.01.2023**

**Covers AMs 21 (Rapporteur), 368 (EPP), INTA 36**

Article 14

Accompanying documentation

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~~ (21, 368, INTA 36) of the accompanying documentation to be supplied.

**COMPROMISE AK - A Point shadows meeting 14.03.2023**

**Covers AMs 22(Rapporteur), 369 (S&D), 370 (S&D), 371 (S&D), 372 (ECR), 373 (ID), 374 (S&D)**

Article 15

Union application for registration

1. For geographical indications concerning products originating in the Union, the Union application for registration shall comprise:

***(-a) the product specification referred to in Article 11; (369)***

- (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, confirming that the application meets the conditions for registration; and
- (d) the electronic publication reference of the product specification which shall be maintained up to date.

2. For geographical indications concerning products originating outside the Union, the Union application for registration 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) or (2) 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. (22, 371, 372, 373, 374)~~

7. The Commission may 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).

## **COMPROMISE V - A Point shadows meeting 28.03.2023**

**Covers AMs 23, 24 (Rapporteur), 377 (EPP), 378 (S&D), 379 (Re), 380 (ID), 381 (EPP), 382 (EPP), 383 (ID), 384 (S&D), 385 (S&D) 391(EPP), 392 (ECR), 393 (ECR), 394 (ECR), 395 (Greens), 396 (ID), 397 (S&D), JURI 19, JURI 20, JURI 23, JURI 24, JURI 25, JURI 26, JURI 27, INTA 37, INTA 38**

### Article 17

~~Scrutiny~~ *Examination* by the Commission and publication for opposition (**JURI 19**)

1. The Commission shall ~~scrutinise~~ *examine* (377, 380, 381, JURI 20) any application for registration that it receives pursuant to Article 16(1). ~~Such scrutiny shall consist of a check~~ *The Commission shall verify* that there are no manifest errors, that the 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~~ (377, 379, 380, 381). ~~It~~ *The Commission* shall take into account the outcome of the national procedure carried out by the Member State concerned. ~~It shall focus in particular on the single document referred to in Article 13.~~ (377, 378, 379, 380, 381)

2. *Subject to paragraph 3, Scrutiny the examination period shall* ~~should~~ not exceed a period ~~of 6~~ *five months from the date of submission of the application for registration.* (23, 383, JURI 23)

*That examination period shall not include the period which starts on the date on which the Commission sends its observations or a request for supplementary information to the Member State, and ends on the date on which the Member State responds to the Commission in relation to such observations or to such a request.* (382, JURI 25)

*In duly justified cases, the examination period may be extended by a maximum of three months.* In the event that the ~~scrutiny~~ *examination* period ~~exceeds~~ *is extended* or is likely to ~~exceed 6 months~~ *be extended* the Commission shall inform the applicant of the reasons for the delay in writing *and of the date on which the examination period is expected to end.* (23, 383, 384)

3. *Within three months following the submission of the application for registration, the Commission may seek supplementary information from **the competent authority or from** the applicant.* (385, JURI 24)

4. Where, based on the ~~scrutiny~~ **examination** carried out pursuant to paragraph 1, the Commission considers that the conditions laid down in this Regulation and in Regulations (EU) No 1308/2013 and (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.

~~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.~~ (24, 391, 392, 393, 394, 395, 396, 397, JURI 27)

## **COMPROMISE Z - A Point shadows meeting 14.02.23**

**Covers AMs 25 (Rapporteur), 398 (EPP), 399 (Re), 400 (EPP), 401 (ID), 402 (EPP), JURI 28, JURI 29, JURI 30, JURI 31, JURI 32**

### Article 18

#### National challenge to an application for registration

1. Member States shall ~~keep~~ **immediately inform** the Commission ~~informed~~ of any national administrative or judicial proceedings that may affect the registration of a geographical indication. (JURI 28)

2. The Commission shall be exempted from the obligation to meet the deadline to perform the ~~scrutiny~~ **examination** referred to in Article 17(2) ~~and to inform the applicant of the reasons for the delay~~ (25, 398, 399, 400, 401, 402, JURI 29) 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 judicial decision; or

(b) requests the Commission to suspend the ~~scrutiny~~ **examination** 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. (JURI 30)

*The Commission shall inform the applicant of the reasons for the delay.*

3. The exemption **provided for in paragraph 2** shall have effect until the Commission is informed by **the competent authority of** the Member State that the original application has been restored or that the Member State withdraws its request for suspension. (JURI 31)

4. If the application has been invalidated by a final decision taken by a national court, **the competent authority of** the Member State shall consider appropriate action such as withdrawal or modification of the Union application for registration, as necessary. (JURI 32)

## COMPROMISE AA - A Point shadows meeting 14.03.2023

Covers AMs 26, 27, 28 (Rapporteur), 403 (EPP), 404 (The Left), 405 (ECR), 406 (EPP), 407 (The Left), 408 (ECR), **409(EPP), 410(ECR, 411(EPP), 412(Greens), 413(Re), 414 (EPP), 415 (Re), 416 (ID), 417(S&D), 418 EPP), 419 (ECR), 420 EPP), 421 (RE), 422 (The Left), 423 (Re), 424 (ECR), 425 (EPP), 426 (ECR), 427 (ECR), 428 (ECR), 429 (Greens), 430 (EPP), 431 (ID), 432 (S&D), JURI 33, JURI 34, JURI 35, JURI 36, JURI 37, JURI 38, JURI 39, JURI 40, JURI 41, JURI 42, INTA 39. INTA 40**

### 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~~ (26, 403, 404, 405, JURI 34) 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 was submitted, may lodge an opposition with the Member State, in which it is established or resident, within a time limit permitting an opposition ~~or notice of comments~~ to be lodged pursuant to paragraph (1). (27, 406, 407, 408, JURI 35)
3. An opposition shall claim that the application could infringe the conditions 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~~ *examine* (414, 415, 416) the admissibility of the opposition. If the Commission considers that the opposition is admissible, it shall, within 5 months from the date of publication in the Official Journal of the European Union **and within 30 days from the date of receipt of that opposition** –invite the authority or the person that lodged the opposition and the authority or the applicant producer group that lodged the application, **in writing**, to engage in appropriate consultations for a reasonable period that shall not exceed 3 months. 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 by a maximum of 3 months.

5. The authority or the person that lodged the opposition 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 (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 *competent* 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 to the Commission may also notify the Commission of its position at the end of the consultations. (JURI 38)

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~~ *examination* 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 once more in accordance with that paragraph. (JURI 39)

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, the Commission shall finalise its assessment of the Union application for registration, 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~~ *examination* that may imply a change of the single document. (422, 423, 424, JURI 40)

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 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.~~ (28, 425, 426, 427, 428, 429, 430, 431, 432, JURI 41)

11. The Commission may 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).

**COMPROMISE AB bis - A Point shadows meeting 14.03.2023**

Covers AMs 439 (The Left), JURI 44

*Article 20a*

*Notice of comment procedure*

- 1. In order to correct inaccuracies in an ongoing registration procedure for a geographical indication, a competent authority of a Member State or of a third country, or a natural or legal person having a legitimate interest and established or resident in a third country or in another Member State, may lodge a notice of comment with the Commission within three months from the date of publication of the single document and the product specification reference in the Union register.*
- 2. The notice of comment referred to in paragraph 1 of this Article shall not be based on the grounds for opposition referred to in Article 19. The competent authority or person that lodges a notice of comment shall not be considered to be a party to the procedure.*
- 3. The Commission shall share the notice of comment with the applicant and shall take the notice of comment into consideration when deciding on the application of the registration, unless it is unclear or obviously incorrect.*
- 4. In order to facilitate the management of the notice of comment procedure, the Commission may adopt implementing acts laying down rules on the submission of such notice of comments and specifying their format and online presentation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2).*

**COMPROMISE AL - art 23 - OPEN - B Point Shadows meeting 28.03.2023**

## COMPROMISE AB -A Point shadows meeting 14.02.23

Covers AMs 452 (ID), 453 (EPP), 454 (S&D), 455 (Re), JURI 58, JURI 59

### Article 24

#### Extracts from the Union register of geographical indications

1. Any person shall be able to *easily and free of charge* download an official extract from the Union register of geographical indications that provides proof of registration *or rejection* of the geographical indication, and ~~the~~ *other* relevant data including the date of application for the registration of the geographical indication or other priority date. *The official extract shall be prepared in a machine-readable format as defined in Article 2, point (13), of Directive (EU) 2019/1024 of the European Parliament and of the Council<sup>1</sup>.* ~~This~~ *That* official extract may be used as an authentic certificate in legal proceedings, in a court of law, court of arbitration or similar body. (JURI 58)
2. Where a producer group has been recognised by the national authorities ~~in accordance with Article 33,~~ *or by a third country authority, in accordance with Article 33*, that group shall be identified as the ~~rights' holder~~ *representative of producers of a product designated by a* the geographical indication in the Union register of geographical indications and in the official extract referred to in paragraph (1) *of this Article*. (452, 453, 454, 455, JURI 59)
3. The Commission may adopt implementing acts ~~defining~~ *setting out* the ~~format and~~ online presentation of extracts from the Union register of geographical indications *and which machine-readable format is to be used*, 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).

<sup>1</sup> *Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (OJ L 172, 26.6.2019, p. 56).*

## COMPROMISE AC- A Point shadows meeting 28.03.2023

Covers AMs 30, 31, 32, 33, 34, 35, 36, 37, 38 (Rapporteur), 456 (S&D), 457 (S&D), 458 (EPP), 459 (ECR), 460 (EPP), 461 (ID), 462 (EPP), 463 (ECR), 464 (EPP), 465 (EPP), 466 (ECR), 467 (Greens), 468 (ECR), 469 (EPP), 470 (The Left), 471 (ID), 472 (EPP), 473 (EPP), 474 (EPP), 475 (ID), 476 (ID), 477 (EPP), 478 (ID), 479 (Greens), 480 (ID), 481 (ECR), 482 (S&D), 483 (ECR), JURI 60, JURI 61, JURI 62, JURI 63, JURI 64, JURI 65, JURI 66, JURI 67, JURI 68, JURI 69, INTA 44

### Article 25

#### Amendments to a product specification

1. A *recognised* producer group ~~having a legitimate interest~~ may apply for the approval of an amendment to the product specification of a registered geographical indication.

*1a. Where a recognised producer group does not exist, a producer group having a legitimate interest or a single producer which is the only producer of a geographical indication may apply for the approval of an amendment to the product specification of a registered geographical indication.* (30, 31, 456, 457, 458, 459, 460, 461, 462, 463, 464, JURI 60, JURI 61)

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 *considered as* a Union amendment if it entails a change of the single document and: (JURI 62)

(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 (32, 465, 466)

(b) where the scrutiny carried out by the relevant Member State under paragraph 2, point (b), has concluded that that amendment might void the link to the geographical area referred to in the single document ~~risks voiding the link to the geographical area referred to in the single document;~~ or (33, 468)

(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~~ **temporary** amendment shall be considered as a ~~temporary~~ **standard** 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 ***the consequences of*** a natural disaster, ~~or~~ adverse weather, ***geopolitical events or any other exceptional*** conditions formally recognised by the competent authorities. (34, 469, 470, JURI 64)

6. Union amendments shall be ***assessed and*** approved by the Commission. ~~The~~ ***within three months from the application for the*** approval ***of an amendment to the product specification of a registered geographical indication.***

***Without prejudice to the first subparagraph of this paragraph, the approval*** procedure shall follow, mutatis mutandis, the procedure laid down ~~from~~ ***in*** Articles ~~8 to Article 22 of an amendment to the product specification of a registered geographical indication.~~ (471, 472, JURI 63, JURI 65)

***Where the amendments concern the product specifications of a geographical indication registered in the International Register, Article 23(6a) shall apply, mutatis mutandis.***

7. Applications for Union amendments submitted by a third country, ***by producer groups*** or, ***in exceptional and duly justified cases,*** by ***individual*** producers ***established*** 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. (473, 474, 475, JURI 66)

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~~ ***examine*** the Union amendment only. Any standard amendments or temporary amendments shall be deemed as not having been submitted. The ~~scrutiny~~ ***examination*** 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. (36, 476, JURI 67)~~

9. Standard amendments shall be *assessed and* 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 *by publishing them in the Official Journal of the European Union and in the Union register of geographical indications*. (37, 477, 478, JURI 68)

~~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 standard amendments referred to in paragraph (9). (38, 479, 480, 481, 482, 483, JURI 69)~~

11. The Commission may 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).

### **COMPROMISE AD - A Point shadows meeting 14.02.23**

**Covers AMs 39, 40 (Rapporteur), 484 (S&D), 485 (S&D), 486 S&D , 487 (ID), 488 (EPP), 489 (ECR), 490 (ID), 491 (The Left), 492 (EPP), 493 (ID), 494 (S&D), 495 (ECR), 496 (EPP), 497 (Greens), 498 (Re), 499 (ECR), 500 (ECR), JURI 71, JURI 72, INTA 45**

#### 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, 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 seven~~ *in the last seven* consecutive years. (39, 484, JURI 71)

2. The Commission ~~may also shall~~ adopt implementing acts cancelling the registration at the request of the *producer group representing a majority of producers of the product marketed under the registered name.* (485, 487, 488)

*2a. The use and the protection of the registered name as another intellectual property right, in particular as a trade mark, shall be prohibited for 10 years after the cancellation of the registration of a geographical indication, unless such intellectual property right had existed, or such a trademark had been registered, before the registration of the geographical indication.* (40, 489, 490, 491)

~~2a. The use and the protection as another intellectual property right of the registered name shall be prohibited for 10 years after the cancellation of the registration of a geographical indication.~~ (40, 489, 490, 491)

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).

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

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.

~~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).~~ (492, 493, 494, 495, 496, 497, 498, 499, 500, JURI 72, [INTA 45](#))

7. The Commission may adopt implementing acts laying down detailed rules on procedures and the form of the cancellation of 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).



## **COMPROMISE AE - A Point shadows meeting 14.03.2023**

**Covers AMs 41, 42, 43, 44, 45, 46, 47, 48, 49, 50 (Rapporteur), 501 (S&D), 502 (EPP), 503 (ID), 504 (S&D), 505 (ID), 506 (EPP), 507 (ECR), 508 (S&D), 509 (EPP), 510 (ID), 511EPP, 512 S&D, 513 (ECR), 514 (ECR), 515 (EPP), 516 (ECR), 517 (EPP), 518 (Re), 519 (ID), 520 ID, 521 NI, 522 ECR, 523 EPP, 524 (S&D), 525 (ID), 526 (ID), 527 (ID), 528 (ID), 529 (S&D), JURI 73, JURI 74, JURI 75 , JURI 76, INTA 46-53**

### 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 products not covered by the registration, where those products are comparable to the products registered under that name or where use of a name exploits, weakens, dilutes, or is detrimental to the reputation of, the protected name, *including where those products are used as ingredients*; (41, 502, 503, JURI 73)

(b) any misuse, *counterfeiting*, imitation or evocation, even if the true origin of the products or services is indicated or if the protected name is translated, *transcribed, transliterated* or accompanied by an expression such as ‘style’, ‘type’, ‘method’, ‘as produced in’, ‘imitation’, ‘flavour’, ‘like’ or similar, *including where those products are used as ingredients*. (42, 504, 505, 506, 507, 508, JURI 74)

(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, advertising material, documents or information provided on websites *or on domain names* relating to the product concerned, and the packing of the product in a container liable to convey a false impression as to its origin; (43, 509, 510)

(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. (513, 514, 515, 516, 517, 518, 519)~~

3. Paragraph (1) shall also apply to 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~~

*(aa) goods produced in the Union and destined to be exported and marketed in third countries; and* (46, 524, 525 JURI 75)

(b) goods sold by means of distance selling, such as electronic commerce.

*4a. Where the geographical indication contains one or more non-generic terms, the use of one, some or all of them in the same or in a different order from the one registered shall constitute one of the types of conduct referred to in paragraph 1, points (a) and (b).* (529)

5. The recognised group of producers or any operator that is entitled to use the protected designation of origin or protected geographical indication shall be entitled 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). (48, 526)

6. Geographical indications protected 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, *as a general rule*, conduct referred to in paragraph (1), point (a) and (b). (49, 527)

7a. Each Member State shall take appropriate administrative and judicial steps to prevent or stop the unlawful use of protected designations of origin and protected geographical indications, as provided for in paragraph 1, that are produced or marketed in that Member State. To that end, Member States shall designate the authorities that are responsible for taking those steps in accordance with procedures determined by each individual Member State.

Those authorities shall provide adequate guarantees of objectivity and impartiality, and shall have at their disposal the qualified staff and resources necessary to carry out their functions. (50, 528).

**CA J (art. 28)- B Point Shadows meeting 25.01.2023**

**Covers AMs 51, 52, 53 (Rapporteur), 530 (EPP), 531 (EPP), [532 (EPP)], 533 (EPP), 534 (S&D), 535 (EPP), 536 (EPP), 537 (ECR), 538 (ID)**

Article 28

Ingredients in processed products

1. ~~Article 27 is without prejudice to the use~~ ***The name*** of a geographical indication ***used*** by operators in conformity with Article 36 ~~to indicate that~~ ***as an ingredient in*** a processed product ***may be referred to in the list of ingredients (51)***, ~~contains, as an ingredient, a product designated by that geographical indication provided that~~ ***there is no unlawful misuse, imitation or evocation, within the meaning of such use complies with Article 27(1) of this Regulation (530), that*** such use ~~it~~ is made in accordance with honest commercial practices and does not weaken, dilute or is not detrimental to the reputation of the geographical indication, ***and that it complies with the applicable provisions of Regulation (EU) 2019/787 in respect of spirit drinks. (531)***

2. The geographical indication designating a product ingredient shall not be used in the food name, ***labelling except the list of ingredients, packaging device or advertising (533)*** of the related processed product, except in cases ***of the existence of an agreement in writing including control provisions concluded with a the recognised producer group or where such a group does not exist, the producer group*** representing ~~two-thirds~~ ***a majority*** of the producers, ***(52) which may establish minimum conditions for the fair usage of the name, including the financial terms for contributions. (534)***

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. (53, 535, 536, 537, 538).~~

## CA K (art. 32)-B Point Shadows meeting 25.01.2023

Covers AMs 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66 (Rapporteur), 543 (Re), 544 (S&D), 545 (NA), 546 (EPP), 547 (EPP), 548 (Greens), 549 (EPP), 550 (EPP), 551 (EPP), 552 (EPP), 553 (EPP), 554 (EPP), 555 (EPP), 556 (EPP), 557 (ECR), 558 (Greens), 559 (EPP), 560 (S&D), 561 (EPP), 562 (NA), 563 (S&D), 564 (Re), INTA 54, INTA 55, INTA 56, INTA 57

### Article 32

#### Producer groups

1. A producer group shall be set up on the initiative of interested stakeholders, including farmers, farm suppliers, *producers and ~~their~~ associations of producers (549)*, ~~intermediate processors and final~~ (546) processors, as specified by the *relevant* national authorities *in accordance with their national legislation (546)*, and according to the nature of the product concerned. *A producer group may also be set up on the initiative of a Member State (56, 546).*

Member States shall verify that the producer group operates in a transparent and democratic manner *via, in particular, ~~via internal rules that enabling enable its members to scrutinise it democratically, as well as its decisions, its accounts and its budget (548)~~*, and that all producers of the product designated by the geographical indication enjoy *the* right of membership *of* the group.

Member States may *lay down rules to ensure that only one producer group, representing a majority of producers, can operate for each geographical indication and that membership of the producer group and ~~participation in its operating the contribution to costs associated with the exercise of the producer group's powers and the fulfilment of its responsibilities by the producer group~~ is compulsory for all producers* provide that public officials, and other stakeholders such as consumer groups, retailers and suppliers, also participate in the works of the producer group. (56, 546, 547, INTA 54)

*Without prejudice to Article 32(2), national authorities may, in accordance with national laws, define the tasks, powers and responsibilities granted to a producer group. (546, 547)*

2. *Where a recognised producer group does not exist* (57), a producer group may exercise in particular the following *non-exhaustive* (550, [INTA 55](#)) powers and responsibilities:

(a) develop the product specification and manage ~~internal controls that ensure~~ *activities relating to verifying and ensuring* (58, 551) compliance of production steps of the product designated by the geographical indication with the said specification;

(b) ~~assert the right, including enforcement actions offline and online~~ (552), take legal action, *including action before civil and criminal courts* (553, 554), to ensure protection *offline and online* (552) of the geographical indication and of the intellectual property rights that are directly connected with it, *including websites, domain names and electronic commerce, and claim damage*; (59, 552, 553, [INTA 56](#))

(c) agree sustainability undertakings, *including undertakings which complement and contribute to producers' agro-ecological strategies to combat climate change* (558), whether ~~or not~~ included in the product specification *or elsewhere* (60), as a separate initiative, ~~including arrangements for verification of compliance with those undertakings and~~ (555, 556, 557) assuring adequate publicity for them notably ~~in the sustainability report accompanying the product specification referred to in Article 12a or~~ in an information system provided by the Commission; (60 )

(d) take action to improve the performance of the geographical indication, *in terms of economic, social and environmental sustainability*, including: (61, 559)

(i) *establishing the minimum conditions for the usage of the name of a geographical indication*;

(ia) 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, *including the development of tourism services relating to sustainable and responsible rural tourism in the geographical area referred to in the product specification*; (560)

(iii) carrying out analyses into the economic, *social or environmental* (62, 561) performance, ~~sustainability~~ (62) 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 to current and future producers, including on gender mainstreaming and equality.

(e) combat counterfeiting and suspected fraudulent uses on the internal market, *including the Union digital* market (63, 562, [INTA 57](#)), 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, and, as necessary, inform enforcement authorities using confidential systems available;

*(ea) take measures to enhance the value of products and, where necessary, take steps to prevent or counter any measures or commercial practices which are, or risk being, detrimental to the image and value of their products, including devaluating marketing practices and lowering prices; (64)*

*(eb) take measures to disseminate best practices and raise awareness among producers and consumers of the sustainability undertakings provided for in Article 12; (65)*

~~*(ec) lay down rules concerning the use of the product designated by establish the minimum conditions for the fair usage of the name of a geographical indication as an ingredient in a processed product, referred to in Article 28(2), and determine the rules for in particular by:*~~

~~*(i) establishing minimum conditions for the use of the name of the product designated by a geographical indications; and*~~

~~*(ii) requesting a financial contribution from the processor using the name of the product designated by a geographical indication as an ingredient for such use. (66)*~~

~~*2a. By way of derogation from paragraph 2 of this Article, Member States may decide to grant one, two or more, limit some or all of the powers and responsibilities referred to in that paragraph only exclusively to the recognised producer groups referred to in Article 33. (563)*~~

**CA L (art. 33) -B Point Shadows meeting 25.01.2023**

**Covers AMs 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78 (Rapporteur), 565 (Re), 566 (S&D), 567 (EPP), 568 (Greens), 569 (EPP), 570 (ECR), 571 (ECR), 572 (S&D), 573 (EPP), 574 (EPP), 575 (EPP), 576 (EPP), 577 (EPP), 578 (Greens), 579 (EPP), 580 (ECR), 581 (EPP), 582 (The Left), 583 (EPP), 584 (S&D), 585 (Re), 586 (S&D), 728 (ECR), 729 (ECR), INTA 29, INTA 42, INTA 58, INTA 59, INTA 60, INTA 61, INTA 63, INTA 64, INTA 65**

Article 33

Recognised producer groups

1. Upon a request of *a* producer groups fulfilling the conditions of paragraph 3 2 (568), Member States *or, in accordance with an international agreement to which the Union is a contracting party, third countries* (67, [INTA 58](#)) shall designate, in accordance with their national law, one producer group as recognised producer group for ~~each~~ *a specific* geographical indication *or for two or more geographical indications* (67, 567) originating in their territory, ~~that is~~ *which are* registered or ~~is~~ *are* (67, 567) subject to an application for registration or for product names that are a potential subject for application for registration.)

*1a. A recognised producer group shall be the sole group to act on behalf of all producers with regard to competences referred to in this Article and in Articles 25 to 28 ~~and in Article 32.~~ (68)*

2. A producer group may be designated as recognised producer group subject to a prior agreement concluded between at least ~~two-thirds~~ *a minimum number 50 % plus one* (69, 569, 570, 571, [INTA 59](#)) of the producers of the product bearing a geographical indication, ~~including producers of raw materials and processors in the case of processed products~~ (570) accounting for at least ~~two-thirds~~ *a minimum volume or value* (69, 569, 570, 571) of the *marketable* production, *to be laid down by the Member State concerned* (69, 571), of that product in the geographical area referred to in the product specification. As an exception, *Member States may confer on* an authority, as referred to in Article 8(2), and *on* a single producer, as referred to in Article 8(3), ~~shall be deemed to be a recognised producer group~~ *the powers and responsibilities referred to in paragraph 3 of this Article and in Article 32(2).* (572)



*2a. Member States or, in accordance with an international agreement to which the Union is a contracting party, third countries may decide on the basis of objective ~~and non-discriminatory~~ criteria that producer groups already recognised at national level before ... [the date of entry into force of this Regulation] are to be considered as recognised producer groups. (70, [INTA 60](#))*

3. In addition to the powers and responsibilities referred to in Article 32(2), a recognised producer group may exercise *erga omnes* (573) the following powers and responsibilities:

(a) to liaise with intellectual property enforcement and anti-counterfeit bodies and participate in intellectual property enforcement networks 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 *or commercial practices* which are, or risk being, detrimental to the image *and value* of their products, *including devaluating marketing practices and lowering prices*; (71)

~~(ba) to carry out supervisory activities and prevent fraud, as provided for in Article 42, when such activities have been delegated to them by the competent national authority~~; (72)

(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;

(ca) to [agree with downstream operators on](#) ~~establish standard~~ value-sharing clauses within the meaning of Article 172a of Regulation (EU) No 1308/2013, including [in relation to](#) market bonuses and losses, [and](#) determining how any evolution of market prices for the products concerned or other relevant commodities is to be allocated between members [producers](#) [them](#); (73)

(cb) to liaise with the Commission in the context of negotiations on international agreements as regards the protection of ~~the~~ geographical indications; (74, 575, 576, [INTA 42](#), [INTA 61](#))

(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~~ *Member States may lay down rules to ensure that the contribution to costs associated with the exercise of powers and responsibilities referred to in paragraph 2 shall be subject to a prior agreement concluded between at least two thirds by the recognised producer group is compulsory for all of the producers of the product designated by a that geographical indication (75), operating accounting for at least two thirds of the production of that product in the geographical area referred to in the product specification. The contribution shall be proportional to the certified volume or value of the marketable production of the product bearing that geographical indication. (577, 578, 579, 580)*

5. Member States *or, in accordance with an international agreement to which the Union is a contracting party, third countries* shall carry out checks *and take the necessary measures* in order to ensure that the conditions ~~laid down in paragraph 2~~ *for the recognition and the operation of the producer group* are complied with. (76, 581, [INTA 63](#)) 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. *Member States or, in accordance with an international agreement to which the Union is a contracting party, third countries shall inform the Commission, by 31 March of each year, of every decision to grant, refuse or annul recognition of a producer group taken during the previous calendar year. The Commission shall publish and regularly update the list of recognised producer groups. (77, 581, [INTA 64](#))*

#### Article 33a

##### Associations of producer groups

1. *An association of producer groups may be set up on the initiative of interested producer groups.*

2. *An association of producer groups may exercise in particular the following functions:*

*(a) participating in consultative bodies;*

*(b) exchanging information with public authorities on geographical indication policy-related topics;*

*(c) making recommendations to improve the development of geographical indication policies, in particular with regard to sustainability, the fight against fraud and*

*counterfeiting, the creation of value among operators, competition rules and rural development;*

*(d) promoting and disseminating best practices among producers on geographical indication policies;*

*(e) taking part into promotion measures ~~promotional activities~~ as defined by Regulation (EU) 1144/2014. (78, 585, 586, [INTA 29, INTA 65](#))*

### **COMPROMISE AO - A Point shadows meeting 28.03.2023**

**Covers AMs 666 (ID), INTA 85**

#### *Article 33b (new)*

#### *Assistance in relation to international agreements*

*1. The EUIPO shall support producer groups in relation to international agreements to which the Union is a contracting party, in particular by:*

*(a) providing information in order to help them to protect their rights and to comply with different regulatory frameworks in foreign markets; and*

*(b) providing legal advice in the context of negotiations on international agreements as regards the protection of geographical indications.*

*2. The costs of assistance in relation to international agreements may be borne by the EUIPO. The Member States may also contribute to those costs.*

## COMPROMISE AF - A Point shadows meeting 14.03.2023

### Covers AMs:

AGRI 79, 80, 81, 82 (Rapporteur) 587 (ID), 588 (Re), 589 (S&D), 590 (S&D), 591 (Re), 592 (Greens), 593 (Re), 594 (Greens), INTA 66-68, JURI 78, 79, 80

### Article 34

#### Protection of geographical indication rights in domain names

1. ~~Country-code top-level~~ **Top-level** *and other* ~~d~~ Domain name registries established *operating* in the Union ~~may~~ *shall, ex officio or* upon the request of a natural or legal person *being the rights-holder of a geographical indication or* having a legitimate interest or rights *in a geographical indication*, 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, *or to the competent authority of the Member State where the geographical indication originates*, 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. (79, 587, 588, 589, JURI 78)

2. ~~Country-code top-level~~ **Top-level** *and other* ~~d~~ Domain name registries established *operating* in the Union shall ensure that any alternative dispute resolution procedure established to solve disputes relating to the registration of domain names referred to in paragraph (1), shall recognise geographical indications as rights that may prevent a domain name from being registered or used in bad faith. (80, 590, 591, JURI 79)

*2a. Paragraphs 1 and 2 of this Article shall apply to core platform services provided or offered by registries to business users established in the Union or to end-users established or located in the Union, irrespective of the place of establishment or residence of the registries and irrespective of the law otherwise applicable to the provision or offer of services, in accordance with Article 1 of Regulation (EU) 2022/ ... [DMA].* (81)

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by provisions ~~entrusting~~ *on the establishment and*

*management by EUIPO to establish and manage of a domain name information and alert system that would provide the applicant or the Member State where the geographical indication originates, 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. (592, 593, 594)*

*EUIPO shall be empowered, under the delegated acts referred to in the first subparagraph, to establish and manage an alert system monitoring registration of domain names in the Union which could conflict with the names included in the Union register of geographical indications. That Those delegated acts shall also include the obligation for registries of country code top-level domain names and EURid, established operating in the Union, to provide EUIPO with the relevant information and data, and to that end, to establish a collaboration with EUIPO. (82, 593, JURI 80)*

**COMPROMISE AG- A Point shadows meeting 14.03.2023**

**Covers AMs:**

**AGRI 94, 95 (Rapporteur) 627 (S&D), 628 (EPP), 629 (S&D), 630 (EPP), 631 (EPP), 632 EPP, 633 (EPP), 634 (EPP), 635 EPP, 636 S&D, 637 EPP, 638 (S&D), 639 (Re), JURI 86, 87, 88, 89, INTA 73**

Article 39

Verification of compliance with the product specification

1. Member States shall draw up and ~~keep up to date a~~ ***make public the*** list of producers of products designated by a geographical indication entered in the Union register of geographical indications originating in their territory ***and keep that information up to date.*** (627, 628, 629, 630, 631, JURI 86)

2. Producers are responsible for ~~internal controls that ensure~~ ***ensuring*** compliance with the product specification of products designated by geographical indications before the product is placed on the market. (94, 633, JURI 87)

3. In addition to internal controls ***and any other actions to ensure compliance*** 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: (95, 634, JURI 88)

(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 bodies to which responsibilities have been delegated as referred to in Regulation (EU) 2017/625, Title II, Chapter III.

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) a public competent authority designated by the third country; or

(b) one or more product certification bodies.

5. Where, in accordance with the product specification, a production step is carried out by one or more producers in a country other than the country of the origin of the geographical indication, provisions for verification of compliance of those producers shall be set out in the product specification. If the relevant production step takes place in the Union, the producers shall be notified to the competent authorities of the Member State where the production step 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 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~~shall contribute to those costs.

## COMPROMISE AH - A Point shadows meeting 14.03.2023

Covers AMs: AGRI 96, 97, 100 (Rapporteur), 651 S&D, 652 (S&D), 653 (EPP), 654 (ID), 655 (EPP), 656 (ID), JURI 90, 91, 92, INTA 74, INTA 75

### Article 42

#### Controls and enforcement of geographical indications in the marketplace

1. Member States shall designate one or more enforcement authorities, which may be the same as the competent authorities referred to in Article 39(3), 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 for sale at wholesale or retail level, including in electronic commerce.

2. The enforcement authority shall *on a regular basis* carry out controls of products designated by geographical indications, *also based on a risk analysis and on notifications*, to ensure *traceability and* conformity with the product specification or the single document or, *for geographical indications concerning products originating outside the Union*, an equivalent to ~~the latter~~ *single document (DLA suggestion)*. (652, JURI 91)

3. Member States shall take appropriate administrative and judicial steps to prevent or stop the use of names of products or services, *including domain names*, that are produced, operated or marketed *physically or via the internet* in their territory and that contravenes the protection of geographical indications provided for in Article 27 and Article 28. (96, 653, 654, JURI 92)

*3a. Member States shall not adopt national rules, including of a technical nature, on the use of names for products or services that are produced, operated or marketed in their territory, which do not comply with Articles 27 and 28 of this Regulation and with Articles 7 and 17 of Regulation (EU) No 1169/2011, and which do not comply with the principle of harmonisation in the Union food law system. (100, 656)*

4. The authority designated in accordance with paragraph 1 shall *cooperate with the producer groups concerned and* coordinate enforcement of geographical indications among relevant departments, agencies and bodies, including police, anti-counterfeiting agencies, customs, intellectual property offices, food law authorities and retail inspectors. (97, 655)

## **CA M (art. 45) A Point Shadows meeting 25.01.2023**

**Covers AMs 103 (Rapporteur), 657 (S&D), 658 (Re), 659 (RE), 660 (EPP)**

### Article 45

Certificates of authorisation to produce *compliance with product specifications* (657, 658)

1. A producer 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 entitled to an official certificate, or other proof of *compliance including by digital means*, (103) of eligibility to produce the product designated by the geographical indication concerned, *such as the inscription on the list of producers provided for in Article 39(1)*, (659) in respect of the production steps performed by the said producer.

2. The proof of ~~certification~~ *compliance* (660) referred to in paragraph 1 shall be made available on request to enforcement authorities, 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 may make the proof of ~~certification~~ *compliance* (660) available to the public or to any person who requests such proof in the course of business.

## **COMPROMISE AI - A Point shadows meeting 28.03.2023**

**Covers AMs:**

**104 (Rapporteur), 661 (EPP), 662 (S&D), 663 (Greens), 664 (ID), 665 (ECR), JURI 93, JURI 94, JURI 95, INTA 76, INTA 77, INTA 78**

### Article 46

~~Scrutiny of third country geographical indications~~

~~The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by rules on entrusting EUIPO with the 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. (104, 661, 662, 663, 664, 665)~~



## COMPROMISE AJ - former CA N

### Covers AMs:

AGRI 105, 106 (Rapporteur), 667 (ECR), 668 (ECR), 669 (ECR), 670 (ID), 671 (S&D), 672 (S&D), 673 (Re), 674 (S&D), 675 (Greens), 676 (S&D), 677 (S&D), 678 (Re), 679 (S&D), 680 (S&D), 681 (RE), 682 (S&D), 683 (S&D), 685 (ID), JURI 96, 97, 99, INTA 79, 80

### 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~~ *assisting with the* execution of such tasks. Such criteria ~~may~~ *shall* include, *at least* (105, *JURI 96, INTA 79*):

~~(a) the extent of integration of agricultural factors in the scrutiny process; ( 673, 674, 675, JURI 97)~~

~~(b) (a) quality of technical support assessments; (676, 677, 678)~~

~~(c) coherence of assessments of geographical indications from different sources; (679, 680, 681)~~

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

~~(e) (bc) user satisfaction.~~

2. No later than ~~5~~ *two* (106, *JURI 99, INTA 80*) 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.

**CA O (art. 48) B Point Shadows meeting 25.01.2023**

**Covers AMs 107 (Rapporteur), 686 (RE), 687 (EPP), 688 (EPP), 689 (Greens), 690 (EPP), 691 (EPP), 692 (S&D), 693 (EPP), 694 (EPP), 695 (S&D), 701 (S&D).**

Article 48

Designations of origin and geographical indications

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. *Without prejudice to the rules referred to in Article 5(2), agricultural products that by their nature cannot be traded within the internal market and can only be consumed in or near their place of manufacture, are excluded from being the subject of a protected designation of origin or a protected geographical indication.:* (107, 686, 687)
  - (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 that may not be placed on the internal market, are~~ ***shall be excluded from being the subject of a protected designation of origin or a protected geographical indication.***
  
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 **1, point (b) and paragraph 2 (690, 691)**, point (b), **“characteristics” and ‘other characteristic’** may include ~~traditional production practices, traditional 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. (692)~~

7. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 concerning restrictions and derogations **supplementing this Regulation with provisions regarding** ~~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 **constraints affecting agricultural production in certain areas** ~~factors. (693, 694, 695, 701)~~

**CA P (art. 50) B Point Shadows meeting 25.01.2023**

**Covers: 108 R, 697 Greens, 698 ECR, 699 EPP, 700 S&D**

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~~ **(108)** 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 **additional** ~~restrictions to~~ **specific provision on (698)** 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).

***3b. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation with provisions concerning derogations with regard to the sourcing of feed in the case of a designation of origin. (700)***

Article 50a, [paragraphs 2a and 2b](#) new

Specific rules on sourcing of feed and of raw materials

***2a***. *In duly justified cases, Member States may grant derogations from the percentages referred to in paragraphs 1 and 2 due to exceptional circumstances including adverse geopolitical, economic, geographic and climatic conditions, for a limited period of time until the possibility of sourcing from within the defined geographical area can be re-established.*  
(699)

***2b***. *Where a Member State grants such a derogation in accordance with the first subparagraph, it shall ensure that a dossier giving the reasons for the derogation is officially sent to the Commission and is made publicly available, subject to Union and national law on data protection.*

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 as a designation of origin or geographical indication, 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;

(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 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 *authentic and unvarying local* methods and specific practices used (**703**); as well as information concerning packaging, if the applicant 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 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 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);

(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 sustainability undertakings, *relating to environmental, economic, social dimensions of sustainability, and undertakings relating to animal health and welfare.* (705)

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 *supplementing this Regulation with provisions* 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).

## COMPROMISE AN- A Point shadows meeting 14.03.2023

### Covers AMs 706 (The Left), 707, 708 (S&D)

#### Title III

#### ⊖ *Other* quality schemes (706)

#### Chapter 1

#### Traditional specialities guaranteed

#### Article 54

#### Objective and scope

1. A scheme for traditional specialities guaranteed is established to safeguard traditional methods of production and recipes by helping producers of traditional product in marketing and communicating the value-adding attributes of their traditional recipes and products to consumers.

2. This Chapter applies to agricultural products.

For the purposes of this Chapter, ~~the following definitions shall apply:~~

~~(a) 'agricultural products' means agricultural products intended for human consumption listed in Annex I to the Treaty on the Functioning of the European Union and other agricultural products and foodstuffs not listed in that Annex but processed using products listed in that Annex, set out in Annex II to this Regulation;~~ (707)

~~(b) 'traditional' and 'tradition' means proven historical usage of the name by producers in a community for a period that allows transmission between generations; that period is to be at least 30 years and such historical usage may embrace modifications necessitated by changing hygiene and safety practices.~~ (708)

This Chapter shall not apply to spirit drinks, aromatised wines or grapevine products as defined in Part II of Annex VII to Regulation (EU) No 1308/2013, with the exception of wine-vinegars.

3. The registration and the protection of traditional specialities guaranteed are without prejudice to the obligation of producers to comply with other Union rules, in particular relating to the



placing of products on the market, to the single common organisation of the markets, and to food labelling.

### **CA R (art. 60) - A Point Shadows meeting 25.01.2023**

#### **Covers AMs 110 (Rapporteur), 717 (EPP), 718 (S&D), 719 (S&D).**

#### Article 60

#### Scrutiny by the Commission and publication for opposition

1. The Commission shall scrutinise any application that it receives pursuant to Article 65(1) in order to check that it contains no manifest errors, that the information provided in accordance with Article 58 is complete, that the product specification is precise and technical in nature and that the requirements laid down in Article 55 and Article 56 are fulfilled. Such a scrutiny shall take into account the outcome of the national stage of the procedure carried out by the Member State concerned.

**2. *Subject to paragraph 3, the scrutiny period shall not, as a general rule, exceed five months from the submission of the application for registration.***

***That scrutiny period shall not include the period which starts on the date on which the Commission sends its observations or a request for supplementary information to the Member State, and ends on the date on which the Member State responds to the Commission in relation to such observations or to such a request (717).***

***In duly justified cases, the scrutiny period may be extended by a maximum of three months. In the event that the scrutiny period exceeds is extended or is likely to exceed 6 months be extended (110) the Commission shall inform the applicant in writing of the reasons for the delay and of the date on which the scrutiny period is expected to end (718).***

**3. *Within three months following the submission of the application for registration, (719) the Commission may seek supplementary information from the competent authority or from the applicant.***

4. Where, based on the scrutiny carried out pursuant to paragraph 1, the Commission considers that the conditions laid down in this Chapter are fulfilled, it shall publish the product specification in the Official Journal of the European Union.

Article 61

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 the registration of a traditional speciality guaranteed. In such a case, Member States may *submit a reasoned* request *to* the Commission (720) to suspend the examination procedure for a period of 12 months which can be renewed.
  
2. The Member State shall inform the Commission without delay if the application to the Commission has been invalidated at national level by an immediately applicable but not final judicial decision. In this case, the Commission shall be exempted from the obligation to meet the deadline to perform the scrutiny referred to in Article 60(2) ~~and to inform the applicant of the reasons for the delay.~~ (111, 721)
  
3. If the application to the Commission has been invalidated by a final decision taken by a national court, the Member State shall consider appropriate action such as withdrawal or modification of the application, as necessary.

Article 84

Delegation of powers

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in ~~Article 12(4)~~, Article 14(2), ~~Article 15(6)~~, ~~Article 17(5)~~, Article 19(10), Article 23(7), ~~Article 25(10)~~, ~~Article 26(6)~~, ~~Article 28(3)~~, ~~Article 29(3)~~, Article 34(3), ~~Article 46(1)~~, ~~Article 46~~, Article 47(1), ~~Article 48(6)~~, Article 48(7), Article 49(4), **Article 50 (3b)**, Article 51(3), Article 55(5), Article 56(2), Article 73(10), Article 69(4), Article 70(2), Article 58(3), Article 62(10), Article 67(3), Article 68(6), Article 76(4), Article 77(1), Article 78(3), Article 78(4), shall be conferred on the Commission for a period of ~~7~~ **three** years from ... [~~the~~ date of entry into force of this Regulation] (**122, 799, 800, 801, 802**). The Commission shall draw up a report in respect of the delegation of power not later than ~~9~~ **nine** months before the end of the ~~seven~~ **three**-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than ~~3~~ **three** months (**122**) before the end of each period-.

3. The delegation of power related to in the Articles referred to in paragraph 2 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to the Articles referred to in paragraph 2 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or of the Council.

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## RECITALS

### CA R5 (recital 5) - A Point shadows meeting 28.03.2023

#### Covers AMs 132 S&D, 133 The Left, 134 EPP, JURI 3

#### Recital 5

Citizens and consumers in the Union increasingly demand quality ~~and/or~~ traditional *and accessible (134)* products, ~~or ones which have other specific qualities attributable both to their origin and to their manner of production (132)~~. They are also concerned to maintain the diversity *and security of supply (134)* of agricultural production in the Union. This generates a demand for wine, spirit drinks and agricultural products with identifiable specific characteristics, in particular those linked to their geographical origin *as well as guaranteeing ensuring the production conditions that have shaped their reputation and identity of such products (133)*.

### CA R9 (recital 9) - A Point shadows meeting 28.03.2023

#### Covers AMs 129 The Left, 131 S&D, 138 Greens, 139 Renew, INTA 2

#### Recital 9

Ensuring uniform recognition and protection throughout the Union for the intellectual property rights related to names protected in the Union is a priority that can be effectively achieved only at Union level. Geographical indications protecting the names of wines, spirit

drinks and agricultural products having characteristics, attributes or reputation linked to their place of production are an exclusive Union's competence. A unitary consistent and exclusive system of geographical indications therefore needs to be provided. Geographical indications are a collective right held by all eligible producers in a designated area willing to adhere to a product specification. Producers acting collectively have more powers than individual producers and take collective responsibilities to manage their geographical indications, including responding to societal demands for products resulting from sustainable production. *Similarly, the collective organisation of the producers of a geographical indication can better ensure a fair distribution of the value added amongst the actors in the supply chain, to provide a fair income to producers, which covers their costs and allows them to invest further in the quality and sustainability of their products (138).* Operating geographical indications reward producers fairly for their efforts to produce a diverse range of quality products. At the same time, this can benefit the rural economy, which is particularly the case in areas with natural or other specific constraints, such as mountain areas and the most remote regions, *including outermost regions (139)*, where the farming sector accounts for a significant part of the economy and production costs are high. In this way, quality schemes are able to contribute to and complement rural development policy as well as market and income support policies of the CAP. In particular, they may contribute to the developments in the farming sector and, especially, disadvantaged areas. *The Commission Communication of 30 June 2021 ~~on~~ entitled "A long-term vision for the EU's rural-Rural Areas in the EU - Towards stronger, connected, resilient and prosperous rural areas by 2040" recognises the key role of geographical indications (139) among the flagship initiatives promoting rural areas, in view of their contribution to the prosperity, economic diversification and development of rural areas and the strong association between a product and its territorial origin (129, 131).* A Union framework that protects geographical indications by providing for their inclusion in a register at Union level facilitates the development of the agricultural sector, since the resulting, more uniform approach ensures fair competition between the producers of products bearing such indications and enhances the credibility of the products in the consumers' eyes. The system of geographical indications aims at enabling consumers to make more informed purchasing choices and, through labelling and advertising, helping them to correctly identify their products on the market. Geographical indications, being a type of intellectual property right, help operators and companies valorise their intangible assets. To avoid creating unfair conditions of competition and to sustain the internal market, any producer, including a third country producer, should be able to use a registered name and

market products designated as geographical indications throughout the Union and in electronic commerce, provided that the product concerned complies with the requirements of the relevant specification and that the producer is covered by a system of controls. In light of the experience gained from the implementation of Regulations (EU) No 1308/2013, (EU) 2019/787 and (EU) No 1151/2012 of the European Parliament and of the Council<sup>27</sup>, there is a need to address certain legal issues, to clarify and simplify some rules and to streamline the procedures.

### CA R11 (recital 11) - A Point shadows meeting 28.03.2023

### Covers AMs 140 Renew, 141 S&D, JURI 4, INTA 4

#### Recital 11

The Union has for some time been aiming at simplifying the regulatory framework of the Common Agricultural Policy. *The procedures for amending ~~GI~~ product specifications **for products designated by a geographical indication** have already been simplified and made more efficient for wine and agri-food products as part of the review of the Common Agricultural Policy.* In order to *further* simplify the lengthy registration and amendment procedures, harmonised procedural rules for geographical indications for spirit drinks and agricultural products should be laid down in a single legal instrument, while maintaining product specific provisions for spirit drinks in Regulation (EU) 2019/787 and for agricultural products in *this Regulation*. ~~*As far as wine is concerned, for the sake of with the same objective of simplification, and with the aim of ensuring a holistic approach to the management of the sector, it is preferable to maintain the provisions on geographical indications in a single legislative text Union legal act, namely that of Regulation (EU) No 1308/2013, some of whose provisions which are should be amended in order to align them it with this Regulation (140). This harmonisation Regulation should be accompanied by a number of tools for providing small producers and small producer groups with appropriate support, such as tailor-made training courses about the changes being introduced, **which should be** organised by the national authorities and the Commission (141).*~~ The procedures for the registration, amendments to the product specification and cancellation of the registration in respect of geographical indications originating in the Union, including

opposition procedures, should be carried out by the Member States and the Commission. The Member States and the Commission should be responsible for distinct stages of each procedure. Member States should be responsible for the first stage of the procedure, which consists of receiving the application from the producer group, assessing it, including running a national opposition procedure, and, following the results of the assessment, submitting the application to the Commission. The Commission should be responsible for scrutinising the application in the second stage of the procedure, including running a worldwide opposition procedure, and taking a decision on granting the protection to the geographical indication or not. Geographical indications should be registered only at Union level. However, with effect from the date of application with the Commission for registration at Union level, Member States should be able to grant transitional protection at national level without affecting the internal market or international trade. The protection afforded by this Regulation upon registration should be equally available to geographical indications of third countries that meet the corresponding criteria and that are protected in their country of origin. The Commission should carry out the corresponding procedures for geographical indications originating in third countries.

#### CA R12 (recital 12) - A Point shadows meeting 28.03.2023

#### Covers AMs 143 EPP, 144 The Left, 145 Renew, 146 S&D, 157 EPP

##### Recital 12

To contribute to the transition to a sustainable ~~and more accessible~~ (143) food system and respond to societal demands for sustainable, environmentally and climate friendly, animal welfare ensuring, resource efficient, socially and ethically responsible production methods, producers of geographical indications ~~could~~ **should** (146) be encouraged to adhere to sustainability standards that are more stringent than the mandatory ones ~~and go beyond good practice~~ (145), *encompassing environmental, social and economic objectives* (144). Such specific requirements **should** (144) be set out in the product specification *or in a separate initiative* (145). *To enable ~~this~~the uptake of these undertakings, producers ~~must~~ **should** receive financial support by means of pre-established, specific and easily accessible funding and **should** be properly informed on this matter ~~and **should** receive financial support by~~*

~~means of pre-established, specific and easily accessible funding-, including via~~ ~~These information sessions-~~ **and advisory systems should also include on** ways for producers to easily acquire the requisite knowledge of the properties of their own products which bring added value and which will then be passed on to consumers (143). The inclusion **in the product specification details of geographical indications of sustainability undertaking should relate to** ~~aspects relating to~~ the three main types of sustainability – economic, social and environmental – ~~must should~~ be a matter solely for the producer (157).

**CA R23 (recital 23) - A Point shadows meeting 28.03.2023**

**Covers AMs 159 The Left, 160 EPP, 161 S&D, 301 Greens, INTA 9**

#### Recital 23

Producer groups, **including those as defined by Member States' national legislations-law** (160), play an essential role **in the management of their geographical indications, including** (159) the application process for the registration, as well as in the amendment of specifications and cancellation requests. They should be equipped with the means to better identify and market the specific characteristics of their products **as well as adequate resources to perform/exercise their powers and responsibilities** (159). The role of the producer group should hence be clarified. **Member States should be able to provide that the contribution to costs associated with the exercise of powers and responsibilities by the recognised producer group is compulsory for all producers of products designated by that geographical indication** (161). **Other interested parties, including specialist organisations, non-governmental organisations such as consumer groups (301), or public bodies should be able to could provide technical advice and help in the preparation of the application and the related procedure.**



**CA R39 (recital 39) - A Point shadows meeting 28.03.2023**

**Covers AMs 171 Renew, 172 ID, 173 EPP, 174 ID, 175 S&D, 176 EPP, 177-178 The Left, 179 EPP, INTA 15, JURI 13**

Recital 39

The procedures for registration, amendment and cancellation of geographical indications, including the scrutiny and the opposition procedure, should be carried out in the most efficient way. ~~This can be achieved by using the assistance for the scrutiny of the applications provided by the European Union Intellectual Property Office (EUIPO).~~ (172, 173, 175, 176). While a partial outsourcing to EUIPO has been considered, the (173, 174), *According to the Special Report drafted by the European Court of Auditors, since the signature of the Memorandum of Understanding in 2018 between the Commission and the EUIPO, there has been no improvements in the length of the procedures regarding, in particular, the analysis of applications for registration and amendments to products specifications of designated by a geographical indications GI product* (179). The Commission ~~would~~ should (174) remain responsible for registration, amendment and cancellation, due to a strong relation with the Common Agricultural Policy and to the expertise needed to ensure that specificities of wine, spirit drinks and agricultural products are adequately assessed.

**CA R56 (recital 56) - A Point shadows meeting 28.03.2023**

**Covers AMs 193-194 ID, 195 Renew, 196 Greens, 197 S&D, 198 The Left, 199 EPP, 200 EPP, INTA 16, JURI 15**

Recital 56

In order to supplement or amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of ~~defining sustainability standards and laying down criteria for the recognition of existing sustainability standards; clarifying or adding items to be supplied as part of accompanying information; entrusting the EUIPO with~~ the tasks related to ~~scrutiny for opposition and the opposition procedure the~~ operation

of the register, publication of standard amendments to a product specification, consultation in the context of ~~the~~ cancellation procedure, ~~establishment and management of an~~ the development of a Union alert system to fight against online counterfeiting of geographical indications, informing applicants about the availability of their geographical indication as a domain name, monitoring of the registration of domain names in the Union which would conflict with the names included in the Union register of geographical indications, 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; establishing appropriate criteria for monitoring performance of the EUIPO in the execution of the tasks entrusted to it; ~~laying down additional rules on the use of geographical indications to identify ingredients in processed products; laying down additional rules for determining the generic status of terms;~~ establishing the restrictions and derogations with regard to the sourcing of feed in the case of a designation of origin; establishing restrictions and derogations with regard to the slaughtering of live animals or with regard to the sourcing of raw materials; laying down rules for determining the use of the denomination of a plant variety or of an animal breed; laying down rules which limit the information contained in the product specification for geographical indications and traditional specialities guaranteed; laying down further details of the eligibility criteria for traditional specialities guaranteed; laying down additional rules to provide for appropriate certification and accreditation procedures to apply in respect of product certification bodies; laying down additional rules to further detail protection of traditional specialities guaranteed; laying down for traditional specialities guaranteed additional rules for determining the generic status of terms, conditions for use of plant variety and animal breed denominations, and relation to intellectual property rights; defining additional rules for joint applications concerning more than one national territory and complementing the rules of the application process for traditional specialities guaranteed; complementing the rules for the opposition procedure for traditional specialities guaranteed to establish detailed procedures and deadlines; supplementing the rules regarding the amendment application process for traditional specialities guaranteed; supplementing the rules regarding the cancellation process for traditional specialities guaranteed; laying down detailed rules relating to the criteria for optional quality terms; reserving an additional optional quality term, laying down its conditions of use; laying down derogations to the use of the term ‘mountain product’ and establishing the methods of production, and other criteria relevant for the application of that optional quality term, in particular, laying down the conditions under

which raw materials or feedstuffs are permitted to come from outside the mountain areas. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>35</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.