



Plenary sitting

A9-9999/2023

3.5.2023

*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council on European Union geographical indications for wine, spirit drinks and agricultural products, and quality schemes for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2017/1001 and (EU) 2019/787 and repealing Regulation (EU) No 1151/2012
(COM(2022)0134 – C9-0130/2022 – 2022/0089(COD))

Committee on Agriculture and Rural Development

Rapporteur: Paolo De Castro

Rapporteur for the opinion of the associated committee pursuant to Rule 57 of the Rules of Procedure:

Adrián Vázquez Lázara, Committee on Legal Affairs

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

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

(COM(2022)0134 – C9-0130/2022 – 2022/0089(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0134),
 - having regard to Article 294(2) and Articles 43(2) and 118(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0130/2022),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 13 July 2022¹,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinions of the Committee on Legal Affairs and the Committee on International Trade,
 - having regard to the report of the Committee on Agriculture and Rural Development (A9-0000/2023),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 443, 22.11.2022, p. 116.

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) The European Green Deal²² included the design of a fair, **healthy** and environmentally-friendly food system (“farm to fork”) among the policies to transform the Union's economy for a sustainable future.

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https://ec.europa.eu/info/publications/communication-european-green-deal_en

Amendment

(1) The European Green Deal²² included the design of a fair, **sustainable, healthier** and **more** environmentally-friendly food system **accessible to all** ('farm to fork') among the policies to transform the Union's economy for a sustainable future.

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https://ec.europa.eu/info/publications/communication-european-green-deal_en

Amendment 2

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) Geographical indications can play an important role in terms of sustainability, including in the circular economy, which could enhance their heritage value and thus strengthen their weight within the framework of national and regional policies with a view to meeting the objectives of the European Green Deal.

Amendment 3

Proposal for a regulation
Recital 2

Text proposed by the Commission

Amendment

(2) Commission Communication of 20 May 2020 on 'A Farm to Fork Strategy - for a fair, healthy and environmentally-friendly food system' which called for a

(2) Commission Communication of 20 May 2020 on 'A Farm to Fork Strategy - for a fair, healthy and environmentally-friendly food system' which called for a

transition to sustainable food systems, also calls to strengthen the legislative framework on geographical indications and, *where appropriate*, include specific sustainability criteria. In the Communication, the Commission committed to strengthen, among other players, the position of producers of products with geographical indications, their cooperatives and producer organisations in the food supply chain.

transition to sustainable food systems, also calls to strengthen the legislative framework on geographical indications and include specific sustainability criteria. In the Communication, the Commission committed to strengthen, among other players, the position of producers of products with geographical indications, their cooperatives and producer organisations in the food supply chain. ***Focus should be placed on small-scale producers, particularly those who best preserve traditional skills and know-how.***

Amendment 4

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) The quality and diversity of the Union's wine, spirit drinks and agricultural production is one of its important strengths, giving a competitive advantage to the Union's producers and making a major contribution to its living cultural and gastronomic heritage. This is due to the skills and determination of Union producers who have kept traditions alive while taking into account the developments of new production methods and material.

Amendment

(4) The quality, ***accessibility*** and diversity of the Union's wine, spirit drinks and agricultural production is one of its important strengths, giving a competitive advantage to the Union's producers and making a major contribution to its living cultural and gastronomic heritage. This is due to the skills and determination of Union producers who have kept traditions ***and cultural identity*** alive while taking into account the developments of new production methods and material, ***which have made traditional Union products a symbol of quality.***

Amendment 5

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) Citizens and consumers in the Union increasingly demand quality ***as well as*** traditional products. They are also concerned to maintain the diversity of agricultural production in the Union. This

Amendment

(5) Citizens and consumers in the Union increasingly demand quality, traditional ***and accessible*** products, ***which have specific qualities attributable both to their origin and to their manner of***

generates a demand for wine, spirit drinks and agricultural products with identifiable specific characteristics, in particular those linked to their geographical origin.

production. They are also concerned to maintain the diversity **and security of supply** 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 ensuring the production conditions that have shaped the reputation and identity of such products.**

Amendment 6

Proposal for a regulation Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) High-quality products represent one of the biggest assets the Union has, both for our economy and cultural identity. Those products are the strongest representation of the “made in the EU” brand, recognisable throughout the whole world, which generate growth and preserve our heritage. Wines, spirit drinks and agricultural products are European assets that need to be further strengthened and protected.

Amendment 7

Proposal for a regulation Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) Citizens and consumers are entitled to expect that any geographical indication and quality scheme is backed up by a robust verification and control system, regardless of whether the product originates from the Union or a third country.

Amendment 8

Proposal for a regulation

Recital 9

Text proposed by the Commission

(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** 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. 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, 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. A Union framework that protects geographical indications by providing for their inclusion in a register at Union level facilitates the development of

Amendment

(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 **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.** 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, 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

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*²⁷, there is a need to address certain legal issues, to clarify and simplify some rules and to streamline the procedures.

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 entitled "A long-term vision for the EU's Rural Areas - Towards stronger, connected, resilient and prosperous rural areas by 2040" recognises the key role of geographical indications 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.* 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**²⁷, there is a need to address certain legal issues, to clarify and simplify some rules and to streamline the procedures.

²⁷ Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

²⁷ Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

Amendment 9

Proposal for a regulation Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) A unitary and exclusive system of geographical indications should contribute significantly to increased awareness, recognition and consumer understanding, both in the Union and in third countries, of the symbols, indications and abbreviations demonstrating participation in the European quality schemes and their added value, complementing Regulation (EU) No 1144/2014 of the European Parliament and of the Council^{1a}.

^{1a} Regulation (EU) No 1144/2014 of the European Parliament and of the Council of 22 October 2014 on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries and repealing Council Regulation (EC) No 3/2008 (OJ L 317, 4.11.2014, p. 56).

Amendment 10

Proposal for a regulation Recital 11

(11) The Union has for some time been aiming at simplifying the regulatory framework of the Common Agricultural Policy. ***This approach should also apply to regulations in the field of geographical indications, without calling into question the specific characteristics of each sector.*** In order to simplify the lengthy registration and amendment procedures, harmonised procedural rules for geographical indications for ***wine***, spirit drinks and agricultural products should be laid down in a single legal instrument, while maintaining product specific provisions for ***wine in Regulation (EU) No 1308/2013, for spirit drinks in Regulation (EU) 2019/787 and for agricultural products in this Regulation.*** ***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

(11) The Union has for some time been aiming at simplifying the regulatory framework of the Common Agricultural Policy. ***The procedures for amending 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. ***This 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.*** ***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

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.

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.

Amendment 11

Proposal for a regulation Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) The Union's quality policy is a public policy associated with the production of public goods that should contribute to enabling the transition to a just and fair sustainable food system. Geographical indications are tools capable of contributing to: sustainable rural development; the diversification of the rural economy; the prevention of offshoring and depopulation by creating and preserving jobs in European rural areas and sustaining small scale, local and traditional producers; preserving cultural and socio-economic diversity; protecting the rural landscape; the sustainable management and reproduction of natural resources; biodiversity conservation; animal welfare; and food safety and security as well as traceability.

Amendment 12

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) To contribute to the transition to a sustainable 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 should be encouraged to adhere to sustainability standards that are more stringent than the mandatory ones ***and go beyond good practice***. Such specific requirements ***could*** be set out in the product specification.

Amendment

(12) To contribute to the transition to a sustainable 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 should be encouraged to adhere to sustainability standards that are more stringent than the mandatory ones, ***encompassing environmental, social and economic objectives***. Such specific requirements ***should*** be set out in the product specification ***or in a separate initiative. To enable the uptake of sustainability undertakings, producers should receive financial support by means of pre-established, specific and easily accessible funding and should be properly informed about the opportunities arising from the uptake of sustainability undertakings, including via information sessions and advisory systems 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. The sustainability undertakings included in the product specification should relate to the three main types of sustainability: economic, social and environmental.***

Amendment 13

Proposal for a regulation

Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Sustainability undertakings should contribute to one or more environmental,

social or economic objectives. Such environmental objectives should include climate change mitigation, the conservation and sustainable use of soils, landscapes and natural resources, the preservation of biodiversity and the conservation of rare seeds, local breeds and plant varieties, the promotion of short supply chains or the management and promotion of animal health and welfare. The social objectives, they should include the improvement of working and employment condition, as well as collective bargaining, social protection and safety standards, attracting and supporting both young and new producers of products designated by a geographical indication to ease generational renewal and facilitating the solidarity and transmission of knowledge across generations or promoting healthier diets. The economic objectives should include, securing a stable and fair income and a strong position across the value chain for producers of products designated by a geographical indication, improving the economic value of products designated by a geographical indication and the redistribution of added value along the value chain, contributing to the diversification of the rural economy, or preserving rural areas and local development, including agricultural employment.

Amendment 14

Proposal for a regulation Recital 12 b (new)

Text proposed by the Commission

Amendment

(12b) Public procurement criteria should incorporate geographical indications and other quality schemes provided that they contribute to sustainable food production.

Amendment 15

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) To ensure coherent decision-making as regards applications for protection and judicial challenges against them, submitted in the national procedure, the Commission should be informed in **a timely** and regular manner when procedures are launched before national courts or other bodies concerning an application for registration forwarded by the Member State to the Commission and of their final results. For the same reason, where a Member State **considers** that a national decision on which the application for protection is based is likely to be invalidated as a result of national judicial proceedings, it should inform the Commission of that assessment. If the Member State requests the suspension of the scrutiny of an application at Union level, the Commission should be exempted from the obligation to meet the deadline for scrutiny established therein. In order to protect the applicant from vexatious legal actions and to preserve the applicant's right to secure the protection of a name within a reasonable time, the exemption should be limited to cases in which the application for registration has been invalidated at national level by an immediately applicable but not final judicial decision or in which the Member State **considers** that the action to challenge the validity of the application is based on valid grounds.

Amendment 16

Proposal for a regulation Recital 14 a (new)

Amendment

(13) To ensure coherent **and efficient** decision-making as regards applications for protection and judicial challenges against them, submitted in the national procedure, the Commission should be informed in **an immediate** and regular manner when procedures are launched before national courts or other **competent** bodies concerning an application for registration forwarded by the Member State to the Commission, and of their final results. For the same reason, where a Member State **has reason to believe** that a national decision on which the application for protection is based is likely to be invalidated as a result of national judicial proceedings, it should inform the Commission of that assessment, **duly justifying this**. If the Member State requests the suspension of the scrutiny of an application at Union level, the Commission should be exempted from the obligation to meet the deadline for scrutiny established therein. In order to protect the applicant from vexatious legal actions and to preserve the applicant's right to secure the protection of a name within a reasonable time, the exemption should be limited to cases in which the application for registration has been invalidated at national level by an immediately applicable but not **necessarily** final judicial decision or in which the Member State **has reason to believe** that the action to challenge the validity of the application is based on valid grounds.

(14a) With regard to the process of amendment of a product specification, a temporary amendment should be considered as a 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 a natural disaster or adverse weather conditions recognised by the competent authorities, or a man-made disaster, such as war.

Amendment 17

Proposal for a regulation Recital 15

(15) To ensure transparency and uniformity across Member States, it is necessary to establish and maintain ***an*** electronic Union register of geographical indications, registered as protected designations of origin or protected geographical indications. The register should provide information to consumers and to those involved in trade. The register should be an electronic database stored within an information system, and should be accessible to the public.

(15) To ensure transparency and uniformity across Member States, it is necessary to establish and maintain ***a single*** electronic Union register of geographical indications, registered as protected designations of origin or protected geographical indications. ***The periodically updated*** register should provide information to consumers and to those involved in trade, ***in compliance with the Union rules in force on the protection of know-how and trade secrets, on all types of geographical indications entered into the register pursuant to their registration in the Member State, by third country application, as a result of a concluded international trade agreement or upon international registration derived from the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications.*** The register should be an electronic database stored within an information system, and should be accessible to the public. ***That register***

should enable easy access to the product specifications behind each geographical indication and quality schemes, regardless of whether they are from the Union or from third countries, including those recognised via trade agreements or via the mechanism provided for in the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications.

Amendment 18

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) To ensure transparency and uniformity across Member States, it is necessary to establish and maintain an electronic Union register of geographical indications, registered as protected designations of origin or protected geographical indications. The register should provide information to consumers and to those involved in trade. The register should be an electronic database stored within *an* information system, and should be accessible to the public.

Amendment

(15) To ensure transparency and uniformity across Member States, it is necessary to establish and maintain an electronic Union register of geographical indications, registered as protected designations of origin or protected geographical indications. The register should provide information to consumers and to those involved in trade. The register should be an electronic database stored within *a secure* information system, and should be accessible to the public. *It should be kept up-to date and maintained by the European Union Intellectual Property Office (EUIPO). That register should enable easy access to the product specifications behind each geographical indication and quality schemes, regardless of whether they are from the Union or from third countries, including those recognised via trade agreements or via the mechanism provided for in the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications.*

Amendment 19

Proposal for a regulation Recital 16

Text proposed by the Commission

(16) *The Union negotiates international agreements, including those concerning the protection of designations of origin and geographical indications, with its trade partners.* In order to facilitate the provision to the public of information about the names protected by those international agreements, and in particular to ensure protection and control of the use to which those names are put, those names may be entered in the Union register of geographical indications. Unless specifically identified as designations of origin in such international agreements, the names should be entered in the register as protected geographical indications.

Amendment

(16) *Given their recognised role in creating economic value and jobs, maintaining local traditions and knowledge and protecting natural resources, all Union geographical indications should be protected under bilateral and multilateral trade agreements and other international agreements through the recognition of the Union system as such. In that regard, the Union should devote significant commercial and diplomatic efforts to ensure the protection of traditional practices which bring together historical, cultural and gastronomic heritage while ensuring sustainable production. Furthermore, international trade agreements with particular provisions on the protection of designations of origin and geographical indications are of particular importance, as they provide market access and opportunities for economic growth and jobs for both the Union and third countries right-holders, while protecting against unfair practices and safeguarding consumer safety and health.* In order to facilitate the provision to the public of information about the names protected by the international agreements, and in particular to ensure protection and control of the use to which those names are put, those names should be entered in the Union register of geographical indications. Unless specifically identified as designations of origin in such international agreements, the names *should* be entered in the register as protected geographical indications.

Amendment 20

Proposal for a regulation
Recital 16 b (new)

Text proposed by the Commission

Amendment

(16b) In order to unlock the full potential of designations of origin and geographical indications in international trade, this Regulation should be complemented with further cooperation and engagement with third countries through trade policy with a view to enhancing legislative frameworks for the protection and enforcement of designations of origin and geographical indications in third country markets, taking due consideration of the level of development of third countries.

Amendment 21

Proposal for a regulation
Recital 17

Text proposed by the Commission

Amendment

(17) For the optimal functioning of the internal market, it is important that producers and other operators concerned, authorities and consumers may quickly and easily have access to the relevant information concerning a registered protected designation of origin or protected geographical indication. This information should include, where applicable, the information on the identity of the producer group recognised at national level.

(17) For the optimal functioning of the internal market, it is important that producers and other operators concerned, authorities and consumers may quickly and easily have access to the relevant information concerning a registered protected designation of origin or protected geographical indication ***in all the official Union languages***. This information should include, where applicable, the information on the identity of the producer group recognised at national level.

Amendment 22

Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) While negotiating trade agreements, or specific bilateral

agreements on geographical indications, the parties should always bear in mind their specificities and the complex tissue of producers entering into the scope of the protected products; in that regard, special attention should be given to micro, small and medium-sized producers avoiding disproportionate burdens and additional costs since they are key actors and preservers of the system. In order to ensure fair competition and promote international trade, this Regulation should not, therefore, create discrimination nor should it constitute a barrier for potential applicants, particularly producers in the Union and third countries qualifying as micro, small or medium-sized enterprises.

Amendment 23

Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) Producer groups play an essential role in the application process for the registration *of geographical indications*, 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. The role of the producer group should hence be clarified.

Amendment

(23) Producer groups, *including those defined by Member States' national law*, play an essential role in *the management of their geographical indications*, *including* 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 exercise their powers and responsibilities*. 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. Other interested parties, including specialist organisations, non-governmental organisations such as consumer groups, or public bodies could provide technical advice and help in the*

preparation of the application and the related procedure.

Amendment 24

Proposal for a regulation

Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) The recognition and protection of established rights in the domain names industry at international level is essential to prevent the usurpation of the reputation of geographical indications due to the strong development of commerce on the internet. The Union's trade agreements with third countries currently constitute the most appropriate framework for reinforcing protection at the international level. The Commission should pay special attention to the need to include the protection of geographical indications rights at domain names level in bilateral trade agreements and other international trade negotiations, and strengthen its mediation work with the bodies in charge of assigning domain names, and very particularly with Internet Corporation for Assigned Names and Numbers (ICANN), with the objective to include the GIs' existing rights in the Uniform Domain Name Dispute Resolution Policy (UDRP).

Amendment 25

Proposal for a regulation

Recital 26

Text proposed by the Commission

Amendment

(26) The relationship between trademarks and geographical indications should be clarified in relation to criteria for the rejection of trademark applications, the invalidation of trademarks and the coexistence between trademarks and

(26) The relationship between trademarks and geographical indications should be clarified ***and made more transparent*** in relation to criteria for the rejection of trademark applications, the invalidation of trademarks and the

geographical indications.

coexistence between trademarks and geographical indications.

Amendment 26

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) In order to avoid creating unfair conditions of competition, any producer, including a third-country producer, should be able to use a registered geographical indication, provided that the product concerned complies with the requirements of the relevant product specification or single document or an equivalent to the latter, i.e. a complete summary of the product specification. The system set up by the Member States should also guarantee that producers complying with the rules are entitled to be covered by the verification of compliance of the product specification.

Amendment

(27) In order to avoid creating unfair conditions of competition, any producer, including a third-country producer, should be able to use a registered geographical indication, provided that the product concerned complies with the requirements of the relevant product specification or single document or an equivalent to the latter, i.e. a complete summary of the product specification. The system set up by the Member States should also guarantee that producers complying with the rules are entitled to be covered by the verification of compliance of the product specification. ***Third country producers should be subject to Union-comparable verification procedures set up by their respective oversight authorities.***

Amendment 27

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) The labelling of *wine*, spirit drinks and agricultural products should be subject to the general rules laid down in Regulation (EU) No 1169/2011 of the European Parliament and of the Council²⁹, and in particular the provisions aimed at preventing labelling that may confuse or mislead consumers.

Amendment

(29) The labelling of spirit drinks and agricultural products should be subject to the general rules laid down in Regulation (EU) No 1169/2011 of the European Parliament and of the Council²⁹, and in particular the provisions aimed at preventing labelling that may confuse or mislead consumers.

²⁹ OJ L 304, 22.11.2011, p. 18.

²⁹ OJ L 304, 22.11.2011, p. 18.

Justification

In line with the idea to maintain wine IG provisions in the Regulation (EU) 1308/2013.

Amendment 28

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) The use of Union symbols or indications on the packaging of products designated by a geographical indication should be made obligatory in order to make this category of products, and the guarantees attached to them, better known to consumers and to permit easier identification of these products on the market, thereby facilitating checks. However, in view of the specific nature of products covered by this Regulation, special provisions concerning labelling should be maintained for **wine and** spirit drinks. The use of such symbols or indications should remain voluntary for third country geographical indications and designations of origin.

Amendment

(30) The use of Union symbols or indications on the packaging of, **and on the presentation pages of retail websites for**, products designated by a geographical indication should be made obligatory in order to make this category of products, and the guarantees attached to them, better known to consumers and to permit easier identification of these products on the market, thereby facilitating checks. However, in view of the specific nature of products covered by this Regulation, special provisions concerning labelling should be maintained for spirit drinks. The use of such symbols or indications should remain voluntary for third country geographical indications and designations of origin.

Amendment 29

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) The added value of the geographical indications is based on consumer trust. The system of geographical indications significantly relies on self-control, due diligence and individual responsibility of producers, while it is the role of the competent authorities of the Member States to take the necessary steps to prevent or stop the use of names of products, which are in breach

Amendment

(31) The added value of the geographical indications is based on consumer trust. The system of geographical indications significantly relies on self-control, due diligence and individual responsibility of producers, while it is the role of the competent authorities of the Member States to take the necessary steps to prevent or stop the use of names of products, which are in breach

of the rules governing geographical indications. The role of the Commission is to intervene in case of a systemic failure to apply Union law. Geographical indications should be subject to the system of official controls, in line with the principles set out in Regulation (EU) 2017/625 of the European Parliament and of the Council³⁰, which should include a system of controls at all stages of production, processing and distribution. Each operator should be subject to a control system that verifies compliance with the product specification. ***Taking into account that wine is subject to specific controls defined in the sectoral legislation, this Regulation should lay down controls for spirit drinks and agricultural products only.***

³⁰ OJ L 95, 7.4.2017, p. 1.

of the rules governing geographical indications. The role of the Commission is to intervene in case of a systemic failure to apply Union law. Geographical indications should be subject to the system of official controls, in line with the principles set out in Regulation (EU) 2017/625 of the European Parliament and of the Council³⁰, which should include a system of controls at all stages of production, processing and distribution. Each operator should be subject to a control system that verifies compliance with the product specification.

³⁰ OJ L 95, 7.4.2017, p. 1.

Justification

In line with the idea to maintain wine IG provisions in the Regulation (EU) 1308/2013.

Amendment 30

Proposal for a regulation Recital 31 a (new)

Text proposed by the Commission

Amendment

(31a) The registered trademarks of geographical indications have an asset value which can be determined after a clear and objective analysis by an independent third party. Such a value may be included into the annual balance sheet of both producer groups and individual producers.

Amendment 31

Proposal for a regulation Recital 32

Text proposed by the Commission

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

Amendment

(32) In order to ensure that they are impartial and effective, the competent authorities designated to perform the verification of the compliance with the product specification should meet a number of operational criteria. ***When designating authorities responsible for taking appropriate administrative and judicial steps to prevent or stop the unlawful use of protected designations of origin and protected geographical indications, Member States should ensure that those authorities provide adequate guarantees of transparency, objectivity and impartiality, and that they have at their disposal the qualified staff and resources necessary to carry out their functions.*** Provisions on delegating some competences of performing specific control tasks to product certification bodies should be envisaged to facilitate the task of the control authorities and make the system more effective.

Amendment 32

Proposal for a regulation

Recital 35

Text proposed by the Commission

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

Amendment

(35) Enforcement of geographical indications in the marketplace is important to prevent fraudulent and deceptive practices ***and the effective combating of counterfeiting***, thus ensuring that producers are properly rewarded for the added value of their products bearing a geographical indication and that illegal users of those geographical indications are prevented from selling their products. Controls should be carried out based on risk assessment or notifications from operators, and appropriate, ***effective and proportionate*** administrative and judicial steps should be taken to prevent or stop the

indications.

use of names on products or services that *fail to respect, or* contravene, the protected geographical indications.

Amendment 33

Proposal for a regulation Recital 37

Text proposed by the Commission

(37) Taking into account that a product designated by the geographical indication produced in one Member State might be sold in another Member State, administrative assistance between Member States should be ensured to allow effective controls and its practicalities should be laid down.

Amendment

(37) Taking into account that a product designated by the geographical indication produced in one Member State might be sold in another Member State, administrative assistance between Member States *and with third countries* should be ensured to allow effective controls and its practicalities should be laid down.

Amendment 34

Proposal for a regulation Recital 39

Text proposed by the Commission

(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). While a partial outsourcing to EUIPO has been considered,* the Commission *would* 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.

Amendment

(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. *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 improvement in the length of the procedures regarding, in particular, the analysis of applications for registration and amendments to product specifications of geographical indications. The Commission should* 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.

Amendment 35

Proposal for a regulation Recital 44

Text proposed by the Commission

(44) The specific objective of the scheme for traditional specialities guaranteed is to help the producers of traditional products to communicate to consumers the value-adding attributes of their product. In order to avoid creating unfair conditions of competition, any producer, including a producer from a third country, should be able to use a registered name of a traditional speciality guaranteed, provided that the product concerned complies with the requirements of the relevant specification and the producer is covered by a system of controls.

Amendment

(44) The specific objective of the scheme for traditional specialities guaranteed is to help the producers of traditional products to communicate to consumers the value-adding attributes of their product. In order to avoid creating ***imbalances on the internal market or*** unfair conditions of competition, any producer, including a producer from a third country, should be able to use a registered name of a traditional speciality guaranteed, provided that the product concerned complies with the requirements of the relevant specification and the producer is covered by a system of controls.

Amendment 36

Proposal for a regulation Recital 46

Text proposed by the Commission

(46) To ensure that traditional specialities guaranteed comply with their specification and are consistent, producers organised into groups should themselves define the product in a specification. The option of registering a name as a traditional speciality guaranteed should be open to third country producers.

Amendment

(46) To ensure that traditional specialities guaranteed comply with their specification and are consistent, producers organised into groups should themselves define the product in a specification. The option of registering a name as a traditional speciality guaranteed should be open to third country producers ***with a control system or equivalent.***

Amendment 37

Proposal for a regulation
Recital 47

Text proposed by the Commission

(47) To ensure transparency, the traditional specialities guaranteed should be entered in the register.

Amendment

(47) To ensure transparency, the traditional specialities guaranteed should be entered in the *single* register ***provided for in this Regulation.***

Amendment 38

Proposal for a regulation
Recital 48

Text proposed by the Commission

(48) In order to avoid creating unfair conditions of competition, any producer, including a producer from a third country, should be able to use a registered name of a traditional speciality guaranteed, provided that the product concerned complies with the requirements of the relevant specification and the producer is covered by *a* system of controls. For traditional specialities guaranteed produced within the Union, the Union symbol should be indicated on the labelling and it should be possible to associate it with the indication ‘traditional speciality guaranteed’. The use of the names, the Union symbol and the indication should be regulated to ensure a uniform approach across the internal market.

Amendment

(48) In order to avoid creating ***imbalances on the internal market or*** unfair conditions of competition, any producer, including a producer from a third country, should be able to use a registered name of a traditional speciality guaranteed, provided that the product concerned complies with the requirements of the relevant specification and the producer is covered by ***the*** system of controls. For traditional specialities guaranteed produced within the Union, the Union symbol should be indicated on the labelling and it should be possible to associate it with the indication ‘traditional speciality guaranteed’. The use of the names, the Union symbol and the indication should be regulated ***correspondingly*** to ensure a uniform approach across the internal market.

Amendment 39

Proposal for a regulation
Recital 50

Text proposed by the Commission

(50) In order not to mislead the consumers, registered traditional specialities guaranteed should be protected

Amendment

(50) In order not to mislead consumers ***and to provide them with accurate information,*** registered traditional

against any misuse or imitation, including as regards products used as ingredients, or against any other practice liable to mislead **the consumer**. Pursuing the same objective, rules should be laid down for specific uses of traditional specialities guaranteed, notably as regards the use of terms that are generic in the Union, labelling which contains or comprises the denomination of a plant variety or animal breed and trade marks.

specialities guaranteed should be protected against any misuse, imitation **or counterfeiting**, including as regards products used as ingredients, or against any other practice liable to mislead **consumers and which may distort the information provided to them**. Pursuing the same objective, rules should be laid down for specific uses of traditional specialities guaranteed, notably as regards the use of terms that are generic in the Union, labelling which contains or comprises the denomination of a plant variety or animal breed and trade marks.

Amendment 40

Proposal for a regulation Recital 53 a (new)

Text proposed by the Commission

Amendment

(53a) Owing to the growing demand from producers of various products, including ones produced by individual farmers, which do not fall into any other categories but which bear the hallmarks of a quality scheme, and bearing in mind the weaker competitiveness of farmers who nevertheless wish to sell directly to final consumers, a new optional quality term ‘farmer’s product’ should be introduced with a view to providing consumers with information on a specific product characteristic. Member States should draw up criteria which a product are to satisfy in order to be able to use the optional quality term ‘farmer’s product’.

Amendment 41

Proposal for a regulation Recital 56

Text proposed by the Commission

Amendment

(56) In order to supplement or amend

(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, operation of the register, publication of standard amendments to a product specification, consultation in the context of cancellation procedure, establishment and management of an* alert system informing applicants about the availability of their geographical indication as a domain name, *scrutiny of third country geographical indications other than geographical indications under the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications³⁴, 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

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 entrusting the EUIPO with the tasks related to *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*; establishing appropriate criteria for monitoring performance of the EUIPO in the execution of the tasks entrusted to it; 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;

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* 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-Making³⁵. 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

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-Making³⁵. 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.

Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<https://www.wipo.int/publications/en/details.jsp?id=3983>

³⁵ OJ L 123, 12.5.2016, p. 1.

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<https://www.wipo.int/publications/en/details.jsp?id=3983>

³⁵ OJ L 123, 12.5.2016, p. 1.

Amendment 42

Proposal for a regulation Recital 60 a (new)

Text proposed by the Commission

Amendment

(60a) In the case of products for which a Union protection procedure, such as 'protected designation of origin', 'protected geographical indication' or 'traditional-specific food' in accordance with the rules and requirements of Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs has been initiated before the date of entry into force of this Regulation, applicants for protection should be entitled to continue and complete the procedure which they have started.

Amendment 43

Proposal for a regulation Article 1 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

This Regulation lays down the rules on:

This Regulation lays down the rules on ***the following quality schemes***:

Amendment 44

Proposal for a regulation
Article 1 – paragraph 1 – point a

Text proposed by the Commission

(a) geographical indications for *wine*, spirit drinks *and agricultural products*.

Amendment

(a) *protected designations of origin (PDOs) and protected geographical indications (PGIs) for wine, agricultural products and foodstuffs, and* geographical indications for spirit drinks;

Amendment 45

Proposal for a regulation
Article 1 – paragraph 1 – point b

Text proposed by the Commission

(b) traditional specialities guaranteed and *optional quality terms for agricultural products*.

Amendment

(b) traditional specialities guaranteed (*TSGs*); and

Amendment 46

Proposal for a regulation
Article 1 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(*ba*) *optional quality terms for agricultural products*.

Amendment 47

Proposal for a regulation
Article 2 – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment

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

Amendment 48

Proposal for a regulation
Article 2 – paragraph 1 – point a

Text proposed by the Commission

(a) ‘producer group’ means any association, irrespective of its legal form, **mainly** composed of producers **or** processors of the same product;

Amendment

(a) ‘producer group’ means any association, irrespective of its legal form, composed of producers **of raw material**, processors **or operators involved in the production** of the same product;

Amendment 49

Proposal for a regulation
Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) ‘traditional’ and ‘tradition’, associated with a product **originating in a geographical area**, means proven historical usage by producers in a community for a period that allows transmission between generations; **this** period is to be at least 30 years and **the said** usage may embrace modifications necessitated by changing hygiene **and** safety practices;

Amendment

(b) ‘traditional’ and ‘tradition’, associated with a product, 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** usage may embrace modifications necessitated by changing hygiene, safety **and other relevant** practices, **such as those related to sustainability, animal health and welfare**;

Amendment 50

Proposal for a regulation
Article 2 – paragraph 1 – point d

Text proposed by the Commission

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

Amendment

(d) ‘production step’ means any stage of **supply**, production, processing, preparation or ageing, **performed** up to the point where the product **meets all the requirements needed** to be placed on the internal market;

Amendment 51

Proposal for a regulation
Article 2 – paragraph 1 – point f

Text proposed by the Commission

(f) ‘product certification bodies’ means 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.

Amendment

(f) ‘product certification bodies’ means ***delegated*** 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;

Amendment 52

Proposal for a regulation
Article 2 – paragraph 1 – point g – introductory part

Text proposed by the Commission

(g) ‘generic term’ means:

Amendment

(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;***

Amendment 53

Proposal for a regulation
Article 2 – paragraph 1 – point g – point i

Text proposed by the Commission

(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***

Amendment

deleted

Amendment 54

Proposal for a regulation
Article 2 – paragraph 1 – point g – point ii

Text proposed by the Commission

Amendment

(ii) a common term descriptive of types of products, product attributes or other terms that do not refer to specific product;

deleted

Amendment 55

Proposal for a regulation

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

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**:

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:

Amendment 56

Proposal for a regulation

Article 4 – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment

(-a) helping producers obtain a fair return for the quality of their products;

Amendment 57

Proposal for a regulation

Article 4 – paragraph 1 – point -a a (new)

Text proposed by the Commission

Amendment

(-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;

Amendment 58

Proposal for a regulation

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) producers acting collectively have the necessary powers and responsibilities to manage their geographical indication, including to respond to societal demands for products resulting from sustainable production in its three dimensions of economic, environmental and social value, and to operate in the market;

Amendment

(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***;

Amendment 59

Proposal for a regulation

Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) fair competition for producers in the marketing chain;

Amendment

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

Amendment 60

Proposal for a regulation

Article 4 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) ***contributing to the aim of sharing that added value across the supply chain, in order to ensure producers' capacity to invest in the quality, reputation and sustainability of their products***;

Amendment 61

Proposal for a regulation

Article 4 – paragraph 1 – point c

Text proposed by the Commission

(c) consumers receive reliable information and a guarantee of authenticity of such products and can readily identify them in the marketplace including in electronic commerce;

Amendment

(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;

Amendment 62

Proposal for a regulation

Article 4 – paragraph 1 – point d

Text proposed by the Commission

(d) efficient registration of geographical indications taking into account the appropriate protection of intellectual property rights; and

Amendment

(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 digital markets across the Union***; and

Amendment 63

Proposal for a regulation

Article 4 – paragraph 1 – point e

Text proposed by the Commission

(e) effective enforcement and marketing throughout the Union and in electronic commerce ensuring the integrity of the internal market.

Amendment

(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;

Amendment 64

Proposal for a regulation
Article 4 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) preserving know-how, and promoting and supporting local and regional products;

Amendment 65

Proposal for a regulation
Article 4 – paragraph 1 – point e b (new)

Text proposed by the Commission

Amendment

(eb) ensuring the effective protection of intellectual property rights of producers of such products in third country markets in compliance with international agreements, standards, best practices and agreements with third countries.

Amendment 66

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

Amendment

1. Products designated by geographical indications shall be classified according to the combined nomenclature at two, four ***or six digit*** level. Where a geographical indication covers products of more than one category, each entry shall be specified. Product classification shall only be used for registration, statistical and record keeping purposes. 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).

1. Products designated by geographical indications shall be classified according to the combined nomenclature at two, four, ***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.*** 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*.

Amendment 67

Proposal for a regulation

Article 7 – paragraph 1 – point f

Text proposed by the Commission

(f) ‘recognised producer group’ means a formal association **having legal personality and** recognised by the competent national authorities as the sole group to act on behalf of all producers;

Amendment

(f) ‘recognised producer group’ means a formal association **of producers** recognised by the competent national authorities as the sole group to **represent and** act on behalf of all producers, **and fulfilling the requirements laid down in Article 33(1) and (2)**;

Amendment 68

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. Applications for the registration of geographical indications may only be submitted by a producer group of a product ('applicant producer group'), the name of which is proposed for registration. **Regional or local** public bodies may help in the preparation of the application and in the related procedure.

Amendment

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 specialist organisations, non-governmental organisations or** public bodies may **provide technical advice and** help in the preparation of the application and in the related procedure.

Amendment 69

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

2. An authority designated by a Member State may be deemed to be an

Amendment

2. An authority designated by a Member State **or by a third country** may

applicant producer group for the purposes of this Title, with respect to geographical indications of a spirit drink, if it is not feasible for the producers concerned to form a group by reason of their number, geographical location or organisational characteristics. In such case, the application referred to in Article 9(2) shall state those reasons.

be deemed to be an applicant producer group for the purposes of this Title, with respect to geographical indications of a spirit drink, if it is not feasible for the producers concerned to form a group by reason of their number, geographical location or organisational characteristics. In such case, the application referred to in Article 9(2) shall state those reasons.

Amendment 70

Proposal for a regulation

Article 8 – paragraph 3 – point a

Text proposed by the Commission

(a) the person concerned is the only producer **willing to submit an** application for the registration of a geographical indication; and

Amendment

(a) the person concerned is the only producer **of that product at the time of the** application for the registration of a geographical indication; and

Amendment 71

Proposal for a regulation

Article 8 – paragraph 3 – point b

Text proposed by the Commission

(b) the geographical area **concerned** is defined by natural **features without reference to property boundaries** and has characteristics which differ appreciably from those of neighbouring areas or the characteristics of the product are different from those produced in neighbouring areas.

Amendment

(b) the geographical area is defined by **a natural environment** and has characteristics which differ appreciably from those of neighbouring areas or the characteristics of the product are different from those produced in neighbouring areas **or, in the case of spirit drinks, where the spirit drink has a special quality, reputation or other characteristic which is clearly attributable to its geographical origin.**

Justification

The reference to "property boundaries" is not relevant.

Amendment 72

Proposal for a regulation
Article 8 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

In the case of wines, a single applicant shall be the winemaker.

Amendment 73

Proposal for a regulation
Article 8 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. This Regulation shall not discriminate against nor create barriers for applicants, particularly for producers in the Union and third countries that qualify as micro, small or medium-sized enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

Amendment 74

Proposal for a regulation
Article 9 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) a study on the economic sustainability of the supply chain concerned.

Amendment 75

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission

Amendment

4. As part of the scrutiny referred to in paragraph (3), the Member State shall conduct a national opposition procedure. The national opposition procedure shall ensure publication of the ***application for registration*** and provide for a period of at

4. As part of the scrutiny referred to in paragraph (3), the Member State shall conduct a national opposition procedure. The national opposition procedure shall ensure publication of the ***product specification provided for in Article 11***

least 2 months from the date of publication within which any natural or legal person having a legitimate interest and established or resident on the territory of the Member State in which the product concerned originates may lodge an opposition to the application for registration with that Member State.

and provide for a period of at least 2 months from the date of publication within which any natural or legal person having a legitimate interest and established or resident on the territory of the Member State in which the product concerned originates may lodge an opposition to the application for registration with that Member State.

Justification

The submission to a national opposition procedure of documents other than the technical specifications, which is the only relevant document, is pointless.

Amendment 76

Proposal for a regulation Article 9 – paragraph 7

Text proposed by the Commission

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

Amendment

7. The Member State shall ensure that its decision, be it favourable or not, is made public and that ***the applicant*** has an opportunity to lodge an appeal. 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.

Amendment 77

Proposal for a regulation Article 9 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. In the case of cross-border registration applications, the related national procedures, including the objection phase, shall be carried out in all Member States concerned

Amendment 78

Proposal for a regulation Article 12 – paragraph -1 (new)

Text proposed by the Commission

Amendment

- 1.** *For the purpose of this Article, a ‘sustainability undertaking’ refers to an undertaking which contributes to one or more social, environmental or economic objectives, including:*
- (a) climate change mitigation and adaptation, including energy efficiency and decrease water consumption;*
 - (b) preservation and sustainable use of soil, landscapes and natural resources;*
 - (c) improving soil fertility;*
 - (d) preservation of biodiversity and plants varieties, and transition to a circular economy;*
 - (e) transition to a circular economy;*
 - (f) reduction of the use of pesticides;*
 - (g) reduction of greenhouse gas (GHG) emissions;*
 - (h) reduction of the use of antimicrobials;*
 - (i) improving animal health and welfare;*
 - (j) securing viable income and improving resilience for producers of products benefiting from a protected designation of origin or a protected geographical indication;*
 - (k) improving the quality and the economic value of products benefiting from a protected designation of origin or a protected geographical indication, and redistributing added value across the supply chain;*
 - (l) contributing to the diversification of activities promoting the rural economy;*
 - (m) promoting local agricultural production, and preserving the rural*

fabric and local development, including agricultural employment;

(n) attracting and sustaining young producers of products benefiting from a protected designation of origin or a protected geographical indication and new producers of products benefiting from a protected designation of origin or a protected geographical indication, and facilitating the inter-generational transmission of know-how and culture;

(o) improving working and safety conditions in agricultural and processing activities;

(p) contributing to the valorisation of rural areas as well as cultural and gastronomic heritage to promote education on themes concerning the quality system, food safety and balanced and diversified diets;

(q) improving coordination between producers through improved efficiency of the governance instruments.

Amendment 79

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

1. A producer group may agree on sustainability undertakings to be adhered to in the production of the product designated by a geographical indication. Such undertakings shall aim to apply a sustainability standard **higher than mandated** by Union or national law **and go beyond good practice in significant respects** in terms of social, environmental **or** economic undertakings. Such undertakings shall be specific, shall take account of existing sustainable practices employed for products designated by geographical indications, and may refer to existing sustainability schemes.

Amendment

1. A producer group may agree on sustainability undertakings to be adhered to in the production of the product designated by a geographical indication. Such undertakings shall aim to apply a sustainability standard **that goes beyond that required** by Union or national law in terms of social, environmental, economic **or animal health and welfare** undertakings. Such undertakings shall be specific, shall take account of existing sustainable practices employed for products designated by geographical indications, **may complement and contribute to producers' broader agro-ecological strategies to combat climate**

change and may refer to existing sustainability schemes.

Amendment 80

Proposal for a regulation Article 12 – paragraph 2

Text proposed by the Commission

2. The sustainability undertakings *referred to in* paragraph (1) shall be included in the product specification.

Amendment

2. The sustainability undertakings *agreed on in accordance with* paragraph (1) *of this Article* shall be *either* included in the product specification *or developed under separate initiatives*.

Amendment 81

Proposal for a regulation Article 12 – paragraph 4

Text proposed by the Commission

4. *The Commission shall be empowered to adopt delegated acts in accordance with Article 84 defining sustainability standards in different sectors and laying down criteria for the recognition of existing sustainability standards to which producers of products designated by geographical indications may adhere.*

Amendment

deleted

Amendment 82

Proposal for a regulation Article 12 – paragraph 5

Text proposed by the Commission

5. *The Commission may adopt implementing acts defining a harmonised presentation of sustainability undertakings. Those implementing acts shall be adopted in accordance with the examination procedure referred to in*

Amendment

deleted

Article 53(2).

Amendment 83

Proposal for a regulation Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

Sustainability report

1. Producer groups may prepare a sustainability report based on internal audit activities, comprising a description of existing sustainable practices implemented in the production of the product, 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 may be updated to take account in particular of progress compared with the outcome of 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).

Amendment 84

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 85

Proposal for a regulation
Article 15 – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment

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

Amendment 86

Proposal for a regulation
Article 15 – paragraph 6

Text proposed by the Commission

Amendment

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.*

deleted

Amendment 87

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

Amendment

1. A Union application for the registration of a geographical indication shall be submitted to the Commission

1. A Union application for the registration of a geographical indication shall be submitted to the Commission

electronically, through a digital system. The digital system shall have the capacity to allow the submission of applications to **national** authorities of a Member State, and **to** be used by the Member State in its national procedure.

electronically, through a digital system. The digital system shall have the capacity to allow the submission of applications to **competent** authorities of a Member State, and **may** be used by the Member State in its national procedure.

Amendment 88

Proposal for a regulation Article 17 – title

Text proposed by the Commission

Scrutiny by the Commission and publication for opposition

Amendment

Examination by the Commission and publication for opposition

Amendment 89

Proposal for a regulation Article 17 – paragraph 1

Text proposed by the Commission

1. The Commission shall **scrutinise** any application for registration that it receives pursuant to Article 16(1). **Such scrutiny shall consist of a check** 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**. **It 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.**

Amendment

1. The Commission shall **examine** any application for registration that it receives pursuant to Article 16(1). **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. **The Commission shall take into account the outcome of the national procedure carried out by the Member State concerned.**

Amendment 90

Proposal for a regulation Article 17 – paragraph 2

Text proposed by the Commission

2. **Scrutiny should** not exceed a period **of 6** months. In the event that the **scrutiny** period **exceeds** or is likely to **exceed 6 months** the Commission shall inform the applicant of the reasons for the delay in writing.

Amendment

2. **Subject to paragraph 3, the examination period shall not exceed five months from the date of submission of the application for registration.**

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.

In duly justified cases, the examination period may be extended by a maximum of three months. In the event that the examination period is extended or is likely to 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.

Amendment 91

Proposal for a regulation Article 17 – paragraph 3

Text proposed by the Commission

3. The Commission may seek supplementary information from the applicant.

Amendment

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.***

Amendment 92

Proposal for a regulation Article 17 – paragraph 4

Text proposed by the Commission

4. Where, based on the *scrutiny* 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.

Amendment

4. Where, based on the *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.

Amendment 93

**Proposal for a regulation
Article 17 – paragraph 5**

Text proposed by the Commission

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.*

Amendment

deleted

Amendment 94

**Proposal for a regulation
Article 18 – paragraph 1**

Text proposed by the Commission

1. Member States shall *keep* the Commission *informed* of any national administrative or judicial proceedings that may affect the registration of a geographical indication.

Amendment

1. Member States shall *immediately inform* the Commission of any national administrative or judicial proceedings that may affect the registration of a geographical indication.

Amendment 95

**Proposal for a regulation
Article 18 – paragraph 2 – introductory part**

Text proposed by the Commission

2. The Commission shall be exempted from the obligation to meet the deadline to perform the *scrutiny* referred to in Article 17(2) **and to inform the applicant of the reasons for the delay** where it receives a communication from a Member State, concerning an application for registration in accordance with Article 9(6), which:

Amendment

2. The Commission shall be exempted from the obligation to meet the deadline to perform the *examination* referred to in Article 17(2) where it receives a communication from a Member State, concerning an application for registration in accordance with Article 9(6), which:

Amendment 96

**Proposal for a regulation
Article 18 – paragraph 2 – point b**

Text proposed by the Commission

(b) requests the Commission to suspend the *scrutiny* because national administrative or judicial proceedings have been initiated to challenge the validity of the application and the Member State considers that those proceedings are based on valid grounds.

Amendment

(b) requests the Commission to suspend the *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.

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

Amendment 97

**Proposal for a regulation
Article 18 – paragraph 3**

Text proposed by the Commission

3. The exemption shall have effect until the Commission is informed by the Member State that the original application has been restored or that the Member State withdraws its request for suspension.

Amendment

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.

Amendment 98

Proposal for a regulation
Article 18 – paragraph 4

Text proposed by the Commission

4. If the application 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 Union application for registration, as necessary.

Amendment

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.

Amendment 99

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

1. Within 3 months from the date of publication in the Official Journal of the European Union of the single document and the reference to the product specification pursuant to Article 17(4), the authorities of a Member State or of a third country, or a natural or legal person having a legitimate interest, established or resident in a third country, may lodge an opposition ***or a notice of comment*** with the Commission.

Amendment

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 with the Commission.

Amendment 100

Proposal for a regulation
Article 19 – paragraph 2

Text proposed by 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***

Amendment

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 to be

notice of comments to be lodged pursuant to paragraph (1).

lodged pursuant to paragraph (1).

Amendment 101

Proposal for a regulation Article 19 – paragraph 4

Text proposed by the Commission

4. The Commission shall **check** the admissibility of the opposition. If the Commission considers that the opposition is admissible, it shall, within 5 months from the date of publication in the Official Journal of the European Union invite the authority or the person that lodged the opposition and the authority or the applicant producer group that lodged the application to engage in appropriate consultations for a reasonable period that shall not exceed 3 months. 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.

Amendment

4. The Commission shall **examine** 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.

Amendment 102

Proposal for a regulation Article 19 – paragraph 6

Text proposed by the Commission

6. Within 1 month from the end of the consultations referred to in paragraph (4), the applicant producer group established in the third country or the authorities of the Member State or of the third country from which the Union application for registration was lodged shall notify the Commission of the result of the consultations, including all the information exchanged, whether agreement was reached with one or all of the opponents,

Amendment

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

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.

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.

Amendment 103

Proposal for a regulation Article 19 – paragraph 7

Text proposed by the Commission

7. Where, following the end of the consultations referred to in paragraph (4), the data published in accordance with Article 17(4) have been modified, the Commission shall repeat its **scrutiny** of the application for registration as modified. Where the application for registration has been modified in a substantial manner, and the Commission considers that the modified application meets the conditions for registration, it shall publish the application once more in accordance with that paragraph.

Amendment

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 **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.

Amendment 104

Proposal for a regulation Article 19 – paragraph 9

Text proposed by the Commission

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** that may imply a change of the single document.

Amendment

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, and any other matters arising subsequently to its **examination** that may imply a change of the single document.

Amendment 105

Proposal for a regulation Article 19 – paragraph 10

Text proposed by the Commission

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.**

Amendment

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.

Amendment 106

Proposal for a regulation Article 20 a (new)

Text proposed by the Commission

Amendment

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).

Amendment 107

Proposal for a regulation

Article 21 – paragraph 3 – introductory part

Text proposed by the Commission

3. The Commission may adopt implementing acts extending the transitional period granted under paragraph (1) up to 15 years, ***or allowing continued use for up to 15 years***, provided it is additionally shown that:

Amendment

3. The Commission may adopt implementing acts extending the transitional period granted under paragraph (1) up to 15 years, provided it is additionally shown that:

Justification

The text is confusing. The amendment keeps the status quo.

Amendment 108

Proposal for a regulation

Article 21 – paragraph 5

Text proposed by the Commission

5. When using a designation referred to in paragraphs 1 and 3, the indication of the country of origin shall clearly and

Amendment

5. When using a designation referred to in paragraphs 1 and 3, the indication of the country of origin shall clearly and

visibly appear on the labelling.

visibly appear on the labelling ***and, where applicable, on the production description when it is marketed on an online sales website.***

Amendment 109

Proposal for a regulation Article 21 – paragraph 6

Text proposed by the Commission

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

Amendment

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

Amendment 110

Proposal for a regulation Article 22 – paragraph 1

Text proposed by the Commission

1. Where, on the basis of the information available to the Commission from the ***scrutiny*** carried out pursuant to Article 17, the Commission considers that any of the requirements referred therein is not fulfilled, it shall adopt implementing acts rejecting the application for registration. Those implementing acts shall be adopted in accordance with the examination procedure referred to in

Amendment

1. Where, on the basis of the information available to the Commission from the ***examination*** carried out pursuant to Article 17, the Commission considers that any of the requirements referred therein is not fulfilled, it shall adopt implementing acts rejecting the application for registration. Those implementing acts shall be adopted in accordance with the examination procedure referred to in

Article 53(2).

Article 53(2).

Amendment 111

Proposal for a regulation Article 22 – paragraph 2

Text proposed by the Commission

2. Where it receives no admissible opposition, the Commission shall adopt implementing acts, without applying the procedure referred to in Article 53(2), registering the geographical indication.
The Commission may take in to account the notices of comments received in accordance with Article 19(1).

Amendment

2. Where it receives no admissible opposition, the Commission shall adopt implementing acts, without applying the procedure referred to in Article 53(2), registering the geographical indication.

Amendment 112

Proposal for a regulation Article 22 – paragraph 3 – introductory part

Text proposed by the Commission

3. Where it receives an admissible opposition, the Commission shall, following the consultations referred to in Article 19(4) and taking into account the results thereof,

Amendment

3. Where it receives an admissible ***and grounded*** opposition, the Commission shall, following the consultations referred to in Article 19(4) and taking into account the results thereof,

Amendment 113

Proposal for a regulation Article 22 – paragraph 5

Text proposed by the Commission

5. Regulations of registration and decisions on rejection shall be published in the Official Journal of the European Union, L series.

Amendment

5. Regulations of registration and decisions on rejection shall be published in the Official Journal of the European Union, L series ***and in the Union register of geographical indications.***

Amendment 114

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Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission

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

Amendment

1. The Commission shall adopt implementing acts, without applying the procedure referred to in Article 53(2), containing provisions on establishing and maintaining **an** electronic register of geographical indications protected under this Regulation (the ‘Union register of geographical indications’), **which shall be made easily accessible to the public and 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.^{1a}** The register shall have three parts corresponding to geographical indications of wine, of spirit drinks and of agricultural products respectively.

^{1a} 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).

Amendment 115

Proposal for a regulation
Article 23 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The EUIPO shall maintain and keep the Union register up-to-date with respect to registrations, amendments and cancellations of geographical indications.

Amendment 116

Proposal for a regulation
Article 23 – paragraph 3

Text proposed by the Commission

3. Geographical indications concerning products from third countries that are protected in the Union under an international agreement to which the Union is a contracting party may be entered in the Union register of geographical indications. The Commission shall register such geographical indications by means of implementing acts adopted in accordance with the examination procedure referred to in Article 53(2). As regards wine and agricultural products, unless specifically identified in those agreements as protected designations of origin, the names of such products shall be entered in the Union register of geographical indications as protected geographical indications.

Amendment

3. Geographical indications concerning products from third countries that are protected in the Union under an international agreement to which the Union is a contracting party may be entered in the Union register of geographical indications. The Commission shall register such geographical indications by means of implementing acts adopted in accordance with the examination procedure referred to in Article 53(2) **and shall make public the criteria used to decide upon the geographical indications protected under the relevant international agreement.** As regards wine and agricultural products, unless specifically identified in those agreements as protected designations of origin, the names of such products shall be entered in the Union register of geographical indications as protected geographical indications.

Amendment 117

**Proposal for a regulation
Article 23 – paragraph 5**

Text proposed by the Commission

5. The **Commission** shall make public and **regularly** update the list of the international agreements referred to in paragraph (3) as well as the list of geographical indications protected under those agreements.

Amendment

5. The **EUIPO** shall make public and, **in the case of changes**, update the list of the international agreements referred to in paragraph (3) as well as the list of geographical indications protected under those agreements.

Amendment 118

**Proposal for a regulation
Article 23 – paragraph 6**

Text proposed by the Commission

6. The Commission shall retain

Amendment

6. The Commission shall retain

documentation related to the registration of a geographical indication in digital or paper form **for the period of validity of the geographical indication, and in** case of cancellation for 10 years thereafter.

documentation related to the registration of a geographical indication in digital or paper form. **In the case of cancellation or rejection, the Commission shall retain documentation** for 10 years thereafter.

Amendment 119

Proposal for a regulation

Article 23 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Once a new geographical indication or the modification of a previous geographical indication has been entered by the EUIPO in the Union register of geographical indications, the Commission shall, in its capacity as Competent Authority within the meaning of Article 3 of the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (the ‘Geneva Act’), file an application for the international registration of the geographical indication thus entered in the Union register of geographical indications and which pertains to a product originating in the Union pursuant to Article 5(1) and (2) of the Geneva Act with the International Bureau of the World Organization for Intellectual Property. The fees to be paid under Article 7 of the Geneva Act, as specified in the Common Regulations under the Lisbon Agreement and the Geneva Act, shall be borne by the Member State in which that geographical indication originates.

Amendment 120

Proposal for a regulation

Article 23 – paragraph 7

Text proposed by the Commission

Amendment

7. ***The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by rules on entrusting EUIPO to operate the Union register of geographical indications.***

deleted

Amendment 121

Proposal for a regulation Article 24 – paragraph 1

Text proposed by the Commission

Amendment

1. Any person shall be able to download an official extract from the Union register of geographical indications that provides proof of registration of the geographical indication, and ***the*** relevant data including the date of application for the registration of the geographical indication or other priority date. ***This*** official extract may be used as an authentic certificate in legal proceedings, in a court of law, court of arbitration or similar body.

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 ***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^{1a}. That*** official extract may be used as an authentic certificate in legal proceedings, in a court of law, court of arbitration or similar body.

^{1a} 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).

Amendment 122

Proposal for a regulation Article 24 – paragraph 2

Text proposed by the Commission

2. Where a producer group has been recognised by the national authorities in accordance with Article 33, that group shall be identified as the ***rights' holder of the*** geographical indication in the Union register of geographical indications and in the official extract referred to in paragraph (1).

Amendment

2. Where a producer group has been recognised by the national authorities, ***or by a third country authority***, in accordance with Article 33, that group shall be identified as the ***representative of producers of a product designated by a*** geographical indication in the Union register of geographical indications and in the official extract referred to in paragraph (1) ***of this Article***.

Amendment 123

**Proposal for a regulation
Article 24 – paragraph 3**

Text proposed by the Commission

3. The Commission may adopt implementing acts ***defining the format and*** online presentation of extracts from the Union register of geographical indications, and providing for the exclusion or anonymisation of protected personal data. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2).

Amendment

3. The Commission may adopt implementing acts ***setting out the*** 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).

Amendment 124

**Proposal for a regulation
Article 25 – paragraph 1**

Text proposed by the Commission

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

Amendment

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

Amendment 125

Proposal for a regulation
Article 25 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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.*

Amendment 126

Proposal for a regulation
Article 25 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. An amendment shall be a Union amendment if it entails a change of the single document and:

3. An amendment shall be **considered** as a Union amendment if it entails a change of the single document and:

Amendment 127

Proposal for a regulation
Article 25 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(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

(a) includes a change in the name; or

Amendment 128

Proposal for a regulation
Article 25 – paragraph 3 – point b

Text proposed by the Commission

(b) **risks voiding** the link to the geographical area referred to in the single document; or

Amendment

(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; or

Amendment 129

Proposal for a regulation Article 25 – paragraph 5

Text proposed by the Commission

5. A **standard** amendment shall be considered as a **temporary** amendment when it concerns a temporary change in the product specification resulting from the imposition of obligatory sanitary and phytosanitary measures by the public authorities or a temporary amendment necessary because of a natural disaster **or** adverse weather conditions formally recognised by the competent authorities.

Amendment

5. A **temporary** amendment shall be considered as a **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, adverse weather, geopolitical events or any other exceptional** conditions formally recognised by the competent authorities.

Amendment 130

Proposal for a regulation Article 25 – paragraph 6

Text proposed by the Commission

6. Union amendments shall be approved by the Commission. The approval procedure shall follow, mutatis mutandis, the procedure laid down **from Article 8 to Article 22**.

Amendment

6. Union amendments shall be **assessed and** approved by the Commission **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 **in**

Articles 8 to 22.

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

Amendment 131

**Proposal for a regulation
Article 25 – paragraph 7**

Text proposed by the Commission

7. Applications for Union amendments submitted by a third country **or by** producers in a third country shall contain proof that the requested amendment complies with the laws on the protection of geographical indications in force in that third country.

Amendment

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.

Amendment 132

**Proposal for a regulation
Article 25 – paragraph 8**

Text proposed by the Commission

8. If an application for a Union amendment to the product specification of a registered geographical indication also includes standard amendments or temporary amendments, the Commission shall **scrutinise** the Union amendment only. Any standard amendments or temporary amendments shall be deemed as not having been submitted. The **scrutiny** of such applications shall focus on the proposed Union amendments. **Where appropriate, the Commission or the Member State concerned may invite the applicant to modify other elements of the product specifications.**

Amendment

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 **examine** the Union amendment only. Any standard amendments or temporary amendments shall be deemed as not having been submitted. The **examination** of such applications shall focus on the proposed Union amendments.

Amendment 133

Proposal for a regulation Article 25 – paragraph 9

Text proposed by the Commission

9. Standard amendments shall be approved by Member States or third countries in whose territory the geographical area of the product concerned is located and communicated to the Commission. The Commission shall make those amendments public.

Amendment

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.**

Amendment 134

Proposal for a regulation Article 25 – paragraph 10

Text proposed by the Commission

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).**

Amendment

deleted

Amendment 135

Proposal for a regulation Article 26 – paragraph 1 – point b

Text proposed by the Commission

(b) where no product has been placed on the market under the geographical indication **for at least** seven consecutive years.

Amendment

(b) where no product has been placed on the market under the geographical indication **in the preceding** seven consecutive years.

Amendment 136

Proposal for a regulation Article 26 – paragraph 2

Text proposed by the Commission

2. The Commission may *also* adopt implementing acts cancelling the registration at the request of the producers of the product marketed under the registered name.

Amendment

2. The Commission may adopt implementing acts cancelling the registration at the request of ***producer group representing a majority of*** the producers of the product marketed under the registered name.

Amendment 137

Proposal for a regulation Article 26 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

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.

Amendment 138

Proposal for a regulation Article 26 – paragraph 6

Text proposed by the Commission

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).

Amendment

deleted

Amendment 139

Proposal for a regulation Article 27 – paragraph 1 – point a

Text proposed by the Commission

(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;

Amendment

(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***;

Amendment 140

Proposal for a regulation Article 27 – paragraph 1 – point b

Text proposed by the Commission

(b) any misuse, imitation or evocation, even if the true origin of the products or services is indicated or if the protected name is translated or accompanied by an expression such as ‘style’, ‘type’, ‘method’, ‘as produced in’, ‘imitation’, ‘flavour’, ‘like’ or similar.

Amendment

(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***;

Amendment 141

Proposal for a regulation Article 27 – paragraph 1 – point c

Text proposed by the Commission

(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

Amendment

(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 relating to the product concerned, and the packing of the product in a container liable to convey a false impression as to its origin;

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;

Amendment 142

Proposal for a regulation Article 27 – paragraph 2

Text proposed by the Commission

Amendment

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.*

deleted

Amendment 143

Proposal for a regulation Article 27 – paragraph 4 – point a

Text proposed by the Commission

Amendment

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

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

Amendment 144

Proposal for a regulation Article 27 – paragraph 4 – point a (new)

Text proposed by the Commission

Amendment

(aa) goods produced in the Union and destined to be exported to and marketed in

third countries; and

Amendment 145

Proposal for a regulation

Article 27 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

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).*

Amendment 146

Proposal for a regulation

Article 27 – paragraph 5

Text proposed by the Commission

Amendment

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).

5. The 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).

Amendment 147

Proposal for a regulation

Article 27 – paragraph 7

Text proposed by the Commission

Amendment

7. Where a geographical indication is a compound name which contains a term which is considered to be generic, the use

7. Where a geographical indication is a compound name which contains a term which is considered to be generic, the use

of that term shall not constitute a conduct referred to in paragraph (1), **point** (a) and (b).

of that term shall not constitute, **as a general rule**, a conduct referred to in paragraph (1), **points** (a) and (b).

Amendment 148

Proposal for a regulation Article 27 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

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.

Amendment 149

Proposal for a regulation Article 28 – paragraph 1

Text proposed by the Commission

Amendment

1. **Article 27 is without prejudice to the use** of a geographical indication by operators in conformity with Article 36 to indicate that a processed product **contains, as an ingredient, a product designated by that geographical indication** provided that such use is made in accordance with honest commercial practices and does not weaken, dilute or is not detrimental to the reputation of the geographical indication.

1. **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**, provided that such use **complies with Article 27, that 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**

Amendment 150

Proposal for a regulation Article 28 – paragraph 2

Text proposed by the Commission

2. The geographical indication designating a product ingredient shall not be used in the food name of the related processed product, except in cases of an agreement *with a* producer group representing *two thirds of the* producers.

Amendment

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*** of the related processed product, except in cases of ***the existence of an agreement in writing including control provisions concluded with the recognised producer group, or, where such a group does not exist, the*** producer group representing ***a majority of*** producers, ***which may establish minimum conditions for the fair usage of the name.***

Amendment 151

Proposal for a regulation Article 28 – paragraph 3

Text proposed by the Commission

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.***

Amendment

deleted

Amendment 152

Proposal for a regulation Article 29 – paragraph 3

Text proposed by the Commission

Amendment

(3) *The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by additional rules for determining the generic status of terms referred to in paragraph (1) of this Article.*

deleted

Amendment 153

Proposal for a regulation Article 30 – paragraph 2

Text proposed by the Commission

2. A wholly or partly homonymous name which misleads the consumer into believing that products come from another territory shall not be registered even if the name for the actual territory, region or place of origin of the products in question is accurate.

Amendment

2. A wholly or partly homonymous name which *is suggestive of another product or* misleads the consumer into believing that products come from another territory shall not be registered even if the name for the actual territory, region or place of origin of the products in question is accurate.

Amendment 154

Proposal for a regulation Article 31

Text proposed by the Commission

Article 31

Trade marks

A name shall not be registered as a geographical indication where, in the light of a trade mark's reputation and renown, registration of the name proposed as a geographical indication could mislead the consumer as to the true identity of the product.

Amendment

deleted

Amendment 155

Proposal for a regulation Article 32 – paragraph 1

Text proposed by the Commission

1. A producer group shall be set up on the initiative of interested stakeholders, including farmers, farm suppliers, ***intermediate processors and final processors***, as specified by the national authorities and according to the nature of the product concerned. Member States shall verify that the producer group operates in a transparent and democratic manner and that all producers of the product designated by the geographical indication enjoy right of membership *in* the group. Member States may ***provide that public officials, and other stakeholders such as consumer groups, retailers and suppliers, also participate in the works*** of the producer group.

Amendment

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

Member States shall verify that the producer group operates in a transparent and democratic manner ***via, in particular, internal rules that enable its members to scrutinise it democratically***, 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 the contribution to costs associated with the exercise of the producer group's powers and the fulfilment of its responsibilities is compulsory for all producers.***

Without prejudice to paragraph 2, national authorities may, in accordance with national law, define the tasks, powers and responsibilities granted to a producer group.

Amendment 156

Proposal for a regulation
Article 32 – paragraph 2 – introductory part

Text proposed by the Commission

2. A producer group may exercise in particular the following powers and responsibilities:

Amendment

2. **Where a recognised producer group does not exist**, a producer group may exercise in particular the following powers and responsibilities:

Amendment 157

Proposal for a regulation
Article 32 – paragraph 2 – point a

Text proposed by the Commission

(a) develop the product specification and manage **internal controls that ensure** compliance of production steps of the product designated by the geographical indication with the said specification;

Amendment

(a) develop the product specification and manage **activities relating to verifying and ensuring** compliance of production steps of the product designated by the geographical indication with the said specification;

Amendment 158

Proposal for a regulation
Article 32 – paragraph 2 – point b

Text proposed by the Commission

(b) take legal action to ensure protection of the geographical indication and of the intellectual property rights that are directly connected with it;

Amendment

(b) take legal action, **including action before civil and criminal courts**, to ensure protection **offline and online** 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 damages**;

Amendment 159

Proposal for a regulation
Article 32 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) agree sustainability undertakings, whether *or not* included in the product specification or *as a separate initiative, including arrangements for verification of compliance with those undertakings and* assuring adequate publicity for them notably in an information system provided by the Commission;

(c) agree sustainability undertakings, *including undertakings which complement and contribute to producers' agro-ecological strategies to combat climate change,* whether included in the product specification or *elsewhere,* assuring adequate publicity for them notably in an information system provided by the Commission;

Amendment 160

Proposal for a regulation

Article 32 – paragraph 2 – point d – introductory part

Text proposed by the Commission

Amendment

(d) take action to improve the performance of the geographical indication, including:

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

Amendment 161

Proposal for a regulation

Article 32 – paragraph 2 – point d – point -i a (new)

Text proposed by the Commission

Amendment

(-ia) establishing the minimum conditions for the usage of the name of a geographical indication;

Amendment 162

Proposal for a regulation

Article 32 – paragraph 2 – point d – point ii

Text proposed by the Commission

Amendment

(ii) dissemination of information and promotion activities aiming at

(ii) dissemination of information and promotion activities aiming at

communicating the attributes of the product designated by a geographical indication to consumers;

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;***

Amendment 163

Proposal for a regulation

Article 32 – paragraph 2 – point d – point iii

Text proposed by the Commission

(iii) carrying out analyses into the economic performance, ***sustainability*** of production, nutritional profile, and organoleptic profile, of the product designated by the geographical indication;

Amendment

(iii) carrying out analyses into the economic, ***social or environmental*** performance, of production, nutritional profile, and organoleptic profile, of the product designated by the geographical indication;

Amendment 164

Proposal for a regulation

Article 32 – paragraph 2 – point e

Text proposed by the Commission

(e) combat counterfeiting and suspected fraudulent uses on the internal market of a geographical indication designating products that are not in compliance with the product specification, by monitoring the use of the geographical indication across the internal market and on third countries markets where the geographical indications are protected, including on the internet, and, as necessary, inform enforcement authorities using confidential systems available.

Amendment

(e) combat counterfeiting and suspected fraudulent uses on the internal market, ***including the Union digital market,*** of a geographical indication designating products that are not in compliance with the product specification, by monitoring the use of the geographical indication across the internal market and on third countries markets where the geographical indications are protected, including on the internet, and, as necessary, inform enforcement authorities using confidential systems available;

Amendment 165

Proposal for a regulation
Article 32 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(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;

Amendment 166

Proposal for a regulation
Article 32 – paragraph 2 – point e b (new)

Text proposed by the Commission

Amendment

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

Amendment 167

Proposal for a regulation
Article 32 – paragraph 2 – point e c (new)

Text proposed by the Commission

Amendment

(ec) 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 requesting a financial contribution from the processor for such use.

Amendment 168

Proposal for a regulation
Article 32 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *By way of derogation from paragraph 2 of this Article, Member States may limit some or all of the powers and responsibilities referred to in that paragraph exclusively to the recognised producer groups referred to in Article 33.*

Amendment 169

Proposal for a regulation Article 33 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 170

Proposal for a regulation Article 33 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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.*

Amendment 171

Proposal for a regulation
Article 33 – paragraph 2

Text proposed by the Commission

2. A producer group may be designated as recognised producer group subject to a prior agreement concluded between at least **two-thirds** of the producers of the product bearing a geographical indication, accounting for **at least two-thirds** of the production of that product in the geographical area referred to in the product specification. As an exception, an authority, as referred to in Article 8(2), and a single producer, as referred to in Article 8(3), **shall be deemed to be a recognised producer group**.

Amendment

2. A producer group may be designated as recognised producer group subject to a prior agreement concluded between at least **50 % plus one** of the producers of the product bearing a geographical indication, accounting for **a minimum volume or value** of the **marketable** production, **to be laid down by the Member State concerned**, 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), **the powers and responsibilities referred to in paragraph 3 of this Article and in Article 32(2)**.

Amendment 172

Proposal for a regulation
Article 33 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

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 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.

Amendment 173

Proposal for a regulation
Article 33 – paragraph 3 – introductory part

Text proposed by the Commission

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

Amendment

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

Amendment 174

Proposal for a regulation

Article 33 – paragraph 3 – point b

Text proposed by the Commission

(b) to take enforcement actions, including filing applications for actions with custom authorities, to prevent or counter any measures which are, or risk being, detrimental to the image of their products;

Amendment

(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***;

Amendment 175

Proposal for a regulation

Article 33 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) to carry out supervisory activities and prevent fraud;

Amendment 176

Proposal for a regulation

Article 33 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(ca) to agree with downstream operators on 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 them;

Amendment 177

Proposal for a regulation Article 33 – paragraph 3 – point c b (new)

Text proposed by the Commission

Amendment

(cb) to liaise with the Commission in the context of negotiations on international agreements as regards the protection of geographical indications;

Amendment 178

Proposal for a regulation Article 33 – paragraph 4

Text proposed by the Commission

Amendment

4. *The powers and responsibilities referred to in paragraph 2 shall be subject to a prior agreement concluded between at least two-thirds of the producers of the product designated by a geographical indication, accounting for at least two-thirds of the production of that product in the geographical area referred to in the product specification.*

4. *Member States may lay down rules to ensure that the contribution to costs associated with the exercise of powers and responsibilities by the recognised producer group is compulsory for all producers of the product designated by that geographical indication, operating in the geographical area referred to in the product specification. The contribution shall be proportionate to the volume or value of the marketable production of the product bearing that geographical indication.*

Amendment 179

Proposal for a regulation Article 33 – paragraph 5

Text proposed by the Commission

Amendment

5. Member States shall carry out

5. Member States *or, in accordance*

checks in order to ensure that the conditions *laid down in paragraph 2* are complied with. Where the competent national authorities find that such conditions have not been complied with, Member States shall annul the decision on the recognition of the producer group.

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 *for the recognition and the operation of the producer group* are complied with. Where the competent national authorities find that such conditions have not been complied with, Member States shall annul the decision on the recognition of the producer group.

Amendment 180

Proposal for a regulation Article 33 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

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.*

Amendment 181

Proposal for a regulation Article 33 a (new)

Text proposed by the Commission

Amendment

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 in promotion measures as defined by Regulation (EU) No 1144/2014.*

Amendment 182

Proposal for a regulation Article 33 b (new)

Text proposed by the Commission

Amendment

Article 33b

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.

Amendment 183

Proposal for a regulation Article 34 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Top-level **and other** domain name registries **operating** in the Union **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 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.

Amendment 184

Proposal for a regulation Article 34 – paragraph 2

Text proposed by the Commission

2. **Country-code** top-level domain name registries **established** 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.

Amendment

2. Top-level **and other** domain name registries **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.

Amendment 185

Proposal for a regulation Article 34 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

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].

Amendment 186

Proposal for a regulation Article 34 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance **with Article 84** supplementing this Regulation by provisions **entrusting EUIPO to establish and manage** a domain name information and alert system that would provide the applicant, upon the submission of an application for a geographical indication, with information about the availability of the geographical indication as a domain name and, on optional basis, the registration of a domain name identical to their geographical indication. **That** delegated **act** shall also include the obligation for registries of **country-code top-level** domain names, **established** in the Union, to provide EUIPO with the relevant information and data.

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

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. Those delegated acts shall also include the obligation for registries of domain names and EURid, operating in the Union, to provide EUIPO with the relevant information and data, and, to that end, to establish a collaboration with EUIPO.

Amendment 187

Proposal for a regulation Article 35 – title

Text proposed by the Commission

Amendment

Conflicting trade marks

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

(Article 35 merged with Article 31)

Amendment 188

Proposal for a regulation Article 35 – paragraph 1

Text proposed by the Commission

Amendment

1. The registration of a trade mark the use of which would contravene Article 27 shall be rejected if the application for registration of the trade mark is submitted after the date of submission to the Commission of the application for the registration of the geographical indication.

1. ***An application for*** the registration of a trade mark the use of which would contravene Article 27 shall be rejected if the application for registration of the trade mark is submitted after the date of submission to the Commission of the application for the registration of the geographical indication.

Amendment 189

Proposal for a regulation Article 35 – paragraph 1 a (new)

1a. An application for the registration of a geographical indication shall be rejected where, in the event that a well-known trade mark exists or given the reputation of that trade mark, the name proposed as a geographical indication is liable to mislead the consumer as to the true identity of the product.

Amendment 190

Proposal for a regulation Article 35 – paragraph 3

Text proposed by the Commission

3. A trade mark the use of which contravenes Article 27, which has been applied for, registered, or established by use in good faith within the territory of the Union, if that possibility is provided for by the legislation concerned, before the date on which the application for registration of the geographical indication is submitted to the Commission, may continue to be used and renewed notwithstanding the registration of a geographical indication, provided that no grounds for invalidity or revocation of the trade mark exist under Directive (EU) 2015/2436 or Regulation (EU) 2017/1001. In such cases, the use of the geographical indication, if then registered, and that of the relevant trade mark shall be permitted.

Amendment

3. Without prejudice to paragraph 2 of this Article, a trade mark the use of which contravenes Article 27, which has been applied for, registered, or established by use in good faith within the territory of the Union, if that possibility is provided for by the legislation concerned, before the date on which the application for registration of the geographical indication is submitted to the Commission, may continue to be used and renewed notwithstanding the registration of a geographical indication, provided that no grounds for invalidity or revocation of the trade mark exist under Directive (EU) 2015/2436 or Regulation (EU) 2017/1001. In such cases, the use of the geographical indication, if then registered, and that of the relevant trade mark shall be permitted.

Amendment 191

Proposal for a regulation Article 36 – paragraph 1

Text proposed by the Commission

A registered geographical indication may be used by any operator marketing a

Amendment

A registered geographical indication may be used by any operator marketing a

product conforming to the corresponding product specification or single document *or an equivalent to the latter*.

product conforming to the corresponding product specification or single document.

Amendment 192

Proposal for a regulation Article 37 – paragraph 1 – point a

Text proposed by the Commission

(a) a symbol identifying protected designations of origin of *wine and of* agricultural products; and

Amendment

(a) a symbol identifying protected designations of origin of agricultural products; and

Amendment 193

Proposal for a regulation Article 37 – paragraph 1 – point b

Text proposed by the Commission

(b) a symbol identifying protected geographical indications *of wine and of* agricultural products and geographical indications of spirit drinks.

Amendment

(b) a symbol identifying protected geographical indications of agricultural products and geographical indications of spirit drinks.

Amendment 194

Proposal for a regulation Article 37 – paragraph 2

Text proposed by the Commission

2. In the case of products originating in the Union that are marketed under a geographical indication, the Union symbol associated with it shall appear on the labelling and advertising material. The geographical indication shall appear in the same field of vision as the Union symbol. ***The labelling requirements laid down in Article 13(1) of Regulation (EU) No 1169/2011 for the presentation of mandatory particulars shall apply to*** the geographical indication.

Amendment

2. In the case of products originating in the Union that are marketed under a geographical indication, the Union symbol associated with it shall appear on the labelling and advertising material. The geographical indication ***and an indication of the name of the producer*** shall appear in the same field of vision as the Union symbol.

The country of origin of a primary ingredient, within the meaning of Article 2(2), point (q), of Regulation (EU) No 1169/2011, which is not the same as the country of origin of the geographical indication shall be marked:

(a) with reference to one of the following geographical areas:

(i) ‘EU’, ‘non-EU’ or ‘EU and non-EU’;

(ii) region, or any other geographical area either within two or more Member States or within third countries, if defined as such under public international law;

(iii) FAO Fishing area, or sea or freshwater body if defined as such under public international law or well understood by normally informed average consumers; or

(iv) Member State(s) or third country(ies);

(v) region, or any other geographical area within a Member State or within a third country, which is well understood by normally informed average consumers;

(vi) the country of origin or place of provenance in accordance with specific Union provisions applicable to the primary ingredient(s); or

(b) by means of:

(i) the statement ‘(name of the primary ingredient) do/does not originate from (the country of origin of the geographical indication)’; or

(ii) any wording similar to the statement set out in point (i) which is likely to have the same meaning for the consumer.

Amendment 195

Proposal for a regulation Article 37 – paragraph 3

Text proposed by the Commission

Amendment

3. By way of derogation from

3. By way of derogation from

paragraph (2), in the case of *wine and* spirit drinks originating in the Union that are marketed under a geographical indication, Union symbols may be omitted from the labelling and advertising material of the product concerned.

paragraph (2), in the case of spirit drinks originating in the Union that are marketed under a geographical indication, Union symbols may be omitted from the labelling and advertising material of the product concerned.

Amendment 196

Proposal for a regulation

Article 37 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Where *wine*, agricultural products or spirit drinks are designated by a geographical indication *the indications ‘protected designation of origin’ or ‘protected geographical indication’ shall appear on the labelling of wine*, the indications ‘protected designation of origin’ or ‘protected geographical indication’ may appear on the labelling of agricultural products and the indication ‘geographical indication’ may appear on the labelling of spirit drinks, respectively.

Amendment

Where agricultural products or spirit drinks are designated by a geographical indication, the indications ‘protected designation of origin’ or ‘protected geographical indication’ may appear on the labelling of agricultural products and the indication ‘geographical indication’ may appear on the labelling of spirit drinks, respectively.

Amendment 197

Proposal for a regulation

Article 37 – paragraph 5 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The abbreviations ‘PDO’ or ‘PGI’, corresponding to the indications ‘protected designation of origin’ or ‘protected geographical indication’, may appear on the labelling of agricultural products designated by a geographical indication.

Amendment 198

Proposal for a regulation

Article 37 – paragraph 6

Text proposed by the Commission

Amendment

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

6. The Union symbol shall not be placed in association with the name of the food within the meaning of Article 17 of Regulation (EU) No 1169/2011 or in a manner that suggests to the consumer that the processed product rather than the ingredient is the object of registration.

Amendment 199

Proposal for a regulation Article 37 – paragraph 7

Text proposed by the Commission

Amendment

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

deleted

Amendment 200

Proposal for a regulation Article 37 – paragraph 9

Text proposed by the Commission

Amendment

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

deleted

Amendment 201

Proposal for a regulation

Article 37 – paragraph 10 – point b

Text proposed by the Commission

(b) text, graphics or symbols referring to the Member State and the region in which that geographical area of origin is located.

Amendment

(b) text, graphics or symbols referring to the Member State and the region in which that geographical area of origin is located, ***provided that such references do not reproduce, even partially, names, or textual, graphic or symbolic elements of other geographical indications protected pursuant to Article 27.***

Amendment 202

Proposal for a regulation

Article 38 – paragraph 2 – introductory part

Text proposed by the Commission

2. For the purposes of this Chapter, controls ***include***:

Amendment

2. For the purposes of this Chapter, controls ***mean***:

Amendment 203

Proposal for a regulation

Article 38 – paragraph 2 – point b

Text proposed by the Commission

(b) monitoring of the use of geographical indications in the ***marketplace***.

Amendment

(b) monitoring of the use of geographical indications in the ***market, including in electronic commerce*** .

Amendment 204

Proposal for a regulation

Article 38 – paragraph 3

Text proposed by the Commission

3. When performing the controls and enforcement activities provided for in this Title, the responsible competent authorities

Amendment

3. When performing the controls and enforcement activities provided for in this Title, the responsible competent authorities

and product certification bodies shall comply with the requirements laid down in Regulation (EU) 2017/625. **However, Title VI, Chapter 1, of Regulation (EU) 2017/625 shall not apply to controls of geographical indications.**

and product certification bodies **in the Member States and in third countries** shall comply with the requirements laid down in Regulation (EU) 2017/625, **or equivalent legal requirements in third countries.**

Amendment 205

Proposal for a regulation Article 39 – paragraph 1

Text proposed by the Commission

1. Member States shall draw up and **keep up to date a** list of producers of products designated by a geographical indication entered in the Union register of geographical indications originating in their territory.

Amendment

1. Member States shall draw up and **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. **Member States shall keep that information up to date.**

Amendment 206

Proposal for a regulation Article 39 – paragraph 2

Text proposed by the Commission

2. Producers are responsible for **internal controls that ensure** compliance with the product specification of products designated by geographical indications before the product is placed on the market.

Amendment

2. Producers are responsible for **ensuring** compliance with the product specification of products designated by geographical indications before the product is placed on the market.

Amendment 207

Proposal for a regulation Article 39 – paragraph 3 – introductory part

Text proposed by the Commission

3. In addition to internal controls referred to in paragraph 2, prior to placing on the market a product designated by a geographical indication and originating in

Amendment

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

the Union, third party verification of compliance with the product specification, shall be carried out by:

geographical indication and originating in the Union, third party verification of compliance with the product specification, shall be carried out by:

Amendment 208

Proposal for a regulation Article 39 – paragraph 7

Text proposed by the Commission

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* contribute to those costs.

Amendment

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 *shall* contribute to those costs.

Amendment 209

Proposal for a regulation Article 41 – paragraph 1 – point a

Text proposed by the Commission

(a) European standard ISO/IEC 17065:2012 ‘Conformity assessment — Requirements for bodies certifying products, processes and services, *including* European standard ISO/IEC 17020:2012 ‘Conformity assessment — Requirements for the operation of various types of bodies performing inspection’; or

Amendment

(a) European standard ISO/IEC 17065:2012 ‘Conformity assessment — Requirements for bodies certifying products, processes and services, *or* European standard ISO/IEC 17020:2012 ‘Conformity assessment — Requirements for the operation of various types of bodies performing inspection’; or

Justification

In order to clarify the provisions on accreditation, it is necessary to avoid redundant accreditations, which would be unbearably costly for all stakeholders, and to limit distortions of competition.

Amendment 210

Proposal for a regulation Article 41 – paragraph 1 – point b

Text proposed by the Commission

Amendment

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

deleted

Amendment 211

Proposal for a regulation Article 41 – paragraph 2

Text proposed by the Commission

Amendment

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

2. Accreditation referred to in paragraph 1 shall be performed by **a national** accreditation body recognised in accordance with Regulation (EC) No 765/2008, that is a **signatory of the applicable multilateral recognition arrangement** of European Accreditation **for the certification activities concerned**, or by an accreditation body outside the Union that is **signatory of the applicable multilateral recognition arrangement** of International Accreditation Forum **for the certification activities concerned**.

Justification

Only signatories of the European Accreditation (EA) and the International Accreditation Forum (IAF) are committed to the EA and IAF accreditation rules and are subject to peer review.

Amendment 212

Proposal for a regulation Article 42 – paragraph 2

Text proposed by the Commission

Amendment

2. The enforcement authority shall carry out controls of products designated by geographical indications to ensure conformity with the product specification or the single document or an equivalent to

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**

the latter.

and conformity with the product specification or the single document or, *for geographical indications concerning products originating outside the Union*, an equivalent to *the single document*.

Amendment 213

Proposal for a regulation Article 42 – paragraph 3

Text proposed by the Commission

3. Member States shall take appropriate administrative and judicial steps to prevent or stop the use of names of products or services that are produced, operated or marketed in their territory and that contravenes the protection of geographical indications provided for in Article 27 and Article 28.

Amendment

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.

Amendment 214

Proposal for a regulation Article 42 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

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.

Amendment 215

Proposal for a regulation Article 42 – paragraph 4

Text proposed by the Commission

4. The authority designated in accordance with paragraph 1 shall 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.

Amendment

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.

Amendment 216

**Proposal for a regulation
Article 43 – paragraph 1**

Text proposed by the Commission

1. Sale of goods to which persons established in the Union have access, that contravenes **Article 27**, shall be considered illegal content within the meaning of Article 2, point (g) of Regulation (EU) **2022/xxx** of the European Parliament and of the Council⁴⁶.

Amendment

1. Sale of goods to which persons established in the Union have access, that contravenes **Articles 27 and 28 of this Regulation**, shall be considered illegal content within the meaning of Article 2, point (g) of Regulation (EU) **2022/2065** of the European Parliament and of the Council⁴⁶.

⁴⁶ Regulation (EU) [...] of the European Parliament and of the Council of [...] on a Single Market For Digital Services (**DSA**) and amending Directive 2000/31/EC (OJ L ..., **XXX**, dd/mm/yyyy, p. X).

⁴⁶ Regulation (EU) **2022/2065** of the European Parliament and of the Council of **19 October 2022** on a Single Market For Digital Services and amending Directive 2000/31/EC (**Digital Services Act**) (OJ L **277**, **27.10.2022**, p. 1).

Amendment 217

**Proposal for a regulation
Article 43 – paragraph 3**

Text proposed by the Commission

3. Pursuant to Article 14 of Regulation (EU) **2022/xxx**, any individual or entity may notify providers of hosting

Amendment

3. Pursuant to Article 14 of Regulation (EU) **2022/2065**, any individual or entity may notify providers of hosting

services of the presence of a specific content that is in breach *Article 27* of this Regulation.

services of the presence of a specific content that is in breach *Articles 27 and 28* of this Regulation.

Amendment 218

Proposal for a regulation Article 44 – paragraph 2

Text proposed by the Commission

2. The Commission *may* adopt implementing acts detailing the nature and the type of the information to be exchanged and the methods for exchanging information for the purpose of controls and enforcement under this Chapter. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2).

Amendment

2. The Commission *shall* adopt implementing acts detailing the nature and the type of the information to be exchanged and the methods for exchanging information for the purpose of controls and enforcement under this Chapter. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2).

Amendment 219

Proposal for a regulation Article 44 – paragraph 4

Text proposed by the Commission

4. In case of a possible violation of protection conferred to a geographical indication, Member States shall take measures to facilitate the transmission, from law enforcement authorities, public prosecutors and judicial authorities, to the competent authorities referred in Article 39(3) of information on such possible violation.

Amendment

4. In case of a possible violation of protection conferred to a geographical indication, Member States shall take measures to facilitate the transmission, from law enforcement authorities, *market surveillance authorities*, public prosecutors, *public authorities on domain names* and judicial authorities, to the competent authorities referred in Article 39(3) of information on such possible violation.

Amendment 220

Proposal for a regulation Article 45 – title

Text proposed by the Commission

Amendment

Certificates of **authorisation to produce**

Certificates of **compliance with product specifications**

Amendment 221

Proposal for a regulation Article 45 – paragraph 1

Text proposed by the Commission

Amendment

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 **certification**, of eligibility to produce the product designated by the geographical indication concerned in respect of the production steps performed by the said producer.

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**, of eligibility to produce the product designated by the geographical indication concerned, **such as the inclusion on the list of producers provided for in Article 39(1)**, in respect of the production steps performed by the said producer.

Amendment 222

Proposal for a regulation Article 45 – paragraph 2

Text proposed by the Commission

Amendment

2. The proof of **certification** 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** available to the public or to any person who requests such proof in the course of business.

2. The proof of **compliance** 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 **compliance** available to the public or to any person who requests such proof in the course of business.

Amendment 223

Proposal for a regulation

Article 46

Text proposed by the Commission

Amendment

Article 46

deleted

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.

Amendment 224

Proposal for a regulation

Article 47 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Where the Commission exercises any of the empowerments provided for in this Regulation to entrust tasks to EUIPO, it shall also be empowered to adopt delegated acts in accordance with Article 84 to supplement this Regulation by criteria for monitoring performance in the execution of such tasks. Such criteria *may* include:

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 *assisting with* the execution of such tasks. Such criteria *shall* include, *at least*:

Amendment 225

Proposal for a regulation

Article 47 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the extent of integration of agricultural factors in the scrutiny process;

deleted

Amendment 226

Proposal for a regulation

Article 47 – paragraph 1 – point b

Text proposed by the Commission

Amendment

*(b) quality of **assessments**;*

*(b) quality of **technical support**;*

Amendment 227

Proposal for a regulation

Article 47 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) coherence of assessments of geographical indications from different sources;

deleted

Amendment 228

Proposal for a regulation

Article 47 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) access to information on the Union register of geographical indications.

Amendment 229

Proposal for a regulation

Article 47 – paragraph 2

Text proposed by the Commission

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

Amendment

2. No later than **two** 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.

Amendment 230

Proposal for a regulation

Article 48 – paragraph 3 – introductory part

Text proposed by the Commission

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

Amendment

3. **Without prejudice to the rules referred to in Article 5(2)**, agricultural products **that are contrary to public policy and that may not be placed on the internal market shall be** excluded from being the subject of a protected designation of origin or a protected geographical indication.

Amendment 231

Proposal for a regulation

Article 48 – paragraph 3 – point a

Text proposed by the Commission

(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;**

Amendment

deleted

Amendment 232

Proposal for a regulation

Article 48 – paragraph 3 – point b

Text proposed by the Commission

(b) **products that, without prejudice to**

Amendment

deleted

the rules referred to in Article 5(2), are contrary to public policy or to accepted principles of morality and may not be placed on the internal market.

Amendment 233

Proposal for a regulation Article 48 – paragraph 5

Text proposed by the Commission

5. For the purposes of paragraph (2), point (b), ‘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.

Amendment

5. For the purposes of paragraph ***1, point (b) and paragraph 2***, point (b), ***'characteristics' and*** ‘other characteristic’ may include farming practices that protect environmental value including biodiversity, habitats, nationally recognised environmental zones and landscape.

Amendment 234

Proposal for a regulation Article 48 – paragraph 6

Text proposed by the Commission

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.***

Amendment

deleted

Amendment 235

Proposal for a regulation Article 48 – paragraph 7

Text proposed by the Commission

7. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 concerning restrictions and derogations ***with regard to***

Amendment

7. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 concerning restrictions and derogations ***supplementing***

the slaughtering of live animals or with regard to the sourcing of raw materials. These restrictions and derogations shall, based on objective criteria, take into account quality or usage and recognised know-how or natural *factors*.

this Regulation with provisions regarding 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*.

Amendment 236

Proposal for a regulation Article 50 – paragraph 2

Text proposed by the Commission

2. Insofar as sourcing entirely from within the defined geographical area is not ***technically*** practicable, feed sourced from outside that area can be added, provided that the product quality or characteristic essentially due to the geographical environment are not affected. Feed sourced from outside the defined geographical area shall not exceed 50 % of dry matter on an annual basis.

Amendment

2. Insofar as sourcing entirely from within the defined geographical area is not 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.

Amendment 237

Proposal for a regulation Article 50 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

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.

Amendment 238

Proposal for a regulation
Article 50 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

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

Amendment 239

Proposal for a regulation
Article 50 – paragraph 3

Text proposed by the Commission

Amendment

3. Any *restrictions to* the origin of raw materials provided in the product specification of a product the name of which is registered as a geographical indication shall be justified with respect to the link referred to in Article 51(1), point (f) .

3. Any *additional specific provision on* 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) .

Amendment 240

Proposal for a regulation
Article 50 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. *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.*

Amendment 241

Proposal for a regulation
Article 51 – paragraph 1 – point e

Text proposed by the Commission

(e) a description of the method of obtaining the product and, where appropriate, the **traditional** methods and specific practices used; 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;

Amendment

(e) a description of the method of obtaining the product and, where appropriate, the **authentic and unvarying local** methods and specific practices used; 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;

Amendment 242

Proposal for a regulation
Article 51 – paragraph 2

Text proposed by the Commission

2. The product specification may also include sustainability undertakings.

Amendment

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.**

Amendment 243

Proposal for a regulation
Article 51 – paragraph 3

Text proposed by the Commission

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 concerning rules which limit the information contained in the product specification referred to in paragraph 1 of this Article, where such a

Amendment

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

limitation is necessary to avoid excessively voluminous applications for registration.

specification referred to in paragraph 1 of this Article, where such a limitation is necessary to avoid excessively voluminous applications for registration.

Amendment 244

Proposal for a regulation Article 52 – paragraph 1 – point a

Text proposed by the Commission

(a) the main points of the product specification, namely: the name, a description of the product, including, where appropriate, specific rules concerning packaging *and* labelling and a concise definition of the geographical area;

Amendment

(a) the main points of the product specification, namely: the name, a description of the product, including, where appropriate, specific rules concerning packaging, labelling *and commercial presentation, including on retail websites, together with* a concise definition of the geographical area;

Amendment 245

Proposal for a regulation Title III – title

Text proposed by the Commission

Quality schemes

Amendment

Other quality schemes

Amendment 246

Proposal for a regulation Article 54 – paragraph 2 – subparagraph 2

Text proposed by the Commission

For the purposes of this Chapter, 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* listed in Annex II to this Regulation.

Amendment

For the purposes of this Chapter, ‘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 *not listed in that Annex but processed using products listed in that Annex, set out* in Annex II to this Regulation.

Amendment 247

Proposal for a regulation Article 55 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. *The protection of the registered name shall also extend to any translation of that name into a foreign language, if the producer group so specifies in the product specification. At the request of producers who wish to use a translation, the translation shall be defined by the Member State in which those producers are established and shall be notified to the Member State that applied for the registration and to the Commission. The Commission shall publish the translation in the Union register of geographical indications.*

Amendment 248

Proposal for a regulation Article 55 – paragraph 5

Text proposed by the Commission

Amendment

(5) The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation with **further** details **of** the eligibility criteria laid down in this Article.

(5) The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation with details **clarifying** the eligibility criteria laid down in this Article.

Amendment 249

Proposal for a regulation Article 56 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the product name proposed for registration, in the appropriate language versions;

(a) the product name proposed for registration, in the appropriate language versions, **or indicating that that name should also be protected in its translation**

into a foreign language;

Amendment 250

Proposal for a regulation

Article 57 – paragraph 1

Text proposed by the Commission

1. Applications for the registration of a traditional speciality guaranteed may only be submitted by groups of producers of products with the name to be protected. Several groups from different Member States or third countries may lodge a joint application for registration.

Amendment

1. Applications for the registration of a traditional speciality guaranteed may only be submitted by groups of producers of products with the name to be protected. Several groups from different Member States or third countries may lodge a joint application for registration. ***Other interested parties, including regional or local public bodies, may help in the preparation of the application and in the related procedure.***

Amendment 251

Proposal for a regulation

Article 60 – paragraph 2

Text proposed by the Commission

2. The scrutiny *should* not exceed a period ***of 6 months***. In the event that the scrutiny period *exceeds* or is likely to ***exceed 6 months*** the Commission shall inform the applicant of the reasons for the delay ***in writing***.

Amendment

2. ***Subject to paragraph 3, the scrutiny period shall not 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.

In duly justified cases, the scrutiny period may be extended by a maximum of three months. In the event that the scrutiny period is extended or is likely to be

extended, 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*.

Amendment 252

Proposal for a regulation Article 60 – paragraph 3

Text proposed by the Commission

3. The Commission may seek supplementary information from the applicant.

Amendment

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.

Amendment 253

Proposal for a regulation Article 61 – paragraph 1

Text proposed by the Commission

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 request the Commission to suspend the examination procedure for a period of 12 months which can be renewed.

Amendment

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 to suspend the examination procedure for a period of 12 months which can be renewed.

Amendment 254

Proposal for a regulation Article 61 – paragraph 2

Text proposed by the Commission

2. The Member State shall inform the Commission without delay if the application to the Commission has been invalidated at national level by an

Amendment

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.**

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).

Amendment 255

Proposal for a regulation Article 62 – paragraph 3

Text proposed by the Commission

(3) An opposition shall claim that the application could infringe the conditions laid down in this Chapter and give reasons. An opposition that does not contain the said claim shall be void.

Amendment

(3) An opposition shall claim that the application could infringe the conditions laid down in this Chapter and give **pertinent and adequate** reasons. An opposition that does not contain the said claim shall be void.

Amendment 256

Proposal for a regulation Article 63 – paragraph 1 – point a

Text proposed by the Commission

(a) gives duly substantiated reasons for the incompatibility of the proposed registration with the provisions of this Chapter; or

Amendment

(a) gives duly substantiated **and pertinent** reasons for the incompatibility of the proposed registration with the provisions of this Chapter; or

Amendment 257

Proposal for a regulation Article 68 – paragraph 1 – point a

Text proposed by the Commission

(a) where **compliance with** the product specification is not **ensured**;

Amendment

(a) where the product specification is not **complied with**;

Amendment 258

Proposal for a regulation
Article 69 – paragraph 4

Text proposed by the Commission

(4) The Commission shall be empowered to adopt delegated acts in accordance with Article 84 laying down additional rules to **further** detail the protection of traditional specialities guaranteed.

Amendment

(4) The Commission shall be empowered to adopt delegated acts in accordance with Article 84 laying down additional rules to detail the protection of traditional specialities guaranteed.

Amendment 259

Proposal for a regulation
Article 72 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall draw up a list of producers of guaranteed traditional specialities that are entered in the Union register of geographical indications. Member States may publish the list, for instance on the internet;

Justification

For the purposes of greater transparency, especially for consumers, as well as efficient checks, the Member State shall establish a list of producers, maintain it up to date and make it publicly available. This means that the relevant authorities must be aware of the identity of producers.

Amendment 260

Proposal for a regulation
Article 72 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Producers of guaranteed traditional specialities that are entered in the Union register of geographical indications shall be required to register with the relevant authorities or product certification bodies in accordance with Article 73(2) for the purposes of checking

the products before they are offered for sale for the first time.

Justification

For the purposes of greater transparency, especially for consumers, as well as efficient checks, the Member State shall establish a list of producers, maintain it up to date and make it publicly available. This means that the relevant authorities must be aware of the identity of producers.

Amendment 261

**Proposal for a regulation
Article 73 – paragraph 10**

Text proposed by the Commission

10. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by additional rules to provide for appropriate certification and accreditation procedures to apply in respect of product certification bodies referred to in paragraphs 2 **and 5**.

Amendment

10. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by additional rules to provide for appropriate certification and accreditation procedures to apply in respect of product certification bodies referred to in paragraphs 2, **5 and 6**.

Amendment 262

**Proposal for a regulation
Article 75 – paragraph 2**

Text proposed by the Commission

2. The Commission **may** establish a digital system for the inclusion of the terms and schemes referred to in paragraph 1 with a view to fostering knowledge of the products and schemes across the Union. The Commission may adopt implementing acts laying down technical details, necessary for the notification of the optional quality terms. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 80(2) .

Amendment

2. **By ... [one year after the entry into force of this Regulation],** the Commission **shall establish and provide support for** a digital system for the inclusion of the terms and schemes referred to in paragraph 1 with a view to fostering knowledge of the products and schemes across the Union. The Commission may adopt implementing acts laying down technical details, necessary for the notification of the optional quality terms. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 80(2).

Amendment 263

Proposal for a regulation

Article 81 – paragraph 1 – point 1

Regulation (EU) No 1308/2013

Article 93 – paragraph 1 – point b – point ii

Text proposed by the Commission

(ii) as originating in a specific place, region or country;

Amendment

(ii) as originating in a specific place, region or, ***in exceptional cases***, country;

Amendment 264

Proposal for a regulation

Article 81 – paragraph 1 – point 1

Regulation (EU) No 1308/2013

Article 93 – paragraph 1 – point b – point iii

Text proposed by the Commission

(iii) as having at least 85 % of the grapes used for its production originating exclusively from that geographical area;

Amendment

(iii) as having at least 85 % of the grapes, ***must or wine*** used for its production originating exclusively from that geographical area;

Amendment 265

Proposal for a regulation

Article 81 – paragraph 1 – point 1 a (new)

Regulation (EU) 1308/2013

Article 93 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In Article 93 the following paragraph is added:

'1a. For the purpose of paragraph 1, point (b), '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.'

Amendment 266

Proposal for a regulation

Article 81 – paragraph 1 – point 1 b (new)

Regulation (EU) No 1308/2013

Article 93 – paragraph 4

Present text

4. Production as referred to in paragraph 1, **points (a)(iv) and (b)(iv)**, includes all the operations involved, from the harvesting of the grapes to the completion of the wine-making processes, with the exception of **the harvesting of grapes not coming from the geographical area concerned as referred to in paragraph 1, point (b)(iii), and with the exception of** any post-production processes.

Amendment

(1b) In Article 93, paragraph 4 is replaced by the following:

‘4. Production as referred to in paragraph 1, **point (a)(iv)**, includes all the operations involved, from the harvesting of the grapes to the completion of the wine-making processes, with the exception of any post-production processes.’;

(02013R1308-20211207)

Amendment 267

Proposal for a regulation

Article 81 – paragraph 1 – point 1 c (new)

Regulation (EU) No 1308/2013

Article 93 – paragraph 5

Present text

5. For the purpose of the application of point (b)(ii) of paragraph 1, the maximum 15 % share of grapes which may originate outside the demarcated area shall originate from the Member State or third country in which the demarcated area is situated.

Amendment

(1c) In Article 93, paragraph 5 is replaced by the following:

‘5. For the purpose of the application of point (b)(ii) of paragraph 1, the maximum 15 % share of grapes, **must or wine** which may originate outside the demarcated area shall originate from the Member State or third country in which the demarcated area is situated.’;

(02013R1308-20211207)

Amendment 268

Proposal for a regulation

Article 81 – paragraph 1 – point 2

Regulation (EU) No 1308/2013

Article 94 – paragraph 2

Text proposed by the Commission

2. The product specification may contain sustainability undertakings *pursuant to Article 12 of Regulation (EU) .../... of the European Parliament and of the Council [Regulation on GI's]**.

Amendment

2. The product specification may contain sustainability undertakings ***within the meaning of Article 94a***.

Amendment 269

Proposal for a regulation

Article 81 – paragraph 1 – point 2 a (new)

Regulation (EU) No 1308/2013

Article 94 a (new)

Text proposed by the Commission

Amendment

(2 a) The following Articles are inserted:

‘Article 94a

Sustainability undertakings

1. For the purpose of this Article, a ‘sustainability undertaking’ refers to an undertaking which contributes to one or more social, environmental or economic objectives, including:

- (a) climate change mitigation and adaptation, including energy efficiency and decrease water consumption;***
- (b) preservation and sustainable use of soil, landscapes and natural resources;***
- (c) improving soil fertility;***
- (d) preservation of biodiversity and plant varieties;***
- (e) transition to a circular economy;***
- (f) reduction of the use of pesticides;***
- (g) reduction of greenhouse gas***

(GHG) emissions;

(h) securing viable income and improving resilience for producers of products benefiting from a protected designation of origin or a protected geographical indication;

(i) improving the quality and the economic value of products benefiting from a protected designation of origin or a protected geographical indication, and redistributing added value across the supply chain;

(j) contributing to the diversification of activities promoting the rural economy;

(k) promoting local agricultural production, and preserving the rural fabric and local development, including agricultural employment;

(l) attracting and sustaining young producers of products benefiting from a protected designation of origin or a protected geographical indication and new producers of products benefiting from a protected designation of origin or a protected geographical indication, and facilitating the inter-generational transmission of know-how and culture;

(m) improving working and safety conditions in agricultural and processing activities;

(n) contributing to the valorisation of rural areas as well as cultural and gastronomic heritage to promote education on themes concerning the quality system, food safety and balanced and diversified diets;

(o) improving coordination between producers through improved efficiency of the governance instruments.

2. A producer group may agree on sustainability undertakings to be adhered to in the production of the product designated by a protected designation of origin or a protected geographical indication. Such undertakings shall aim to apply a sustainability standard that

goes beyond that required by Union or national law and goes beyond good practice in significant respects in terms of social, environmental, or economic undertakings. Such undertakings shall be specific, shall take account of existing sustainable practices employed for products designated by protected designation of origin or a protected geographical indications, may complement and contribute to producers' broader agro-ecological strategies to combat climate change and may refer to existing sustainability schemes.

3. The sustainability undertakings agreed in accordance with paragraph 2 shall be included in the product specification or shall be developed under separate initiatives.

4. The sustainability undertakings referred to in paragraph 1 shall be without prejudice to requirements for compliance with hygiene, safety standards and competition rules.

Amendment 270

Proposal for a regulation

Article 81 – paragraph 1 – point 2 a (new)

Regulation (EU) No 1308/2013

Article 94 b (new)

Text proposed by the Commission

Amendment

Article 94b

Sustainability report

1. Producer groups may prepare a sustainability report based on internal audit activities, comprising a description of existing sustainable practices implemented in the production of the product, of the impacts of the method of obtaining the product on sustainability, in terms of social, environmental, or economic commitments, and information necessary to understand how sustainability affects the development,

performance and position of the product.

The sustainability report may be updated to take account in particular of progress compared with the outcome of 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, 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).’;

Amendment 271

Proposal for a regulation

Article 81 – paragraph 1 – point 3

Regulation (EU) No 1308/2013

Article 95

Text proposed by the Commission

(3) Articles 95 to 99, **Articles 101 to 106 and Article 107** are deleted.

Amendment

(3) Articles 95 to 99 are deleted;

Amendment 272

Proposal for a regulation

Article 81 – paragraph 1 – point 3 a (new)

Regulation (EU) No 1308/2013

Article 100

Present text

‘Article 100
Homonyms

1. ***A name for which an application***

Amendment

(3 a) Article 100 is replaced by the following:

‘Article 100
Homonyms

1. ***A protected designation of origin***

is submitted and which is wholly or partially homonymous with a name already registered under this Regulation shall be registered with due regard to local and traditional usage and any risk of confusion.

A homonymous name which misleads the consumer into believing that products come from another territory shall not be registered even if the name is accurate as far as the actual territory, region or place of origin of those products is concerned.

A registered homonymous name may be used only if there is a sufficient distinction in practice between the homonym registered subsequently and the name already in the register, having regard to the need to treat the producers concerned in an equitable manner and the need to avoid misleading the consumer.

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

A *wholly or partly* homonymous name which *is suggestive of another product or* misleads the consumer into believing that products come from another territory shall not be registered even if the name is accurate as far as the actual territory, region or place of origin of those products is concerned.

1a. For the purposes of this Article, a homonymous protected designation of origin or a protected geographical indication applied for or protected in the Union refers to:

(a) protected designations of origin or protected geographical indications that are entered in the Union register of geographical indications;

(b) protected designations of origin or protected geographical indications that have been applied for provided that they are subsequently entered in the Union register of geographical indications;

(c) appellations of origin and geographical indications protected in the Union pursuant to Regulation (EU) 2019/1753 of the European Parliament and of the Council; and

(d) protected designation of origin or a protected geographical indications, names of origin and equivalent terms protected pursuant to an international agreement between the Union and one or more third countries.

2. Paragraph 1 shall apply *mutatis mutandis* if a name for which an application is submitted is wholly or partially homonymous with a geographical indication protected under the national law of Member States.

2. Paragraph 1 **of this Article** shall apply *mutatis mutandis* if a name for which an application is submitted is wholly or partially homonymous with a geographical indication protected under the national law of Member States.

2a. The Commission shall cancel the protected designation of origin or protected geographical indication registered in breach of paragraph 1.

3. Where the name of a wine grape variety contains or consists of a protected designation of origin or a protected geographical indication, that name shall not be used for the purposes of labelling agricultural products.

3. Where the name of a wine grape variety contains or consists of a protected designation of origin or a protected geographical indication, that name shall not be used for the purposes of labelling agricultural products.

3a. In order to take into account existing labelling practices, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 of this Regulation laying down exceptions from that rule.

4. The protection of designations of origin and geographical indications of products covered by Article 93 of this Regulation shall be without prejudice to protected geographical indications applying to spirit drinks as defined in Article 2 of Regulation (EC) No 110/2008 of the European Parliament and of the Council⁹.

4. The protection of designations of origin and geographical indications of products covered by Article 93 of this Regulation shall be without prejudice to protected geographical indications applying to spirit drinks as defined in Article 2 of Regulation (EC) No 110/2008 of the European Parliament and of the Council.;

⁹ **Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition,**

description, presentation, labelling and the protection of geographical indications of spirit drinks (OJ L 39, 13.2.2008, p. 16).'

Amendment 273

Proposal for a regulation

Article 81 – paragraph 1 – point 3 b (new)

Regulation (EU) No 1308/2013

Article 102

Present text

‘Article 102

Relationship with trade marks

1. *Where a designation of origin or a geographical indication is registered under this Regulation, the registration of a trade mark the use of which would contravene Article 103(2), and which relates to a product falling under one of the categories listed in Annex VII, Part II, shall be refused if the application for registration of the trade mark was submitted after the date of submission of the registration application in respect of the designation of origin or the geographical indication to the Commission.*

Trade marks registered in breach of the first subparagraph shall be invalidated.

2. Without prejudice to *Article 101(2) of this Regulation*, a trade mark the use of

Amendment

(3b) Articles 102 and 103 are replaced by the following:

‘Article 102

Relationship with trade marks

1. *An application for the registration of a trade mark the use of which would contravene Article 103, shall be rejected if the application for registration of the trade mark is submitted after the date of submission to the Commission of the application for the registration of the protected designation of origin or the protected geographical indication.*

1a. Any registration in the name of a person other than the producer group of a trade mark incorporating, imitating or evoking the name protected by a geographical indication shall be rejected.

1b. Trade marks registered in breach of paragraph 1 shall be invalidated by EUIPO and, when applicable, the competent national authorities.

2. Without prejudice to *paragraph 3 of this Article*, a trade mark the use of

which contravenes Article 103(2) *of this Regulation*, which has been applied for, registered or established by use, *if that possibility is provided for by the legislation concerned*, in good faith within the territory of the Union, before the date on which the application for *protection* of the designation of origin or geographical indication *was* submitted to the Commission, may continue to be used and renewed, notwithstanding the registration of a designation of origin or geographical indication, provided that no grounds for *the trade mark's* invalidity or revocation exist under Directive (EU) 2015/2436 of the European Parliament and of the Council¹⁰ or under Regulation (EU) 2017/1001 *of the European Parliament and of the Council*¹¹.

In such cases, the use of the designation of origin or geographical indication shall be permitted *as well as use of the relevant trade marks*.

which contravenes Article 103, which has been applied for, registered, or established by use in good faith within the territory of the Union, *if that possibility is provided for by the legislation concerned*, before the date on which the application for *registration* of the *protected* designation of origin or *protected* geographical indication *is* submitted to the Commission, may continue to be used and renewed notwithstanding the registration of a *protected* designation of origin or a *protected* geographical indication, provided that no grounds for invalidity or revocation *of the trade mark* exist under Directive (EU) 2015/2436 of the European Parliament and of the Council or Regulation (EU) 2017/1001. In such cases, the use of *the protected* designation of origin or *protected* geographical indication *and that of the relevant trade mark* shall be permitted.

2a. For protected designations of origin or protected geographical indications registered in the Union without the submission of a Union application for registration, the date of the first day of protection shall be deemed to be the date of submission to the Commission of the application for registration of the protected designation of origin or protected geographical indication for the purposes of paragraphs 1 and 4.

2b. Without prejudice to Regulation (EU) No 1169/2011, guarantee or certification marks referred to in Article 28(4) of Directive (EU) 2015/2436 and collective marks referred to in Article 29(3) of that Directive may be used on labels, together with the protected designation of origin or protected geographical indication.'

¹⁰ *Directive (EU) 2015/2436 of the European Parliament and of the Council of 16 December 2015 to approximate the laws of the Member States relating to trade marks (OJ L 336, 23.12.2015, p. 1).*

¹¹ *Directive (EU) 2015/2436 of the European Parliament and of the Council of 16 December 2015 to approximate the laws of the Member States relating to trade marks (OJ L 336, 23.12.2015, p. 1).'*

Amendment 274

Proposal for a regulation

Article 81 – paragraph 1 – point 3 b (new)

Regulation (EU) No 1308/2013

Article 103

Present text

‘Article 103

Protection

Amendment

‘Article 103

Protection

1. A protected designation of origin and a protected geographical indication may be used by any operator marketing a wine which has been produced in conformity with the corresponding product specification.

2. A protected designation of origin and a protected geographical indication, as well as the wine using that protected name in conformity with the product specifications, shall be protected against:

(a) any direct or indirect commercial use of *that* protected name, including *the use for* products used as ingredients:

(i) *by comparable products not complying with the product specification*

2. Designations of origin or geographical indications entered in the Union register of protected designations of origin or protected geographical indications shall be protected against:

(a) any direct or indirect commercial use of *the protected designation of origin or protected 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;

of the protected name; or

(ii) in so far as such use exploits, weakens or dilutes the reputation of a designation of origin or a geographical indication;

(b) any misuse, imitation or evocation, even if the true origin of the **product** or **service** is indicated or if the protected name is translated, transcribed **or** transliterated or accompanied by an expression such as ‘style’, ‘type’, ‘method’, ‘as produced in’, ‘imitation’, ‘flavour’, ‘like’ or similar, including where those products are used as ingredients;

(c) any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product, on the inner or outer packaging, advertising material **or** documents **relating to the wine product concerned, as well as** the packing of the product in a container liable to convey a false impression as to its origin;

(d) any other practice liable to mislead the consumer as to the true origin of the product.

3. Protected designations of origin and protected geographical indications shall not become generic in the Union within the meaning of Article 101(1).

4. The protection referred to in paragraph 2 also **applies with regard** to:

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

(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.

(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;

(d) any other practice liable to mislead the consumer as to the true origin of the product.

2a. Paragraph 1 shall also apply to a domain name containing or consisting of the registered protected designation of origin or protected geographical indication.

4. The protection referred to in paragraph 1 **shall** also **apply** to:

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

(aa) goods produced in the Union and destined to be exported and marketed in

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

For goods entering the customs territory of the Union without being released for free circulation within that territory, the 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 bear without authorisation the protected designation of origin or protected geographical indication.'

third countries; and

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

4a. Where the protected designation of origin or a protected 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).

4b. 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.

4c. Designation of origin or geographical indications protected under this Regulation shall not become generic in the Union.

4d. Where a designation of origin or 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, a conduct referred to in paragraph 1, points (a) and (b).

4e. 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.’;

Amendment 275

Proposal for a regulation

Article 81 – paragraph 1 – point 3 c (new)

Regulation (EU) No 1308/2013

Articles 104 to 107

Text proposed by the Commission

Amendment

(3c) Articles 104 to 106 and Article 107 are deleted;

Amendment 276

Proposal for a regulation

Article 81 – paragraph 1 – point 3 d (new)

Regulation (EU) 1308/2013

Article 113 – paragraph -1 (new)

Text proposed by the Commission

Amendment

(3d) In Article 113, the following paragraph is inserted:

‘1. A traditional term shall be comprised in the product specification of the product marketed under a designation of origin or a geographical indication.’;

Amendment 277

Proposal for a regulation

Article 81 – paragraph 1 – point 3 e (new)

Regulation (EU) 1308/2013

Article 113 a (new)

Text proposed by the Commission

Amendment

(3e) The following Article is inserted:

‘Article 113a

Relationship with designations of origin and geographical indications

1. *The registration of a traditional term the use of which would contravene Article 27 of Regulation ... /... (the new GI Regulation) shall be rejected if the application for registration of the traditional term is submitted after the date of submission to the Commission of the application for the registration of the designation of origin or of the geographical indication.*

2. *Traditional terms registered in breach of paragraph 1 shall be invalidated by the Commission and, where applicable, the competent national authorities.*’;

Amendment 278

Proposal for a regulation

Article 81 – paragraph 1 – point 3 f (new)

Regulation (EU) No 1308/2013

Article 120 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(3f) in Article 120(1), the following point is added:

(ga) the abbreviations ‘PDO’ or ‘PGI’, corresponding to the indications ‘protected designation of origin’ or ‘protected geographical indication.’’

Amendment 279

Proposal for a regulation

Article 83 – paragraph 1 – point 1 a (new)

Regulation (EU) 2019/787

Article 13 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(1a) In Article 13, the following paragraph is inserted:

‘4a. For spirit drinks marketed under a compound name as referred to in Article 11, a label as referred to in Article 12, as a mixture as referred to in paragraph 3 of this Article or as a combination as referred to in paragraph 3a of this Article, the indication of the quantity of ingredients mentioned in compound terms, as allusion(s), in mixtures or in combinations shall not be required in accordance with Regulation (EU) No 1169/2011.’;

Justification

Two different percentages would appear on the label in the same field of view. This leads to confusion. For small distillers, the requirement is not feasible without commissioning a laboratory. The alcoholic quantitative ingredient declaration, which is required under spirits law, is sufficient for consumer information. The value-determining ingredients for spirits are the alcoholic ingredients related to the actual alcohol content of the finished product.

Amendment 280

Proposal for a regulation

Article 83 – paragraph 1 – point 4 a (new)

Regulation (EU) 2019/787

Annex I – point 9 a (new)

Text proposed by the Commission

Amendment

(4a) In Annex I, the following point is inserted:

‘9a. Potato spirit

(a) Potato spirit is a spirit drink

produced exclusively by alcoholic fermentation and distillation at less than 94,8 % vol. of potato tubers, so that the distillate has an aroma and taste derived from the raw materials used.

(b) The maximum methanol content of potato spirit shall be 1 000 grams per hectolitre of 100 % vol. alcohol.

(c) The minimum alcoholic strength by volume of potato spirit shall be 38 %.

(d) No alcohol, diluted or otherwise, shall be added.

(e) Potato spirit shall not be flavoured.

(f) Potato spirit may only contain added caramel as a means to adapt colour.

(g) Potato spirit may be sweetened in order to give it its final taste. However, the final product may not contain more than 10 grams of sweetening products per litre, expressed as invert sugar.’;

Justification

Pursuant to Regulation 2019/787, there is no category of spirit drink that covers the production of spirits made from potatoes, with possible distillation up to 94.8% by volume. Spirits resulting from distillation after fermentation of potatoes have a specific taste and aroma, which are different from the taste and aroma of ‘grain spirit’ or ‘fruit spirit’. Such a category of potato spirit should be classified in the group of categories 1-14 of Annex I to Regulation 2019/787.

Amendment 281

Proposal for a regulation

Article 83 – paragraph 1 – point 4 b (new)

Regulation (EU) 2019/787

Annex I – point 13 a (new)

Text proposed by the Commission

Amendment

(4b) In Annex I, the following point is inserted:

‘13a. Bread spirit

(a) *Bread spirit is a spirit drink produced exclusively by alcoholic fermentation and distillation at less than 86 % vol. of fresh bread, so that the resulting distillate has an aroma and taste derived from the raw materials used.*

(b) *The minimum alcoholic strength by volume of bread spirit shall be 38 %.*

(c) *No alcohol, diluted or otherwise, shall be added.*

(d) *Bread spirit shall not be flavoured.*

(e) *Bread spirit may only contain added caramel as a means to adapt colour.*

(f) *Bread spirit may be sweetened in order to give it its final taste. However, the final product may not contain more than 20 grams of sweetening products per litre, expressed as invert sugar.’;*

Justification

According to Regulation 2019/787, spirit drinks must be produced from agricultural raw materials. Bread is not included in this list. In order to allow the production of spirit drinks from fresh bread, it is necessary to introduce a new category. Such a category should be similar to the ‘beer spirit’ category (category 13 of Annex I to Regulation 2019/787). Beer is also not included in Annex I to the Treaty. Such a category of bread spirit should be regulated among the group of categories 1-14 of Annex I to Regulation 2019/787.

Amendment 282

Proposal for a regulation Article 84 – paragraph 2

Text proposed by the Commission

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 51(3), Article 55(5), Article 56(2), Article 73(10), Article 69(4), Article 70(2),

Amendment

2. The power to adopt delegated acts referred to in Article **14(2)**, Article 19(10), Article 23(7), Article 34(3), Article **47(1)**, 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

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 years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than 9 months before the end of the *seven-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 months before the end of each period.

conferred on the Commission for a period of *three* years from ... [*the* date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than *nine* months before the end of the *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 *three* months before the end of each period.

Amendment 283

Proposal for a regulation Annex II – paragraph 1 – point i a (new)

Text proposed by the Commission

Amendment

(ia) *cigars,*

31.1.2023

OPINION OF THE COMMITTEE ON LEGAL AFFAIRS

for the Committee on Agriculture and Rural Development

on the proposal for a regulation of the European Parliament and of the Council on European Union geographical indications for wine, spirit drinks and agricultural products, and quality schemes for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2017/1001 and (EU) 2019/787 and repealing Regulation (EU) No 1151/2012 (COM(2022)0134 – C9-0130/2022 – 2022/0089(COD))

Rapporteur for opinion: Adrián Vázquez Lázara

SHORT JUSTIFICATION

The rapporteur welcomes the Commission's proposal aimed at strengthening the protection of geographical indications for wine, spirit drinks and agricultural products, and quality schemes for agricultural products (GIs).

In 2022 the European Commission and its Directorate-General for Agriculture and Rural Development (DG AGRI) informally agreed to delegate tasks in the scrutiny and registration process of geographical indications (GIs) to the European Union Intellectual Property Office (EUIPO), responsible for managing the EU trade mark and the registered Community design, an agency that is under the remit of the legal affairs committee.

The JURI rapporteur for this opinion sees the upcoming revision of the GI system as an opportunity to clarify the role of the EUIPO vis-à-vis the DG AGRI and the system of agricultural GIs. Indeed, the Memorandum of Understanding between DG AGRI and the EUIPO was reached in a way rather unbeknown to the Parliament and its Members, not providing enough certainty as to which tasks had been covered, which had not, and to what extent and purpose.

We should strive for further legal clarity. The Commission proposal indeed advances in that direction, acknowledging the EUIPO's assistance role, but leaves out still the details of such cooperation regarding delegated acts. The JURI rapporteur believes that such tasks should be clearly delineated and agreed, among co-legislators, directly in that particular regulation.

One notable exception to that approach is the use of GI registers which, he believes, should be tackled through a further delegated act that should include the creation of a new GI register, its maintenance, update and protection.

On substance, hence, the JURI rapporteur sees a relevant role for the EUIPO in performing technical supporting tasks such as scrutinizing the application for registration, informing applicants in case of delay in the scrutiny process, seeking supplementary information from the applicant if necessary. Also in handling the publication of the single document in the Union registration, managing the opposition procedure or establishing and managing an alert system that would provide information about the availability of a geographical indication as a domain name.

The more substantial aspect of GI registration, like the analysis of the products specification (*cahier des charges*), however, should remain within the DG AGRI. Union amendments should also remain under the responsibility of DG AGRI.

The JURI rapporteur believes that a certain level of coherence between the revised system for agricultural GIs and the proposed system for craft GIs should be aimed for.

Overall, the JURI rapporteur sees the collaboration between EUIPO and DG AGRI as positive and cost-efficient but he wishes to clarify that collaboration.

The JURI rapporteur also suggests an amendment related to the rights of the information of the applicants and the timeline the Commission must respect when handling their requests.

AMENDMENTS

The Committee on Legal Affairs calls on the Committee on Agriculture and Rural Development, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) The European Green Deal²² included the design of a fair, **healthy and** environmentally-friendly food system (“farm to fork”) among the policies to transform the Union's economy for a sustainable future.

22

https://ec.europa.eu/info/publications/communication-european-green-deal_en

Amendment

(1) The European Green Deal²² included the design of a fair **sustainable, healthier and more** environmentally-friendly food system **accessible to all** (“farm to fork”) among the policies to transform the Union's economy for a sustainable future.

22

https://ec.europa.eu/info/publications/communication-european-green-deal_en

Amendment 2

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) The quality and diversity of the Union's wine, spirit drinks and agricultural production is one of its important strengths, giving a competitive advantage to the Union's producers and making a major contribution to its living cultural and gastronomic heritage. This is due to the skills and determination of Union producers who have kept traditions alive while taking into account the developments of new production methods and material.

Amendment

(4) The quality, ***accessibility*** and diversity of the Union's wine, spirit drinks and agricultural production is one of its important strengths, giving a competitive advantage to the Union's producers and making a major contribution to its living cultural and gastronomic heritage. This is due to the skills and determination of Union producers who have kept traditions ***and cultural identities*** alive while taking into account the developments of new production methods and material ***which have made traditional Union products a symbol of quality.***

Amendment 3

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) Citizens and consumers in the Union increasingly demand quality as well as traditional products. They are also concerned to maintain the diversity 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.

Amendment

(5) Citizens and consumers in the Union increasingly demand quality as well as traditional products. They are also concerned to maintain the diversity 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. ***Citizens and consumers should expect that any geographical indication and quality scheme is backed up by robust verification and control systems, regardless of whether the products originate from the Union or a third country.***

Amendment 4

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) The Union has for some time been aiming at simplifying the regulatory framework of the Common Agricultural Policy. This approach should also apply to regulations in the field of geographical indications, without calling into question the specific characteristics of each sector. In order to simplify the lengthy registration and amendment procedures, harmonised procedural rules for geographical indications for wine, spirit drinks and agricultural products should be laid down in a single legal instrument, while maintaining product specific provisions for wine in Regulation (EU) No 1308/2013, for spirit drinks in Regulation (EU) 2019/787 and for agricultural products in this Regulation. 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

Amendment

(11) The Union has for some time been aiming at simplifying the regulatory framework of the Common Agricultural Policy. This approach should also apply to regulations in the field of geographical indications, without calling into question the specific characteristics of each sector. In order to simplify the lengthy registration and amendment procedures, harmonised procedural rules for geographical indications for wine, spirit drinks and agricultural products should be laid down in a single legal instrument, while maintaining product specific provisions for wine in Regulation (EU) No 1308/2013, for spirit drinks in Regulation (EU) 2019/787 and for agricultural products in this Regulation. ***This harmonisation should be accompanied by adequate support for small producers and associations of small producers in the form of various instruments, such as the organisation by national authorities and the Commission of tailor-made training courses on the new rules to be introduced.*** 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

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.

responsible for *examining* 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.

Amendment 5

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) To ensure coherent decision-making as regards applications for protection and judicial challenges against them, submitted in the national procedure, the Commission should be informed in a *timely* and regular manner when procedures are launched before national courts or other bodies concerning an application for registration forwarded by the Member State to the Commission and of their final results. For the same reason, where a Member State considers that a national decision on which the application for protection is based is likely to be invalidated as a result of national judicial proceedings, it should inform the Commission of that assessment. If the Member State requests the suspension of

Amendment

(13) To ensure coherent *and efficient* decision-making as regards applications for protection and judicial challenges against them, submitted in the national procedure, the Commission should be informed in a *prompt* and regular manner when procedures are launched before national courts or other *competent* bodies concerning an application for registration forwarded by the Member State to the Commission and of their final results. For the same reason, where a Member State considers that a national decision on which the application for protection is based is likely to be invalidated as a result of national judicial proceedings, it should inform the Commission of that assessment. If the Member State requests the

the scrutiny of an application at Union level, the Commission should be exempted from the obligation to meet the deadline for scrutiny established therein. In order to protect the applicant from vexatious legal actions and to preserve the applicant's right to secure the protection of a name within a reasonable time, the exemption should be limited to cases in which the application for registration has been invalidated at national level by an immediately applicable but not final judicial decision or in which the Member State considers that the action to challenge the validity of the application is based on valid grounds.

suspension of the scrutiny of an application at Union level, the Commission should be exempted from the obligation to meet the deadline for scrutiny established therein. In order to protect the applicant from vexatious legal actions and to preserve the applicant's right to secure the protection of a name within a reasonable time, the exemption should be limited to cases in which the application for registration has been invalidated at national level by an immediately applicable but not final judicial decision or in which the Member State considers that the action to challenge the validity of the application is based on valid grounds.

Amendment 6

Proposal for a regulation Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) With regard to the amendment process to a product specification, a temporary amendment should be considered as a 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 a natural disaster or adverse weather conditions recognised by the competent authorities, or a man-made disaster, such as war.

Amendment 7

Proposal for a regulation Recital 15

Text proposed by the Commission

Amendment

(15) To ensure transparency and

(15) To ensure transparency and

uniformity across Member States, it is necessary to establish and maintain an electronic Union register of geographical indications, registered as protected designations of origin or protected geographical indications. The register should provide information to consumers and to those involved in trade. The register should be an electronic database stored within *an* information system, and should be accessible to the public.

uniformity across Member States, it is necessary to establish and maintain an electronic Union register of geographical indications, registered as protected designations of origin or protected geographical indications. The register should provide information to consumers and to those involved in trade. The register should be an electronic database stored within *a secure* information system, and should be accessible to the public. *It should be kept up-to date and maintained by the European Union Intellectual Property Office (EUIPO). That register should enable easy access to the product specifications behind each geographical indication and quality schemes, regardless of whether they are from the Union or from third countries, including those recognised via trade agreements or via the mechanism provided for in the Geneva Act.*

Amendment 8

Proposal for a regulation Recital 25

Text proposed by the Commission

(25) The relationship between internet domain names and protection of geographical indications should be clarified as regards the scope of the application of the remedy measures, the recognition of geographical indications in dispute resolution, and the fair use of domain names. Persons having a legitimate interest on a geographical indication applied for registration before the registration of the domain name should be empowered to request for the revocation or the transfer of the domain name in case of conflict.

Amendment

(25) The relationship between internet domain names and protection of geographical indications should be clarified as regards the scope of the application of the remedy measures, the recognition of geographical indications in dispute resolution, and the fair use of domain names. Persons having a legitimate interest on a geographical indication applied for registration before the registration of the domain name *or a producer group having a legitimate interest in it* should be empowered to request for the revocation or the transfer of the domain name in case of conflict. *In case of conflicts on domain names with non-Union Country-codes, or with Union country codes concerning non-Union*

Geographical Indications, the dispute settlement should be conducted by EUIPO in cooperation with the international dispute settlement systems already in place, such as the ones managed by WIPO and ICANN.

Amendment 9

Proposal for a regulation Recital 26

Text proposed by the Commission

(26) The relationship between trademarks and geographical indications should be clarified in relation to criteria for the rejection of trademark applications, the invalidation of trademarks and the coexistence between trademarks and geographical indications.

Amendment

(26) The relationship between trademarks and geographical indications should be clarified ***and made more transparent*** in relation to criteria for the rejection of trademark applications, the invalidation of trademarks and the coexistence between trademarks and geographical indications.

Amendment 10

Proposal for a regulation Recital 31

Text proposed by the Commission

(31) The added value of the geographical indications is based on consumer trust. The system of geographical indications significantly relies on self-control, due diligence and individual responsibility of producers, while it is the role of the competent authorities of the Member States to take the necessary steps to prevent or stop the use of names of products, which are in breach of the rules governing geographical indications. The role of the Commission is to intervene in case of a systemic failure to apply Union law. Geographical indications should be subject to the system of official controls, in line with the principles set out

Amendment

(31) The added value of the geographical indications is based on consumer trust. The system of geographical indications significantly relies on self-control, due diligence and individual responsibility of producers, while it is the role of the competent authorities of the Member States to take the necessary steps to prevent or stop the use of names of products, which are in breach of the rules governing geographical indications. The role of the Commission is to intervene in case of a systemic failure to apply Union law. Geographical indications should be subject to the system of official controls, in line with the principles set out

in Regulation (EU) 2017/625 of the European Parliament and of the Council³⁰, which should include a system of controls at all stages of production, processing and distribution. Each operator should be subject to a control system that verifies compliance with the product specification. Taking into account that wine is subject to specific controls defined in the sectoral legislation, this Regulation should lay down controls for spirit drinks and agricultural products only.

³⁰ OJ L 95, 7.4.2017, p. 1.

Amendment 11

Proposal for a regulation Recital 32

Text proposed by the Commission

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

in Regulation (EU) 2017/625 of the European Parliament and of the Council³⁰, which should include a system of controls at all stages of production, processing and distribution. Each operator should be subject to a control system that verifies compliance with the product specification. Taking into account that wine is subject to specific controls defined in the sectoral legislation, this Regulation should lay down controls for spirit drinks and agricultural products only. ***Any Union consumer should likewise be able to access the product specifications of all recognised geographical indications and quality schemes in the Union, including those recognised via a trade agreement or via the multilateral recognition system by the Geneva Act.***

³⁰ OJ L 95, 7.4.2017, p. 1.

Amendment

(32) In order to ensure that they are impartial and effective, the competent authorities designated to perform the verification of the compliance with the product specification should meet a number of operational criteria. ***When designating authorities responsible for taking appropriate administrative and judicial steps to prevent or stop the unlawful use of protected designations of origin and protected geographical indications, Member states should ensure that those authorities provide adequate guarantees of transparency, objectivity and impartiality, and that they have at their disposal the qualified staff and resources necessary to carry out their functions.*** Provisions on delegating some

competences of performing specific control tasks to product certification bodies should be envisaged to facilitate the task of the control authorities and make the system more effective.

Amendment 12

Proposal for a regulation

Recital 35

Text proposed by the Commission

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

Amendment

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

Amendment 13

Proposal for a regulation

Recital 39

Text proposed by the Commission

(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

Amendment

(39) The procedures for registration, amendment and cancellation of geographical indications, including the ***examination*** and the opposition procedure, should be carried out in the most efficient ***and transparent*** way. This can be achieved by using the assistance for the scrutiny of

applications provided by the European Union Intellectual Property Office (EUIPO). ***While a partial outsourcing to EUIPO has been considered***, the Commission ***would*** 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.

the applications provided by the European Union Intellectual Property Office (EUIPO). The Commission ***should however*** 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. ***The involvement of the EUIPO should not lead to delays or unnecessary administrative burden.***

Amendment 14

Proposal for a regulation Recital 39 a (new)

Text proposed by the Commission

Amendment

(39a) The role of the EUIPO should be clarified. The EUIPO should be tasked with assisting the Commission in examining application and preparing the observations for the Commission from the applicant if necessary. The EUIPO should support the Commission in the opposition procedure. It should assist the Commission in carrying out the tasks related to amendments to a product specification.

Amendment 15

Proposal for a regulation Recital 56

Text proposed by the Commission

Amendment

(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

(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, operation of the register, publication of standard amendments to a product specification, consultation in the context of cancellation procedure, establishment and management of an alert system informing applicants about the availability of their geographical indication as a domain name, scrutiny of third country geographical indications other than geographical indications under the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications³⁴, 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

and laying down criteria for the recognition of existing sustainability standards; clarifying or adding items to be supplied as part of accompanying information; 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

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 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-Making³⁵. 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

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-Making³⁵. 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.

preparation of delegated acts.

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<https://www.wipo.int/publications/en/details.jsp?id=3983>

³⁵ OJ L 123, 12.5.2016, p. 1.

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<https://www.wipo.int/publications/en/details.jsp?id=3983>

³⁵ OJ L 123, 12.5.2016, p. 1.

Amendment 16

Proposal for a regulation

Article 4 – paragraph 1 – point d

Text proposed by the Commission

(d) efficient registration of geographical indications taking into account the appropriate protection of intellectual property rights; and

Amendment

(d) ***simple***, efficient ***and user-friendly*** registration of geographical indications ***including through a digital system and*** taking into account the ***uniform***, appropriate ***and effective*** protection of intellectual property rights ***in the internal market, including the Union digital market***; and

Amendment 17

Proposal for a regulation

Article 4 – paragraph 1 – point e

Text proposed by the Commission

(e) effective enforcement and marketing throughout the Union and in electronic commerce ensuring the integrity of the internal market.

Amendment

(e) effective enforcement and marketing throughout the Union, ***in the domain name system*** and in electronic commerce ensuring the integrity of ***and fair competition in*** the internal market

Amendment 18

Proposal for a regulation

Article 4 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) the fair distribution across the value chain of added value associated with geographical indications leading to investments in the quality of such products and their reputation;

Amendment 19

Proposal for a regulation Article 17 – title

Text proposed by the Commission

Amendment

Scrutiny by the Commission and publication for opposition

Examination by the Commission and publication for opposition

Amendment 20

Proposal for a regulation Article 17 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall *scrutinise* any application for registration that it receives pursuant to Article 16(1). *Such scrutiny shall consist of a check 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. It 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.*

1. The Commission shall *examine* any application for registration that it receives pursuant to Article 16(1).

Amendment 21

Proposal for a regulation Article 17 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. *The EUIPO shall pre-examine the applications the Commission receives. Such examination shall consist of a check that:*

(a) there are no manifest errors,

(b) the information provided in accordance with Article 15 is complete and

(c) the single document referred to in Article 13 is precise and technical in nature.

The examination shall take into account the outcome of the national procedure carried out by the Member State concerned. It shall deliver its opinion to the Commission.

(Paragraph 1a (new) reproduces part of the text of paragraph 1 of the Commission proposal.)

Amendment 22

Proposal for a regulation

Article 17 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. *Where, based on the examination carried out pursuant to paragraph 1, the Commission finds that the application is incomplete or incorrect, the Commission shall send its observations to the Member State or, in the case of third country applications, to the relevant applicant or competent authority that has submitted the Union application, and request to complete or to correct the application within 60 days. If the Member State or, in case of third country applications, the relevant applicant or competent authority, does not complete the application within the deadline, the application shall be suspended and the Commission shall*

inform the applicant that the application will be rejected if not completed or corrected within the following 14 days.

Amendment 23

Proposal for a regulation Article 17 – paragraph 2

Text proposed by the Commission

Amendment

2. Scrutiny should not exceed a period of 6 months. In the event that the scrutiny period exceeds or is likely to exceed 6 months the Commission shall inform the applicant of the reasons for the delay in writing.

deleted

(Paragraph 2 is moved after paragraph 3 and amended.)

Amendment 24

Proposal for a regulation Article 17 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission may seek supplementary information from the applicant.

3. The Commission may seek supplementary information from the *competent authority or the* applicant.

Amendment 25

Proposal for a regulation Article 17 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The examination shall not exceed a period of 6 months. In duly justified cases, the examination period may be extended by a maximum of 3 months. In the event that the examination period exceeds or is likely to exceed 6 months the

Commission shall inform the applicant of the reasons for the delay in writing.

(Paragraph 3a (new) reproduces partially the text of paragraph 2.)

Amendment 26

Proposal for a regulation Article 17 – paragraph 4

Text proposed by the Commission

4. ***Where***, based on the ***scrutiny 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.

Amendment

4. Based on the ***opinion referred to in paragraph 1a***, the Commission ***shall finalise the examination and, where it*** 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.

Amendment 27

Proposal for a regulation Article 17 – paragraph 5

Text proposed by the Commission

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.***

Amendment

deleted

Amendment 28

Proposal for a regulation Article 18 – paragraph 1

Text proposed by the Commission

1. Member States shall **keep** the Commission **informed** of any national administrative or judicial proceedings that may affect the registration of a geographical indication.

Amendment

1. Member States shall **immediately inform** the Commission of any national administrative or judicial proceedings that may affect the registration of a geographical indication.

Amendment 29

Proposal for a regulation

Article 18 – paragraph 2 – introductory part

Text proposed by the Commission

2. The Commission shall be exempted from the obligation to meet the deadline to perform the **scrutiny** referred to in Article 17(2) and **to** inform the applicant of the reasons for the delay where **it receives a communication from a Member State, concerning an application for registration in accordance with Article 9(6), which:**

Amendment

2. The Commission shall be exempted from the obligation to meet the deadline to perform the **examination** referred to in Article 17(2) and **shall** inform the applicant of the reasons for the delay where **the** Member State:

Amendment 30

Proposal for a regulation

Article 18 – paragraph 2 – point b

Text proposed by the Commission

(b) requests the Commission to suspend the **scrutiny** because national administrative or judicial proceedings have been initiated to challenge the validity of the application and the Member State considers that those proceedings are based on valid grounds.

Amendment

(b) requests the Commission to suspend the **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.

Amendment 31

Proposal for a regulation

Article 18 – paragraph 3

Text proposed by the Commission

3. The exemption shall have effect until the Commission is informed by the Member State that the original application has been restored or that the Member State withdraws its request for suspension.

Amendment

3. The exemption *set out 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.

Amendment 32

Proposal for a regulation
Article 18 – paragraph 4

Text proposed by the Commission

4. If the application 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 Union application for registration, as necessary.

Amendment

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.

Amendment 33

Proposal for a regulation
Article 19 – title

Text proposed by the Commission

Union opposition procedure

Amendment

Union-*level* opposition procedure

Amendment 34

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

1. Within 3 months from the date of publication in the Official Journal of the European Union of the single document

Amendment

1. Within 3 months from the date of publication in the Official Journal of the European Union of the single document

and the reference to the product specification pursuant to Article 17(4), the authorities of a Member State or of a third country, or a natural or legal person having a legitimate interest, established or resident in a third country, may lodge an opposition *or a notice of comment* with the Commission.

Amendment 35

Proposal for a regulation Article 19 – paragraph 2

Text proposed by 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).

Amendment 36

Proposal for a regulation Article 19 – paragraph 4

Text proposed by the Commission

4. The Commission shall check the admissibility of the opposition. If the Commission considers that the opposition is admissible, it shall, within 5 months from the date of publication in the Official Journal of the European Union invite the authority or the person that lodged the opposition and the authority or the applicant producer group that lodged the application to engage in appropriate consultations for a reasonable period that shall not exceed 3 months. At any time

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 with the Commission.

Amendment

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 to be lodged pursuant to paragraph (1).

Amendment

4. The Commission, *supported by the EUIPO*, shall check the admissibility of the opposition. If the Commission considers that the opposition is admissible, it shall, within 5 months from the date of publication in the Official Journal of the European Union *and within 30 days after the receipt of that opposition* invite *in writing* the authority or the person that lodged the opposition and the authority or the applicant producer group that lodged the application to engage in appropriate

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.

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.

Mediation for the consultations between the applicants and the Union opponent shall be offered pursuant to Article 170 of Regulation (EU) 2017/1001.

Amendment 37

Proposal for a regulation Article 19 – paragraph 5

Text proposed by the Commission

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.

Amendment

5. The applicant ***and the opponent*** 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.

Amendment 38

Proposal for a regulation Article 19 – paragraph 6

Text proposed by the Commission

6. Within 1 month from the end of the consultations referred to in paragraph (4), the applicant producer group established in the third country or the ***authorities*** of the Member State or of the third country from which the Union application for registration was lodged shall notify the Commission of the result of the consultations, including all the information

Amendment

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 authority*** 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

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.

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.

Amendment 39

Proposal for a regulation Article 19 – paragraph 7

Text proposed by the Commission

7. Where, following the end of the consultations referred to in paragraph (4), the data published in accordance with Article 17(4) have been modified, the Commission shall repeat its *scrutiny* of the application for registration as modified. Where the application for registration has been modified in a substantial manner, and the Commission considers that the modified application meets the conditions for registration, it shall publish the application once more in accordance with that paragraph.

Amendment

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 *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.

Amendment 40

Proposal for a regulation Article 19 – paragraph 9

Text proposed by the Commission

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* that may imply a change of the single

Amendment

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, received and any other matters arising subsequently to its *examination* that may imply a change of the single document.

document.

Amendment 41

Proposal for a regulation Article 19 – paragraph 10

Text proposed by the Commission

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.***

Amendment

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.

Amendment 42

Proposal for a regulation Article 19 – paragraph 10 a (new)

Text proposed by the Commission

Amendment

10a. The EUIPO shall support the Commission in:

- (a) providing technical assistance in opposition procedures;***
- (b) checking the admissibility of the oppositions referred to in paragraph 4;***
- (c) assisting the Commission in the examination, and in the cases referred to in paragraph 7 (repetition of the examination in the event that, following the end of the consultations, the data published in the single document have been modified, and, where the application for registration has been modified in a substantial manner and meets the conditions for registration, re-publication of the single document);***

(d) providing an assessment to the Commission on the Union application for registration.

Amendment 43

Proposal for a regulation Article 20

Text proposed by the Commission

Article 20

Grounds for opposition

1. An opposition lodged in accordance with Article 19 shall be admissible only if ***the opponent demonstrates that:***

(a) the proposed geographical indication does not comply with the definition of the geographical indication or with the requirements referred to in this Regulation, Regulation (EU) No 1308/2013 or Regulation (EU) 2019/787 as the case may be;

(b) registration of the proposed geographical indication would be prevented by one or more of the circumstances referred to in 29, Article 30, Article 31 or Article 49(1);

(c) the registration of the proposed geographical indication would jeopardise the existence of an entirely or partly identical name or of a trade mark or the existence of products which have been legally on the market for at least 5 years preceding the date of the publication

Amendment

Article 20

Admissibility and grounds for opposition

1. An opposition lodged in accordance with Article 19 shall be admissible only if ***it contains a declaration that the application could infringe the conditions laid down in paragraph 2 of this Article and give justification in a reasoned statement of opposition. An opposition that does not contain the reasoned statement of opposition shall be void and therefore rejected.***

1a. An opposition shall be based on one or more of the following grounds for opposition:

(a) the proposed geographical indication does not comply with the definition of the geographical indication or with the requirements referred to in this Regulation, Regulation (EU) No 1308/2013 or Regulation (EU) 2019/787 as the case may be;

(b) registration of the proposed geographical indication would be prevented by one or more of the circumstances referred to in Article 29, Article 30, Article 31 or Article 49(1); ***or***

(c) the registration of the proposed geographical indication would jeopardise the existence of an entirely or partly identical name or of a trade mark or the existence of products which have been legally on the market for at least 5 years preceding the date of the publication

provided for in Article 17(4).

2. The admissibility of an opposition shall be assessed by the Commission in relation to the territory of the Union.

Amendment 44

Proposal for a regulation Article 20 a (new)

Text proposed by the Commission

provided for in Article 17(4).

2. The admissibility of an opposition shall be assessed by the Commission in relation to the territory of the Union.

Amendment

Article 20a

Notice of comments 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 of 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 shall not be based on the grounds for opposition referred to in Article 20. 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).

Amendment 45

Proposal for a regulation Article 21 – paragraph 5

Text proposed by the Commission

5. When using a designation referred to in paragraphs 1 and 3, the indication of the country of origin shall clearly and visibly appear on the labelling.

Amendment

5. When using a designation referred to in paragraphs 1 and 3, the indication of the country of origin shall clearly and visibly appear on the labelling ***and where applicable, on the production description when it is marketed on an online sales website.***

Amendment 46

Proposal for a regulation Article 21 – paragraph 6

Text proposed by the Commission

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

Amendment

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

Amendment 47

Proposal for a regulation Article 22 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. 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 received and any other matters arising subsequently to its examination that may imply a change of the single document.

Amendment 48

Proposal for a regulation Article 22 – paragraph 1

Text proposed by the Commission

Amendment

1. Where, on the basis of the information available to the Commission from the *scrutiny* carried out pursuant to Article 17, the Commission considers that any of the requirements referred therein is not fulfilled, it shall adopt implementing acts rejecting the application for registration. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2).

1. Where, on the basis of the information available to the Commission from the *examination* carried out pursuant to Article 17, the Commission considers that any of the requirements referred therein is not fulfilled, it shall adopt implementing acts rejecting the application for registration. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2).

Amendment 49

Proposal for a regulation Article 22 – paragraph 2

Text proposed by the Commission

Amendment

2. Where *it* receives no admissible opposition, the Commission shall adopt

2. Where *the application meets the requirements laid down in Article 15 and*

implementing acts, without applying the procedure referred to in Article 53(2), registering the geographical indication. The Commission may take in to account the notices of comments received in accordance with Article **19(1)**.

the Commission receives no admissible **and grounded** opposition, the Commission shall adopt implementing acts, without applying the procedure referred to in Article 53(2), registering the geographical indication. The Commission may take in to account the notices of comments received in accordance with Article **20 a (new)**.

Amendment 50

Proposal for a regulation

Article 22 – paragraph 3 – introductory part

Text proposed by the Commission

3. Where it receives an admissible opposition, the Commission shall, following the consultations referred to in Article 19(4) and taking into account the results thereof,

Amendment

3. Where it receives an admissible **and grounded** opposition, the Commission shall, following the consultations referred to in Article 19(4) and taking into account the results thereof,

Amendment 51

Proposal for a regulation

Article 22 – paragraph 3 – point b

Text proposed by the Commission

(b) adopt implementing acts deciding on the application for registration, **if an agreement has not been reached**. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2).

Amendment

(b) **if no agreement has been reached following the consultations**, adopt implementing acts deciding on the application for registration. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2).

Amendment 52

Proposal for a regulation

Article 22 – paragraph 5

Text proposed by the Commission

5. Regulations of registration and

Amendment

5. Regulations of registration and

decisions on rejection shall be published in the Official Journal of the European Union, L series.

decisions on rejection shall be published in the Official Journal of the European Union, L series **and in the Union register of geographical indications.**

Amendment 53

Proposal for a regulation Article 23 – paragraph 1

Text proposed by the Commission

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

Amendment

1. The Commission shall adopt implementing acts, without applying the procedure referred to in Article 53(2), containing provisions on **developing, keeping** and maintaining **an** accessible electronic **Union** register of geographical indications protected under this Regulation, **which shall be made easily accessible to the public and in a machine-readable format**. The register shall have three parts corresponding to geographical indications of wine, of spirit drinks and of agricultural products respectively.

Amendment 54

Proposal for a regulation Article 23 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Union register as referred to in paragraph 1 shall be kept up-to-date and maintained by the EUIPO for applications for registration, amendment and cancellation of GIs.

Amendment 55

Proposal for a regulation Article 23 – paragraph 5

Text proposed by the Commission

5. The **Commission** shall make public and **regularly** update the list of the international agreements referred to in paragraph (3) as well as the list of geographical indications protected under those agreements.

Amendment

5. The **EUIPO** shall make public and, **in the case of changes**, update the list of the international agreements referred to in paragraph (3) as well as the list of geographical indications protected under those agreements.

Amendment 56

Proposal for a regulation
Article 23 – paragraph 6

Text proposed by the Commission

6. The **Commission** shall retain documentation related to the registration of a geographical indication in digital or paper form for the period of validity of the geographical indication, and in case of cancellation for 10 years thereafter.

Amendment

6. The **EUIPO** shall retain documentation related to the registration of a geographical indication in digital or paper form for the period of validity of the geographical indication, **including** in case of cancellation **and rejection** for 10 years thereafter.

Amendment 57

Proposal for a regulation
Article 23 – paragraph 7

Text proposed by the Commission

7. **The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by rules on entrusting EUIPO to operate the Union register of geographical indications.**

Amendment

deleted

Amendment 58

Proposal for a regulation
Article 24 – paragraph 1

Text proposed by the Commission

1. Any person shall be able to download an official extract from the Union register of geographical indications that provides proof of registration of the geographical indication, and **the** relevant data including the date of application for the registration of the geographical indication or other priority date. This official extract may be used as an authentic certificate in legal proceedings, in a court of law, court of arbitration or similar body.

Amendment

1. Any person shall be able to **easily in a machine-readable format 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 **other** relevant data including the date of application for the registration of the geographical indication or other priority date. This official extract may be used as an authentic certificate in legal proceedings, in a court of law, court of arbitration or similar body.

Amendment 59

**Proposal for a regulation
Article 24 – paragraph 2**

Text proposed by the Commission

2. Where a producer group has been recognised by the national authorities in accordance with Article 33, that group shall be identified as the rights' holder of the geographical indication in the Union register of geographical indications and in the official extract referred to in paragraph (1).

Amendment

2. Where a producer group has been recognised by the national authorities in accordance with Article 33 **or by an authority of a third country**, that group shall be identified as the rights' holder of the geographical indication in the Union register of geographical indications and in the official extract referred to in paragraph (1).

Amendment 60

**Proposal for a regulation
Article 25 – paragraph 1**

Text proposed by the Commission

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

Amendment

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.

Amendment 61

Proposal for a regulation Article 25 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where such a group does not exist, a producer group having a legitimate interest or, in exceptional and duly justified cases, any individual producer which is the only producer of the geographical indication may submit an application to amend a product specification. Producers may only submit an application to amend the specification for the geographical indication product they produce.

Amendment 62

Proposal for a regulation Article 25 – paragraph 3

Text proposed by the Commission

Amendment

3. An amendment shall be a Union amendment if it ***entails a change*** of the single document and:
- (a) includes a change in the name, or in the use of the name, or, for wine and spirit drinks, in the category of product or products designated by the geographical indication, or, for spirit drinks, in the legal name; or
 - (b) risks voiding the link to the geographical area referred to in the single document; or
 - (c) entails further restrictions on the marketing of the product.

3. An amendment shall be ***considered*** a Union amendment if it ***concerns a revision*** of the single document and ***if any of the following conditions are met.***
- (a) ***the amendment*** includes a change in the name, or in the use of the name, or, for wine and spirit drinks, in the category of product or products designated by the geographical indication, or, for spirit drinks, in the legal name; or
 - (b) ***the amendment*** risks voiding the link to the geographical area referred to in the single document; or
 - (c) ***the amendment*** entails further restrictions on the marketing of the product.

Amendment 63

Proposal for a regulation

Article 25 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Union amendments shall be assessed and approved by the Commission, with the assistance of the EUIPO. The approval procedure shall follow, mutatis mutandis, the procedure laid down from Article 8 to Article 22.

(The text of paragraph 3a (new) reproduces parts of the text of paragraph 6 of the same article.)

Amendment 64

Proposal for a regulation

Article 25 – paragraph 5

Text proposed by the Commission

Amendment

5. A **standard** amendment shall be considered as a **temporary** amendment when it concerns a temporary change in the product specification resulting from the imposition of obligatory sanitary and phytosanitary measures by the public authorities or a temporary amendment necessary because of a natural disaster or adverse weather conditions **formally** recognised by the competent authorities.

5. A **temporary** amendment shall be considered as a **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 a natural disaster or adverse weather conditions recognised by the competent authorities, **or a man-made disaster** .

Amendment 65

Proposal for a regulation

Article 25 – paragraph 6

Text proposed by the Commission

Amendment

6. Union amendments shall be approved by the Commission. The approval procedure shall follow, mutatis

deleted

mutandis, the procedure laid down from Article 8 to Article 22.

(Paragraph 6 is moved after paragraph 3 and amended.)

Amendment 66

Proposal for a regulation Article 25 – paragraph 7

Text proposed by the Commission

7. Applications for Union amendments submitted by a third country or by producers in a third country shall contain proof that the requested amendment complies with the laws on the protection of geographical indications in force in that third country.

Amendment

7. Applications for Union amendments submitted by a third country or by 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.

Amendment 67

Proposal for a regulation Article 25 – paragraph 8

Text proposed by the Commission

8. If an application for a Union amendment to the product specification of a registered geographical indication also includes standard amendments or temporary amendments, the Commission shall **scrutinise** the Union amendment only. Any standard amendments or temporary amendments shall be deemed as not having been submitted. The **scrutiny** of such applications shall focus on the proposed Union amendments. Where appropriate, the Commission or the Member State concerned may invite the applicant to modify other elements of the product specifications.

Amendment

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 **examine** the Union amendment only. Any standard amendments or temporary amendments shall be deemed as not having been submitted. The **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.

Amendment 68

Proposal for a regulation
Article 25 – paragraph 9

Text proposed by the Commission

9. Standard amendments shall be approved by Member States or third countries in whose territory the geographical area of the product concerned is located and communicated to the Commission. The Commission shall make those amendments public.

Amendment

9. Standard amendments shall be approved by Member States or third countries in whose territory the geographical area of the product concerned is located and communicated to the Commission. The Commission shall make those amendments public ***by publishing them in the Official Journal of the European Union, L series, and in the Union register of geographical indications.***

Amendment 69

Proposal for a regulation
Article 25 – paragraph 10

Text proposed by the Commission

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).

Amendment

deleted

Amendment 70

Proposal for a regulation
Article 25 – paragraph 10 a (new)

Text proposed by the Commission

Amendment

10a. The EUIPO shall be responsible for the publication of standard amendments referred to in paragraph 9 in the Union register of geographical indications. The EUIPO shall perform the technical examination of the Union amendments and prepare the

observations, which shall be verified and sent to the applicants by the Commission.

Amendment 71

Proposal for a regulation Article 26 – paragraph 1 – point b

Text proposed by the Commission

(b) where no product has been placed on the market under the geographical indication for at least *seven* consecutive years.

Amendment

(b) where no product has been placed on the market under the geographical indication for at least *five* consecutive years.

Amendment 72

Proposal for a regulation Article 26 – paragraph 6

Text proposed by the Commission

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).

Amendment

deleted

Amendment 73

Proposal for a regulation Article 27 – paragraph 1 – point a

Text proposed by the Commission

(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;

Amendment

(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;

Amendment 74

Proposal for a regulation

Article 27 – paragraph 1 – point b

Text proposed by the Commission

(b) any misuse, imitation or evocation, even if the true origin of the products or services is indicated or if the protected name is translated or accompanied by an expression such as ‘style’, ‘type’, ‘method’, ‘as produced in’, ‘imitation’, ‘flavour’, ‘like’ or similar.

Amendment

(b) any misuse, imitation or evocation, even if the true origin of the products or services is indicated or if the protected name is translated, ***transcribed, 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.***

Amendment 75

Proposal for a regulation

Article 27 – paragraph 4 – point a a (new)

Text proposed by the Commission

Amendment

(aa) goods produced in the Union and destined to be exported and marketed in third countries; and

Amendment 76

Proposal for a regulation

Article 27 – paragraph 5

Text proposed by the Commission

Amendment

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

5. The recognised group of producers or any ***producer*** 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).

circulation there, where such goods, including packaging, come from third countries and are in breach of paragraph 1.

Amendment 77

Proposal for a regulation Article 31

Text proposed by the Commission

Amendment

Article 31

deleted

Trade marks

A name shall not be registered as a geographical indication where, in the light of a trade mark's reputation and renown, registration of the name proposed as a geographical indication could mislead the consumer as to the true identity of the product.

Amendment 78

Proposal for a regulation Article 34 – paragraph 1

Text proposed by the Commission

Amendment

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

1. Country-code **and other** top-level domain name registries established in the Union **shall ex officio and** upon the request of a natural or legal person **being the rights-holder of a geographical indication or being mandated by a producer group** having a legitimate interest **in a protected geographical indication**, revoke or transfer a domain name registered under such top-level domain to the recognised producer group of the products with the geographical indication concerned, following an appropriate alternative dispute resolution procedure or judicial procedure, if such domain name has been registered by its

contravenes Article 27.

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.

Amendment 79
Proposal for a regulation
Article 34 – paragraph 2

Text proposed by the Commission

2. Country-code top-level domain name registries established 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.

Amendment

2. Country-code **and other** top-level domain name registries established 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.

Amendment 80

Proposal for a regulation
Article 34 – paragraph 3

Text proposed by the Commission

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by provisions entrusting EUIPO to establish and manage a domain name information and alert system that would provide the applicant, upon the submission of an application for a geographical indication, with information about the availability of the geographical indication as a domain name and, on optional basis, the registration of a domain name identical to their geographical indication. **That** delegated **act** shall also include the obligation for registries of **country-code** top-level domain names, established in the Union, to provide EUIPO with the relevant information and data.

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by provisions entrusting EUIPO to establish and manage a domain name information and alert system that would provide the applicant, 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. ***EUIPO shall be empowered under those delegated acts to monitor registration of domain names in the Union which could conflict with the names included in the Union register of***

geographical indications. Those delegated acts shall also include the obligation for registries of top-level domain names ***and the EURid***, established in the Union, to provide EUIPO with the relevant information and data.

Amendment 81

Proposal for a regulation Article 35 – title

Text proposed by the Commission

Amendment

Conflicting trade marks

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

(Article 35 merged with Article 31)

Amendment 82

Proposal for a regulation Article 35 – paragraph 1

Text proposed by the Commission

Amendment

1. The registration of a trade mark the use of which would contravene Article 27 shall be rejected if the application for registration of the trade mark is submitted after the date of submission to the Commission of the application for the registration of the geographical indication.

1. ***An application for*** the registration of a trade mark the use of which would contravene Article 27 shall be rejected if the application for registration of the trade mark is submitted after the date of submission to the Commission of the application for the registration of the geographical indication.

Amendment 83

Proposal for a regulation Article 35 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. An application for the registration of a geographical indication shall be rejected where, in the light of a well

known trade mark or the reputation of the trade mark, the name proposed as a geographical indication is liable to mislead the consumer as to the true identity of the product.

Amendment 84

Proposal for a regulation Article 35 – paragraph 3

Text proposed by the Commission

3. A trade mark the use of which contravenes Article 27, which has been applied for, registered, or established by use in good faith within the territory of the Union, if that possibility is provided for by the legislation concerned, before the date on which the application for registration of the geographical indication is submitted to the Commission, may continue to be used and renewed notwithstanding the registration of a geographical indication, provided that no grounds for invalidity or revocation of the trade mark exist under Directive (EU) 2015/2436 or Regulation (EU) 2017/1001. In such cases, the use of the geographical indication, if then registered, and that of the relevant trade mark shall be permitted.

Amendment

3. ***Without prejudice to paragraph 2 of this Article***, a trade mark the use of which contravenes Article 27, which has been applied for, registered, or established by use in good faith within the territory of the Union, if that possibility is provided for by the legislation concerned, before the date on which the application for registration of the geographical indication is submitted to the Commission, may continue to be used and renewed notwithstanding the registration of a geographical indication, provided that no grounds for invalidity or revocation of the trade mark exist under Directive (EU) 2015/2436 or Regulation (EU) 2017/1001. In such cases, the use of the geographical indication, if then registered, and that of the relevant trade mark shall be permitted.

Amendment 85

Proposal for a regulation Article 38 – paragraph 2 – point b

Text proposed by the Commission

(b) monitoring of the use of geographical indications in the *marketplace*.

Amendment

(b) monitoring of the use of geographical indications in the ***market, including in electronic commerce*** .

Amendment 86

Proposal for a regulation
Article 39 – paragraph 1

Text proposed by the Commission

1. Member States shall draw up and keep up to date **a** list of producers of products designated by a geographical indication entered in the Union register of geographical indications originating in their territory.

Amendment

1. Member States shall draw up and keep up to date **the** list of producers of products designated by a geographical indication entered in the Union register of geographical indications originating in their territory.

Amendment 87

Proposal for a regulation
Article 39 – paragraph 2

Text proposed by the Commission

2. Producers are responsible for **internal controls that ensure** compliance with the product specification of products designated by geographical indications before the product is placed on the market.

Amendment

2. Producers are responsible for **ensuring** compliance with the product specification of products designated by geographical indications before the product is placed on the market.

Amendment 88

Proposal for a regulation
Article 39 – paragraph 3 – introductory part

Text proposed by the Commission

3. In addition to **internal controls** referred to in paragraph 2, prior to placing on the market a product designated by a geographical indication and originating in the Union, third party verification of compliance with the product specification, shall be carried out by:

Amendment

3. In addition to **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:

Amendment 89

Proposal for a regulation
Article 39 – paragraph 7

Text proposed by the Commission

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 contribute to those costs.

Amendment

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 **shall** also contribute to those costs.

Amendment 90

Proposal for a regulation
Article 42 – title

Text proposed by the Commission

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

Amendment

Controls and enforcement of geographical indications in the **market**

Amendment 91

Proposal for a regulation
Article 42 – paragraph 2

Text proposed by the Commission

2. The enforcement authority shall carry out controls of products **designated by geographical indications** to ensure conformity with the product specification or the single document or an equivalent to the latter.

Amendment

2. The enforcement authority shall **regularly** carry out controls of products, **based on a risk analysis and on notifications**, to ensure conformity with the product specification or the single document or an equivalent to the latter.

Amendment 92

Proposal for a regulation
Article 42 – paragraph 3

Text proposed by the Commission

3. Member States shall take appropriate administrative and judicial steps to prevent or stop the use of names of products or services that are produced, operated or marketed in their territory and

Amendment

3. Member States shall take appropriate administrative and judicial steps to prevent or stop the use of names of products or services that are produced, operated or marketed **physically or via the**

that contravenes the protection of geographical indications provided for in Article 27 and Article 28.

internet in their territory and that contravenes the protection of geographical indications provided for in Article 27 and Article 28.

Amendment 93

Proposal for a regulation Article 46 – title

Text proposed by the Commission

Scrutiny of third country geographical indications

Amendment

Examination of third country geographical indications

Amendment 94

Proposal for a regulation Article 46 – paragraph 1

Text proposed by the Commission

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.

Amendment

The *EUIPO* shall be *entrusted with pre-examining* third country geographical indications *and other administrative tasks*, 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. *The EUIPO shall deliver its opinion to the Commission.*

Amendment 95

Proposal for a regulation Article 46 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Based on the opinion referred to in the first paragraph, the Commission shall finalise the examination of third country

geographical indications. It shall publish it in the Official Journal of the European Union and the Union register of geographical indications.

Amendment 96

Proposal for a regulation

Article 47 – paragraph 1 – introductory part

Text proposed by the Commission

1. ***Where the Commission exercises any of the empowerments provided for in this Regulation to entrust tasks to EUIPO, it shall also be empowered to adopt delegated acts in accordance with Article 84 to supplement this Regulation by criteria for monitoring performance in the execution of such tasks. Such criteria may include:***

Amendment

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 to supplement this Regulation by criteria for monitoring performance in the ***assistance in the execution of the tasks entrusted to the EUIPO***. Such criteria ***shall*** include:

Amendment 97

Proposal for a regulation

Article 47 – paragraph 1 – point a

Text proposed by the Commission

(a) ***the extent of integration of agricultural factors in the scrutiny process;***

Amendment

deleted

Amendment 98

Proposal for a regulation

Article 47 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) ***access to information on the Union register of geographical indications.***

Amendment 99

Proposal for a regulation Article 47 – paragraph 2

Text proposed by the Commission

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

Amendment

2. No later than ... [**3** years after the **date of entry into force of this Regulation**], 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.

Amendment 100

Proposal for a regulation Article 82 – paragraph 1 – point 1 Regulation (EU) 2017/1001 Article 151 – paragraph 1 – point f

Text proposed by the Commission

(f) administration of geographical indications, **notably** the tasks conferred on it by means of **Commission delegated acts adopted in accordance with Article [...] of Regulation (EU) .../... of the European Parliament and of the Council**[Regulation on GIs]*

* Regulation (EU) .../... of the European Parliament and of the Council of [...] [...] (OJ L [..., p....]).’.

Amendment

(f) administration of geographical indications, **and** the tasks conferred on it by means of Regulation (EU) .../... of the European Parliament and of the Council [Regulation on GIs]*

* Regulation (EU) .../... of the European Parliament and of the Council of [...] [...] (OJ L [..., p....]).’.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	European Union geographical indications for wine, spirit drinks and agricultural products, and quality schemes for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2017/1001 and (EU) 2019/787 and repealing Regulation (EU) No 1151/2012
References	COM(2022)0134 – C9-0130/2022 – 2022/0089(COD)
Committee responsible Date announced in plenary	AGRI 7.4.2022
Opinion by Date announced in plenary	JURI 7.4.2022
Associated committees - date announced in plenary	20.10.2022
Rapporteur for the opinion Date appointed	Adrián Vázquez Lázara 13.7.2022
Discussed in committee	17.11.2022
Date adopted	24.1.2023
Result of final vote	+: 21 –: 0 0: 1
Members present for the final vote	Pascal Arimont, Gunnar Beck, Ilana Cicurel, Geoffroy Didier, Angel Dzhambazki, Virginie Joron, Sergey Lagodinsky, Gilles Lebreton, Karen Melchior, Jiří Pospíšil, Franco Roberti, Raffaele Stancanelli, Adrián Vázquez Lázara, Axel Voss, Marion Walsmann, Lara Wolters
Substitutes present for the final vote	Andrzej Halicki, Emil Radev, Nacho Sánchez Amor, Yana Toom
Substitutes under Rule 209(7) present for the final vote	David Cormand, Nicolás González Casares, Birgit Sippel

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

21	+
ECR	Raffaele Stancanelli
ID	Virginie Joron, Gilles Lebreton
PPE	Pascal Arimont, Geoffroy Didier, Andrzej Halicki, Jiří Pospíšil, Emil Radev, Axel Voss, Marion Walsmann
Renew	Ilana Cicurel, Karen Melchior, Yana Toom, Adrián Vázquez Lázara
S&D	Nicolás González Casares, Franco Roberti, Nacho Sánchez Amor, Birgit Sippel, Lara Wolters
Verts/ALE	David Cormand, Sergey Lagodinsky

0	-

1	0
ID	Gunnar Beck

Key to symbols:

+ : in favour

- : against

0 : abstention

24.1.2023

OPINION OF THE COMMITTEE ON INTERNATIONAL TRADE

for the Committee on Agriculture and Rural Development

on the proposal for a regulation of the European Parliament and of the Council on European Union geographical indications for wine, spirit drinks and agricultural products, and quality schemes for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2017/1001 and (EU) 2019/787 and repealing Regulation (EU) No 1151/2012 (COM(2022)0134 – C9-0130/2022 – 2022/0089(COD))

Rapporteur for opinion: Danilo Oscar Lancini

SHORT JUSTIFICATION

The entire system of the Geographical Indications in the EU is a complex one and is the result of a great work and efforts from all relevant actors: producers, Member States and institutions. The GIs are much more than an intellectual property right; they are a rural development policy and agriculture policy tool. Moreover, the European GIs are a strong specificity representing to the rest of the world our excellent productions, our geographical singularities, historical and cultural heritage. In this regard, we have to cherish, preserve and try to improve the system both on the internal market and create additional export opportunities.

The Rapporteur takes note of the proposal of the Commission, which presents a good starting basis. The proposal includes several initiatives that the rapporteur is pleased to support. Furthermore, he believes there is room for improving the current proposal making the GI system more effective in terms of protection and transparency in order to be more attractive for producers and consumers in Europe and outside. It should also be noted that wines and spirits have proper characteristics to be taken into consideration and their specificity is one of the keys element that makes our products so requested and favoured on the international market.

The Rapporteur wishes to draw attention to trade related and economic issues linked to GIs within the scope of this proposal. It is important that GIs contribute particularly both to the integrity of the internal market and fair trade with third countries. For INTA and the Rapporteur the main question would be linked to guarantying appropriate international protection for the GIs directly linked to their specificity and to fight against infringements, abuses, evocations, food fraud illegal practices, unfair competition and deceiving of consumers.

The Rapporteur wishes to particularly underline the importance in the context of future and ongoing trade agreement negotiations, all actors intervening on the chain from the production to the export, to acknowledge a treatment of GIs as being linked to the European local cultural and food related traditions.

The EU negotiates international agreements, also including those concerning the protection of designations of origin and GIs, with its trade partners. In this context, all FTA and negotiated trade agreements should observe the abovementioned protection of GIs. Having regard to the

fact that GIs create economic value, jobs, keep traditions and local knowledge while protecting natural resources. Ideally for the Rapporteur all the EU GIs should to be protected in the scope of trade agreements through the recognition of the European system.

The protection afforded by this Regulation upon registration should be equally available to geographical indications of third countries, protected in their country of origin that meet the corresponding criteria and that are clearly listed in the list of protected GIs by the respective trade agreement. The Rapporteur agrees that the Commission should carry out the corresponding procedures for geographical indications originating in third countries.

AMENDMENTS

The Committee on International Trade calls on the Committee on Agriculture and Rural Development, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Citizens and consumers are entitled to expect that any geographical indication and quality scheme is backed up by a robust verification and control system, regardless of whether the product originates from the Union or a third country.

Amendment 2

Proposal for a regulation Recital 9

Text proposed by the Commission

Amendment

(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

(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 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. 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, 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. 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

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 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. 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, 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. 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 Council²⁷, there is a need to address certain legal issues, to clarify and simplify some rules and to streamline the procedures.

²⁷ Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

Amendment 3

Proposal for a regulation Recital 9 a (new)

and advertising, helping them to correctly identify *those types of* products on the market. *The establishment of effective rules which ensure proper verification and controls over product specifications and adherence to production rules and guidelines for geographical indications originating in the internal market and in third markets is essential to secure consumer protection, trust and growth of trade of those products.* 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 Council²⁷, there is a need to address certain legal issues, to clarify and simplify some rules and to streamline the procedures.

²⁷ Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

(9a) A unitary and exclusive system of geographical indications should contribute significantly to increased awareness, recognition and consumer understanding, both in the Union and in third countries, of the symbols, indications and abbreviations demonstrating participation in the European quality schemes and their added value, complementing Regulation (EU) No 1144/2014 of the European Parliament and of the Council^{1a}.

^{1a} Regulation (EU) No 1144/2014 of the European Parliament and of the Council of 22 October 2014 on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries and repealing Council Regulation (EC) No 3/2008 (OJ L 317, 4.11.2014, p. 56).

Amendment 4

Proposal for a regulation Recital 11

Text proposed by the Commission

(11) The Union has for some time been aiming at simplifying the regulatory framework of the Common Agricultural Policy. This approach should also apply to regulations in the field of geographical indications, without calling into question the specific characteristics of each sector. In order to simplify the lengthy registration and amendment procedures, harmonised procedural rules for geographical indications for wine, spirit drinks and agricultural products should be laid down in a single legal instrument, while maintaining product specific provisions for wine in Regulation (EU) No 1308/2013, for spirit drinks in Regulation (EU)

Amendment

(11) The Union has for some time been aiming at simplifying the regulatory framework of the Common Agricultural Policy. This approach should also apply to regulations in the field of geographical indications, without calling into question the specific characteristics of each sector. In order to simplify the lengthy registration and amendment procedures, harmonised procedural rules for geographical indications for wine, spirit drinks and agricultural products should be laid down in a single legal instrument, while maintaining product specific provisions for wine in Regulation (EU) No 1308/2013, for spirit drinks in Regulation (EU)

2019/787 and for agricultural products in this Regulation. 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.

2019/787 and for agricultural products in this Regulation. 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, ***which should not result in disproportionate burdens nor entail excessive management costs, especially for small producers.*** 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.

Amendment 5

Proposal for a regulation Recital 15

Text proposed by the Commission

(15) To ensure transparency and uniformity across Member States, it is necessary to establish and maintain an electronic Union register of geographical indications, registered as protected designations of origin or protected geographical indications. The register should provide information to consumers and to those involved in trade. The register should be an electronic database stored within an information system, and should be accessible to the public.

Amendment

(15) To ensure transparency and uniformity across Member States, it is necessary to establish and maintain an electronic Union register of geographical indications, registered as protected designations of origin or protected geographical indications. ***The periodically updated*** register should provide information to consumers and to those involved in trade ***on all types of geographical indications entered into the register pursuant to their registration in the Member State, by third country application, as a result of a concluded international trade agreement or upon international registration derived from the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications.*** The register should be an electronic database stored within an information system, and should be accessible to the public. ***That register should enable easy access to the product specifications behind each geographical indication and quality schemes, regardless of whether they are from the Union or third countries, including those recognised via trade agreements or via the mechanism provided for in the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications.***

Amendment 6

Proposal for a regulation Recital 16

(16) *The Union negotiates international agreements, including those concerning the protection of designations of origin and geographical indications, with its trade partners.* In order to facilitate the provision to the public of information about the names protected by those international agreements, and in particular to ensure protection and control of the use to which those names are put, those names may be entered in the Union register of geographical indications. Unless specifically identified as designations of origin in such international agreements, the names should be entered in the register as protected geographical indications.

(16) *Given their recognised role in creating economic value and jobs, maintaining local traditions and knowledge and protecting natural resources, all European Union geographical indications should be protected under bilateral and multilateral trade agreements and other international agreements through the recognition of the European system as such. In that regard, the Union should put significant commercial and diplomatic efforts to ensure the protection of century old practices which bring together historical, cultural and gastronomic heritage and ensure at the same time sustainable production. Furthermore, international trade agreements with particular provisions on the protection of designations of origin and geographical indications are of particular importance, as they provide market access and opportunities for economic growth and jobs for both the Union and third countries right-holders, while protecting against unfair practices and safeguarding consumer safety and health;* In order to facilitate the provision to the public of information about the names protected by the international agreements, and in particular to ensure protection and control of the use to which those names are put, those names should be entered in the Union register of geographical indications. Unless specifically identified as designations of origin in such international agreements, the names **should** be entered in the register as protected geographical indications.

Amendment 7

Proposal for a regulation Recital 16 b (new)

Text proposed by the Commission

Amendment

(16b) In order to unlock the full potential of designations of origin and geographical indications in international trade, this Regulation should be complemented with further cooperation and engagement with third countries through trade policy with a view to enhancing legislative frameworks for the protection and enforcement of designations of origin and geographical indications in third country markets, taking due consideration of the level of development of third countries.

Amendment 8

Proposal for a regulation Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) While negotiating trade agreements, or specific bilateral agreements on geographical indications, the parties should always bear in mind their specificities and the complex tissue of producers entering into the scope of the protected products; in that regard, special attention should be given to micro, small and medium producers avoiding disproportionate burdens and additional costs since they are key actors and preservers of the system. In order to ensure fair competition and promote international trade, this Regulation should not therefore create discrimination nor constitute a barrier for potential applicants, particularly producers in the Union and third countries qualifying as micro, small or medium-sized enterprises.

Amendment 9

Proposal for a regulation

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Recital 23

Text proposed by the Commission

(23) Producer groups play an essential role in the application process for the registration of geographical indications, 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. The role of the producer group should hence be clarified.

Amendment

(23) Producer groups play an essential role in the application process for the registration of geographical indications, 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. The role of the producer group should hence be clarified ***to include the right to: participation in consultative bodies, exchanging information with public authorities on geographical indication policy-related topics and the right to participate in consultations with the Commission in the run-up to trade negotiations concerning geographical indications with third countries.***

Amendment 10

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) In order to avoid creating unfair conditions of competition, any producer, including a third-country producer, should be able to use a registered geographical indication, provided that the product concerned complies with the requirements of the relevant product specification or single document or an equivalent to the latter, i.e. a complete summary of the product specification. The system set up by the Member States should also guarantee that producers complying with the rules are entitled to be covered by the verification of compliance of the product specification.

Amendment

(27) In order to avoid creating unfair conditions of competition, any producer, including a third-country producer, should be able to use a registered geographical indication, provided that the product concerned complies with the requirements of the relevant product specification or single document or an equivalent to the latter, i.e. a complete summary of the product specification. The system set up by the Member States should also guarantee that producers complying with the rules are entitled to be covered by the verification of compliance of the product specification. ***Third country producers should be subject to Union-comparable verification procedures set up by their respective oversight authorities.***

Amendment 11

Proposal for a regulation Recital 29

Text proposed by the Commission

(29) The labelling of wine, spirit drinks and agricultural products should be subject to the general rules laid down in Regulation (EU) No 1169/2011 of the European Parliament and of the Council²⁹, and in particular the provisions aimed at preventing labelling that may confuse or mislead consumers.

²⁹ OJ L 304, 22.11.2011, p. 18.

Amendment

(Does not affect the English version.)

Amendment 12

Proposal for a regulation Recital 30

Text proposed by the Commission

(30) The use of Union symbols or indications on the packaging of products designated by a geographical indication should be made obligatory in order to make this category of products, and the guarantees attached to them, better known to consumers and to permit easier identification of these products on the market, thereby facilitating checks. However, in view of the specific nature of products covered by this Regulation, special provisions concerning labelling should be maintained for wine and spirit drinks. The use of such symbols or indications should remain voluntary for third country geographical indications and designations of origin.

Amendment

(30) The use of Union symbols or indications on the packaging of, **and on the presentation pages of retail websites for**, products designated by a geographical indication should be made obligatory in order to make this category of products, and the guarantees attached to them, better known to consumers and to permit easier identification of these products on the market, thereby facilitating checks. However, in view of the specific nature of products covered by this Regulation, special provisions concerning labelling should be maintained for wine and spirit drinks. The use of such symbols or indications should remain voluntary for third country geographical indications and designations of origin.

Amendment 13

Proposal for a regulation Recital 31

Text proposed by the Commission

(31) The added value of the geographical indications is based on consumer trust. The system of geographical indications significantly relies on self-control, due diligence and individual responsibility of producers, while it is the role of the competent authorities of the Member States to take the necessary steps to prevent or stop the use of names of products, which are in breach of the rules governing geographical indications. The role of the Commission is to intervene in case of a systemic failure to apply Union law. Geographical indications should be subject to the system of official controls, in line with the principles set out in Regulation (EU) 2017/625 of the European Parliament and of the Council³⁰, which should include a system of controls at all stages of production, processing and distribution. Each operator should be subject to a control system that verifies compliance with the product specification. Taking into account that wine is subject to specific controls defined in the sectoral legislation, this Regulation should lay down controls for spirit drinks and agricultural products only.

Amendment

(31) The added value of the geographical indications is based on consumer trust. The system of geographical indications significantly relies on self-control, due diligence and individual responsibility of producers, while it is the role of the competent authorities of the Member States to take the necessary steps to prevent or stop the use of names of products, which are in breach of the rules governing geographical indications. The role of the Commission is to intervene in case of a systemic failure to apply Union law. Geographical indications should be subject to the system of official controls, in line with the principles set out in Regulation (EU) 2017/625 of the European Parliament and of the Council³⁰, which should include a system of controls at all stages of production, processing and distribution. Each operator should be subject to a control system that verifies compliance with the product specification. Taking into account that wine is subject to specific controls defined in the sectoral legislation, this Regulation should lay down controls for spirit drinks and agricultural products only. ***Any geographical indication and quality schemes should be backed up by robust verification and control systems, regardless of the origin of the product within or outside the Union. Furthermore, consumers should be able to receive the needed information on conformity with the product specifications upon demand from institutions and authorities responsible for controls and checks. This should apply to all geographical indications registered in the internal market.***

Amendment 14

Proposal for a regulation

Recital 37

Text proposed by the Commission

(37) Taking into account that a product designated by the geographical indication produced in one Member State might be sold in another Member State, administrative assistance between Member States should be ensured to allow effective controls and its practicalities should be laid down.

Amendment

(37) Taking into account that a product designated by the geographical indication produced in one Member State might be sold in another Member State, administrative assistance between Member States **and with third countries** should be ensured to allow effective controls and its practicalities should be laid down.

Amendment 15

Proposal for a regulation

Recital 39

Text proposed by the Commission

(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). While a partial outsourcing to EUIPO has been considered,*** the Commission ***would*** 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.

Amendment

(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. ***To that end,*** the Commission ***should*** 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.

Amendment 16

Proposal for a regulation Recital 56

Text proposed by the Commission

(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; entrusting the EUIPO with the tasks related to ***scrutiny for opposition and the opposition procedure, operation of the register, publication of standard amendments to a product specification, consultation in the context of cancellation procedure, establishment and management of an alert system informing applicants about the availability of their geographical indication as a domain name***, scrutiny of third country geographical indications other than geographical indications under the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications³⁴, 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

Amendment

(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; entrusting the EUIPO with the tasks related to scrutiny of third country geographical indications other than geographical indications under the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications³⁴, 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

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

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-Making³⁵. 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

conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making³⁵. 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.

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<https://www.wipo.int/publications/en/details.jsp?id=3983>

³⁵ OJ L 123, 12.5.2016, p. 1.

systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<https://www.wipo.int/publications/en/details.jsp?id=3983>

³⁵ OJ L 123, 12.5.2016, p. 1.

Amendment 17

Proposal for a regulation

Article 1 – paragraph 1 – point b

Text proposed by the Commission

(b) traditional specialities guaranteed *and optional quality terms for agricultural products*.

Amendment

(b) traditional specialities guaranteed.

Amendment 18

Proposal for a regulation

Article 1 – paragraph 1 – point b a (new)

Text proposed by the Commission

(ba) optional quality terms for agricultural products.

Amendment 19

Proposal for a regulation

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) producers acting collectively have the necessary powers and responsibilities to manage their geographical indication, including to respond to societal demands for products resulting from sustainable production in its three dimensions of economic, environmental and social value, and to operate in the market;

Amendment

(a) **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, and to operate in the **Union internal** market and **international markets**;

Amendment 20

Proposal for a regulation

Article 4 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) **a fair return for producers for the quality of their products**;

Amendment 21

Proposal for a regulation

Article 4 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) **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**;

Amendment 22

Proposal for a regulation

Article 4 – paragraph 1 – point a c (new)

Text proposed by the Commission

Amendment

(ac) 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;

Amendment 23

Proposal for a regulation

Article 4 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) fair competition for producers in the marketing chain;

(b) that the added value associated with geographical indications is fairly shared across the supply chain;

Amendment 24

Proposal for a regulation

Article 4 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) consumers receive reliable information and a guarantee of authenticity of such products and can readily identify them in the marketplace including in electronic commerce;

*(c) that consumers receive reliable information and a guarantee of authenticity of such products **originating in the internal market and imported from third markets** and can readily identify them in the marketplace, including **in the domain name system and** in electronic commerce;*

Amendment 25

Proposal for a regulation

Article 4 – paragraph 1 – point d

Text proposed by the Commission

(d) efficient registration of geographical indications taking into account the appropriate protection of intellectual property rights; and

Amendment

(d) efficient registration of geographical indications taking into account the ***uniform***, appropriate ***and effective*** protection of intellectual property rights ***within the internal market, including the Union digital market, and in third country markets***;

Amendment 26

Proposal for a regulation

Article 4 – paragraph 1 – point e

Text proposed by the Commission

(e) effective enforcement and marketing throughout the Union and in electronic commerce ensuring the integrity of the internal market.

Amendment

(e) effective enforcement and marketing throughout the Union ***and in the domain name system*** and in electronic commerce ensuring the integrity of the internal market;

Amendment 27

Proposal for a regulation

Article 4 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) effective protection of intellectual property rights of producers of such products in third markets in compliance with international agreements, standards, best practices and agreements with third countries.

Amendment 28

Proposal for a regulation Article 5 – paragraph 2

Text proposed by the Commission

2. The registration and the protection of geographical indications is without prejudice to the obligation of producers to comply with other Union rules, in particular those relating to the placing of products on the market, sanitary and phytosanitary rules, the common organisation of the markets, the competition rules and the provision of food information to consumers.

Amendment

2. The registration and the protection of geographical indications is without prejudice to the obligation of producers to comply with other Union rules, in particular those relating to the placing of products on the market, sanitary and phytosanitary rules, ***environmental, social and animal welfare rules, biodiversity protection and decent work conditions*** the common organisation of the markets, the competition rules and the provision of food information to consumers. ***Compliance with those rules shall be verified by appropriate controls.***

Amendment 29

Proposal for a regulation Article 7 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) 'association of producer groups' means an organisation that promotes the interests of producers of products designated by different geographical indications.

Amendment 30

Proposal for a regulation Article 8 – paragraph 2

Text proposed by the Commission

2. An authority designated by a Member State may be deemed to be an applicant producer group for the purposes of this Title, with respect to geographical indications of a spirit drink, if it is not

Amendment

2. An authority designated by a Member State ***or by a third country*** may be deemed to be an applicant producer group for the purposes of this Title, with respect to geographical indications of a

feasible for the producers concerned to form a group by reason of their number, geographical location or organisational characteristics. In such case, the application referred to in Article 9(2) shall state those reasons.

spirit drink, if it is not feasible for the producers concerned to form a group by reason of their number, geographical location or organisational characteristics. In such case, the application referred to in Article 9(2) shall state those reasons.

Amendment 31

Proposal for a regulation

Article 8 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The rules established under this Regulation shall not discriminate nor create barriers for all applicants, particularly for producers in the Union and third countries that qualify as micro, small or medium-sized enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

Amendment 32

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

Amendment

1. A producer group may agree on sustainability undertakings to be adhered to in the production of the product designated by a geographical indication. ***Such undertakings shall aim to apply a sustainability standard higher than mandated by Union or national law and go beyond good practice in significant respects in terms of social, environmental or economic undertakings.*** Such undertakings shall be specific, shall take account of existing sustainable practices employed for products designated by geographical indications, and may refer to existing sustainability schemes.

1. A producer group may agree on sustainability undertakings to be adhered to in the production of the product designated by a geographical indication. Such undertakings shall be specific, shall take account of existing sustainable practices employed for products designated by geographical indications, and may refer to existing sustainability schemes.

Amendment 33

Proposal for a regulation Article 12 – paragraph 2

Text proposed by the Commission

2. The sustainability undertakings referred to in paragraph (1) **shall** be included in the product specification.

Amendment

2. The sustainability undertakings referred to in paragraph (1) **may** be included in the product specification.

Amendment 34

Proposal for a regulation Article 12 – paragraph 4

Text proposed by the Commission

4. **The Commission shall be empowered to adopt delegated acts in accordance with Article 84 defining sustainability standards in different sectors and laying down criteria for the recognition of existing sustainability standards to which producers of products designated by geographical indications may adhere.**

Amendment

deleted

Amendment 35

Proposal for a regulation Article 12 – paragraph 5

Text proposed by the Commission

5. **The Commission may adopt implementing acts defining a harmonised presentation of sustainability undertakings. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2).**

Amendment

deleted

Amendment 36

Proposal for a regulation

Article 14 – paragraph 2

Text proposed by the Commission

Amendment

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

deleted

Amendment 37

Proposal for a regulation Article 17 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall scrutinise any application for registration that it receives pursuant to Article **16(1)**. Such scrutiny shall consist of a check 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. It 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.

1. The Commission shall scrutinise any application for registration that it receives pursuant to Article **16(1) and (2)**. Such scrutiny shall consist of a check 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. It 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.

Amendment 38

Proposal for a regulation Article 17 – paragraph 5

Text proposed by the Commission

Amendment

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

deleted

Article.

Or. fr

Amendment 39

Proposal for a regulation Article 19 – paragraph 10

Text proposed by the Commission

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.***

Amendment

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.

Amendment 40

Proposal for a regulation Article 19 – paragraph 11

Text proposed by the Commission

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).

Amendment

deleted

Amendment 41

Proposal for a regulation Article 23 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. *The Commission shall also make public the applicable criteria and steps to decide the list of geographical indications protected under international agreements, in order to allow all interested parties, including small-scale geographical indications and those under five years of existence, to request the corresponding inclusion in the relevant list for their protection.*

Amendment 42

Proposal for a regulation Article 23 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5b. *In the context of international trade agreements negotiations, the Commission shall consult recognised producer groups with regard to the protection of their name.*

Amendment 43

Proposal for a regulation Article 23 – paragraph 7

Text proposed by the Commission

Amendment

7. *The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by rules on entrusting EUIPO to operate the Union register of geographical indications.*

deleted

Amendment 44

Proposal for a regulation Article 25 – paragraph 10

Text proposed by the Commission

Amendment

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).

deleted

Or. fr

Amendment 45

Proposal for a regulation Article 26 – paragraph 6

Text proposed by the Commission

Amendment

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).

deleted

Or. fr

Amendment 46

Proposal for a regulation Article 27 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(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;

(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 geographical indication including where those products are used as ingredients;***

Amendment 47

Proposal for a regulation

Article 27 – paragraph 1 – point b

Text proposed by the Commission

(b) any misuse, imitation or evocation, even if the true origin of the products or services is indicated or if the protected name is translated or accompanied by an expression such as ‘style’, ‘type’, ‘method’, ‘as produced in’, ‘imitation’, ‘flavour’, ‘like’ or similar.

Amendment

(b) any misuse, imitation or evocation, even if the true origin of the products or services is indicated or if the protected name is translated, ***transcribed, 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***;

Amendment 48

Proposal for a regulation

Article 27 – paragraph 1 – point c

Text proposed by the Commission

(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 relating to the product concerned, and the packing of the product in a container liable to convey a false impression as to its origin;

Amendment

(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;

Amendment 49

Proposal for a regulation

Article 27 – paragraph 1 – point d

Text proposed by the Commission

(d) ***any other practice liable to mislead the consumer as to the true origin of the product.***

Amendment

deleted

Proposal for a regulation
Article 27 – paragraph 2

Text proposed by the Commission

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.***

Amendment

2. For the purposes of paragraph (1), point (b), the evocation of a geographical indication shall arise, in particular, where a term, a sign, ***albeit figurative, or a symbol*** or other labelling or packaging device ***or form of presentation*** presents a ***phonetic or visual similarity with the registered name, thereby unduly capitalising on its image in such a way as to lead a normally informed and reasonably observant and circumspect consumer to assume, by association of ideas, that it in fact relates to the product designated by the geographical indication.***

Amendment 51

Proposal for a regulation
Article 27 – paragraph 4 – point a (new)

Text proposed by the Commission

Amendment

(aa) goods produced in the Union and destined to be exported and commercialised in third countries and

Amendment 52

Proposal for a regulation
Article 27 – paragraph 7

Text proposed by the Commission

Amendment

7. ***Where a geographical indication is a compound name which contains a term which is considered to be generic, the use of that term shall not constitute a conduct referred to in paragraph (1), point (a) and (b).***

deleted

Amendment 53

Proposal for a regulation

Article 27 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

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 or imported from third countries.

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.

Amendment 54

Proposal for a regulation

Article 32 – paragraph 1

Text proposed by the Commission

Amendment

1. A producer group shall be set up on the initiative of interested stakeholders, including farmers, farm suppliers, intermediate processors and final processors, as specified by the national authorities and according to the nature of the product concerned. **Member States shall verify that the producer group operates in a transparent and democratic manner and that all producers of the product designated by the geographical indication enjoy right of membership in the group. Member States may provide that public officials, and other**

1. A producer group shall be set up on the initiative of interested stakeholders, including farmers, farm suppliers, intermediate processors and final processors, as specified by the national authorities and according to the nature of the product concerned.

stakeholders such as consumer groups, retailers and suppliers, also participate in the works of the producer group.

Amendment 55

Proposal for a regulation

Article 32 – paragraph 2 – introductory part

Text proposed by the Commission

2. A producer group may exercise in particular the following powers and responsibilities:

Amendment

2. A producer group may exercise in particular the following ***non-exhaustive*** powers and responsibilities:

Amendment 56

Proposal for a regulation

Article 32 – paragraph 2 – point b

Text proposed by the Commission

(b) take legal action to ensure protection of the geographical indication and of the intellectual property rights that are directly connected with it;

Amendment

(b) take legal action to ensure protection of the geographical indication and of the intellectual property rights that are directly connected with it; ***and claim damages;***

Amendment 57

Proposal for a regulation

Article 32 – paragraph 2 – point e

Text proposed by the Commission

(e) combat counterfeiting and suspected fraudulent uses on the internal market of a geographical indication designating products that are not in compliance with the product specification, by monitoring the use of the geographical indication across the internal market and on third countries markets where the geographical indications are protected, including on the internet, and, as necessary, inform enforcement authorities using

Amendment

(e) combat counterfeiting and suspected fraudulent uses on the internal market, ***including the Union digital market, and in third country markets*** 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

confidential systems available.

internet, and, as necessary, inform enforcement authorities using confidential systems available.

Amendment 58

Proposal for a regulation Article 33 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Upon a request of **a** producer **group**, Member States **or, in accordance with an international agreement to which the Union is a contracting party, third countries** shall designate, in accordance with their national law, one producer group as recognised producer group for **a specific geographical indications** originating in their territory, **that are** registered or **are** subject to an application for registration or for product names that are **a potential** subject for application for registration.

Amendment 59

Proposal for a regulation Article 33 – paragraph 2

Text proposed by the Commission

2. A producer group may be designated as recognised producer group **subject to a prior agreement concluded between at least two-thirds** of the producers of the product bearing a geographical indication, **accounting for** at least two-thirds of the production of that product in the geographical area referred to in the product specification. As an exception, an authority, as referred to in Article 8(2), and a single producer, as referred to in Article 8(3), shall be deemed to be a recognised producer group.

Amendment

2. A producer group may be designated as recognised producer group **when it comprises the majority** of the producers of the product bearing a geographical indication **and** at least two-thirds of the production of that product in the geographical area referred to in the product specification. As an exception, an authority, as referred to in Article 8(2), and a single producer, as referred to in Article 8(3), shall be deemed to be a recognised producer group.

Amendment 60

Proposal for a regulation

Article 33 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

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.

Amendment 61

Proposal for a regulation

Article 33 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) to liaise with the Commission in the context of negotiations on international agreements as regards the protection of the geographical indications.

Amendment 62

Proposal for a regulation

Article 33 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In the context of international trade agreements negotiations, the Commission shall consult recognised producer groups with regards to the protection of their name

Amendment 63

Proposal for a regulation

Article 33 – paragraph 5

Text proposed by the Commission

5. Member States shall carry out checks in order to ensure that the conditions ***laid down in paragraph 2*** are complied with. Where the competent national authorities find that such conditions have not been complied with, Member States shall annul the decision on the recognition of the producer group.

Amendment

5. Member States ***or, in accordance with an international agreement to which the Union is a contracting party, third countries*** shall carry out checks in order to ensure that the conditions ***for the recognition of the producer group*** are complied with. Where the competent national authorities find that such conditions have not been complied with, Member States shall annul the decision on the recognition of the producer group.

Amendment 64

Proposal for a regulation

Article 33 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

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 taken during the previous calendar year.

Amendment 65

Proposal for a regulation

Article 33 a (new)

Text proposed by the Commission

Amendment

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.*

Amendment 66

Proposal for a regulation Article 34 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 67

Proposal for a regulation

Article 34 – paragraph 2

Text proposed by the Commission

2. **Country-code** top-level domain name registries **established** 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.

Amendment

2. Top-level domain name registries **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.

Amendment 68

Proposal for a regulation Article 34 – paragraph 3

Text proposed by the Commission

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by provisions entrusting EUIPO to establish and manage a domain name information and alert system that would provide the applicant, upon the submission of an application for a geographical indication, with information about the availability of the geographical indication as a domain name and, on optional basis, the registration of a domain name identical to their geographical indication. **That** delegated act shall also include the obligation for registries of country-code top-level domain names, **established** in the Union, to provide EUIPO with the relevant information and data.

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by provisions entrusting EUIPO to establish and manage a domain name information and alert system that would provide the applicant, 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. ***EUIPO may be empowered under those delegated acts to monitor registration of domain names in the Union which could conflict with the names included in the Union register of geographical indications. Those*** delegated act shall also include the obligation for registries of country-code top-level domain names ***and the EURid, operating*** in the Union, to provide EUIPO with the relevant information and data.

Amendment 69

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Proposal for a regulation
Article 37 – paragraph 2

Text proposed by the Commission

2. In the case of products originating in the Union that are marketed under a geographical indication, the Union symbol associated with it shall appear on the labelling and advertising material. The geographical indication shall appear in the same field of vision as the Union symbol. The labelling requirements laid down in Article 13(1) of Regulation (EU) No 1169/2011 for the presentation of mandatory particulars shall apply to the geographical indication.

Amendment

2. In the case of products originating in the Union that are marketed under a geographical indication, the Union symbol associated with it shall appear on the labelling and advertising material. The geographical indication **and an indication of the name of the producer or vendor** shall appear in the same field of vision as the Union symbol. **The country of origin of a primary ingredient which is not the same as the given country of origin of the geographical indication shall be indicated with reference to Member States or third countries.** The labelling requirements laid down in Article 13(1) of Regulation (EU) No 1169/2011 for the presentation of mandatory particulars shall apply to the geographical indication.

Amendment 70

Proposal for a regulation
Article 37 – paragraph 5 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 71

Proposal for a regulation
Article 37 – paragraph 9

Text proposed by the Commission

Amendment

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

deleted

Amendment 72

Proposal for a regulation Article 38 – paragraph 3

Text proposed by the Commission

3. When performing the controls and enforcement activities provided for in this Title, the responsible competent authorities and product certification bodies shall comply with the requirements laid down in Regulation (EU) 2017/625. However, Title VI, Chapter 1, of Regulation (EU) 2017/625 shall not apply to controls of geographical indications.

Amendment

3. When performing the controls and enforcement activities provided for in this Title, the responsible competent authorities and product certification bodies *in the Member States and in third countries* shall comply with the requirements laid down in Regulation (EU) 2017/625, *or equivalent legal requirements in third countries*. However, Title VI, Chapter 1, of Regulation (EU) 2017/625 shall not apply to controls of geographical indications.

Amendment 73

Proposal for a regulation Article 39 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Internal controls as referred to in paragraph 2 and third party verification as referred to in paragraph 3 shall ensure compliance with current sanitary and phytosanitary rules and environmental, social and animal welfare standards.

Amendment 74

Proposal for a regulation Article 42 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall take

3. Member States shall take

appropriate administrative and judicial steps to prevent or stop the use of names of products or services that are produced, operated or marketed in their territory and that contravenes the protection of geographical indications provided for in Article 27 and Article 28.

appropriate administrative and judicial steps to prevent or stop the use of names of products or services that are produced, operated or marketed in their territory, ***whether physically or through retail websites***, and that contravenes the protection of geographical indications provided for in Article 27 and Article 28.

Amendment 75

Proposal for a regulation Article 42 – paragraph 3

Text proposed by the Commission

3. Member States shall take appropriate administrative and judicial steps to prevent or stop the use of names of products or services that are produced, operated or marketed in their territory and that contravenes the protection of geographical indications provided for in Article 27 and Article 28.

Amendment

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 in their territory and that contravenes the protection of geographical indications provided for in Article 27 and Article 28.

Amendment 76

Proposal for a regulation Article 46 – paragraph 1

Text proposed by the Commission

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.

Amendment

deleted

Amendment 77

Proposal for a regulation

Article 46 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

All geographical indications and quality schemes originating in third countries should be backed up by an equivalent level of verification of compliance and scrutiny to the level applicable to products originating in the Union, regardless of the specific process that has been followed to register or recognise them in the Union.

Amendment 78

Proposal for a regulation

Article 46 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

The Commission shall approve equivalences of third countries with Member States once the requirements of paragraph 2 have been met.

Amendment 79

Proposal for a regulation

Article 47 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Where the Commission exercises any of the empowerments provided for in this Regulation to entrust tasks to EUIPO, it shall also be empowered to adopt delegated acts in accordance with Article 84 to supplement this Regulation by criteria for monitoring performance in the execution of such tasks. Such criteria **may**

1. Where the Commission exercises any of the empowerments provided for in this Regulation to entrust tasks to EUIPO, it shall also be empowered to adopt delegated acts in accordance with Article 84 to supplement this Regulation by criteria for monitoring performance in the execution of such tasks. Such criteria **shall**

include:

include, *in particular* :

Amendment 80

Proposal for a regulation Article 47 – paragraph 2

Text proposed by the Commission

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

Amendment

2. No later than 2 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.

Amendment 81

Proposal for a regulation Article 51 – paragraph 1 – point g

Text proposed by the Commission

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

Amendment

(g) any specific rule *on the labelling and presentation of essential information in brick-and-mortar retail or e-commerce* for the product in question;

Amendment 82

Proposal for a regulation Article 52 – paragraph 1 – point a

Text proposed by the Commission

(a) the main points of the product specification, namely: the name, a description of the product, including, where appropriate, specific rules concerning packaging *and* labelling and a concise definition of the geographical area;

Amendment

(a) the main points of the product specification, namely: the name, a description of the product, including, where appropriate, specific rules concerning packaging, labelling *and commercial presentation, including on retail websites, together with* a concise definition of the geographical area;

Amendment 83

Proposal for a regulation
Article 67 – paragraph 3

Text proposed by the Commission

Amendment

3. *The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing the rules regarding the procedure for the amendment of a product specification.*

deleted

Amendment 84

Proposal for a regulation
Article 73 – paragraph 10

Text proposed by the Commission

Amendment

10. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by additional rules to provide for appropriate certification and accreditation procedures to apply in respect of product certification bodies referred to in paragraphs 2 *and* 5.

10. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by additional rules to provide for appropriate certification and accreditation procedures to apply in respect of product certification bodies referred to in paragraphs 2, 5 *and* 6.

Amendment 85

Proposal for a regulation
Article 84a (new)

Text proposed by the Commission

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation with rules entrusting EUIPO with the possibility of supporting the Union producers, in particular small and medium-sized producers, and producer groups with the necessary assistance in providing information in order to protect their rights and comply with different regulatory frameworks in foreign markets, including in relation to trade agreements.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	European Union geographical indications for wine, spirit drinks and agricultural products, and quality schemes for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2017/1001 and (EU) 2019/787 and repealing Regulation (EU) No 1151/2012
References	COM(2022)0134 – C9-0130/2022 – 2022/0089(COD)
Committee responsible Date announced in plenary	AGRI 7.4.2022
Opinion by Date announced in plenary	INTA 7.4.2022
Rapporteur for the opinion Date appointed	Danilo Oscar Lancini 9.6.2022
Discussed in committee	25.10.2022
Date adopted	24.1.2023
Result of final vote	+: 37 –: 1 0: 0
Members present for the final vote	Barry Andrews, Geert Bourgeois, Saskia Bricmont, Jordi Cañas, Daniel Caspary, Arnaud Danjean, Paolo De Castro, Roman Haider, Christophe Hansen, Heidi Hautala, Danilo Oscar Lancini, Bernd Lange, Thierry Mariani, Margarida Marques, Emmanuel Maurel, Javier Moreno Sánchez, Carles Puigdemont i Casamajó, Samira Rafaela, Catharina Rinzema, Inma Rodríguez-Piñero, Helmut Scholz, Sven Simon, Mihai Tudose, Kathleen Van Brempt, Marie-Pierre Vedrenne, Jörgen Warborn, Iuliu Winkler, Jan Zahradil, Juan Ignacio Zoido Álvarez
Substitutes present for the final vote	Mazaly Aguilar, Anna Cavazzini, Enikő Győri, Manuela Ripa, Angelika Winzig
Substitutes under Rule 209(7) present for the final vote	Leopoldo López Gil, Karsten Lucke, Christian Sagartz, Simone Schmiedtbauer

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

37	+
ECR	Mazaly Aguilar, Geert Bourgeois, Jan Zahradil
ID	Roman Haider, Danilo Oscar Lancini, Thierry Mariani
NI	Enikő Győri, Carles Puigdemont i Casamajó
PPE	Daniel Caspary, Arnaud Danjean, Christophe Hansen, Leopoldo López Gil, Christian Sagartz, Simone Schmiedtbauer, Sven Simon, Jörgen Warborn, Iuliu Winkler, Angelika Winzig, Juan Ignacio Zoido Álvarez
Renew	Barry Andrews, Jordi Cañas, Samira Rafaela, Catharina Rinzema
S&D	Paolo De Castro, Bernd Lange, Karsten Lucke, Margarida Marques, Javier Moreno Sánchez, Inma Rodríguez-Piñero, Mihai Tudose, Kathleen Van Brempt
The Left	Emmanuel Maurel, Helmut Scholz
Verts/ALE	Saskia Bricmont, Anna Cavazzini, Heidi Hautala, Manuela Ripa

1	-
Renew	Marie-Pierre Vedrenne

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention

PROCEDURE – COMMITTEE RESPONSIBLE

Title	European Union geographical indications for wine, spirit drinks and agricultural products, and quality schemes for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2017/1001 and (EU) 2019/787 and repealing Regulation (EU) No 1151/2012			
References	COM(2022)0134 – C9-0130/2022 – 2022/0089(COD)			
Date submitted to Parliament	31.3.2022			
Committee responsible Date announced in plenary	AGRI 7.4.2022			
Committees asked for opinions Date announced in plenary	INTA 7.4.2022	ENVI 7.4.2022	IMCO 7.4.2022	JURI 7.4.2022
Not delivering opinions Date of decision	ENVI 4.7.2022	IMCO 20.4.2022		
Associated committees Date announced in plenary	JURI 20.10.2022			
Rapporteurs Date appointed	Paolo De Castro 4.4.2022			
Discussed in committee	29.9.2022	8.11.2022	31.1.2023	
Date adopted	20.4.2023			
Result of final vote	+: –: 0:	46 0 0		
Members present for the final vote	Mazaly Aguilar, Clara Aguilera, Atidzhe Alieva-Veli, Álvaro Amaro, Attila Ara-Kovács, Carmen Avram, Benoît Biteau, Daniel Buda, Isabel Carvalhais, Asger Christensen, Dacian Cioloș, Paolo De Castro, Jérémy Decerle, Salvatore De Meo, Herbert Dorfmann, Paola Ghidoni, Dino Giarrusso, Martin Häusling, Martin Hlaváček, Krzysztof Jurgiel, Jarosław Kalinowski, Camilla Laureti, Gilles Lebreton, Norbert Lins, Elena Lizzi, Colm Markey, Marlene Mortler, Ulrike Müller, Maria Noichl, Juozas Olekas, Eugenia Rodríguez Palop, Daniela Rondinelli, Anne Sander, Petri Sarvamaa, Simone Schmiedtbauer, Veronika Vrecionová, Sarah Wiener			
Substitutes present for the final vote	Rosanna Conte, Claude Gruffat, Peter Jahr, Benoît Lutgen, Nicola Procaccini, Irène Tolleret, Thomas Waitz			
Substitutes under Rule 209(7) present for the final vote	Alessandra Basso, Adrian-Dragoș Benea			

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

46	+
ECR	Mazaly Aguilar, Krzysztof Jurgiel, Nicola Procaccini, Veronika Vrecionová
ID	Alessandra Basso, Rosanna Conte, Paola Ghidoni, Gilles Lebreton, Elena Lizzi
NI	Dino Giarrusso
PPE	Álvaro Amaro, Daniel Buda, Salvatore De Meo, Herbert Dorfmann, Peter Jahr, Jarosław Kalinowski, Norbert Lins, Benoît Lutgen, Colm Markey, Marlene Mortler, Anne Sander, Petri Sarvamaa, Simone Schmiedtbauer
Renew	Atidzhe Alieva-Veli, Asger Christensen, Dacian Cioloș, Jérémy Decerle, Martin Hlaváček, Ulrike Müller, Irène Tolleret
S&D	Clara Aguilera, Attila Ara-Kovács, Carmen Avram, Adrian-Dragoș Benea, Isabel Carvalhais, Paolo De Castro, Camilla Laureti, Maria Noichl, Juozas Olekas, Daniela Rondinelli
The Left	Eugenia Rodríguez Palop
Verts/ALE	Benoît Biteau, Claude Gruffat, Martin Häusling, Thomas Waitz, Sarah Wiener

0	-

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention