

**Room document**

**Compromise package on the core outstanding issues of the GI Regulation**

**1. Ingredients**

Article 28 reads as follows (changes compared to the Council's position 8598/2/23 REV2 marked in bold underlined for additions and strikethrough for deletions):

*Article 28*

**Use of geographical indication designating a product used as an ingredient in the names of a processed products**

*(1. deleted)*

2. Without prejudice to Articles 27 **and 37 (6) of this Regulation and to Articles 7 and 17 of Regulation (EU) No 1169/2011**, the geographical indication designating a product used as an ingredient in a processed product may be used in the name of that processed product, **or in its labelling, or in advertising material** where:
- a) the processed product does not contain any other product comparable to the ~~product~~ ingredient designated by the geographical indication ~~included in its name~~;
  - b) the concerned ~~product~~ ingredient **designated by geographical indication** is used in sufficient quantities to confer an essential characteristic on the processed product concerned; and
  - c) the percentage of the concerned ~~product~~ ingredient **designated by geographical indication** in the processed product is indicated in the label.

**2a. In addition, producers of a prepacked food as defined in Article 2(2)(e) of Regulation (EU) No 1169/2011, containing as an ingredient a product designated by a geographical indication, who want to use that geographical indication in the name of that prepacked food, including in advertising material, shall give a prior notification to the recognised producer group where such a group exists for that ingredient. They shall include in the notification the information that demonstrates that the conditions referred to in paragraph 2 are complied with. The recognised producer group shall acknowledge the receipt of this notification.**

**2b. A recognised producer group may include in the product specification other requirements in the meaning of Article 51(2)(c) of this Regulation and Article 94(1)(i) of Regulation (EU) N° 1308/2013 on the use of the geographical indication of the ingredient in the name of the**

**processed food. Such requirements shall not refer to any payments from the producer of the processed food to the recognised producer group.**

A producer of a prepacked food as defined in Article 2(2)(e) of Regulation (EU) No 1169/2011, containing as an ingredient a product designated by a geographical indication, who wants to use that geographical indication in the name of that prepacked food, shall give a prior notification to the recognised producer group where such a group exist.

This paragraph ~~article~~ shall not apply to spirit drinks.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by additional rules on the use of geographical indications **of the ingredient with reference to the use of comparable in the name of processed products as with reference to the use of comparable ingredients and the criteria of conferring essential characteristics on the processed products.**

## 2. **Producer groups/Recognised producer groups**

- Art. 32 and 33 read as in the Council's position (8598/2/23 REV2), including notably the voluntary recognition system for Member States and the scope of producer groups' membership in rows 332f and 518b.
- For the sake of transparency, a recital is dedicated to the incentives for producer groups to become recognised, spread over several articles (Art. 25, 26, 28 and 33).

## 3. **Sustainability**

- A recital is added to mention some objectives of sustainability practices;
- The scope of sustainability practices is extended to animal welfare;
- A short article is added to allow producer groups to draft voluntary sustainability reports without being bound by any format or online presentation requirements.

## 4. **Domain names**

Art. 34 and 43 read as in the Council's position (8598/2/23 REV2), but Art. 43(2) is amended as follows (changes compared to the Council's position marked in bold underlined for additions and strikethrough for deletions); these changes will be accompanied by a recital:

### *Article 43*

(...)

"2. Relevant national judicial or administrative authorities of the Member States may, in accordance with Article 9 of Regulation (EU) 2022/2065, issue an order to act against illegal content referred to in paragraph 1 of this Article, **including, where necessary, to remove or disable access to domain**

**names accessible to the Union independently from the place of their registration that are used in breach of Article 27(3)."**

#### **5. Wine package**

The provisions on the following issues are put in the GI Regulation:

- Registration procedure, modifications, cancellations and opposition
- Legal protection
- Labeling
- Controls
- Sustainability.

The provisions on the definitions, product specification, single document and traditional terms (procedure, control and protection) remain in the CMO.

#### **6. Traditional terms (rows 696l + m)**

Rows 696l and 696m are deleted.

#### **7. Change in use of GI name (row 262)**

Row 262 reads as in the Council's position (8598/2/23 REV2).

#### **8. GI use as a trademark after cancellation (row 277a)**

Article 26(2a) is added with the following wording (changes compared to the EP position marked in bold underlined for additions and strikethrough for deletions):

"2a. The use ~~and the protection~~ registration of the ~~registered~~ name as ~~another~~ intellectual property right **other than a geographical indication**, in particular as a trademark, shall be prohibited for ~~10~~ **one** 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."

#### **9. Non-generic terms (row 294b)**

Article 27(4a) is added with the wording proposed by the European Parliament, but "shall" is replaced by "may" (changes compared to the EP position marked in bold underlined for additions and strikethrough for deletions):

"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~~ **may** constitute one of the types of conduct referred to in paragraph 1, points (a) and (b)."

#### **10. Labelling (row 361)**

- The name of the operator may appear on the labelling, preferably in the same field of vision as the Union symbol;

- There is no obligation to indicate the origin of the primary ingredient which is not the same as the origin of the geographical indication.

#### **11. Entry into force/application gap**

There is a one-year buffer time between the entry into force and the entry into application.

#### **12. Spirit categories**

The following categories of spirit drinks are added to Regulation (EU) 2019/787:

- bread spirit;
- potato spirit;
- birch sap and maple sap spirit.

#### **13. Audits**

Art. 38(3) reads as in the Council's position (8598/2/23 REV2).

#### **14. EUIPO**

No further tasks are conferred to EUIPO in addition to the one mentioned in row 319c.