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**NOTE**

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From: General Secretariat of the Council  
To: Delegations

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Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on European Union geographical indications for wine, spirit drinks and agricultural products, as well as traditional specialities guaranteed and optional quality terms for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2019/787 and (EU) 2019/1753 and repealing Regulation (EU) No 1151/2012  
*- Confirmation of the final compromise text with a view to agreement*

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Delegations find attached the text of the abovementioned Regulation reflecting the political agreement reached at the fourth trilogue on 24 October 2024 before legal-linguistic revision. The text is the same as in the fourth column of the four-column table set out in document 14943/23.

At the meeting of the Special Committee on Agriculture (SCA) on 27 November, delegations will be invited to approve the attached text and to mandate the SCA chair to write to the chair of the European Parliament's Committee on Agriculture and Rural Development to confirm the political agreement.

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

**on European Union geographical indications for wine, spirit drinks and agricultural products, as well as traditional specialities guaranteed and optional **quality** terms for agricultural products, amending Regulations (EU) No 1308/2013, (EU) **2019/787** and (EU) 2019/1753 and repealing Regulation (EU) No 1151/2012**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

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

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

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

Acting in accordance with the ordinary legislative procedure,

Whereas:

*(0) Over the years, the Union has established quality schemes for products with identifiable specific characteristics, which cover geographical indications for wine, spirit drinks and agricultural products including foodstuffs, as well as traditional specialities guaranteed and optional quality terms for agricultural products including foodstuffs.*

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<sup>1</sup> OJ C **443**, 22.11.2022, p.116.

<sup>2</sup> OJ C **79**, 2.3.2023, p. 74-98

- (1) The European Green Deal<sup>3</sup> 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.
- (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.**
- (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 **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.**
- (3) In its Communication of 25 November 2020 titled 'Making the most of the EU's innovative potential – An intellectual property action plan to support the EU's recovery and resilience', the Commission undertook to look at ways to strengthen, modernise, streamline and better enforce geographical indications for agricultural products, wine and spirit drinks.
- (4) The quality, and diversity of the Union's wine, spirit drinks and agricultural **and food** 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 diversity of cultural identities alive as part of the Union heritage**, while taking into account the developments of new production methods and material, **which have made traditional Union products a symbol of quality.**

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<sup>3</sup> [https://ec.europa.eu/info/publications/communication-european-green-deal\\_en](https://ec.europa.eu/info/publications/communication-european-green-deal_en)

- (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 production* **■** . They are also concerned to maintain the diversity *and security of supply* of agricultural *and food* production in the Union. This generates a demand for wine, spirit drinks and agricultural products *including foodstuffs*, with identifiable specific characteristics, in particular those linked to their geographical origin. *Citizens and consumers are increasingly aware about the production conditions that have shaped the reputation and identity of such products.*
- (5a) *Quality products represent one of the biggest assets the Union has, both for its 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 including foodstuffs are European assets that need to be further strengthened and protected.*
- (5b) *Citizens and consumers 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.*
- (6) The protection of natural persons in relation to the processing of personal data is a fundamental right. Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>4</sup> provides rules on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data. **■** Regulation (EU) 2016/679<sup>5</sup> of the European Parliament and of the Council **■** *applies to the processing* of personal data **■** *carried out by Member States* in the course of the relevant procedures. *The roles of* **■** the Commission and *of* the Member States **■** *in relation to the processing of* personal data **■** *in the procedures they are competent for need to be clearly defined in order to ensure a high level of* protection **■** .

<sup>4</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39–98.

<sup>5</sup> *Regulation (EU) **■** 2016/679 of the European Parliament and of the Council of **■** 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), **■** OJ L 119, 4.5.2016, p. 1–88.*

- (6a)** *As a general principle and with a view to minimising the exposure of personal data, the documents to be submitted in the course of the relevant procedures should not contain personal data. In cases where this is not possible, information that could contain personal data, such as contact details of natural persons, should be submitted in separate specific documents.*
- (6b)** *For the purpose of this Regulation, first and last name of natural persons and related contact details may appear in the documents the Commission and Member States process in the course of the procedures set out by this Regulation. On the one hand, personal data may appear, albeit rarely, in the procedures for registration, amendment or cancellation of geographical indications and traditional specialities guaranteed, both at Member State and Commission level, where the name of the concerned producer group, or of the opponent, contains the name of a natural person. Personal data may also appear as part of the names of recognised producer groups, processed in relation to the designation of these groups and to the inclusion of their names in the Union register of geographical indications, as well as part of the names of delegated and product certification bodies and natural persons to which certain official control tasks have been delegated, processed in the context of the control procedures for geographical indications and traditional specialities guaranteed, both at Member State and Commission level. On the other hand, personal data are more likely to appear as part of the names of operators who are granted a transitional period in the framework of a procedure for registration or amendment of a geographical indication or of a traditional speciality guaranteed, both at Member State and Commission level. Personal data could also appear as part of the names of the producers included in the list of the operators and in the tool delivering the attestation of compliance with the product specification, processed by Member States in the context of the control procedures for geographical indications and for traditional specialities guaranteed. The Commission and the Member States may, therefore, be obliged to process information that contains personal data, notably names of natural persons and related contact details.*

**(6c) *In any event, cases where it may happen, for the Commission and the Member States, to process personal data in accordance with this Regulation, mentioned above, are all justified by the public interest. Properly carrying out procedures for registration, amendment or cancellation of geographical indications and traditional specialities guaranteed and control procedures in the framework of this Regulation, Regulation (EU) No 1308/2013 of the European Parliament and of the Council<sup>6</sup> and Regulation (EU) 2019/787 of the European Parliament and of the Council<sup>7</sup> is necessary for the correct functioning of the system protecting geographical indications and traditional specialities guaranteed. Those procedures have a public nature. Information about the entities concerned is necessary to identify their responsibilities in the procedures and to ensure fair competition and level-playing field between the operators. In addition, in some cases, processing the name of producers and producer groups is the necessary condition for them to pursue their interest or enjoy their rights. This may happen in relation to the granting of a transitional period, by the Member States or by the Commission, in the course of a procedure of registration or amendment of a geographical indication or traditional speciality guaranteed, to the designation of recognised producer groups and the inclusion of their names in the Union register of geographical indications, to the compilation of the list of the producers of products designated by a geographical indication kept by the Member States and to the setting and functioning of the system delivering the attestation of compliance with the product specification. In all these cases, personal data processing is carried out in the public interest and, in some cases, also in the interest of the data subject.***

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<sup>6</sup> ***Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007, OJ L 347, 20.12.2013, p. 671–854.***

<sup>7</sup> ***Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008, OJ L 130, 17.5.2019, p. 1–54.***

**(6d)** *In general, in accordance with this Regulation, information that may contain personal data is normally processed in the form of digital or paper documents that may be exchanged, between the Member States and the Commission or between the Member States and the concerned producers or persons, or archived. It is neither disclosed to third parties nor published. However, in case of opposition procedures, in order to put in contact the applicant and the opponent in view of starting consultations and reaching an agreement, the Commission sends them each other contact details. Where the applicant or the opponent happen to be identified by a name containing a name of a natural person, name and contact details are personal data that need to be communicated to a third party. In addition, for the correct achievement of the objectives of the opposition procedure, the applicant should be made aware of all the information sent by the opponent to justify its opposition to the registration or amendment or cancellation. In addition, the names of the applicants for amendment, persons requesting cancellation, producer groups, single producers and beneficiaries of transitional period are published or made public. If personal data happen to be part of those names, that personal data should be also published. In case of procedures for approval of a Union amendment the name of the applicant is to be published in the Official Journal in order to allow potential opponent to challenge its interest to apply for the Union amendment. In case of procedures for cancellation, when the cancellation is requested by a natural or legal person resident or established in a third country, the name of the natural or legal person requesting cancellation is to be published in order to identify the persons who have activated the procedure for cancellation and to allow a potential opponent to challenge their legitimate interest to request cancellation. In case of procedures for standard amendment, when the standard amendment is communicated by a natural or legal person resident or established in a third country, the name of that person is to be published or made public. When encoding the information in the Union register of geographical indications, the name of the recognised producer group representative of the geographical indication should be made public in that register for reasons of transparency and to allow that group to demonstrate its qualification. In case of publication by the Member States of the names of the delegated bodies and natural persons to which official control tasks have been delegated, for geographical indications and traditional specialities guaranteed originating in their territory, and of the names of product certification bodies by the Commission, for geographical indications and*

*traditional specialities guaranteed originating in third countries, those names shall be made public in order to allow full transparency of the control procedures. In case of a Commission Regulation or a national act granting a transitional period to a producer to allow the use of a geographical indication or a traditional speciality guaranteed, the name of that producer should be mentioned in the Regulation or national act and made public in order to let it enjoy the granted right and guarantee a level-playing field. Within this framework, for the good development of the procedures provided for in this Regulation and in accordance with Regulations (EU) 2016/679 and 2018/1725, the Commission and the Member States should be allowed to disclose to third parties or publish such personal data.*

- (6e) *Documentation related to the registration of a geographical indication and of a traditional speciality guaranteed, in digital or paper form, should be retained for a period of 10 years after cancellation in order to ensure historical information and to allow comparison with possible subsequent applications concerning the same or similar names. If personal data happen to be part of that documentation, that personal data should also be retained.*
- (7) For the purpose of applying Regulation (EU) 2018/1725 the Commission is the authority with whom the **data subject** may exercise the related rights, by sending comments, raising questions or concerns, or submitting a complaint regarding the collection and use of the personal data. It should, therefore, be clarified that the Commission is considered the controller within the meaning of Regulation (EU) 2018/1725 in relation to the processing of personal data in the procedures for which it is responsible under this Regulation, Regulation (EU) No 1308/2013, Regulation (EU) 2019/787 and the provisions adopted pursuant thereto. *When maintaining and keeping the Union register up to date, EUIPO should act as processor. It should not have any margin to affect the purpose and the essential elements of the personal data processing.*



- (8) ■ For the purpose of applying ■ **Regulation (EU) 2016/679** the competent authorities of the Member States are the authorities with whom the ■ **data subject** may exercise the related rights, by sending comments, raising questions or concerns, or submitting a complaint regarding the collection and use of the personal data. It should, therefore, be clarified that the Member States are considered controllers within the meaning of Regulation (EU) 2016/679 in relation to the processing of personal data in the procedures for which they are responsible under this Regulation, Regulation (EU) No 1308/2013, Regulation (EU) 2019/787 and the provisions adopted pursuant thereto.
- (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. ■ A unitary and ■ **exhaustive** system of geographical indications therefore needs to be provided **in the Union law**. Geographical indications are a collective right held by all eligible producers in a designated area willing to adhere to a product specification. ■

*(9a) 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 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.*

- (9b)** *A unitary and exhaustive 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. This system could strengthen and facilitate the promotion of products designated under geographical indications under Regulation (EU) No 1144/2014 of the European Parliament and of the Council<sup>8</sup>.*
- (9c)** *Geographical indications, being a type of intellectual property right, help operators and companies valorise their intangible assets. To avoid creating unfair conditions of competition and to sustain the internal market, any producer, including a third country producer, should be able to use a registered name and market products designated as geographical indications throughout the Union and in electronic commerce, provided that the product concerned complies with the requirements of the relevant specification and that the producer is covered by a system of controls. In light of the experience gained from the implementation of Regulations (EU) No 1308/2013, (EU) 2019/787 and (EU) No 1151/2012 of the European Parliament and of the Council<sup>9</sup>, there is a need to address certain legal issues, to clarify and simplify some rules and to streamline the procedures.*

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<sup>8</sup> *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).*

<sup>9</sup> *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).*

- (10) **For the purpose of regulating the geographical indications for agricultural products and foodstuffs, it is appropriate to define the agricultural products and foodstuffs concerned in such a way as to take into account the international regulatory framework, namely the WTO Agreement on Agriculture while respecting the scope of the agricultural products as listed in Annex I to TFEU. Therefore, reference to the combined nomenclature established by Regulation (EEC) No 2658/87 should be made. Thus, the agricultural products and foodstuffs should include the products falling into the Chapters 1 to 23 of the combined nomenclature, including the products listed in Annex I to this Regulation.**
- (10a) *The Union's quality policy should contribute to enabling the transition to a sustainable food system and should 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 sustainable practices that go beyond mandatory standards encompassing environmental, social and economic objectives. Such practices could be set out in the product specification or in a separate initiative. The sustainability practices included in the product specification should relate to at least one of the three main types of sustainability: economic, social and environmental.*

- (10b)** *Sustainability practices should contribute to one or more environmental, social or economic objectives. Such environmental objectives should include climate change mitigation and adaptation, the conservation and sustainable use of soils, landscapes, water 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 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 . 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.*
- (10c)** *In order to give visibility to the efforts of the producers of products designated by geographical indications in sustainability aspects, recognized producer groups or producer groups may prepare sustainability reports in which they communicate the sustainable practices applied in the production of the product. These reports should be made public by the Commission.*

- (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 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. ***Deadlines for lodging a reasoned statement of opposition should be set with a view to guaranteeing the full exercise of the right of opposition without delaying the registration process. It should be possible for the opponent to add further details to the grounds set out in the reasoned statement of opposition in the course of the consultations with the applicant.*** 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.

- (11a) *In order to allow Member States, third countries and natural or legal persons established or resident in a third country to bring to the attention of the Commission any error or additional information in relation to an application for registration, the possibility of submitting a notice of comments should be provided for.* ■
- (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 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.
- (14) To allow operators, whose interests are affected by the registration of a name, to continue to use that name for a limited period of time, while contravening the protection regime established in ■ *this Regulation*, specific derogations for the use of the names in the form of transitional periods should be granted. Such periods can also be allowed to overcome temporary difficulties and with the long-term objective of ensuring that all producers comply with the product specification.

- (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 ***on all types of geographical indications entered into the register pursuant to their registration in the Member State or by third country application***. The register should be an electronic database stored within an information system, and should be accessible to the public. ***EUIPO, drawing on its experience in managing other intellectual property rights registers, should maintain and keep the Union register up-to-date with respect to registrations, amendments and cancellations of geographical indications.***
- (16) The Union negotiates international agreements, including those **■ enhancing** 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.
- (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.



- (18) Protection should be granted to names entered in the Union register of geographical indications with the aim of ensuring that they are used fairly and in order to prevent practices liable to mislead consumers. ■ To strengthen the protection of geographical indications and to combat ■ *infringements* more effectively, the protection of designations of origin and geographical indications should ■ apply to *all* domain names ■ *that are accessible in the Union, irrespective of the place of establishment of the relevant registries.*
- (19) To establish whether products are comparable to the products registered as a geographical indication, account should be taken of all relevant factors. Those should include whether the products have common objective characteristics, such as method of production, physical appearance or use of the same raw material; under which circumstances the products are utilised from the point of view of the relevant public; whether they are frequently distributed through the same channels; and whether they are subject to similar marketing rules.
- (19a) *Building on the established case law of the Court of Justice of the European Union, evocation of a geographical indication may arise, in particular, where a link with the product covered by the registered geographical indication, including with reference to a term, sign, or other labelling or packaging device, is present in the mind of the average European consumer who is reasonably well informed, observant and circumspect;*

- (20) In light of commercial practices and Union jurisprudence clarity is required on the use of a geographical indication in the sale name of a processed product of which the product designated by the geographical indication is an ingredient. It should be ensured that such use is made in accordance with fair commercial practices and does not weaken, dilute or is not detrimental to the reputation of the product bearing the geographical indication. ***To this end conditions for the qualities attributed by the geographical indication as ingredient to the processed food should be added. Moreover, the producers of prepacked food should notify the recognised producer group, where such group exists, before starting to use the geographical indication in the name of the pre-packed food. Such approach is in line with the objectives of strengthening the protection of the geographical indications and enhancing the role of the recognised producer group. Having in mind the attainment of those objectives, Member States should be able to maintain or introduce additional national procedural rules applicable to internal situations (where the producer of prepacked food and recognized producer group are established on the territory of that Member State) in line with the Treaties and the case law, without hampering the free movement of goods and the freedom of establishment. Furthermore, respecting the principle of contractual freedom, the recognised producer group and the producer of prepacked food may conclude an agreement between them about specific technical and visual elements of the presentation of the geographical indication of the ingredient in the name of the prepacked food.***
- (21) Rules concerning the continued use of generic **terms** should be clarified so that generic terms that are similar to or form part of a name or term that is protected should retain their generic status.

- (22) The scope of the protection granted under this Regulation should be clarified, in particular with regard to those limitations on registration of new trade marks set out in Directive (EU) 2015/2436 of the European Parliament and of the Council<sup>9</sup> **and in Regulation 2017/1001 on the EU trade mark** that conflict with the registration of geographical indications. Such clarification is also necessary with regard to the holders of prior intellectual property rights, in particular those concerning trade marks and homonymous names registered as geographical indications.
- (22a) ***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.***
- (22b) ***Geographical indications can also be registered as trademarks in cases where this does not contravene this Regulation. To this end, nothing in this Regulation prejudices national rules as regards the accounting valuation of those trademarks and their inclusion in the annual balance sheet of producers and producer groups.***
- (23) Producer groups play an essential role in the application process for the registration of geographical indications **■ and in the management of their geographical indications. Producer groups may be assisted in the ■ preparation of their application by interested parties such as regional and local authorities. Producer groups** 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.

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<sup>9</sup> OJ L 336, 23.12.2015, p.1.

(24) As producers of products bearing geographical indications are mostly small or medium size enterprises, they face competition from other operators along the food supply chain which can create unfair competition between local producers and those operating on a more extended scale. In this context, in the interest of all the producers concerned, it is necessary to allow one single producer group to perform specific actions in the name of the producers. **■ For that purpose, the category of the recognised producer group should be established ■ . In addition to the general rules on producer groups, which should apply accordingly also to recognised producer groups, it is necessary to define the criteria to qualify as a recognised producer group and the related specific additional rights, in particular in order to provide recognised producer groups with the right tools to better enforce their intellectual property rights against unfair and devaluating practices. In this connection the recognised producer groups should be able to represent all producers of the geographical indications concerned and to act on their behalf, as well as to exercise certain specific tasks listed in this Regulation, including because their effect or the scale concerns all such producers. To this end the division between national, regional and local levels is understood in line with the Member States' constitutional structure and national law. The provisions on recognised producer groups are inspired by the longstanding systems set up in several Member States. Those existing systems show that the recognised producer group is a valuable instrument enhancing the collective management and protection of geographical indications, which should be maintained. This Regulation should give the necessary regulatory tools to Member States wishing to establish such systems at any time.**

(24a) *A single producer group should be recognised, upon agreement of the Member States concerned, also in case of geographical indications whose geographical area extends to more than one Member State. Following the Protocol on Ireland and Northern Ireland to the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, the same should apply where the territory of Northern Ireland is concerned.*

- (25) *Enforcement of the protection of geographical indications in the market*, 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.
- █ *Alternative dispute resolution systems of country-code top level domain name registries throughout the Union* should █ *acknowledge geographical indications as a right to be invoked during such disputes.* █
- (27) In order to avoid creating unfair conditions of competition, any █ *operator*, including a third-country █ *operator*, should be able to use a registered geographical indication, provided that the product concerned complies with the requirements of the relevant product specification █ . The system set up by the Member States should also guarantee that █ *operators* complying with the rules are entitled to be covered by the verification of compliance of the product specification.
- (28) The symbols, indications and abbreviations identifying a registered geographical indication, and the rights therein pertaining to the Union, should be protected in the Union as well as in third countries with the aim of ensuring that they are used on genuine products and that consumers are not misled as to the qualities of products.
- (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 Council<sup>10</sup>, and in particular the provisions aimed at preventing labelling that may confuse or mislead consumers.

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<sup>10</sup> *OJ L 304, 22.11.2011, p. 18.*

- (30) The use of Union symbols ■ on the packaging (*labelling and advertising material*) of products designated by a geographical indication *in the agriculture sector* 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. ■ In view of ■ *their* specific nature ■, special provisions concerning labelling should be maintained for ■ spirit drinks. The use of ■ *Union* symbols or indications should remain voluntary for third country geographical indications and designations of origin *for agriculture and spirit drink products. Labelling rules concerning protected designations of origin and protected geographical indications in the wine sector should be maintained in Regulation (EU) No 1308/2013 while clarifying that the abbreviations ‘PDO’ and ‘PGI’ can also be added on the label.*
- (30a) *In order to give visibility to the producers of the geographical indications, it should be mandatory to indicate on the label the name of the producer or, in the case of agricultural products, the name of the operator.*
- (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 audit the Member States based on a risk analysis.* 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 Council<sup>11</sup>, 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 ■ *laid down in Regulation (EU) 1308/2013*, this Regulation should lay down controls for spirit drinks and agricultural products only. ■

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<sup>11</sup> *OJ L 95, 7.4.2017, p. 1.*

- (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 **■ certain official** control tasks to **delegated and** product certification bodies **and natural persons** should be envisaged to facilitate the task of the control authorities and make the system more effective. **Information on the competent authorities, delegated and product certification bodies and natural persons should be made public to ensure transparency and allow interested parties to contact them. ■**
- (34) European standards developed by the European Committee for Standardisation and international standards developed by the International Organisation for Standardisation should be used for the accreditation of the **■ delegated and product certification** bodies as well as by those bodies for their operations. The accreditation of those bodies should take place in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council<sup>10</sup>.
- (35) Enforcement of geographical indications in the **market ■**, **in accordance with Regulation (EU) 2017/625**, is important to prevent fraudulent and deceptive practices **and to allow 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 **on the market** should be carried out based on risk assessment or notifications from operators **or competent authorities to ensure compliance with the product specification or single document or an equivalent to the latter, such as the summary of the product specification**, 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 **fail to respect, or** contravene, the protected geographical indications.

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<sup>10</sup> OJ L 218, 13.8.2008, p. 30.

- (35a) *Furthermore, the enforcement of the protection of the geographical indications against domains names that contravene that protection deserves particular attention having in mind the increased use of online intermediary services. A violation of the protection of a geographical indication by a registered domain name that is established in accordance with the provision of this regulation makes it necessary to equip the competent national authorities with the tools to react properly. Therefore when exercising their official control tasks those authorities should be able to take appropriate steps with a view to removing or disabling an access to domain names registered in breach of the protection of geographical indications taking into account the principle of proportionality and the rights and interests of the affected parties as well as other relevant existing EU legislation such as the Digital Service Act.*
- (36) *Intermediary services, in particular online platforms, have become increasingly used for sales of products, including of those designated as geographical indications, and in some cases they might represent an important space as regards preventing fraud. ■ Information related to the advertising, promotion and sale of goods that contravenes the protection of geographical indications should be considered illegal content. In this regard, this Regulation provides for identification of illegal content under ■ Regulation (EU) 2022/2065 of the European Parliament and of the Council and possible measures to be taken by national authorities.*
- (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.



- (38) For the optimal functioning of the internal market, it is important that producers quickly and easily demonstrate in several contexts that they are authorised to use a protected name, such as at customs controls, market inspections or on demand by trade operators. For this purpose, an **attestation of compliance with the product specification** should be **made available to the operator**.
- (41) In the light of existing practice, the two different instruments for identifying the link between the product and its geographical origin, namely the designation of origin and the geographical indication, should be maintained. Rules for and definitions of plant varieties and animal breeds should be clarified to better understand their articulation with geographical indications in case of conflict. Rules on sourcing of feed and of raw materials should remain unchanged.
- (41a) For protected designations of origin the link between the geographical environment and the specific quality or characteristics of the product essentially or exclusively due to that environment is generally composed of several elements. Temporary amendments suspending for a limited period of time the obligation to maintain the minimum threshold of 50% of feed sourced from inside the geographical area should be adopted only where they do not affect the link in the entirety of its elements because this would void it and would allow the marketing, under the protected name, of products that are totally deprived of the specific quality or characteristics linked to the geographical area.*
- (42) A product bearing a geographical indication should meet certain conditions set out in the product specification. For such information to be easily understandable also to interested parties, the product specification should be summarised in a single document.

- (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.
- (44a) In the absence of any international obligation to recognise traditional specialities guaranteed schemes possibly existing in third countries and since this Regulation applies only in the Union, the traditional practices concerning the mode of production, processing or composition and the traditional uses of raw materials or ingredients of a product designated by a name eligible for registration as a traditional speciality guaranteed should be understood as referring to such practices or uses within the Union, including for applications originating in third countries.***
- (45) As only a few names have been registered, the current scheme for traditional specialities guaranteed has failed to realise its potential. Current provisions should therefore be improved, clarified and sharpened in order to make the scheme more understandable, operational and attractive to potential applicants. To ensure that names of genuine traditional products are registered, the criteria and conditions for registration of a name should be adapted, in particular by removing the condition that traditional specialities guaranteed have a specific character.
- (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.

- (47) To ensure transparency, the traditional specialities guaranteed should be entered in the register.
- (48) In order to avoid creating unfair conditions of competition, any **operator**, including **an operator** 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.
- (49) Traditional specialities guaranteed should be effectively protected on the market so that their producers are properly rewarded for their added value and that illegal users of traditional specialities guaranteed are prevented from selling their products.
- (50) In order not to mislead the consumers, registered traditional specialities guaranteed should be protected 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.
- (51) Participation in the traditional speciality guaranteed scheme should ensure that any operator complying with the rules of this scheme is entitled to be covered by the verification of compliance with the product specification.

- (52) The procedures for the registration, amendments to the product specification and the cancellation of the registration in respect of traditional specialities guaranteed 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 Union application to the Commission. The Commission should be responsible for scrutinising the application, including running a worldwide opposition procedure, and taking a decision on granting the traditional specialities guaranteed protection or not. The protection afforded by this Regulation upon registration should be equally available to traditional specialities guaranteed of third countries that meet the corresponding criteria and that are protected in their country of origin. The Commission should also carry out the corresponding procedures for traditional specialities guaranteed originating in third countries.
- (53) The optional quality terms scheme was introduced by Regulation (EU) No 1151/2012. It refers to specific horizontal characteristics, of one or more categories of products, farming methods or processing attributes which apply in specific areas. The optional quality term ‘mountain product’ has met the conditions laid down for optional quality terms and was established by that Regulation. It has provided mountain producers with an effective tool to better market their product and to reduce the actual risks of consumer confusion as to the mountain provenance of products on the market. The possibility for producers to use optional quality terms should be maintained, as the scheme has not yet fully met its potential in the Member States due to a short time of its application. ■

- (55) Provisions concerning geographical indications in Regulations (EU) No 1308/2013, concerning the wine sector, and (EU) 2019/787, concerning the spirit drinks sector, need to be amended in order to align them to the common rules on registration, amendment, opposition, cancellation, ■ protection **and enforcement** of the geographical indications set out in this Regulation, **and, for spirit drinks on controls**. In particular for wine, additional changes are needed to the definition of protected geographical indications **to bring it** in line with the ■ **WTO Agreement on Trade-Related Aspects of Intellectual Property ■ Rights (TRIPS)**, **which does not define as an exceptional case a geographical indication with a geographical area corresponding to the whole territory of a country. While it is no longer necessary to justify as exceptional case a protected geographical indication in the wine sector covering the whole area of a country, such a designation merits, however, careful scrutiny in the light of the conditions of registration, in particular as regards very large areas.**
- (55a) ***The alignment with the TRIPS definition of geographical indication should not lead to the registration of imaginative or fictitious names in the wine sector. A name should be considered eligible for registration where, although not including any geographical term, it reveals implicitly the place, region or country the product originates from.***
- (55b) ***Regulation (EU) 2019/1753, concerning the implementation of the Geneva Act in the European Union, needs to be amended in order to enhance the role of the recognised producer group in the registration procedure of geographical indications of the Union in the international register of the Geneva Act. Regulation (EU) 2019/1753 should also be adapted to allow the registration under the Geneva Act of the appellations of origin of the 7 Member States which are parties to the Lisbon Agreement related to products which were not in the scope of Regulation (EU) No 1151/2012 but which fall within the scope of this Regulation.***

(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 **providing detailed procedures and deadlines** for the **opposition procedure** ; **setting out provisions on Union amendments to product specifications of geographical indications for which no single document was published, on admissibility of applications for Union amendments, on the relationship between Union and standard amendments, and on standard amendments**; laying down additional rules on the use of geographical indications **in the name of processed products with reference to the use of comparable ingredients and the criteria of conferring essential characteristics on the processed products**; **entrusting EUIPO to establish and manage a domain name information and alert system**; 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; **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 **on the use of traditional specialities guaranteed in the name of processed products with reference to the use of comparable ingredients and the criteria of conferring essential characteristics on the processed products**; laying down detailed rules relating to the criteria for optional quality terms; reserving an additional optional quality term, laying down its conditions of use; laying down derogations to the use of the term ‘mountain product’ and establishing the methods of production, and other criteria relevant for the application of that optional quality term, in particular, laying down the conditions under which raw materials or feedstuffs are permitted to come from outside the mountain areas. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>11</sup>. In particular, to ensure equal participation in the

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<sup>11</sup> OJ L 123, 12.5.2016, p. 1.

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.

**(56a) *To implement the rules related to geographical indications, traditional specialities guaranteed and optional quality terms, laid down in this Regulation, the Commission should be assisted by a committee, composed of the delegates of the Member States.***

(57) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards defining the technical presentation of, and online access to, the classification of the products designated by geographical indications according to the combined nomenclature; defining the format and online presentation of the accompanying documentation and providing for the exclusion or anonymisation of personal data; laying down detailed rules on procedures, the form and presentation of Union applications for registration, including for applications concerning more than one national territory; defining the format and presentation of oppositions and providing for the exclusion or anonymisation of personal data; ***defining the format and presentation of notices of comments***; granting a transitional period to allow the use of a registered name alongside other names that would otherwise contravene with a registered name and extending such transitional period; rejecting the application; deciding on the registration of a geographical indication if an agreement has not been reached; registering of geographical indications pertaining to products of third countries that are protected in the Union under an international agreement, to which the Union is a contracting party; defining the content and presentation of the Union register of geographical indications; defining the format and online presentation of extracts from the Union register of geographical indications, and providing for the exclusion or anonymisation of personal data; laying down detailed rules on procedures, form and presentation of applications for a Union amendment and on procedures, the form and communication to the Commission of a standard amendment; cancelling the registration of a geographical indication; laying down detailed rules on procedures and form of the cancellation of a registration and on the presentation of the cancellation requests; **removing from the Union register any geographical indications registered in breach of the provisions on homonymous names**; defining the technical characteristics of the Union symbols and indications as well as **technical** rules of their use on products marketed

under a registered geographical indication, including **linguistic versions; defining the communication to be made by the third countries to the Commission; the arrangements for monitoring and verifying the activity covered by the product specification**; detailing the nature and the type of the information to be exchanged and the methods for exchanging information under mutual assistance for the purpose of controls and enforcement; laying down **detailed rules on the form and content of the attestation of compliance and listing, the forms in which they are made available to the operators and the circumstances under which they have to be made available by the operators or importers for control or in the course of business, including in case of products originating in third countries; laying down** rules on the form of the product specification of geographical indications of agricultural products; defining the format and online presentation of the single document of geographical indications of agricultural products and providing for the exclusion or anonymisation of **personal data**; for traditional specialities guaranteed: laying down rules on the form of the product specification; laying down detailed rules on the form and content of the Union register of traditional specialities guaranteed; **defining the technical characteristics of the Union symbols well as the technical rules on their use and the use of the indication, and the abbreviation on products marketed under a traditional speciality guaranteed, including linguistic versions**; laying down procedural and formal requirements for the protection of traditional specialities guaranteed; laying down detailed rules on procedures, the form and presentation of applications for registration, including for applications concerning more than one national territory, of oppositions and of applications for amendments of a product specification and **requests for cancellation of a registration and providing for the exclusion or anonymisation of personal data**; transitional periods for use of traditional specialities guaranteed; rejecting an application for registration; deciding on the registration of a traditional speciality guaranteed if an agreement has not been reached; cancelling the registration of a traditional speciality guaranteed; **the communication to be made by the third countries to the Commission as regards the competent authorities and the product certification bodies responsible for controls; the nature and the type of the information to be exchanged among Member States and the methods for exchanging that information for the purpose of controls and enforcement; detailed rules on the form and content of the attestation of compliance and listing, the forms in which they are made available to the operators and the circumstances under which they have to be made available by the operators or importers for control or in the course of business, including in case of products originating in third**



*countries* for optional quality terms and schemes: laying down technical details necessary for the notification of the optional quality terms and schemes; laying down rules related to forms, procedures or other technical details; laying down rules for the use of optional quality terms; *for designations of origin and geographical indications in the wine sector, in Regulation (EU) No 1308/2013, the form of the product specification, the definition of the format and the online presentation of the single document and the exclusion or anonymisation of personal data; the communication to be made by the Member States to the Commission, the rules governing the authority responsible for verifying compliance with product specifications of protected designations of origin and protected geographical indications, including where the geographical area is in a third country and the checks and verification of compliance with the product specification to be carried out by the Member States, including testing; for traditional terms in the wine sector, in Regulation (EU) No 1308/2013, the communication to be made by the Member States to the Commission, the rules governing the authority responsible for verifying compliance with the definition provided for the traditional terms and, where relevant, the conditions of use of the traditional term, the actions to be implemented by the Member States to prevent the unlawful use of protected traditional terms and the checks and verification to be carried out by the Member States; the declaration of invalidity and removal from the register of protected traditional terms of any traditional terms registered in breach of Article 27 of Regulation [AGRI GI Regulation]; for spirit drinks, in Regulation (EU) 2019/787, the form of the product specification, the definition of the format and the online presentation of the single document and the exclusion or anonymisation of personal data. for the application of the Geneva Act in the EU, in Regulation (EU) 2019/1753, the authorisation for a Member State Member of the Lisbon Agreement willing to register its Appellations of Origin under the Geneva Act to provide for the necessary modifications and to notify the International Bureau.* Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>12</sup>.

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<sup>12</sup> OJ L 55, 28.2.2011, p. 13.

- (58) The Commission should be empowered to adopt implementing acts without applying Regulation (EU) No 182/2011 in respect of: registering a name if there is no admissible opposition or in case of an admissible opposition, where the agreement has been reached for geographical indications and traditional specialities guaranteed and if necessary amending the information published, provided that these amendments are not substantial; establishing and maintaining a publicly accessible electronic register of geographical indications and electronic register of traditional specialities guaranteed; granting a transitional period for use of geographical indications following an opposition lodged in the national procedure; ■ defining the means by which the name and address of competent authorities, *delegated* ■ bodies are to be made public for traditional specialities guaranteed.
- (59) Regulations (EU) No 1308/2013, (EU) ■ **2019/787 and (EU) 2019/1753** should therefore be amended accordingly and Regulation (EU) No 1151/2012 should be repealed.
- (60) The protected designations of origin, protected geographical indications and traditional specialities guaranteed already registered under Regulation (EU) No 1151/2012, the protected designations of origin and protected geographical indications already registered under Regulation (EU) No 1308/2013 and the geographical indications already registered under Regulation (EU) 2019/787 should continue to be protected under this Regulation, and they should be automatically included in the respective register.

- (60a)** *An appropriate mechanism should be provided for to ensure that the national protection of geographical indications that were not covered by the scope of Regulation (EU) No 1151/2012 but which fall in the scope of this Regulation may smoothly cease. On the other hand, the registration of those geographical indications under this Regulation should be facilitated by exempting them from the national stage of the registration procedure. It is also necessary to ensure that in case such geographical indications are registered under the Lisbon agreement they may be registered under the Geneva Act without losing their priority rights.*
- (61) Provisions should be made for appropriate arrangements to facilitate a smooth transition from the rules provided for in Regulations (EU) No 1151/2012, (EU) No 1308/2013 and (EU) 2019/787 to the rules laid down in this Regulation.
- (61a)** *It is appropriate to lay down provisions to ensure the smooth transition from the regime established by Regulation 1151/2012 to the regime established by this Regulation, including as regards delegated and implementing acts. Those provisions are aimed to ensure legal certainty so that the Member States' authorities, the producers and the producers groups, and other persons or entities concerned are able to ascertain unequivocally what their rights and obligations are and take steps accordingly.*
- (61b)** *Since the objectives of this Regulation, namely the creation of a uniform protection of geographical indications for wine, spirits, agricultural products and foodstuffs, as well as the establishment of a system of protection for traditional specialities guaranteed and optional quality terms, cannot be sufficiently achieved by the Member States, but can rather, by reason of the scale and effects of this Regulation, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.*

(61c) *The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on 18 July 2022.*

HAVE ADOPTED THIS REGULATION:

## **Title I**

### **General provisions**

#### *Article 1*

#### **Subject matter**

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

- (a) *protected designations of origin and protected geographical indications for wine, protected designations of origin and protected geographical indications for agricultural products, including foodstuffs, as defined in Article 5(1)(c), and geographical indications for spirit drinks;*
- (aa) *traditional specialities guaranteed (as set out in Chapter 1 of Title 3) and optional quality terms (as set out in Chapter 2 of Title 3) for agricultural products, including foodstuffs, as defined in Article 53a.*

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

## Article 2

### Definitions

1. For the purposes of this Regulation the following definitions shall apply:
  - (ba) *'wine'* means the products covered by the scope laid down in Article 92(1) of Regulation (EU) No 1308/2013;
  - (bb) *'spirit drinks'*, as defined in Article 2 of Regulation (EU) No 2019/787;
  - (c) *'labelling'* means, in respect of all products falling within the scope of this Regulation, a labelling as defined in Article 2(2), point (j), of Regulation (EU) No 1169/2011;
  - (d) 'production step' means any stage of production *including raw material*, processing, preparation or ageing, up to the point where the product is *ready* to be placed on the market;
  - (da) *'operator'* means a natural or legal person who performs activities subject to one or more obligations provided for in the product specification;
  - (e) 'processed products', as defined in Article 2(o) of Regulation 852/2004;
  - (f) *'delegated bodies'*, as defined in Article 3(5) of Regulation (EU) 2017/625, which certify *compliance with the product specification for* products designated by geographical indications or traditional specialities guaranteed ;
  - (g) 'generic term' means *the name of products which, although relating to the place, region or country where a product was originally produced or placed on the market, has become the common name of a product in the Union;*

- (h) 'plant variety denomination' means a designation of a given variety, that is in common use or officially **accepted in a national or Union catalogue** pursuant to Council Directives 2002/53/EC<sup>7</sup>, 2002/55/EC<sup>8</sup>, 2008/90/EC<sup>9</sup> or Council Regulation (EU) No 2100/94<sup>10</sup>, in the language or languages **in which** they are used or listed at the date of application for the registration of the geographical indication concerned;
- (i) 'animal breed denomination' means the names of breeds **covered by** Regulation (EU) 2016/1012 of the European Parliament and of the Council<sup>11</sup> that are listed in breeding books or breeding registers. **For species not covered by that Regulation, it means names of breeds which are listed in breeding books or breeding registers under national legislation. Such names shall be** in the language or languages **in which** they are listed at the date of application for the registration of the geographical indication concerned;
- (ia) **'combined nomenclature' means the goods nomenclature established by Article 1 of Regulation (EEC) No 2658/87;**

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<sup>7</sup> Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species (OJ L 193, 20.7.2002, p. 1).

<sup>8</sup> Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed (OJ L 193, 20.7.2002, p. 33).

<sup>9</sup> Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production (OJ L 267, 8.10.2008, p. 8).

<sup>10</sup> Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights (OJ L 227, 1.9.1994, p. 1)

<sup>11</sup> Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof and amending Regulation (EU) No 652/2014, Council Directives 89/608/EEC and 90/425/EEC and repealing certain acts in the area of animal breeding ('Animal Breeding Regulation') (OJ L 171, 29.6.2016, p. 66).

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

- (a) ‘product specification’ means the document referred to in:*
  - (i) Article 94 of Regulation (EU) No 1308/2013 for wine;*
  - (ii) Article 22 of Regulation (EU) 2019/787 for spirit drinks;*
  - (iii) Article 51 of this Regulation for agricultural products;*
- (b) ‘single document’ means a document summarising the product specification and referred to in:*
  - (i) Article 95 of Regulation (EU) No 1308/2013 for wine;*
  - (ii) Article 23 of Regulation (EU) 2019/787 for spirit drinks;*
  - (iii) Article 52 of this Regulation for agricultural products.*

2. *For the purpose of Title III Chapter 1, ‘traditional’ 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.*

### *Article 3*

#### **Data protection**

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

2. The Commission shall be a controller within the meaning of Regulation (EU) 2018/1725 in relation to the processing of personal data in the procedure it is competent for in accordance with Regulation (EU) 2019/787, Regulation (EU) **1308/2013** and this Regulation.
  3. The competent authorities of the Member States shall be controllers within the meaning of Regulation (EU) 2016/679 in relation to the processing of personal data in the procedures they are competent for in accordance with Regulation (EU) 2019/787, Regulation (EU) **1308/2013** and this Regulation.
- 3a. *EUIPO shall be deemed to be ‘processor’ within the meaning of Regulation (EU) 2018/1725 in relation to the processing of personal data linked to the Union register.*

## Title II

### Geographical indications

#### Chapter 1

#### General provisions

##### *Article 4*

##### **Objectives**

1. This Title provides for a unitary and **exhaustive** system of geographical indications, protecting the names of wine, spirit drinks and agricultural products having characteristics, attributes or reputation linked to their place of production, thereby **:**
  - (a) **ensuring that** producers acting collectively have the necessary powers and responsibilities to manage **the** geographical indication **concerned**, including to respond to societal demands, **such as for animal health and welfare**, for products resulting from sustainable production in its three dimensions of economic, environmental and social value, and to operate **and be competitive** in the market;



- (b) *contributing to fair competition and generating added value with the aim of sharing that added value across the marketing chain, in order to ensure a fair return for producers and a capacity to invest in the quality, reputation and sustainability of their products, as well as contributing to the achievement of rural development policy objectives by providing support to agricultural and processing activities, preserving know-how and promoting specific quality products due to the geographical area where they are produced;*
- (c) *ensuring that consumers receive reliable information and necessary guarantee of the origin, authenticity, quality, reputation and other characteristics linked to the geographical origin or the geographical environment of such products and can readily identify them in the marketplace including in electronic commerce;*
- (d) *ensuring the efficient and user-friendly registration of geographical indications taking into account the appropriate protection of intellectual property rights; and*
- (e) *ensuring effective controls, enforcement and placing on the market throughout the Union, including in electronic commerce, thereby ensuring the integrity of the internal market;*
- (eb) *contributing to the effective protection of intellectual property rights related to such products in third country markets.*

## *Article 5*

### **Scope**

1. This Title covers :

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

*(c) agricultural products, including foodstuffs and fishery and aquaculture products, listed under Chapters 1 to 23 of the combined nomenclature set out in Annex I, Part two to Council Regulation (EEC) No 2658/87<sup>14</sup>, and the additional agricultural products under the combined nomenclature headings and codes set out in Annex I to this Regulation, except wine and spirit drinks.*

2. The registration and the protection of geographical indications **are** without prejudice to the obligation of producers to comply with other Union rules, in particular those relating to the placing of products on the market, sanitary and phytosanitary rules, the common organisation of the markets, the competition rules and the provision of food information to consumers.
3. Directive (EU) 2015/1535 of the European Parliament and of the Council<sup>15</sup> shall not apply to the system of geographical indications laid down in this Regulation.

## *Article 6*

### **Classification**

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

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<sup>14</sup> *Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).*

<sup>15</sup> Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).

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

## Article 6a

### *Sustainability*

1. *A producer group, or a recognised producer group where such a group exists, may agree on sustainable practices to be adhered to in the production, or with regard to other activities subject to one or more obligations provided for in the product specification, of the product designated by a geographical indication. Such practices shall aim to apply sustainability standards higher than those laid down by Union or national law in terms of social, environmental or economic sustainability or animal welfare.*
2. *For the purpose of paragraph 1, ‘sustainable practice’ means a practice which contributes to one or more social, environmental or economic objectives, such as:*
  - (a) *climate change mitigation and adaptation, the sustainable use and protection of landscapes, water and soil, the transition to a circular economy, including the reduction of food waste, pollution prevention and control, and the protection and restoration of biodiversity and ecosystems;*
  - (b) *the production of agricultural products in ways that reduce the use of pesticides and manage risks resulting from such use, or that reduce the danger of antimicrobial resistance in agricultural production;*
  - (c) *animal welfare;*

- (d) *a fair income for producers, diversification of activities, promotion of local agricultural production, and valorisation of the rural fabric and local development;*
  - (e) *preservation of agricultural employment by attracting and sustaining young producers and new producers of products benefiting from a protected designation of origin or a protected geographical indication;*
  - (f) *improving working and safety conditions in agricultural and processing activities.*
3. *Where the producer group or a recognised producer group decides that the sustainable practices referred to in paragraph 1 are mandatory for all producers of the product concerned, those practices shall be included in the product specification, in accordance with the registration or amendment procedure.*

## Article 6b

### Sustainability report

1. *A producer group, or a recognised producer group where such a group exists, may prepare and regularly update a sustainability report based on verifiable information, comprising a description of existing sustainable practices implemented in the production of the product, a description of how the method of obtaining the product impacts on sustainability, in terms of social, environmental, economic or animal welfare commitments, and information necessary to understand how sustainability affects the development, performance and position of the product.*
2. *The Commission shall make the sustainability report public. ■*

## Chapter 2

### Registration of geographical indications

#### Article 8

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

1. Applications for the registration of geographical indications may only be submitted by **an applicant** producer group **■**. *An applicant producer group **■** shall be an association, irrespective of its legal form, composed of producers of the same product* the name of which is proposed for registration. **■** *Public bodies and other interested parties may assist in the preparation of the application and in the related procedure.*
2. An authority designated by a Member State may be deemed to be an applicant producer group for the purposes of this Title, with respect to geographical indications of a spirit drink, if it is not feasible for the producers concerned to form a group by reason of their number, geographical location or organisational characteristics. In such case, the application referred to in Article 9(2) shall state those reasons.
3. A single producer may be deemed to be an applicant producer group for the purposes of this Title where it is shown that **■** *all* of the following conditions are fulfilled:
  - (a) the person concerned is the only producer willing to submit an application for the registration of a geographical indication; and
  - (b) the geographical area concerned is defined **■** *on the basis of the link referred to in point (f) of Article 51(1) of this Regulation, point (h) of Article 94(1) of Regulation (EU) 1308/2013 and point (f) of Article 22(1) of Regulation (EU) 2019/787 and not on the basis of property boundaries; and*

*(ba) the geographical area concerned has characteristics which differ appreciably from those of neighbouring areas or the characteristics of the product are different from those produced in neighbouring areas or, with respect to geographical indications of a spirit drink, the spirit drink has a specific quality, reputation or other characteristic which is clearly attributable to its geographical origin.*

4. In the case of a geographical indication that designates a cross-border geographical area, several **applicant** producer groups from different Member States or third countries may lodge a joint application for the registration of a geographical indication. **Such a joint application shall be addressed to all Member States concerned.**

#### *Article 9*

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

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

4. As part of the scrutiny referred to in paragraph (3), the Member State shall conduct a national opposition procedure. The national opposition procedure shall ensure publication of the application for registration *with the exception of the documents referred to in Article 14(1), points (b) and (c)*, and provide for a period of at least **1 month** from the date of publication within which any natural or legal person having a legitimate interest and established or resident on the territory of the Member State in which the product concerned originates may lodge an opposition to the application for registration with that Member State.
5. The Member State shall establish the modalities of the opposition procedure. These modalities may include criteria for the admissibility of an opposition, a period of consultation between the applicant producer group and each opponent, and submission of a report from the applicant producer group on the outcome of the consultations including any changes the applicant producer group has made to the application for registration.
6. If, after the scrutiny of the application for registration and the assessment of the results of any opposition received and any changes to the application agreed with the applicant producer group, the Member State considers that the requirements of this Regulation are met, it may take a favourable decision and **submit an application for registration at the Union stage** as referred to in Article 15.
7. The Member State shall ensure that **any natural or legal person having a legitimate interest has an opportunity to lodge an appeal**. The Member State shall also ensure that **a favourable decision and the corresponding product specification are published**, and shall provide electronic access to the product specification.

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

#### *Article 10*

### **Transitional national protection**

1. A Member State may, on a temporary basis, grant transitional protection to a name at national level, with effect from the date on which a Union application for registration is lodged with the Commission.
2. Such national protection shall cease on the date on which either the implementing act deciding on the application for registration, adopted in accordance with Article 22, enters into force or the application for registration is withdrawn.
3. Where a name is not registered under this Regulation, the consequences of the transitional national protection shall be the sole responsibility of the Member State concerned.
4. The measures taken by Member States in accordance with this Article shall produce effects at national level only, and they shall have no effect on the internal market or in international trade. ■

#### *Article 14*

### **Accompanying documentation**

1. The documentation accompanying the application for registration shall comprise:
  - (a) ***where relevant***, information ■ ***explaining*** any proposed limitations on the use or on the protection of the geographical indication, and ■ any transitional measures, proposed by the applicant producer group ■ ;



- (b) the name and contact details of the applicant producer group;
  - (c) the name and contact details of *one or more of* the competent **■ authorities, delegated or** product certification **■ bodies or natural persons** verifying compliance with the **■** product specification pursuant to
    - (i) Article 116a of Regulation (EU) No 1308/2013 as regards wine;
    - (ii) Article 39 of this Regulation as regards agricultural products and spirit drinks;
  - (d) any other information deemed appropriate by the Member State, or by the applicant producer group where applicable. **■**
3. The Commission **■ shall** adopt implementing acts defining the format and online presentation of the accompanying documentation provided for in paragraph *(1)(a), (b) and (c) in the Union stage of application*, and on the exclusion or anonymisation of **■** personal data. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article **■ 84a(2)**.

#### *Article 15*

### **■ Application for registration at Union stage**

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

- (ca) *any transitional period granted or proposed by the national authorities following the national scrutiny and opposition procedure as well as information on the related admissible oppositions; and*
- (d) the electronic publication reference **■** *to the up-to-date* product specification **■** .
2. For geographical indications concerning products originating outside the Union, the **■** application for registration *at Union stage* shall comprise:
- (a) the product specification with its publication reference **■** ;
- (b) the single document **■** ;
- (c) the accompanying documentation referred to in Article *14(1)(a), (b) and (c)*;
- (d) legal proof of protection of the geographical indication in its country of origin; and
- (e) a power of attorney where the applicant is represented by an agent.
4. The joint application for registration referred to in Article 8(4) shall include, *in addition to the single document*, as relevant, the documents listed in paragraph **■** *(1)(b), (c), (ca) and (d) or (2) (c), (d) and (e) from all Member States or third countries* concerned.
5. The documents referred to in this Article shall be drafted in one of the official languages of the Union. **■**
7. The Commission **■** *shall* adopt implementing acts laying down detailed rules on procedures, the form and presentation of Union applications for registration, including **■** applications concerning more than one national territory. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article **■** *84a(2)* .

Article 16

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

1. A Union application for the registration of a geographical indication shall be submitted to the Commission electronically, through a digital system. **Following a request from at least one Member State, the Commission shall adapt the digital system to make it suitable to be used in the national part of the procedure for registration of a geographical indication by any Member State who so wishes.**
2. Where the application for registration relates to a geographical area outside the Union, the application shall be submitted to the Commission, either directly **by an applicant, namely a producer group or a single producer**, or via the authorities **of the third country concerned.**

*A single producer of a third country shall meet the conditions set out in Article 8(3). A producer group of a third country shall be a producer group which works with a product, the name of which is proposed for registration.*

*A joint application for registration referred to in Article 8(4) shall be submitted by:*

- (a) *one of the Member States concerned, or*
  - (b) *an applicant of a third country, namely a producer group or a single producer, either directly or through the authorities of that third country.*
3. The **names for which applications** for registration **at Union stage have been submitted** shall be made public by the Commission through the digital system referred to in paragraph (1).

**Examination by the Commission and publication for opposition**

1. The Commission shall **examine applications** for registration **submitted in accordance with** Article 16(1), **(2) and (2a)**. It shall check that **the applications contain the required information** and that **they do not contain manifest errors, taking** into account the outcome of the national **scrutiny and opposition** procedure carried out by the Member State concerned.
2. **The examination shall** not exceed a period of 6 months **from the day of the reception of the application**. **The Commission may request from the applicant any necessary supplementary information or modification**. **Where** the Commission **addresses to** the applicant **such requests, the examination period shall not exceed a period of 5 months from the day the applicant's reply is received by the Commission** **.**
3. **In the event that** the Commission **does not conclude the examinations referred to in paragraph 2 within the prescribed deadlines, it shall inform** the applicant **of the reasons for the delay in writing indicating the estimated time necessary to conclude it, which shall not exceed one month**.
4. Where **the Commission considers that the conditions laid down in Articles 8, 9, 14, 15, 29, 30, 31, 35, 48, 48a, 49(1) and (2) and 52 of this Regulation, in Articles 93, 95 and 100 of Regulation** (EU) No 1308/2013, **and in Articles 3(4), 23 and 34 of Regulation** (EU) 2019/787, as appropriate, are fulfilled, it shall publish in the **Official Journal of the European Union** **the single document and the reference to the publication of the product specification**.

*Article 18*

**National challenge to an application for registration**

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

### Union opposition procedure

1. Within 3 months from the date of publication in the *Official Journal of the European Union* of the single document and the reference to the product specification pursuant to Article 17(4), the authorities of a Member State or of a third country, or a natural or legal person having a legitimate interest, established or resident in a third country, may lodge an opposition with the Commission.
2. Any natural or legal person having a legitimate interest, established or resident in a Member State other than the one from which the application for registration *at Union stage* was submitted, may lodge an opposition with the Member State, in which it is established or resident, within a time limit permitting *that Member State to examine this opposition and to decide whether to lodge it with the Commission* pursuant to paragraph (1). *Member States may specify that time limit in their national legislation.*
3. An opposition shall *state that it opposes the registration of a geographical indication.* An opposition that does not contain *this statement* shall be void.
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 *referred to in Article 17(4)* invite the *opponent and the applicant to engage in appropriate consultations for a reasonable period that shall not exceed 3 months. The Commission shall transmit to the applicant the opposition and all the documents provided by the opponent.* At any time during that period, the Commission may, at the request of the applicant, extend the deadline for the consultations *once* by a maximum of 3 months.

5. The **opponent** and the **applicant** 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, **Regulation** (EU) No 1308/2013 or **Regulation** (EU) 2019/787, as appropriate.
6. Within 1 month from the end of the consultations referred to in paragraph (4), the applicant shall notify the Commission of the result of the consultations, including all the information exchanged, whether agreement was reached with one or all of the opponents, and of any consequent changes to the application for registration. The **opponent** may also notify the Commission of its position at the end of the consultations.
7. Where, following the end of the consultations referred to in paragraph (4), the data published in accordance with Article 17(4) have been modified, the Commission shall repeat its **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 **single document and a reference to the publication of the product specification** once more in accordance with that paragraph.
8. The documents referred to in this Article shall be drafted in one of the official languages of the Union.
9. The Commission shall finalise its assessment of the **applicant** application for registration **at Union stage**, 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.
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 .

11. The Commission **shall** adopt implementing acts defining the format and presentation of oppositions and **providing** for the exclusion or anonymisation of **personal data**. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article **84a(2)**.

## **Article 19a**

### *Notice of comments*

1. *Within 3 months from the date of publication of the single document and the reference to the product specification, referred in Article 17(4), the authorities of a Member State or of a third country, or a natural or legal person established or resident in a third country, may submit to the Commission a notice of comments.*
2. *A notice of comments shall point out any error or contain additional information in relation to the application for registration, including possible infringement of Union legislation. It shall not confer any rights on the sender nor trigger an opposition procedure.*

*Where, following the submission of a notice of comments the data published in accordance with Article 17(4) have been modified in a substantial manner, the Commission shall publish the single document and a reference to the publication of the product specification once more in accordance with that paragraph.*

3. *The Commission may adopt implementing acts defining the format and presentation of notices of comments. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 84a(2).*



*Article 20*

**Grounds for opposition**

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

**Transitional period for the use of geographical indications**

1. The Commission may adopt implementing acts granting a transitional period of up to 5 years to enable, for products originating in a Member State or a third country the designation of which consists of or contains a name that contravenes Article 27(1), the continued use of that designation, under which they were marketed, provided that an admissible opposition, under Article 9(4) or Article 19, to the application for registration of the geographical indication whose protection is contravened shows that:
  - (a) the registration of the concerned geographical indication would jeopardise the existence of an entirely or partly identical name in the product designation; or
  - (b) such products have been legally marketed with that name in the product designation in the territory concerned for at least 5 years preceding the publication provided for in Article 17(4) **■** .
2. The implementing acts referred to in paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article **■ 84a(2)** except those where an admissible opposition is lodged under Article 9(4), which shall be adopted without applying that examination procedure.
3. The Commission may adopt implementing acts extending the transitional period granted under paragraph (1) up to **a total period of** 15 years, or **■ granting directly a transitional period of** up to 15 years, provided it is additionally shown that:
  - (a) the name in the designation referred to in paragraph (1) of this Article has been in legal use consistently and fairly for at least 25 years before the application for registration of the concerned geographical indication was submitted to the Commission; **and**

- (b) the purpose of using the name in the designation referred to in paragraph (1) has not, at any time, been to profit from the reputation of the name of the product that has been registered as geographical indication; and
  - (c) the consumer has not been or could not have been misled as to the true origin of the product.
4. The implementing acts referred to in paragraph 3 shall be adopted in accordance with the examination procedure referred to in Article **84a(2)** except those where an admissible opposition is lodged under Article 9(4), which shall be adopted without applying that examination procedure.
5. When using a designation referred to in paragraphs 1 and 3, the indication of the country of origin shall clearly and visibly appear on the labelling ***and, where applicable, on the product description when it is marketed online.***
6. ***Regarding applications for registration and Union amendments,*** to overcome temporary difficulties with the long-term objective of ensuring that all **operators** 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).
- 6a. In cases where the time between the application for registration at Union stage and the registration of the name concerned exceeds 5 years, the Member State may extend the transitional period by up to 5 years. The decision to extend the transitional period shall be communicated without delay to the Commission which shall publish it in the Official Journal.***

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

## Article 22

### Commission decision on the application for registration

1. Where, on the basis of the information available to the Commission from the **■ examination** carried out pursuant to Article 17, the Commission considers that any of the **■ conditions** referred therein is not fulfilled, it shall adopt implementing acts rejecting the application for registration. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article **■ 84a(2)**.
2. **■ In the absence of an** admissible opposition, the Commission shall adopt implementing acts, without applying the procedure referred to in Article **■ 84a(2)**, registering the geographical indication. The Commission may take **■ into** account the notices of comments received in accordance with Article **■ 19a**.
3. Where it receives an admissible opposition, the Commission shall, following the **■ procedure** referred to in Article **■ 19** and taking into account the results thereof,
  - (a) adopt implementing **■ acts** registering the geographical indication without applying the procedure referred to in Article **■ 84a(2)**, if an agreement has been reached, after checking that the agreement complies with Union law, and, if necessary, amend the information published pursuant to Article 17(4) provided that such amendments are not substantial; or
  - (b) adopt implementing acts deciding on the application for registration, if an agreement has not been reached. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article **■ 84a(2)**.

4. The acts registering a geographical indication shall provide for any condition applicable to the registration and for the republication for information of the single document published **■ according to Article 17(4) and amended following the opposition procedure** in case of **■ amendments other than those referred to in Articles 19(7) and 19a(2a)**.
5. Regulations **■ on** registration and decisions on rejection shall be published in the Official Journal of the European Union, L series.

### *Article 23*

#### **Union register of geographical indications**

1. The Commission shall adopt implementing acts, without applying the procedure referred to in Article **■ 84a(2)**, containing provisions on establishing and maintaining a publicly accessible **■ 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. ***The register shall be accessible to the public. Files entered into the register after the entry into force of this Regulation shall be 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 EUIPO shall maintain and keep the Union register up-to-date with respect to registrations, amendments and cancellations of geographical indications.***
2. Each geographical indication of wine and of agricultural products shall be identified in the Union register of geographical indications as a ‘protected designation of origin’ or a ‘protected geographical indication’ as the case may be, and each geographical indication of spirit drinks shall be identified as a ‘geographical indication’.

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

## Article 24

### Extracts from the Union register of geographical indications

1. Any person shall be able to *easily and free of charge* download an official extract from the Union register of geographical indications that provides proof of registration 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 of registration entered in the register after the entry into force of this Regulation shall be in a machine-readable format as defined in Article 2, point (13), of Directive (EU) 2019/1024 of the European Parliament and of the Council<sup>19</sup>. That **■** official extract may be used as an authentic certificate in legal proceedings, in a court of law, court of arbitration or similar body.*
2. Where a producer group has been recognised by the national authorities in accordance with Article 33, that group shall be identified as the **■** *representative of the 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).
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 **■** personal data. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article **■** *84a(2)*.

## Article 25

### Amendments to a product specification

1. A producer group **■** *of a product the name of which is a registered geographical indication* may apply for the approval of an amendment to the product specification. *Where a recognised producer group exists, that group is the only one entitled to apply **■**.*

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<sup>19</sup> *Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (OJ L 172, 26.6.2019, p. 56).*

2. Amendments to a product specification shall be classified into two categories:
- (a) Union amendments, requiring an opposition procedure at Union level; and
  - (b) standard amendments to be dealt with at Member State or third country level.
- 2a. An amendment shall be **considered as** a Union amendment if it entails a change of the single document **or its equivalent** and:
- (a) includes a change **■** :
    - (i) **for agricultural products in the name or in the use of the name;**
    - (ii) **for wine, in the name or in the use of the name, or, in the category of product or products designated by the geographical indication;**
    - (iii) **for spirit drinks, in the name or any part of the name or in the use of the name, or, in the category of product or products designated by the geographical indication, or 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.

***The criteria referred to in points (a), (b) and (c) shall be verified by Member States.***

4. Any other amendment to a product specification of a registered geographical indication, that is not a Union amendment in accordance with paragraph 3, shall be considered as a standard amendment.
5. A standard amendment shall be considered as a temporary amendment when it concerns a temporary change in the product specification resulting from the imposition of obligatory sanitary and phytosanitary measures by the public authorities or a temporary amendment necessary because of a natural disaster or adverse weather conditions **or significant market disturbances due to exceptional circumstances, including geopolitical events, affecting the supply of raw materials** formally recognised by the competent authorities.



6. Union amendments shall be approved by the Commission. The approval procedure shall follow, *mutatis mutandis*, the procedure laid down from Article 8 to Article 22.
7. Applications for Union amendments **■** *originating from outside the Union* shall contain proof that the requested amendment complies with the laws on the protection of geographical indications in force in that third country.
8. If an application for a Union amendment to the product specification of a registered geographical indication also includes standard amendments or temporary amendments, the Commission shall **■** *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 **■** *specification*.
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.
10. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by provisions **■** *on Union amendments to product specifications of geographical indications for which no single document was published, on admissibility of applications for Union amendments, on the relationship between Union and standard amendments, and on standard amendments including their publication* **■** .
11. The Commission **■** *shall* adopt implementing acts laying down detailed rules on procedures, the form and presentation of an application for a Union amendment and on procedures, the form and communication of standard amendments to the Commission. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article **■** *84a(2)*.

### **Cancellation of the registration**

1. The Commission may, on its own initiative or on a duly substantiated request by a Member State, a third country or any natural or legal person having a legitimate interest, ***established or resident in a third country***, adopt implementing acts to cancel the registration of a geographical indication in the following cases:
  - (a) where compliance with the requirements for the product specification can no longer be ensured; or
  - (b) where no product has been placed on the market under the geographical indication for at least ***the last*** seven consecutive years.
2. The Commission may also adopt implementing acts cancelling the registration at the request of the producers of the product marketed under the registered name. ***Where a recognised producer group exists, that group is the only one entitled to lodge such a request.***
- 2a. ***The registration of the name as an intellectual property right other than a geographical indication, in particular as a trademark, shall be prohibited for one year 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.***
3. The implementing acts referred to in paragraphs 1 and 2 shall be adopted in accordance with the examination procedure referred to in Article **■ 84a(2)**.
4. **■ Articles 9, 15 to ■ 19 and 22** shall apply *mutatis mutandis* to the cancellation procedure.

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

5. Before adopting the implementing acts referred to in paragraphs 1 and 2, the Commission shall consult the authorities of the Member State, the authorities of the third country or, where possible, the third country producer which had originally applied for the registration of the geographical indication concerned, unless the cancellation is directly requested by those original applicants. ***The consultation period shall be at least one month.***
7. The Commission **shall** adopt implementing acts laying down detailed rules on procedures **as well as** the ***form and*** presentation of the requests **for the cancellation of a registration**. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article **84a(2)**.

## Chapter 3

### Protection of geographical indications

#### *Article 27*

#### Protection of geographical indications

1. Geographical indications entered in the Union register of geographical indications shall be protected against:
- (a) any direct or indirect commercial use of the geographical indication in respect of products not covered by the registration, where those products are comparable to the products registered under that name or where use of **that geographical indication for any product or any service** exploits, weakens, dilutes, or is detrimental to the reputation of, the protected name, **including when those products are used as an ingredient**;

- (b) any misuse, imitation or evocation, even if the true origin of the products or services is indicated or if the protected name is translated, *transcribed or transliterated* or accompanied by an expression such as ‘style’, ‘type’, ‘method’, ‘as produced in’, ‘imitation’, ‘flavour’, ‘like’ or similar, *including when those products are used as an ingredient*;
- (c) any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product that is used on the inner or outer packaging, *on* advertising material, *in* documents or information provided on **online interfaces** relating to the product concerned, and the packing of the product in a container liable to convey a false impression as to its origin;
- (d) any other practice liable to mislead the consumer as to the true origin of the product.

**■**

3. Paragraph (1) shall **■** apply to **■ all domain ■ names that are accessible in the Union.**

**3a. National rules on names used for agricultural products, wines and spirit drinks shall not give rise to confusion with registered geographical indications.**

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

- (a) goods entering the customs territory of the Union without being released for free circulation within that territory; and
- (b) goods sold by means of distance selling, such as electronic commerce; *and*

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

5. The **■ entities listed in Article 3(1)(d) of Regulation 608/2013 shall be** entitled to **■ submit an application to the custom authorities** to prevent all third parties from bringing goods, in the course of trade, into the Union without being released for free circulation there, where such goods, including packaging, come from third countries and are in breach of paragraph (1).

6. Geographical indications **registered** under this Regulation shall not become generic in the Union.
7. Where a geographical indication is a compound name which contains a term which is considered to be generic, the use of that term shall not constitute, *as a general rule*, a conduct referred to *in paragraph (1)*, **points** (a) and (b).

*Article 28*

**Use of geographical indications designating a product used as an ingredient in the name of a processed product**

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 ingredient designated by the geographical indication;*
  - (b) *the ingredient designated by the geographical indication is used in sufficient quantities to confer an essential characteristic on the processed product concerned; and*
  - (c) *the percentage of the ingredient designated by the 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 in writing, to the recognised producer group where such a group exists for that geographical indication. They shall include in the notification the information that demonstrates that the conditions referred to in paragraph 2 are complied with and act accordingly. The recognised producer group shall acknowledge in writing, the receipt of this notification within four months. The producer of prepacked food shall start using the geographical indication in the name of the prepacked food after the reception of the acknowledgment or after the expiry of this time period. The recognised producer group may join to the acknowledgement non-binding information on the use of the geographical indication concerned. Member States may provide, in line with the Treaties, for additional procedural rules concerning the producers of prepacked food established on their territory.*
- 2b. *Without prejudice to paragraph 2 of this article, the recognised producer group and the producer of prepacked food may conclude a contractual agreement about the specific technical and visual elements of the presentation of the geographical indication of the ingredient in the name of the prepacked food in labelling, elsewhere than in the list of ingredients, or in advertising material.*
- 2c. *This 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 **comparable products as ingredients and the criteria of conferring essential characteristics on the** processed products referred to **paragraph 2** .

*Article 29*

**Generic terms**

1. Generic terms shall not be registered as geographical indications.
2. To establish whether or not a term has become generic, account shall be taken of all relevant factors, in particular:
  - (a) the existing situation in the areas of consumption;
  - (b) the relevant national or Union legal acts. ■

*Article 30*

**Homonymous geographical indications**

1. A geographical indication that has been applied for after a wholly or partly homonymous geographical indication had been applied for or protected in the Union, shall not be registered unless there is sufficient distinction in practice between the conditions of local and ■ ***long-established*** usage and the presentation of the two homonymous indications, taking into account the need to ensure equitable treatment of the producers concerned and that consumers are not misled as to the true identity or geographical origin of the products.
2. A wholly or partly homonymous ■ ***geographical indication*** which misleads the consumer into believing that products come from another territory shall not be registered even if the name for the actual territory, region or place of origin of the products in question is accurate.

3. For the purposes of this Article, a homonymous geographical indication applied for or protected in the Union refers to:
- (a) geographical indications that are entered in the Union register of geographical indications;
  - (b) geographical indications that have been applied for provided that they are subsequently entered in the Union register of geographical indications;
  - (c) appellations of origin and geographical indications protected in the Union pursuant to Regulation (EU) 2019/1753 of the European Parliament and of the Council<sup>20</sup>; and
  - (d) geographical indications, names of origin and equivalent terms protected pursuant to an international agreement between the Union and one or more third countries.
4. The Commission shall **adopt an implementing act to remove from the Union register any geographical indication** registered in breach of paragraph (1) **or** (2).
5. The implementing **act** referred to in paragraph (4) shall be adopted **in accordance with the examination** procedure referred to in Article **84a(2)**.

#### *Article 31*

#### **Trade marks**

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

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<sup>20</sup> Regulation (EU) 2019/1753 of the European Parliament and of the Council of 23 October 2019 on the action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (OJ L 271, 24.10.2019, p. 1).



## *Article 31a*

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

- 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.*
- 2. Union trade marks registered in breach of paragraph 1 shall be declared invalid by the European Union Intellectual Property Office (EUIPO) and national trade marks registered in breach of paragraph 1 shall be declared invalid by the competent national authorities.*
- 3. A trade mark the use of which contravenes Article 27, which has been applied for, registered, or established by use in good faith within the territory of the Union, if that possibility is provided for by the legislation concerned, before the date on which the application for registration of the geographical indication is submitted to the Commission, may continue to be used and renewed notwithstanding the registration of a geographical indication, provided that no grounds for invalidity or revocation of the trade mark exist under Directive (EU) 2015/2436 or Regulation (EU) 2017/1001. In such cases, the use of the geographical indication, if then registered, and that of the relevant trade mark shall be permitted.*
- 4. For the purposes of paragraphs 1 and 3, where geographical indications were registered in the Union without the submission of an application for registration at Union stage, the date of submission to the Commission of the application for registration of the geographical indication shall be the date of the first day of protection.*

5. *Without prejudice to Regulation (EU) No 1169/2011, guarantee or certification marks referred to in Article 28(4) of Directive (EU) 2015/2436 and collective marks referred to in Article 29(3) of that Directive, as well as collective marks as referred to in Chapter VIII of Regulation (EU) 2017/1001, may be used on labels, together with the geographical indication.*

## *Article 32*

### **Producer groups**

1. A producer group shall be **an association of producers** of the **same product** **or products, irrespective of its legal form. It shall meet the following criteria:**
- (a) *performing tasks under this Regulation, including at least one of those set out in paragraph 2;*
  - (b) *being voluntarily set up on the initiative of, and composed by, producers;*
  - (c) *being democratically organised, controlled and scrutinised by its members.*

*In the case of applicant producer groups, these criteria shall be met at the latest on the date of registration of the geographical indication.*

*A producer of a product designated by a geographical indication shall have the right to join a producer group. Member States may restrict the membership to certain categories of producers, taking into account the nature of the product covered by the producer group.*

- 1a. *Member States may provide for additional rules, especially regarding the organisation, statute, functioning and the nature of membership and of financial contributions.*

2. A producer group may exercise in particular the following **■** *tasks*:
- (a) develop the product specification, *apply for registration, amendment and cancellation, and develop activities, including supporting its members with their own control systems to verify and ensure compliance* **■** with the **■** *product specification concerned*;
  - (b) **■** *engage in appropriate* action to ensure protection of the geographical indication and of the intellectual property rights that are directly connected with it, *including legal actions and filing applications for actions with custom authorities in accordance with Regulation (EU) No 608/2013 and preventing or countering any measures or marketing practices which are, or risk being, detrimental to the reputation or value of the geographical indication concerned*;
  - (ba) *represent the members of the producer group in intellectual property enforcement networks and towards anti-counterfeit bodies established by national or Union authorities*;
  - (c) agree **■** *sustainable practices as referred to in Article 6 a, whether* included in the product specification or as a separate initiative, including arrangements for verification of compliance with those **■** *practices* and assuring adequate publicity for them notably in an information system provided by the Commission;
  - (d) take action to improve the performance of the geographical indication, *in terms of economic, social and environmental sustainability*, including:
    - (i) development, organisation and conduct of collective marketing and advertising campaigns;

- (ii) dissemination of information and promotion activities aiming at communicating the attributes of the product designated by a geographical indication to consumers, ***including the development of tourism services in the relevant geographical area;***
  - (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;
  - (iv) dissemination of information on the geographical indication **■**, the relevant Union symbol ***and abbreviation (PDO or PGI)***; and
  - (v) providing advice, ***training and dissemination of best practice guidelines*** **■** to current and future producers, including on ***sustainable practices, in particular those provided for in Article 6a, scientific-technical progress, digitalisation, gender mainstreaming and equality and raising awareness among consumers;***
- (e) combat **■** ***infringements*** and suspected fraudulent uses on the **■** ***markets of products designated by geographical indications*** that are not in compliance with the product specification, by monitoring ***and verifying*** the use of the geographical indication across the internal market and on third **■** ***country*** markets where the geographical indications are protected, including on **■** ***online interfaces***, and, as necessary, inform enforcement authorities using confidential systems ***where*** available;
- (eb) 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;***

- 2a. *Member States may, within their territory, assist producers in the creation and functioning of producer groups.*
- 2b. *Member States may decide that operators and representatives of economic activities linked to one of the stage of the supply chain of products designated by a geographical indication and stakeholders mentioned in Article 157 of Regulation (EU) No 1308/2013 may be members of a producer group, if they have a specific interest in the products covered by the producer group. Those members shall not control the producer group.*
- 2c. *If, for a product designated by a geographical indication no producer group exists, Member States may exercise the tasks of paragraph 2(b),(d) and (e). The Member State shall interact with producers and shall assist them with a view to establishing a producer group.*
- 2e. *Member States may set up a public register of producer groups situated in their territory, including authorities according to Article 8(2) and producers according to Article 8(3). The register shall contain, at least, for each the name, the legal form, the address, and all geographical indications covered by the producer group.*

### *Article 33*

#### **Recognised producer groups**

1. ***In addition to Article 32, a Member State may apply a system of recognition of producer groups . The recognition system may be applied to all producer groups whose members produce a product which is designated as a geographical indication or to producer groups producing specified categories of products designated as geographical indications. A producer group may only be recognised upon request. Within a recognition system, authorities according to Article 8(2) and producers according to Article 8(3), shall be deemed to be recognised producer groups.***

2. **Member States that apply the recognition system** referred to in **paragraph 1 shall provide for the following criteria for a group to be recognised** :

(a) *a certain legal form; and*

(b) *one of the following:*

(i) *a minimum share of more than 50% of the producers of the product as members; or*

(ii) *a minimum share of members among the producers of the product and a minimum share of more than 50% of volume or value of marketable production.*

*Member States may provide for additional criteria, such as:*

(c) *having at its disposal the necessary financial contributions of its members;*

(d) *rules on the admission of new members, the termination of membership, and the infringement of membership obligations;*

(e) *a written statute.*

*If a producer group ceases to fulfil the recognition criteria, the recognition shall be suspended or withdrawn.*

3. **Where a producer group is recognised under the system referred to in paragraph 1, the recognised producer group shall be the only one entitled to:**

(a) *exercise the tasks referred to in Article 32 on behalf of all producers producing the product designated by the geographical indication concerned, without prejudice to the right of individual producers to act to defend their interests;*

- (b) receive a notification from a producer of prepacked food of the use of the geographical indication of an ingredient in the name of a prepacked food as referred to in Article 28(2a);*
- (c) request binding rules for the regulation of supply of products designated by a geographical indication in accordance with Article 166a(1) of Regulation (EU) No 1308/2013, including for a period of up to 6 years in accordance with Article 166a(4)(c) of Regulation (EU) No 1308/2013;*
- (d) establish standard value sharing clauses that may be used in accordance with Article 172a of Regulation (EU) No 1308/2013;*
- (e) agree on sustainable practices, in accordance with Article 6a of this regulation;*
- (f) apply for approval of an amendment in accordance with Article 25(1) of this Regulation;*
- (g) lodge a request of cancellation in accordance with Article 26 (2) of this Regulation.*

*3a. In addition, Member States may provide that the recognised producer group shall be the only one entitled to exercise the tasks:*

- (a) referred to in Article 32(2) (a) and (c) in case the effect of these tasks concern all the producers of the product designated by the geographical indication concerned;*
- (b) referred to in Article 32(2)(d), (b) and (e) in case those tasks are exercised at international, national or regional level, without prejudice to the possibility of the producers of the product designated by the geographical indication concerned to exercise these referred tasks at local level.*

- 3b. A producer group established in a Member State not applying a system of recognised producer groups shall be able to exercise the tasks referred to in Article 32(2)(b) (d), (e) and (f) in a Member State applying a system of recognised producer groups. ■*
- 5a. Where a geographical indication designates a cross-border geographical area, the authorities of the Member States concerned or, where relevant, of the United Kingdom (Northern Ireland), shall cooperate regarding the designation of one recognised producer group. Where the Member States concerned do not agree and in case one of the Member States concerned does not apply the recognition system, no producer group shall be recognised for that geographical indication.*
- 5b. Member States may decide that producer groups recognised under national law before [the date of entry into force of this Regulation] are recognised according to paragraph 1. If such a recognised producer group does not meet the criteria set out in paragraph 2, it has to adapt to the relevant rules by [two years after the date of entry into force of this Regulation]. Otherwise, the Member State may prolong the deadline once for a maximum of one year or shall withdraw the recognition.*
- 5d. In case a Member State applies the system of recognised producer group it shall notify the Commission electronically, through a digital system, of the name and address of the recognised producer group for each registered geographical indication, and update that information when a change occurs. The Commission shall make public and update this information in the Union register of geographical indications.*

## 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.*

*Article 34*

**Protection of geographical indication in domain names**

2. Country-code top-level domain name registries established in the Union shall ensure that alternative dispute resolution procedures for domain names recognise registered geographical indications as a right that can be invoked in these procedures.
- 2a. *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 an optional basis, the registration of a domain name identical to their geographical indication. The registries of country-code top-level domain names, established in the Union, may, on voluntary basis provide EUIPO with the relevant information and data.*

3. **By [18 months after the date of entry into force of this Regulation] the Commission shall carry out an evaluation of the necessity and feasibility of an information and alert system referred to in Article 34(2a), taking into account the functioning of the voluntary provision of data referred to in that paragraph, and submit a report with its main findings to the European Parliament and the Council. That report shall be accompanied by a legislative proposal, where appropriate.**

#### Article 36

#### **Right to use**

A registered geographical indication may be used by any operator marketing a product **complying with** the corresponding product specification.

Member States shall ensure that any operator complying with the rules set out in this Title is covered by the verification of compliance of the product specification established pursuant to Article 39 *of this Regulation and Article 116a of Regulation(UE) N° 1308/2013 in the case of wine.*

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

#### Article 37

#### **Union symbols, indications and abbreviations**

0. *Indications, abbreviations and symbols referring to geographical indications shall not be used other than in connection with products produced in compliance with the relevant product specification. They may also be used for information and educational purposes, provided that such use is not liable to mislead the consumer.*

1. The following Union symbols designed to mark and publicise geographical indications shall be established:
  - (a) a symbol identifying protected designations of origin of **■** agricultural products; and
  - (b) a symbol identifying protected geographical indications of **■** *agricultural products*.  
*This symbol may also be used for* geographical indications of spirit drinks.
2. In the case of *agricultural products and spirit drinks* originating in the Union that are marketed under a geographical indication, the Union symbol associated with it shall appear **■** *in* the labelling and advertising material. The geographical indication shall appear in the same field of vision as the Union symbol.

The labelling requirements laid down in Article 13(1) of Regulation (EU) No 1169/2011 for the presentation of mandatory particulars shall apply to the geographical indication.

3. By way of derogation from *the first subparagraph of* paragraph 2, in the case of **■** spirit drinks **■**, Union symbols may be omitted **■** . **■**

- 3a. *Where agricultural products are designated by a geographical indication, an indication of the name of the producer or operator shall appear in the same field of vision as the geographical indication. In this case, the name of the operator shall be understood as the name of the operator responsible for the production stage at which the product to be covered by the geographical indication is obtained, or responsible for carrying out substantial processing of that product.*

*In the case of spirit drinks designated by a geographical indication, an indication of the name of the producer shall appear in the same field of vision as the geographical indication.*

*In the case of packaging or containers the largest surface of which is that referred to in Article 16(2) of Regulation (EU) 1169/2011, the indication of the name of the producer or operator shall be voluntary.*

*Agricultural products and spirit drinks that are marketed under a geographical indication, which were labelled before [24 months after the date of entry into force of this Regulation], may continue to be placed on the market without complying with the obligation to indicate the name of the producer or operator in the same field of vision as the geographical indication, until stocks are exhausted.*

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

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

6. Indications and abbreviations may be used in the labelling and advertising material of processed products when the geographical indication refers to an ingredient thereof. In that case, the indication or abbreviation 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.

8. Union symbols indicating the protected designation of origin or protected geographical indication and the Union indications ‘protected designation of origin’, ‘protected geographical indication’ and ‘geographical indication’ and the abbreviations ‘PDO’ or ‘PGI’ as relevant, may appear on the labelling only after the publication of the act of registration of that geographical indication. ■
10. The following may also appear *in* the labelling:
- (a) depictions of the geographical area of origin referred to in the product specification; and
  - (b) text, graphics or symbols referring to the Member State and the region in which that geographical area of origin is located *provided that such references do not mislead the consumer as to the true identity or origin of the product*.
11. Union symbols associated with geographical indications entered in the Union register of geographical indications designating products originating in third countries, may appear ■ *in* the product labelling and advertising material, in which case the symbols shall be used in conformity with paragraph (2) ■ .
12. The Commission ■ *shall* adopt implementing acts ■ defining the technical characteristics of the Union symbols for geographical indications as well as ■ *technical* rules on their use and the use of the indications and abbreviations on products marketed under a registered geographical indication, including ■ linguistic versions. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article ■ *84a(2)*.

# Chapter 4

## Controls and enforcement

### Article 38

#### Scope

1. This Chapter **■** *applies to wine, spirit drinks and agricultural products with the exception of paragraphs 2, 3 and 3a of this Article and Articles 39, 40, 41 and Article 44 that only apply* to spirit drinks and **■** agricultural products.
2. For the purposes of this Chapter, controls **■** *mean*:
  - (a) verification that a product designated by a geographical indication has been produced in compliance with the corresponding product specification; and
  - (b) **■** *verification* of the use of geographical indications in the **■** *market, including on online interfaces*.

*For the purposes of this Chapter, enforcement includes any action that aims to ensure compliance with Chapter 3 of Title II of this Regulation.*

3. **■** *Competent authorities, delegated bodies and natural persons to which certain official control tasks have been delegated* shall comply with the requirements laid down in Regulation (EU) 2017/625.

- 3a. *Notwithstanding Article 116(1) of Regulation (EU) 2017/625, the Commission shall perform the controls, including audits, on geographical indications provided for in Title VI, Chapter I, of Regulation (EU) 2017/625, based on a risk analysis, according to the relative volume of geographical indications in the Member State, the number of checks carried out or the irregularities linked to the verification of compliance or of use of the geographical indications set out in the Member state' annual report produced in accordance with Article 113 of Regulation (EU) 2017/625 concerning the control of the obligations established by this Regulation. Articles 116(2), 118 and 120 to 124 of Regulation (EU) 2017/625 shall not apply to controls, including audits of geographical indications.*

*Article 39*

**Verification of compliance with the product specification**

1. *For the purposes of this Chapter, each operator wishing to participate in any activity covered by the product specification of a product bearing a geographical indication shall notify the competent authorities, delegated bodies or natural persons referred to in paragraph (3)(a) and (b). Member States shall draw up and keep up to date a list of operators who perform activities subject to one or more obligations provided for in the product specification of a geographical indication entered in the Union register of geographical indications originating in their territory.*
2. Producers are responsible for **own** controls that ensure compliance with the product specification of products designated by geographical indications before the product is placed on the market.

3. In addition to **own** controls referred to in paragraph 2, prior to placing on the market a product designated by a geographical indication and originating in the Union, **verification** of compliance with the product specification, shall be carried out by:
- (a) one or more competent authorities within the meaning of Article 3, point (3), of Regulation (EU) 2017/625; or
  - (b) one or more **delegated bodies or natural persons** to which **certain official control tasks** have been delegated as referred to in Regulation (EU) 2017/625, Title II, Chapter III.
4. In respect of geographical indications that designate products originating in a third country, verification of compliance with the product specification, before placing the product on the market, shall be carried out by:
- (a) **one or more** competent **authorities** designated by the third country; or
  - (b) one or more product certification bodies.
5. **If an activity covered by** the product specification **is** carried out by one or more **operators** in a country other than the country of the origin of the geographical indication, provisions for verification of compliance of those **operators** shall be set out in the product specification. If the relevant **operation** takes place in the Union, the **operators** shall **notify it** to the competent authorities of the Member State where the **operation** takes place and be subject to verification **.**
6. Where a Member State applies Article 8(2), the verification of compliance with the product specification shall be ensured by an authority other than that deemed to be a producer group under that paragraph.



7. The costs of verification of compliance with the product specification may be borne by the operators which are subject to those controls. The Member States may **■ collect fees or charges to cover partly or entirely the costs of official controls and other official activities.**

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

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

***(b) the arrangements for monitoring and verifying the operations provided for in paragraph 5.***

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

#### *Article 40*

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

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

Article 41

**Accreditation of *delegated* and product certification bodies**

1. The **█** *delegated* bodies referred to in Article 39(3), point (b) and *the product certification bodies referred to in* Article 39(4), point (b) shall comply with and be accredited in accordance with *either of the following standards as relevant for the delegated tasks*:
  - (a) **█** Standard *EN ISO/IEC 17065* **█** ‘Conformity assessment — Requirements for bodies certifying products, processes and services **█**’ ; or
    - (aa) *Standard EN ISO/IEC 17020 ‘Conformity assessment — Requirements for the operation of various types of bodies performing inspection. █*
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 a Multilateral Agreement in the framework of the European Cooperation for Accreditation covering the standards referred to in paragraph 1*, or by an accreditation body outside the Union that is a **█** *signatory of a Multilateral Recognition Arrangement of the International Accreditation Forum or a Mutual Recognition Arrangement of the International Laboratory Accreditation Cooperation covering the standards referred to in paragraph 1*.

**Verification of the use of geographical indications in the market and enforcement**

1. Member States shall designate one or more competent authorities *responsible for verification of and enforcement actions on the use* of geographical indications after the product designated by a geographical indication has *been placed on the market, which includes operations such as storage, transit, distribution, or offering for sale, including in electronic commerce. These authorities may be the same as the competent authorities referred to in Article 39(3)(a) of this Regulation and Article 116a(2) of Regulation 1308/2013.*
2. The authorities referred to in paragraph 1 shall, *regularly and with appropriate frequency based on risk analysis and on notifications, including from producer groups, act* to ensure *compliance* with the product specification or the single document or an equivalent to the latter *for the geographical indication concerned, including in online presentations and labelling.*
3. Member States shall take appropriate administrative and judicial steps to prevent or stop the use of names of products or services, *including through online interfaces*, that are produced, *provided* or marketed in their territory, *or intended for export to third countries, and that contravenes Articles 27 and 28.*
- 3a. *Member States shall take appropriate administrative and judicial steps to remove or disable access to domain names from their territory that contravene Article 27(3).*
4. The authority *or authorities* designated in accordance with paragraph 1 shall *facilitate the information exchange* among relevant departments, agencies and bodies, *such as* police, anti-counterfeiting agencies, customs, intellectual property offices, food law authorities and retail inspectors, *to ensure efficient enforcement.*

## Article 43

### Obligations of providers on the online market

1. Any information related to the advertising, promotion and sale of goods to which persons established in the Union have access that contravenes the protection of geographical indications provided for in Articles 27 and 28 of this Regulation shall be considered illegal content within the meaning of Article 3, point (h) of Regulation (EU) 2022/2065<sup>21</sup>.
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.
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 Articles 27 and 28 of this Regulation.

## Article 44

### Mutual assistance and exchange of information

1. Member States shall assist each other for the purpose of carrying out the controls and enforcement provided for in this Chapter in accordance with Title IV of Regulation (EU) 2017/625.

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<sup>21</sup> Regulation (EU) 2022/2065 of the European Parliament and of the Council on a Single Market For Digital Services (DSA) and amending Directive 2000/31/EC (OJ L 277, 27.10.2022, p. 1).

2. The Commission may adopt implementing acts detailing the nature and the type of the information to be exchanged *among Member States* and the methods for exchanging *that* information for the purpose of controls and enforcement under this Chapter. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article **84a(2)**.

*Article 45*

**Attestation of compliance with the product specification**

1. **An operator** whose product, following the verification of compliance referred to in Article 39 *of this Regulation and Article 116a of Regulation (EU) No 1308/2013*, is found to comply with the product specification of a geographical indication protected in accordance with this Regulation shall **,** *on request, and depending on the applied system in the Member State, either:*
  - (a) *be accorded an attestation, including by digital means, which may be a certified copy, certifying compliance of its production with the product specification;*
  - (b) *be included in a list of approved operators established by the competent authority, such as the list provided for in Article 39(1) of this Regulation and Article 116a of Regulation 1308/2013 as regards wines, the relevant extract (listing) of which shall be made available online to each approved operator.*
2. The **attestation of compliance and the listing** 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 **operator** may make the **attestation or the listing** available to the public or to any person who **may request** *proof of certification* in the course of business. *That attestation shall be updated periodically.*

- 2a. *In the event that an operator is no longer accorded the attestation of compliance or has been delisted, the operator shall not be allowed to continue to display or use the attestation of compliance or the listing.*
- 2b. *The Commission shall adopt implementing acts laying down detailed rules on the form and content of the attestation of compliance and listing, the forms in which they are made available by the operators or importers for control or in the course of business as well as the circumstances and forms to be applied in case of products originating in third countries. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 84a(2). ▮*

## **Chapter 6**

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

#### *Article 48*

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

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

2. A ‘geographical indication’ of an agricultural product is a name which identifies a product:
- (a) originating in a specific place, region or country;
  - (b) whose given quality, reputation or other characteristic is essentially attributable to its geographical origin; and
  - (c) at least one of the production steps of which takes place in the defined geographical area. ■
4. Notwithstanding paragraph 1, certain names shall be registered as designations of origin even though the raw materials for the products concerned come from a geographical area larger than, or different from, the defined geographical area, provided that:
- (a) the production area of the raw materials is defined;
  - (b) special conditions for the production of the raw materials exist;
  - (c) there are control arrangements to ensure that the conditions referred to in point (b) are adhered to; and
  - (d) the designations of origin in question were recognised as designations of origin in the country of origin before 1 May 2004.

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

#### **Article 48a**

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

- 1. In respect of products of animal origin the name of which is registered as a designation of origin, feed shall be sourced entirely from within the defined geographical area.***

- 1a Insofar as sourcing entirely from within the defined geographical area is not 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.*
- 1b. A temporary amendment, as referred to in Article 25(5), may derogate from paragraph 1a of this Article until the possibility of sourcing feed from within the defined geographical area can be re-established, provided that the link referred to in Article 51(1), point (f)(i), is not entirely voided.*
- 4. Any restrictions to the origin of raw materials provided in the product specification of a product the name of which is registered as a geographical indication shall be justified with respect to the link referred to in Article 51(1), point (f)(ii).*
- 5. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 concerning derogations and conditions with regard to the slaughtering of live animals and with regard to the sourcing of raw materials. These derogations and conditions shall, based on objective criteria, take into account animal welfare, quality or usage of raw materials and recognised know-how or natural factors, including constraints affecting agricultural production in certain areas.*

#### *Article 49*

### **Plant varieties and animal breeds**

1. A name may not be registered as a geographical indication where it conflicts with a **plant** variety or animal breed **denomination** and is likely to mislead the consumer as to the true identity or origin of the product designated by the geographical indication or cause confusion between products designated by the geographical indication and the **plant** variety or **animal** breed in question.



2. The conditions referred to in paragraph (1) shall be assessed in relation to the actual use of the names in conflict, including the use of the [ ] plant variety or animal breed **denomination** outside its area of origin and the use of the denomination of a plant variety [ ] .
3. This Regulation shall not prevent the placing on the market of a product that does not conform with the product specification of a registered geographical indication, the labelling of which includes the name or part of the name of that geographical indication, that contains or comprises the [ ] plant variety or animal breed **denomination**, provided that the following conditions are met:
- (a) the product in question comprises or is derived from the **plant** variety or **animal** breed indicated;
  - (b) consumers are not misled;
  - (c) the usage of the [ ] **plant** variety or **animal** breed [ ] **denomination** constitutes fair competition;
  - (d) the usage **of the plant variety or animal breed denomination** does not exploit the reputation of the registered geographical indication; and
  - (e) the production and marketing of the product in question had spread beyond its area of origin prior to the date of application for registration of the geographical indication.
4. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 **supplementing this Regulation with** [ ] rules for determining the use of [ ] plant [ ] **variety** and animal [ ] **breed denominations**. [ ]

**Product specification**

1. A product specification shall include at least:
  - (a) the name to be **registered** as a designation of origin or geographical indication, **as it is** used in trade or in common language to describe the specific product in the defined geographical area;
  - (b) a description of the product, including where relevant, the raw materials, plant varieties and animal breeds concerned, including the commercial designation of the species and its scientific name, as well as the principal physical, chemical, microbiological or organoleptic characteristics of the product;
  - (c) the definition of the **geographical area** delimited **with regard to** the link referred to in point (f)(i) or (ii), and, where appropriate, details indicating compliance with the requirements of Article 48(4) ;
  - (d) evidence that the product originates in the defined geographical area specified in accordance with Article 48(1), point (c), or Article 48(2), point (c);
  - (e) a description of the method of obtaining the product and, where appropriate, the **authentic and unvarying local methods**; as well as information concerning packaging, if the applicant **producer** group so determines and gives sufficient product-specific justification as to why the packaging must take place in the defined geographical area to safeguard quality, to ensure the origin or to ensure control, taking into account Union law, in particular that on the free movement of goods and the free provision of services;

- (f) details establishing the following:
  - (i) as regards a **protected** designation of origin, the link between the quality or characteristics of the product and the geographical environment referred to in Article 48(1), point (b). The details concerning human factors of that geographical environment may, where relevant, be limited to a description of the soil and landscape management, cultivation practices or any other relevant human contribution to the maintenance of the natural factors of the geographical environment referred to in that provision;
  - (ii) as regards a **protected** geographical indication, the link between a given quality, the reputation or other characteristic of the product and the geographical origin referred to in Article 48(2), point (b). ■

2. The product specification may also include ■ :

- (a) *sustainable practices as set out in Article 6a;*
- (b) *any specific labelling rule for the product in question;*
- (c) *other applicable requirements where provided for by Member States or by a producer group, if applicable, having regard to the fact that such requirements must be objective, non-discriminatory and compatible with national and Union law.*

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

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

#### *Article 52*

#### **Single document**

1. The single document shall comprise:
  - (a) the main points of the product specification, namely **the name *to be registered as a designation of origin or geographical indication***, a description of the product, including, where appropriate, specific rules concerning packaging and labelling and a concise definition of the geographical area;
  - (b) a description of the link between the product and the geographical environment or geographical origin referred to in Article 51(1), point (f), including, where appropriate, the specific elements of the product description or production method justifying that link.
2. The Commission may adopt implementing acts defining the format and the online presentation of the single document provided for in paragraph 1 and providing for the exclusion or anonymisation of **personal data**. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article **84a(2)**.

## **Title III**

### *Traditional specialities guaranteed and optional **quality** terms*

#### *Chapter 0*

#### *Scope*

#### **Article 53a**

#### *Scope*

*This Title applies to agricultural products, including foodstuffs.*

*For the purposes of this Title, agricultural products, including foodstuffs, mean agricultural products intended for human consumption listed in Annex I to the Treaty on the Functioning of the European Union as well as foodstuffs and agricultural products listed in Annex II to this Regulation.*

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

# Chapter 1

## Traditional specialities guaranteed

### Article 54

#### ■ Objectives

1. A scheme for traditional specialities *guaranteed (TSGs)* is established to safeguard traditional methods of production and recipes by helping ■ :
  - (a) *producers of traditional products in marketing and communicating the value-adding attributes of their traditional recipes and products to consumers;*
  - (b) *to generate added value by contributing to fair competition in the marketing chain, a fair income for producers and contributing to the achievement of rural development policy objectives.*
  
3. The registration and the protection of traditional specialities guaranteed are without prejudice to the obligation of producers to comply with other Union rules, in particular relating to the placing of products on the market, to the single common organisation of the markets, and to food labelling.

### Article 55

#### Eligibility criteria

1. A name shall be eligible for registration as a traditional speciality guaranteed where it describes a ■ product that:
  - (a) results from a mode of production, processing or composition corresponding to traditional practice for that product ■ ; or

- (b) is produced from raw materials or ingredients traditionally used.
2. For a name to be registered as a traditional speciality guaranteed, it shall:
- (a) have been traditionally used to refer to the product; or
- (b) identify the traditional character ■ of the product.
3. Where in the opposition procedure under Article 62 it is demonstrated that the name is also used in another Member State or in a third country, in order to distinguish comparable products or products that share an identical or similar name, the decision on registration adopted in accordance with Article 65(3), *point (b)* may provide that the name of the traditional speciality guaranteed is to be accompanied by the claim ‘made following the tradition of’ immediately followed by the name of a country or a region thereof.
4. A name may not be registered if it refers only to claims of a general nature used for a set of products, or to claims provided for by particular Union legislation.
5. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation with further details ■ *clarifying* the eligibility criteria laid down in this Article.

#### *Article 56*

### **Product specification**

1. ■ A product specification ■ shall ■ *include at least*:
- (a) the product name proposed for registration, in the appropriate language versions;
- (b) a description of the product including its main physical, chemical, microbiological or organoleptic characteristics;

- (c) a description of the production method that the producers must follow, including, where appropriate, the nature and characteristics of the raw materials or ingredients used, if relevant including the commercial designation of the species involved and its scientific name, and the method by which the product is prepared; and
- (d) the key elements establishing the product's traditional character.

***The product specification may also include labelling requirements.***

- 2. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 laying down rules which limit the information contained in the **■ product specification**, where such a limitation is necessary to avoid excessively voluminous applications for registration.
- 3. The Commission may adopt implementing acts laying down rules on the form of the product specification. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article **■ 84a(2)**.

## **Article 56a**

### ***Producer groups***

- 1. ***A producer group shall be an association, irrespective of its legal form, composed of producers of the same product or products. It shall be set up on the initiative of producers according to the nature of the product or products concerned. A producer group shall operate in a transparent and non-discriminatory manner. It shall also be democratically organised, controlled and scrutinised by its members.***



- 1a. Member States may decide that operators, representatives of economic activities linked to one of the stages of the supply chain of products designated by a traditional speciality guaranteed and stakeholders referred to in Article 157 of Regulation EU 1308/2013 may be members of a producer group, if they have a specific interest in the products covered by the producer group. Those members shall not control the producer group.**
- 3. A producer group may exercise in particular the following tasks:**
- (a) develop the product specification, apply for amendment and cancellation, manage the own controls of its members;**
  - (b) take action to improve the performance of the traditional specialities guaranteed;**
  - (c) develop information and promotion activities aiming at communicating the value-adding attributes of the product to the consumer;**
  - (d) take measures to enhance the value of products including taking steps to prevent or counter any measures detrimental to the image of those products.**

#### *Article 57*

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

- 1. Applications for the registration of a traditional speciality guaranteed may only be submitted by **■ an applicant producer group. An applicant producer group shall be an association, irrespective of its legal form, composed of producers of ■ the same product the name of which is proposed for registration or by a single producer where the person concerned is the only producer willing to submit an application ■**. Several applicant producer groups from different Member States or third countries may lodge a joint application for registration. **Public bodies and other interested parties may assist in the preparation of the application and in the related procedure.****

2. An application for registration of a name as a traditional speciality guaranteed shall comprise:
  - (a) the name and address of the applicant **■** *producer group*;
  - (b) the product specification as provided for in Article 56.
3. Where the application is prepared by a *producer* group **■** established in a Member State, the application shall be addressed to the authorities of that Member State. The Member State shall scrutinise the application in order to check that it **■** meets the conditions of the eligibility criteria referred to in Article 55. As part of the scrutiny, the Member State shall **■** *conduct* a national opposition procedure. If the Member State considers that the requirements of this Chapter are met, it may take a favourable decision and lodge **■** *an* application for registration **■** *at Union stage as referred to in Article 59*.
4. The Member State shall ensure that **■** any natural or legal person having a legitimate interest has an opportunity to challenge **■** *its* decision. The Member State shall also ensure that **■** *a favourable decision and the corresponding product specification are* published, and shall provide electronic access to the product specification. **■**

#### *Article 58*

### **■ Application for registration at Union stage**

1. **■** *An* application for the registration *at Union stage* of a traditional speciality guaranteed shall comprise:
  - (a) the **■** *product specification as provided for* in Article **■** 56; and

(b) for Member States only, a declaration by the Member State **█** *to which the application was addressed at the national stage of the procedure of registration, confirming that the application meets the conditions for registration and information on any admissible opposition at national level following the national scrutiny and opposition procedure; and █*

*(ba) for applications from third countries, a power of attorney where the applicant is represented by an agent.*

2. **█** A joint application **█** shall **█** *include the product specification as provided for in Article 56 and, if relevant, the █ declaration referred to in paragraph 1, point (b), of this Article from all Member States or third countries concerned. The related national procedures, including the opposition stage, shall be carried out in all the Member States concerned. █*
4. The Commission **█** *shall* adopt implementing acts laying down detailed rules on procedures, the form and presentation of applications for registration, including **█** applications for the registration of a traditional speciality guaranteed concerning more than one national territory. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article **█** *84a(2)*.

#### *Article 59*

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

1. A Union application for the registration of a traditional speciality guaranteed shall be submitted to the Commission electronically, through a digital system. *Following a request from at least one Member State, the Commission shall adapt the digital system █ to make it suitable to be used in the national █ part of the procedure for registration of a traditional speciality guaranteed by any Member State █ who so wishes.*

2. *Where the application for registration is prepared by an applicant established in a third country, the application shall be submitted to the Commission, either directly by an applicant, namely a producer group or a single producer, or via the authorities of the third country concerned.*
- 2a. *A joint application for registration referred to in Article 57(1) shall be submitted by:*
  - (a) *one of the Member States concerned, or*
  - (b) *an applicant of a third country, such as namely a producer group or a single producer, either directly or through the authorities of that third country.*
3. *The names for which applications for registration at Union stage have been submitted shall be made public by the Commission through the digital system referred to in paragraph (1).*

#### *Article 60*

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

1. The Commission shall scrutinise any application that it receives pursuant to Article 59 (1), (2) and (2a) in order to check that it contains the required information and that it contains no manifest errors, taking into account the outcome of the scrutiny and opposition procedure carried out by the Member State concerned. Such a scrutiny shall take into account the outcome of the national stage of the procedure carried out by the Member State concerned.
2. The examination shall not exceed a period of 6 months from the day of the reception of the application. The Commission may request from the applicant any necessary supplementary information or modification. Where the Commission addresses to the applicant such requests, the examination period shall not exceed a period of 5 months from the day the applicant's reply is received by the Commission.

3. *In the event that the Commission does not conclude the examinations referred to in paragraph 2 within the prescribed deadlines, it shall inform the applicant of the reasons for the delay in writing indicating the estimated time necessary to conclude it, which shall not exceed one month.*
4. Where, based on the scrutiny carried out pursuant to paragraph 1, the Commission considers that the conditions laid down in *Articles 55, 56, 57 and 58* are fulfilled, it shall publish the product specification in the Official Journal of the European Union.

#### *Article 61*

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

1. Member States shall keep the Commission informed of any national administrative or judicial proceedings that may **prejudice** the registration of a traditional speciality guaranteed.
2. 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 **Member State** of the reasons for the delay *where it receives a communication from a Member State, concerning an application for registration in accordance with Article 57, which:*
  - (a) *informs the Commission that the decision referred to in Article 57(3) has been invalidated at national level by an immediately applicable but not final administrative or judicial decision; or*
  - (b) *requests the Commission to suspend the scrutiny because national administrative or judicial proceedings have been initiated to challenge the validity of the application and the Member State considers that those proceedings are based on valid grounds.*

- (c) *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.*
- (d) *If the favourable decision of a Member State referred to in Article 57(3) has been invalidated in full or in part by a final decision taken by a national court, the Member State shall consider appropriate action such as withdrawal or modification of the application for registration at Union stage, as necessary. ■*

#### Article 62

### Union opposition procedure

1. Within 3 months from the date of publication of the product specification in the Official Journal of the European Union pursuant to Article 60(4), the authorities of a Member State or of a third country, or a natural or legal person having a legitimate interest and established in a third country, may lodge an opposition with the Commission.
2. Any natural or legal person having a legitimate interest, established or resident in a Member State other than the one from which the ■ application for registration *at Union stage* was submitted, may lodge an opposition with the Member State in which it is established, within a time limit permitting ■ *that Member State to examine this opposition and to decide whether to lodge it with the Commission* ■ pursuant to the first paragraph. *Member States may specify that time limit in their national legislation.*
3. An opposition shall ■ *state that it opposes the registration of a traditional speciality guaranteed.* An opposition that does not contain ■ *this statement* shall be void.

4. The Commission shall check the admissibility of the opposition. If the Commission considers that the opposition is admissible it shall, within 5 months from the date of publication *referred to in Article 60(4)* of the product specification in the Official Journal of the European Union invite the **opponent** and the **applicant** to engage in appropriate consultations for a reasonable period that shall not exceed 3 months. *The Commission shall transmit to the applicant the opposition and all the documents provided by the opponent.* At any time during that period, the Commission may, at the request of the **applicant**, extend the deadline for the consultations *once* by a maximum of 3 months.
5. The **opponent** and the **applicant** shall start consultations without undue delay. They shall provide each other with the relevant information to assess whether the application for registration complies with the conditions of this **Chapter**.
6. Within 1 month from the end of the consultations referred to in paragraph(4), the applicant shall notify the Commission of the result of the consultations, including all the information exchanged, whether agreement was reached with one or all of the opponents, and of any consequent changes to the application. The **opponent** may also notify the Commission of its position at the end of the consultations.
7. Where, following the end of the consultations, the product specification published in accordance with Article 60(4) has been modified, the Commission shall repeat its scrutiny of the application for registration as modified. Where the application has been modified in a substantial manner, and the Commission considers the modified application meets the conditions for registration, it shall publish the **product specification** once more in accordance with that paragraph.
8. The documents referred to in this Article shall be drafted in one of the official languages of the Union.

9. The Commission shall finalise its assessment of the application for registration *at Union stage*, taking into account any request for transitional periods, the outcome of the opposition procedure and any other matters arising subsequently to its scrutiny that may imply a change of the product specification.
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*.
11. The Commission *shall* adopt implementing acts *defining the format and presentation of oppositions and providing for the exclusion or anonymisation of personal data*. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article *84a(2)*.

### *Article 63*

#### **Grounds for opposition**

1. An opposition lodged in accordance with Article *62 shall* be admissible only if the opponent *shows that*:
  - (a) *the proposed traditional speciality guaranteed does not comply* with the provisions of this Chapter; or
  - (b) *the registration* of the name *would jeopardise the existence of an entirely or partly identical name* .
2. The *admissibility of an opposition* shall be assessed in relation to the territory of the Union.



## Article 64

### Transitional periods for the use of traditional specialities guaranteed

1. The Commission may by means of implementing acts grant a transitional period of up to 5 years to enable, for products the designation of which consists of or contains a name that contravenes Article 69, the continued use of that designation, under which they were marketed, provided that an admissible opposition, under Article 57(3) or Article 62, to the application for registration of the traditional speciality guaranteed whose protection is contravened, shows that such **■ designation** has been legally used on the internal market for at least 5 years preceding the date of the publication provided for in Article 60(4) .
2. The implementing acts referred to in paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article **■ 84a(2)**, except those where an admissible opposition is lodged under Article 57(3), which shall be adopted without applying that examination procedure.

## Article 65

### Commission decision on the application for registration

1. Where, on the basis of the information available to the Commission from the scrutiny carried out pursuant to Article **■ 60**, the Commission considers that any of the **■ conditions** referred therein is not fulfilled, it shall adopt implementing acts rejecting the application. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article **■ 84a(2)**.
2. **■ In the absence of an** admissible opposition, the Commission shall adopt implementing acts, without applying the procedure referred to in Article **■ 84a(2)**, registering the traditional speciality guaranteed.

3. Where *it receives* an admissible opposition, *the Commission shall* , *following the procedure referred to in Article 62 and taking into account the results thereof* :
- (a) *adopt implementing acts registering the traditional speciality guaranteed* without applying the procedure referred to in Article *84a(2)*, if an agreement has been reached, after checking that the agreement complies with Union law, and, if necessary, amend the information published pursuant to Article 60(4) provided such amendments are not substantial; or
  - (b) adopt implementing acts deciding on the application for registration, if an agreement has not been reached. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article *84a(2)*.
4. The acts registering a traditional speciality guaranteed shall provide for any condition applicable to the registration and for the republication for information of the *product specification* published *according to Article 60(4) and amended following the opposition procedure* in case of *amendments other than those referred to in Article 62(7)*.
5. Regulations *on* registration and decisions on rejection shall be published in the Official Journal of the European Union, L series.

#### *Article 66*

#### **Union register of traditional specialities guaranteed**

1. The Commission shall adopt implementing acts, without applying the procedure referred to in Article *84a(2)*, *containing provisions on* establishing and maintaining a publicly accessible *Union* register of traditional specialities guaranteed. *The register shall be accessible to the public. Files entered into the register after the entry into force of* this Regulation *shall be 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 Commission shall retain documentation related to the registration of a traditional speciality guaranteed in digital or paper form. In case of cancellation, it shall retain the documentation for 10 years thereafter.*
2. The Commission **■** *shall* adopt implementing acts laying down detailed rules **■** *defining the content and presentation* of the Union register of traditional specialities guaranteed. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article **■** *84a(2)*.

*Article 67*

**Amendments to a product specification**

1. A producer group **■** *of a product the name of which is a registered traditional speciality guaranteed* may apply for the approval of an amendment to the product specification **■** . Applications shall describe and give reasons for the amendments requested.
2. The procedure for the amendment of a product specification shall follow, *mutatis mutandis*, the procedure laid down from Article 57 to Article 65.
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.
4. The Commission **■** *shall* adopt implementing acts laying down detailed rules on procedures, the form and presentation of an application for the amendment of a product specification. Those implementing acts shall be adopted in accordance with the examination procedure referred to **■** *in Article 84a(2)*.

### Cancellation of the registration

1. The Commission may, on its own initiative or **on a duly substantiated** request **by a Member State, a third country or** any natural or legal person having a legitimate interest, **established or resident in a third country**, adopt implementing acts to cancel the registration of a traditional speciality guaranteed in the following cases:
  - (a) where compliance with the product specification **can no longer be** ensured;
  - (b) where no product is placed on the market under the traditional speciality guaranteed for at least **the last 7 consecutive** years.
2. The Commission may also adopt implementing acts cancelling a registration at the request of the producers of the product marketed under the registered name.
3. The implementing acts referred to in paragraphs 1 and 2 shall be adopted in accordance with the examination procedure referred to in Article **84a(2)**.
4. Article 57 to Article 63 and Article 65 shall apply *mutatis mutandis* to the cancellation procedure.

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

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

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

#### Article 69

##### **Restriction on the use of registered traditional specialities guaranteed**

1. Registered traditional specialities guaranteed shall be protected against any misuse, *imitation or evocation, even if the protected name is translated* **,** including as regards products used as ingredients, or against any other practice liable to mislead the consumer.
  2. **The names used for agricultural products and foodstuffs** at national level **shall not** give rise to confusion with registered traditional specialities guaranteed.
  3. The protection referred to in paragraph 1 shall also apply with regard to products sold through means of distance selling, such as electronic commerce.
  5. The Commission may adopt implementing acts laying down procedural **requirements** for the protection of traditional specialities guaranteed. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article **84a(2)**.
- 5a. The Commission shall be empowered to adopt delegated acts in accordance with Article 84a supplementing this Regulation by additional rules on the use of traditional specialities guaranteed in the name of processed products with reference to the use of comparable ingredients and the criteria of conferring essential characteristics on the processed products.**

*Article 70*

**Exceptions for certain uses**

1. The provisions of this Chapter shall be without prejudice to:
  - (a) the use of terms that are generic in the Union, even if the generic term is part of a name that is protected as a traditional speciality guaranteed;
  - (b) the placing on the market of products the labelling of which contains or comprises the denomination of a plant variety or animal breed *denomination* used in good faith;
  - (c) the application of Union rules or those of Member States governing intellectual property, and in particular those concerning *designations of origin and* geographical indications and trade marks and rights granted under those rules. ■

*Article 71*

■ **Union symbol ■, indication and abbreviation**

2. A Union symbol shall be established for ■ products designated as traditional speciality guaranteed. The indication ‘traditional speciality guaranteed’, the abbreviation ‘TSG’, and the Union symbol referring to the traditional speciality guaranteed may only be used in connection with products produced in ■ *compliance* with the relevant product specification. *They may also be used for information and educational purposes, provided that such use is not liable to mislead the consumer. The indication ‘traditional speciality guaranteed’ or the corresponding abbreviation ‘TSG’ may appear in the labelling.*

3. In the case of products originating in the Union that are marketed as traditional speciality guaranteed registered in accordance with this Regulation, the Union symbol referred to in paragraph 2 shall appear **■** *in* the labelling and advertising materials ***together with the registered name in the same field of vision***. The labelling requirements set out in Article 13(1) of Regulation (EU) No 1169/2011 for the presentation of mandatory particulars shall apply to the registered traditional speciality guaranteed. **■**
4. The Union symbol **■** *may be used in* the labelling of traditional specialities guaranteed which are produced outside the Union.
5. The Commission shall adopt implementing acts **■** *defining the technical characteristics of* the Union symbol **■** *as well as the technical rules on their use and the use of* the indication **■** and the **■** *abbreviation on products marketed under a traditional speciality guaranteed, including linguistic versions*. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article **■** *84a(2)*.

#### *Article 72*

#### **Participation in the **■** *traditional speciality guaranteed scheme***

0. ***A name registered as a traditional speciality guaranteed may be used by any operator marketing a product that complies with the corresponding product specification.***
1. Member States shall ensure that any operator complying with the rules set out in this Chapter is covered by the verification of compliance with the product specification established pursuant to Article 73. **■**

**Controls and enforcement**

1. Controls of traditional specialities guaranteed **mean**:
  - (a) verification that a product designated by a traditional speciality guaranteed has been produced in **compliance** with the corresponding product specification; and
  - (b) **verification** of the use of traditional **specialities** guaranteed in the **market**.
- 1a. For the purposes of this Chapter, enforcement includes any action that aims to ensure compliance with Articles 69, 70 and 71 of this Regulation.*
- 1b. Competent authorities, delegated bodies and natural persons to which certain official control tasks have been delegated shall comply with the respective requirements laid down in Regulation (EU) 2017/625.*
- 1c. Each operator wishing to participate in any activity subject to one or more obligations provided for in the product specification of a product bearing a traditional speciality guaranteed shall notify the competent authorities, delegated bodies or natural persons referred to in paragraph (2)(a) and (b).*

*Member States shall draw up a list of producers of traditional specialities guaranteed that are entered in the Union register of traditional specialities guaranteed.*
- 1d. Producers are responsible for own controls that ensure compliance with the product specification of products designated by traditional specialities guaranteed before the products are placed on the market.*



2. ***In addition to own controls referred to in paragraph (1d), prior to placing on the market a product designated by a traditional speciality guaranteed and originating in the Union, verification of compliance with the product specification*** shall be carried out by:

(a) one or more competent authorities *within the meaning of Article 3, point (3) of Regulation (EU) 2017/625* ;or

(b) one or **more delegated bodies or natural persons to which certain official control tasks have been delegated as referred to in Regulation (EU) 2017/625, Title II, Chapter III** .

6. In respect of traditional specialities guaranteed that designate products originating in a third country, the verification of compliance with the product specification before the placing on the market of the product shall be carried out by:

(a) one or more **competent** authorities designated by the third country; **or**

(b) one or more product certification bodies.

*The costs of verification of compliance with the product specification may be borne by the operators which are subject to those controls. Member States may charge a fee to cover their costs of verification of compliance with the product specification.*

7. Member States shall make public the **names and addresses** of the competent authorities, **delegated bodies and natural persons** referred to in **paragraph 2 for each product designated by a traditional speciality guaranteed** and keep that information up-to-date.

8. The Commission shall make public the **names and addresses** of the competent authorities and product certification bodies referred to in paragraph 6 and update that information periodically.

9. The Commission may establish a digital portal where the name and the address of the competent authorities, *delegated* and product certification bodies *and natural persons* referred to in paragraphs 2 and 6 are made public.
- 10a. The Commission shall adopt implementing acts concerning the communication to be made by the third countries to the Commission. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 84a(2).*
11. The Commission may adopt implementing acts, without applying the procedure referred to in Article 84a(2), defining the means by which the name and address of competent authorities and *delegated* bodies referred to in this Article shall be made public.

### Article 73a

#### *Accreditation of delegated and product certification bodies*

1. *The delegated bodies referred to in Article 73(2), point (b) and the product certification bodies referred to in Article 73(6), point (b) shall comply with and be accredited in accordance with either of the following standards as relevant for the delegated tasks:*
- (a) Standard EN ISO/IEC 17065 ‘Conformity assessment — Requirements for bodies certifying products, processes and services; or*
  - (b) Standard EN ISO/IEC 17020 ‘Conformity assessment — Requirements for the operation of various types of bodies performing inspection.*
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 a Multilateral Agreement in the framework of the European Cooperation for Accreditation covering the standards referred to in paragraph 1, or by an accreditation body outside the Union that is a signatory of a Multilateral Recognition Arrangement of the International Accreditation Forum or a Mutual Recognition Arrangement of the International Laboratory Accreditation Cooperation covering the standards referred to in paragraph 1.*

## Article 73b

### *Verification of the use of traditional speciality guaranteed in the market and enforcement*

- 1. Member States shall designate one or more competent authorities responsible for verification of and enforcement actions on the use of traditional speciality guaranteed after the product designated by a traditional speciality guaranteed has been placed on the market, which includes operations such as storage, transit, distribution, or offering for sale, including in electronic commerce. These authorities may be the same as the competent authorities referred to in Article 73(2)(a). Verification of the use of traditional specialities guaranteed shall be carried out on the basis of a risk analysis.*
- 2. The authorities referred to in paragraph 1 act to ensure compliance with the product specification for the traditional speciality guaranteed concerned.*
- 3. Member States shall take appropriate administrative and judicial steps to prevent or stop the use of names of products or services that are produced, provided or marketed in their territory, or intended for export to third countries, and that contravenes the protection of traditional specialities guaranteed provided for in Article 69.*
- 4. The authority or authorities designated in accordance with paragraph 1 shall facilitate the information exchange among relevant departments, agencies and bodies, such as police, anti-counterfeiting agencies, customs, intellectual property offices, food law authorities and retail inspectors, to ensure efficient enforcement.*

## Article 73c

### *Obligations of providers on the online market*

- 1. Any information related to the advertising, promotion and sale of goods to which persons established in the Union have access that contravenes the protection of traditional speciality guaranteed provided for in Article 69 of this Regulation shall be considered illegal content within the meaning of Article 3, point (h) of Regulation (EU) 2022/2065<sup>22</sup>.*
- 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.*

## Article 73d

### *Mutual assistance and exchange of information*

- 1. Member States shall assist each other for the purpose of carrying out the controls and enforcement provided for in this Chapter in accordance with Title IV of Regulation (EU) 2017/625.*
- 2. The Commission may adopt implementing acts detailing the nature and the type of the information to be exchanged among Member States and the methods for exchanging that information for the purpose of controls and enforcement under this Chapter. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 84a(2).*

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<sup>22</sup> *Regulation (EU) 2022/2065 of the European Parliament and of the Council on a Single Market For Digital Services (DSA) and amending Directive 2000/31/EC (OJ L 277, 27.10.2022, p. 1).*

## Article 73e

### *Attestation of compliance with the product specification*

1. *An operator whose product, following the verification of compliance referred to in Article 73, is found to comply with the product specification of a traditional speciality guaranteed protected in accordance with this Regulation shall, on request, either:*
  - (a) *be accorded an attestation, which may be a certified copy, certifying compliance with the product specification;*
  - (b) *be included in a list of approved operators established by the competent authority the relevant extract (listing) of which shall be made available to each approved operator.*
2. *The attestation of compliance and the listing referred to in paragraph 1 shall be updated periodically, based on a risk assessment.*
3. *In the event that an operator is no longer accorded the attestation of compliance or has been delisted, Member States shall ensure that the operator shall not continue to display or use the attestation of compliance or the listing.*
4. *The Commission shall adopt implementing acts laying down detailed rules on the form and content of the attestation of compliance and listing, the forms in which they are made available to the operators and the circumstances under which they have to be made available by the operators or importers for control or in the course of business, including in case of products originating in third countries.*

## Chapter 2

### Optional quality terms

#### *Article 74*

#### **Objective**

A scheme for optional quality terms is established in order to facilitate the communication within the internal market on the value-adding characteristics or attributes of agricultural products by the producers thereof. ■

#### *Article 75*

#### **National rules**

1. Member States may maintain national rules on optional quality terms and schemes which are not covered by this Regulation, provided that such rules comply with Union law.
2. The Commission may 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 ■ *84a(2)*.

### Optional quality terms

1. Optional quality terms shall satisfy the following criteria:
  - (a) they relate to a characteristic of one or more categories of products, or to a farming or processing attribute which applies in specific areas;
  - (b) their use adds value to the product as compared to products of a similar type; and
  - (c) they have a Union dimension.
2. Optional quality terms that describe technical product qualities with the purpose of putting into effect compulsory marketing standards and are not intended to inform consumers about those product qualities fall outside the scope of this Chapter.
3. Optional quality terms shall exclude optional reserved terms which support and complement specific marketing standards determined on a sectoral or product category basis.
4. *In order to take into account the specific characteristics of certain sectors as well as consumer expectations*, the Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by detailed rules relating to the criteria referred to in paragraph 1.
5. The Commission may adopt implementing acts laying down rules related to forms, procedures or other technical details, necessary for the application of this Chapter. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article **84a(2)**.
6. When adopting delegated and implementing acts in accordance with paragraphs 4 and 5, the Commission shall take account of any relevant international standards.

*Article 77*

**Reservation of additional optional quality terms**

■ *In order to take account of the expectations of consumers, developments in scientific and technical knowledge, the market situation, and developments in marketing standards and in international standards*, the Commission shall be empowered to adopt delegated acts in accordance with Article 84 reserving additional optional quality terms and laying down their conditions of use.

*Article 78*

**Mountain product**

1. The term ‘mountain product’ is established as an optional quality term. ■ *It is reserved as a compound term. It* shall only be used to describe products intended for human consumption listed in Annex I to the Treaty in respect of which:
  - (a) both the raw materials and the ■ *feed* for farm animals come essentially from mountain areas;
  - (b) in the case of processed products, the processing also takes place in mountain areas.
2. For the purposes of this Article, mountain areas within the Union are those delimited pursuant to Article 32(2) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council<sup>23</sup>. For third-country products, mountain areas include areas officially designated as mountain areas by the third country or that meet criteria equivalent to those set out in that paragraph.

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<sup>23</sup> Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487).



3. In duly justified cases *and in order to take into account natural constraints affecting agricultural production in mountain areas*, the Commission shall be empowered to adopt delegated acts in accordance with Article 84 laying down derogations from the conditions of use referred to in paragraph 1 of this Article, in particular the conditions under which raw materials or **■** *feed* are permitted to come from outside the mountain areas, the conditions under which the processing of products is permitted to take place outside the mountain areas in a geographical area to be defined, and the definition of that geographical area.
4. *In order to take into account natural constraints affecting agricultural production in mountain areas*, the Commission shall be empowered to adopt delegated acts in accordance with Article 84 concerning the establishment of the methods of production, and other criteria relevant for the application of the optional quality term established in paragraph 1 of this Article.

#### *Article 79*

#### **Restrictions on use and monitoring**

1. An optional quality term may only be used to describe products that comply with the corresponding conditions of use.
  - 1a. *The provisions of this Chapter shall be without prejudice to the application of Union rules or those of Member States governing intellectual property, and in particular those concerning designations of origin and geographical indications and trade marks and rights granted under those rules.*
2. The Commission may adopt implementing acts laying down rules for the use of optional quality terms. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article **■** *84a(2)*.

3. Member States shall undertake controls, based on a risk analysis, to ensure compliance with the requirements of this Chapter and, in the event of breach, shall apply appropriate administrative penalties. ■

## Title IV

### Amendments to Regulations (EU) No 1308/2013, ■ (EU) 2019/787 and (EU) 2019/1753

#### *Article 81*

#### Amendments to Regulation (EU) No 1308/2013

Regulation (EU) No 1308/2013 is amended as follows:

(1) in Article 93(1), point (b) is replaced by the following

’(b) “geographical indication” means a name, including a traditionally used name, which identifies a product referred to in Article 92(1):

- (i) whose specific quality, reputation or other characteristics are attributable to its geographical origin;
- (ii) as originating in a specific place, region or country;
- (iii) as having at least 85 % of the grapes used for its production originating exclusively from that geographical area;
- (iv) the production of which takes place in that geographical area; and
- (v) which is obtained from vine varieties belonging to ■ *Vitis vinifera* or a cross between the ■ *Vitis vinifera* species and other species of the genus ■ *Vitis*.;’

(2) Article 94 is replaced by the following:

‘ Article 94

Product specification

1. The product specification shall enable interested parties to verify the relevant conditions of production relating to the designation of origin or geographical indication. The product specification shall comprise:

(a) the name to be protected;

**(aa) *the categories of grapevine products;***

(b) the type of geographical indication, being a protected designation of origin or a protected geographical indication;

(c) a description of the wine or wines ■ :

**(i) *in respect of a designation of origin, the principal analytical and organoleptic characteristics;***

**(ii) *in respect of a geographical indication, the principal analytical characteristics as well as an evaluation or indication of its organoleptic characteristics;***

(d) where applicable, the specific oenological practices used to make the wine or wines, as well as relevant restrictions on making them;

(e) the definition of the geographical area delimited with regard to the link referred to in point (h);

(f) the maximum yields per hectare;

- (g) an indication of the wine grape variety or varieties the wine or wines are obtained from;
  - (h) the details on the link referred to in Article 93(1), point (a)(i), or, as the case may be, point (b)(i):
    - (i) as regards a protected designation of origin, the link between the quality or characteristics of the product and the geographical environment referred to in Article 93(1), point (a)(i); the details concerning the human factors of that geographical environment may, where relevant, be limited to a description of the soil, plant material and landscape management, cultivation practices or any other relevant human contribution to the maintenance of the natural factors of the geographical environment referred to in that point;
    - (ii) as regards a protected geographical indication, the link between a specific quality, the reputation or other characteristic of the product, and the geographical origin referred to in Article 93(1), point (b)(i);
  - (i) other applicable requirements where provided for by Member States or by a recognised producer group, if applicable, having regard to the fact that such requirements must be objective, non-discriminatory and compatible with national and Union law.
2. The product specification may contain **■** *sustainable practices* pursuant to Article **■** *6a* of Regulation (EU) .../... of the European Parliament and of the Council [*Regulation on GI's*]\*.

3. Where the wine or wines may be partially de-alcoholised, the product specification shall also contain a description of the partially de-alcoholised wine or wines in accordance with paragraph **■ (1)**, point (c), *mutatis mutandis*, and, where applicable, the specific oenological practices used to make the partially de-alcoholised wine or wines, as well as the relevant restrictions on making them.

\* Regulation (EU) .../... of the European Parliament and of the Council of [...] [...] (OJ L [..., p....]);'

**(2a) Article 95 is replaced by the following:**

‘ **Article 95**

**Single document**

**(1) The single document shall include the following:**

- (a) the name to be protected as a designation of origin or a geographical indication;**
- (b) the Member State or third country to which the demarcated area belongs;**
- (c) the type of geographical indication;**
- (d) a description of the wine or wines;**
- (e) the categories of grapevine products;**
- (f) the maximum yields per hectare;**
- (g) the indication of the wine grape variety or varieties from which the wine or wines are obtained;**

- (h) *a concise definition of the demarcated geographical area;*
  - (i) *a description of the link referred to in point (a)(i) or in point (b)(i) of Article 93(1) of Regulation (EU) No 1308/2013;*
  - (j) *where applicable, the specific oenological practices used to make the wine or wines, as well as the relevant restrictions on making them;*
  - (k) *where applicable, the specific rules concerning packaging and labelling and all other essential relevant requirements.*
- (2) *Where an application covers different categories of grapevine products, the details bearing out the link shall be demonstrated for each of the grapevine products concerned.'*
- (3) Articles 96 to 99, Article 100(1) and Article 100(2), Articles 101 and 102 are deleted.

(3a) *Article 103 is replaced by the following:*

*'Article 103*

*Protection*

*Protected designations of origin and protected geographical indications referred to in this Regulation shall be protected in accordance with Articles 27, 28, 29, 30, 31, 31a, 34 and 36 of [the GI Regulation].'*

(3b) *Articles 104 to 106 and Article 107(2), (3) and (4) are deleted.*

(3c) *Article 110 is replaced by the following:*

*'Article 110*

### ***Implementing powers***

1. ***The Commission may adopt implementing acts laying down rules concerning:***
  - (a) ***the form of the product specification;***
  - (b) ***the definition of the format and the online presentation of the single document provided for in Article 95;***
  - (c) ***the exclusion or anonymisation of personal data.***
2. ***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 84a(2) of Regulation (EU) 202X/XXXX of the European Parliament and of the Council on European Union geographical indications for wine spirit drinks and agricultural products.'***

***(3d) 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. ***The Commission shall adopt implementing acts to declare invalid and remove from the register referred to in Article 25 of Regulation (EU) 2019/34 any traditional terms registered in breach of paragraph 1.***

3. *Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).'*

(3e) *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.’*

(3f) *Subsection 4 shall be replaced as follows:*

- ‘ *Subsection 4*

*Checks to verify compliance with the product specification for designations of origin and geographical indications and to verify conformity with the definition and conditions of use of traditional terms, as well as on the enforcement of conditions for use of traditional terms*

*Article 116a*

*Checks*

1. *Member States shall take the necessary steps to stop the unlawful use of traditional terms referred to in this Regulation.*
2. *Member States shall designate the competent authority responsible for carrying out checks to verify compliance with the product specification related to designations of origin and geographical indications and to verify conformity with the definition and conditions of use of traditional terms, as well as on the enforcement of the conditions for use of traditional terms. To that end, Article 4(2) and (4) and Article 5(1), (4) and (5) of Regulation (EU) 2017/625 of the European Parliament and of the Council shall apply.*



3. *Within the Union, the competent authority referred to in paragraph 2 of this Article or one or more delegated bodies within the meaning of Article 3, point (5), of Regulation (EU) 2017/625 operating as a product certification body in accordance with the criteria laid down in Title II, Chapter III, of that Regulation, shall verify compliance with product specifications annually, both during the wine production and during or after conditioning and shall verify conformity with the definition provided for in Article 112 or , where relevant, the conditions of use of the traditional term, as referred to in Article 115(3).*

*For the purposes of this Subsection, each operator wishing to participate in any activity covered by the product specification of a product bearing a designation of origin or geographical indication shall notify the competent authorities, delegated bodies or natural persons referred to in the first subparagraph. Member States shall draw up and keep up to date a list of operators who perform activities subject to one or more obligations provided for in the product specification of a designation of origin or geographical indication entered in the Union register of geographical indications originating in their territory.*

4. *The Commission shall adopt implementing acts concerning the following:*
  - (a) *the communication to be made by the Member States to the Commission;*
  - (b) *rules governing the authority responsible for verifying compliance with product specifications of protected designations of origin and protected geographical indications, including where the geographical area is in a third country, and for verifying conformity with the definition provided for in Article 112 and, where relevant, the conditions of use of traditional terms;*

- (c) *the actions to be implemented by the Member States to prevent the unlawful use of protected traditional terms;*
- (d) *the checks for verification of compliance with the product specification to be carried out by the Member States, including testing.*

*Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).'*

**(3g)** *Article 166a(1) and (4(c)) are replaced by the following:*

- ‘1.** *Without prejudice to Articles 167 and 167a of this Regulation, at the request of a producer organisation or association of producer organisations recognised under Article 152(1) or 161(1) of this Regulation, an interbranch organisation recognised under Article 157(1) of this Regulation, a producer group as referred to in Article 32 of [GI Regulation], a recognised producer group as referred to in Article 33 of [GI Regulation] or a group of producers as referred to in Article 95(1) of this Regulation, Member States may lay down, for a limited period of time, binding rules for the regulation of the supply of agricultural products referred to in Article 1(2) of this Regulation benefiting from a protected designation of origin or from a protected geographical indication under Article 5(1) and (2) of Regulation (EU) No 1151/2012 or under Article 93(1), points (a) and (b), of this Regulation. Where a recognised producer group referred to in Article 33 of [GI Regulation] exists, the producer group referred to in Article 32 [GI Regulation] shall not have this right.*
- 4.(c)** *may be made binding for no more than three years, except at a request of recognised producer group as referred to in Article 33 of [GI Regulation] where the period may be up to [6] years, but may be renewed after that period following a new request, as referred to in paragraph 1;’*

**(3h) In Article 231 a new paragraph is added:**

- ‘3. Article 113a shall not apply with regard to applications for protection of a traditional term submitted to the Commission before [ the entry into force of this amending Regulation].’** ■

*Article 83*

**Amendments to Regulation (EU) 2019/787**

Regulation (EU) 2019/787 is amended as follows:

- (1) in Article 3, points 6 and 7 are deleted;
- (2) Articles 16 and 21 are deleted;

**(2a) in Article 22, the following paragraph 1a is inserted:**

- ‘ The product specification may also include sustainable practices.’**

(3) Article 23 is replaced by the following:

- ‘ Article 23

Single document

The single document shall set out the following:

- (a) the main points of the product specification, including the name to be protected, the category to which the spirit drink belongs or the term ‘spirit drink’, the production method, a description of the characteristics of the spirit drink, a concise definition of the geographical area, and, where appropriate, specific rules concerning packaging and labelling;

- (b) a description of the link between the spirit drink and its geographical origin as referred to in Article 3, point (4), including, where appropriate, the specific elements of the product description or production method justifying that link.;
- (4) Articles 24 to 33, **Article 34(1) and (2)**, **Articles 35, 36 and Articles 38 to 40** are deleted.

**(4a) Article 42 is replaced by the following:**

‘ **Article 42**

***Implementing powers***

1. ***The Commission may adopt implementing acts concerning:***
  - (a) ***the form of the product specification;***
  - (b) ***the definition of the format and the online presentation of the single document provided for in Article 23(1)(c);***
  - (c) ***the exclusion or anonymisation of personal data.***
2. ***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 84a(2) of Regulation (EU) 202X/XXXX of the European Parliament and of the Council on European Union geographical indications for wine, spirit drinks and agricultural products.***

**(4b) In Annex I, the following points are 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. ;'**

**9a. Potato spirit**

**(a) Potato spirit is a spirit drink produced exclusively by alcoholic fermentation and distillation of potato tubers at less than 94,8 % vol., 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 addition of alcohol, diluted or not, shall take place.*
- (e) Potato spirit shall not be flavoured.*
- (f) Potato spirit may only contain added caramel as a means of adjusting the colour.*
- (g) Potato spirit may be sweetened in order to round off the final taste. However, the final product may not contain more than 10 grams of sweetening products per litre, expressed as invert sugar.'*

*'13b. Birch sap spirit, maple sap spirit and birch and maple sap spirit*

- (a) Birch sap spirit, maple sap spirit and birch and maple sap spirit is a spirit drink produced exclusively by the direct distillation of mash obtained from fermentation of fresh birch or maple sap or both under normal pressure to an alcohol content of less than 88% by volume, so that the resulting distillate has organoleptic properties derived from birch or maple sap or both.*
- (b) The minimum alcoholic strength by volume of birch sap spirit, maple sap spirit and birch and maple sap spirit shall be 38%.*
- (c) No addition of alcohol, diluted or not, shall take place.*
- (d) Birch sap spirit, maple sap spirit and birch and maple sap spirit shall not be flavoured.*
- (e) Birch sap spirit, maple sap spirit and birch and maple sap spirit may only contain added caramel as a means of adjusting the colour.*
- (f) Birch sap spirit, maple sap spirit and birch and maple sap spirit may be sweetened in order to round off the final taste. However, the final product may not contain more than 20 grams of sweetening products per litre, expressed as invert sugar.'*

## Article 83a

### *Amendment to Regulation (EU) No 2019/1753*

*In Article 2, paragraph 2a is added:*

*‘2a. By way of derogation from paragraph 2, when the request addressed to the Member State referred to in paragraph 2 comes from a recognised producer group, as referred to in Article 33 of [GI Regulation] that request shall comprise verifiable information on the economic interest in international protection of the geographical indication concerned.*

*On the basis of that request, the Member State concerned shall evaluate the economic interest in international protection of that geographical indication.*

*Provided that the evaluation establishes such economic interest, the Member State shall request the Commission to register that geographical indication.’*

*In Article 11, the following paragraph is inserted:*

*‘2a. In respect of each appellation of origin originating in a Member State which is party to the Lisbon Agreement, for a product which was not within the scope of Regulation (EU) No 1151/2012 but which falls within the scope of Regulation [Regulation on GIs], the Member State concerned shall, on the basis of a request by a natural person or legal entity referred to in point (ii) of Article 5(2) of the Geneva Act or a beneficiary as defined in point (xvii) of Article 1 of the Geneva Act, or on its own initiative, choose to request either:*

*(a) the international registration of that appellation of origin under the Geneva Act, within twelve months from the date of registration under Regulation [Regulation on GIs], if that Member State has ratified or acceded to the Geneva Act pursuant to the authorisation referred to in Article 3 of Decision (EU) 2019/1754, or*

***(b) the cancellation of the registration of that appellation of origin in the International Register.***

***The Member State concerned shall notify the Commission of the choice referred to in the first subparagraph within one month from the date of registration of that appellation of origin under Regulation [Regulation on GIs] in case of request of international registration under the Geneva Act and by [note to OJ: please set the date twelve months from the date of entry into force of Regulation [Regulation on GIs] in case of request of cancellation.***

***In the situations referred to in point (a) of the first subparagraph, the Member State concerned shall, in coordination with the Commission, verify with the International Bureau whether there are any modifications to be made under Rule 7(4) of the Common Regulations for the purpose of registration under the Geneva Act. The Commission shall, by means of an implementing act, authorise the Member State concerned to provide for the necessary modifications and to notify the International Bureau. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 15(2).***

***If the request for registration under Regulation [Regulation on GIs] is refused and related administrative and judicial remedies have been exhausted, or if the request for registration under the Geneva Act has not been made pursuant to the third subparagraph of this paragraph, the Member State concerned shall, without delay, request the cancellation of the registration of that appellation of origin in the International Register.'***



## **Title V**

### **Delegation of powers, *procedural*, transitional and final provisions**

#### *Article 84*

##### **Delegation of powers**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 19(10), Article 25(10), Article 28(3), *Article 34(2a)*, Article 48a(3), Article 49(4), Article 51(3), Article 55(5), Article 56(2), Article 62(10), Article 67(3), Article 69(6), Article 76(4), Article 77, 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.
3. The delegation of power related to in the Articles referred to in paragraph 2 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

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

#### **Article 84a**

##### *Committee procedure*

1. *The Commission shall be assisted by the Quality Policy Committee for agricultural products, wine and spirit drinks. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.*
2. *Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.*

#### *Article 85*

##### **Transitional provision for the classification of geographical indications**

The classification, referred to in Article 6(1), of geographical indications registered or applied for before the date of entry into force of this Regulation shall be made in accordance with the table set out in Annex III.

**Transitional provisions for pending applications and registered names**

1. Rules applicable before the entry into force of this Regulation shall continue to apply to applications for registration, applications for approval of a Union amendment to the product specification and requests for cancellation of geographical indications received by the Commission before the date of entry into force of this Regulation.
2. However, **Articles 19, 20, 21(1) to (5) and 22** shall apply to those applications and requests for which the publication for opposition of the application for registration, of the application for approval of a Union amendment to the product specification or of the request for cancellation of a geographical indication in the EU Official Journal takes place after [date of **■** entry into force of this Regulation].
  - 2a. *The provision on the extension of the transitional period referred to in Article 21(6a) shall also apply in relation to transitional periods still ongoing on the date of the entry into force of this Regulation.*
  - 2b. *Article 30(4) shall not apply to names registered or applied for before [the entry into force of this Regulation].*
3. Rules applicable before the entry into force of this Regulation shall continue to apply to applications for registration, applications for approval of a Union amendment to the product specification and requests for cancellation of traditional specialities guaranteed received by the Commission before the date of entry into force of this Regulation.
4. However, Article 62 to Article 65 shall apply to those applications and requests for which the publication for opposition of the application for registration, of the application for approval of a Union amendment to the product specification or of the request of cancellation of a traditional speciality guaranteed in the EU Official Journal takes place after [date of the entry into force of this Regulation].

## Article 86a

### *Transitional provisions for national geographical indications*

- 1. Protection of geographical indications which designate products which were not within the scope of Regulation (EU) No 1151/2012 but which fall within the scope of this Regulation, granted under national law, shall cease on [one year after the date of entry into force of this Regulation] if no application for registration is submitted to the Commission pursuant to Article 15 of this Regulation.*
- 2. If an application for the registration of a geographical indication, as referred to in paragraph 1, is submitted to the Commission before the date referred to in paragraph 1, national protection shall cease on the date the Commission decides on the registration of that geographical indication in accordance with Article 22. Article 9 shall not apply to this application. In case of rejection of the application for registration, national protection shall continue until all judicial remedies have been exhausted, if relevant. After the national protection has ceased, the concerned Member State shall, without delay, request the cancellation of the registration of the corresponding Appellation of Origin in the Register of the International Bureau of the World Intellectual Property Organisation.*

## Article 87

### **Continuity of the registers**

1. Each designation of origin and geographical indication of wine and of agricultural products, and each geographical indication of spirit drinks, with all relevant data, and data concerning pending applications for registration, amendment or cancellation, entered in the respective geographical indications registers shall be entered automatically into the Union register of geographical indications.

2. Each traditional speciality guaranteed entered in the traditional specialities guaranteed register, with all relevant data, and data concerning pending applications for registration amendment or cancellation, on the day before the entry into application of this Regulation, shall be entered automatically into the Union register of traditional specialities guaranteed.

#### *Article 88*

#### **Repeal**

Regulation (EU) No 1151/2012 is repealed.

#### **Article 88a**

#### *Correlation table*

*References to the repealed Regulation (EU) No 1151/2012 and references to the deleted provisions as referred to in Articles 81(3) and 83(4) shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex IV.*

#### **Article 88b**

#### *Repeal and amendment of delegated and implementing acts*

*The Commission shall repeal or replace, as appropriate, the delegated and implementing acts adopted on the basis of Regulation (EU) No 1151/2012 or on the basis of the provisions referred to in Articles 81 and 83, to the extent necessary to bring them in conformity with the empowerments provided for in this Regulation.*

*Article 89*

**Entry into force and date of application**

This Regulation shall enter into force on the **■ twentieth** day following that of its publication in the Official Journal of the European Union. **Articles 9(4) and (5), 39(1) and 45 shall apply as of 1 January 2025.**

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the European Parliament*

*The President*

*For the Council*

*The President*

(...) (...)

## Annex I

Additional agricultural products referred to in Article 5(1)

Products

CN Heading 25.01 (salt) ■

CN Heading 32.03 (cochineal)

CN Heading 33.01 (essential oils)

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

CN Headings 41.01 to 41.03 (hides and skins)

CN Heading 43.01 (raw furskins)

CN Heading 45.01 (cork)

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

CN Headings 51.01 to 51.03 (wool and animal hair)

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

CN Heading 53.01 (raw flax)

CN Heading 53.02 (raw hemp)

## Annex II

■ *Foodstuffs and* agricultural products referred to in Article ■ *53a*

Traditional specialities guaranteed

- (a) prepared meals,
- (b) beer,
- (c) chocolate and derived products,
- (d) bread,
- (e) pastry and cakes,
- (f) confectionery,
- (g) biscuits and other baker's wares,
- (h) beverages made from plant extracts,
- (i) pasta,
- (j) salt■ ,
- (ja) aerated waters.*
- (jb) cork.*



### Annex III

Table of correspondence referred to in Article 85

Existing product classification	Combined nomenclature headings corresponding to the existing product classification
Wines	CN 22 04
Spirit drinks	CN 22 08
Class 1.1. Fresh meat (and offal)	CN 02
Class 1.2. Meat products (cooked, salted, smoked, etc.)	CN 16
Class 1.3. Cheeses	CN 04 06
Class 1.4. Other products of animal origin (eggs, honey, various dairy products except butter, etc.)	CN 04
Class 1.5. Oils and fats (butter, margarine, oil, etc.)	CN 15
Class 1.6. Fruit, vegetables and cereals fresh or processed	CN 07; CN 08; CN 10; CN 11; CN 20
Class 1.7. Fresh fish, molluscs, and crustaceans and products derived therefrom	CN 03; CN 16
Class 1.8. Other products listed in Annex I to the Treaty (spices etc.)	Class 1.8 covers diverse headings of the combined nomenclature
Class 2.1. Beer,	CN 22 03
Class 2.2. Chocolate and derived products	CN 18 06
Class 2.3. Bread, pastry, cakes, confectionery, biscuits and other baker's wares	CN 19 05
Class 2.4. Beverages made from plant extracts,	CN 22 05; CN 22 06

Class 2.5. Pasta	CN 19 02
Class 2.6. Salt	CN 25 01
Class 2.7. Natural gums and resins	CN 13 01
Class 2.8. Mustard paste	CN 21 03
Class 2.9. Hay	CN 12 14 90
Class 2.10. Essential oils	CN 33 01
Class 2.11. Cork	CN 45 01
Class 2.12. Cochineal	CN 32 03
Class 2.13. Flowers and ornamental plants	CN 06 02; CN 06 03; CN 06 04
Class 2.14. Cotton	CN 52 01
Class 2.15. Wool	CN 51 01
Class 2.16. Wicker	CN 14 01
Class 2.17. Scutched flax	CN 53 01 21
Class 2.18. Leather	CN 41
Class 2.19. Fur	CN 43 01
Class 2.20. Feather	CN 05 05
Class 2.21. Aromatised wines	CN 22 05
Class 2.22 Other alcoholic beverages	CN 22 06
Class 2.23. Beeswax	CN 15 21 90

Annex IV

**[Correlation table to be added during the legal-linguistic revision]**

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