

AMENDMENT PROPOSALS TO IMPROVE THE PLACE OF THE QUALITY POLICY IN THE CAP POST-2020

Brussels, 19/11/2018

INTRODUCTION

oriGIn EU is the European antenna of the global alliance of geographical Indications (GIs) groups (<https://www.origin-gi.com>). Its mission is to ensure a better protection and promotion of the GI concept before the European institutions.

The [Association of European Regions for Products of Origin \(AREPO\)](#) is a network of Regions and producer associations that deals with products of origin and EU quality schemes. It represents 32 European regions and over 700 associations of producers for over 50% of European GIs.

The EU quality policy aims at protecting products' names with unique characteristics linked to their geographical origin. The recognition of PDO/PGI (available for wines and agricultural products) as well as GI (for spirits) help producers to better market their products and enables consumers to distinguish and trust them. Recognised as Intellectual Property Rights (IPRs), PDO, PGI, and GIs play an increasingly important role in terms of rural development. Likewise, they have become a key element in trade negotiations between the EU and other countries.

The European Commission (EC), in its proposal of June 2018 for the reform of the Common Agricultural Policy – CAP set a path for the simplification and strengthening of the PDO/PGI systems (applicable to wines and agricultural products). MEP Andrieu's report on the proposal for a Regulation modifying the Common Market Organisation (CMO) regulation, Regulation 1151/2012 and Regulation 251/2014 also introduces amendments that would simplify the GI system and reinforce GI protection.

AREPO and oriGIn EU believe the Commission proposal and COMAGRI reports go in the right direction. However, we would like **some amendments to be introduced in the report of Mr. Andrieu to increase the level of protection of European GIs and to harmonize the provisions applicable to GIs for the wine and the agricultural products and foodstuffs sectors.**

Furthermore, **quality policy is a major pillar of the European sustainable food system**, capable to contribute to and complement rural development policy as well as market and income support policies of the CAP. Nevertheless, GIs **enormous potential is still underutilized in the EU and a renewed attention from policy makers is needed to unlock it. Thus, some amendments need to be introduced in the report of Mrs. Herranz Garcia to assure that the CAP supports the functioning of this virtuous economic model capable of delivering public goods.**

SUPPORT FOR MEP ANDRIEU AMENDMENTS

As a starting point, oriGIn EU and AREPO would like to express their support for the following amendments introduced by the report of MEP Andrieu:

- Amendment 29
- Amendment 30
- Amendment 32
- Amendment 33
- Amendment 34
- Amendment 55
- Amendment 96
- Amendment 97
- Amendment 98

REGULATION PROPOSAL ON CAP STRATEGIC PLANS

INTRODUCTION: WHEREAS

Amendment 1 / Addition of GI producer groups as possible beneficiaries under type of measure “Cooperation”.

Recital	<i>Text proposed by the Commission</i>	Amendment proposal
45	(45) Support should enable the establishment and implementation of cooperation between at least two entities in view of achieving CAP objectives. Support can entail all aspects of such cooperation, such as the setting up of quality schemes; collective environmental and climate action; the promotion of short supply chain and local markets; pilot projects; Operational Group projects within the EIP for agricultural productivity and sustainability local development projects, Smart Villages, buyers' clubs and machinery rings; farm partnerships; forest management plans; networks and clusters; social farming; community supported agriculture; actions within the scope of LEADER; and the setting up of producer groups and producer organisations, as well as other forms of cooperation deemed necessary to achieve the specific objectives of the CAP.	(45) Support should enable the establishment and implementation of cooperation between at least two entities in view of achieving CAP objectives. Support can entail all aspects of such cooperation, such as the setting up, <i>certification costs and promotion</i> of quality schemes; collective environmental and climate action; the promotion of short supply chain and local markets; pilot projects; Operational Group projects within the EIP for agricultural productivity and sustainability local development projects, Smart Villages, buyers' clubs and machinery rings; farm partnerships; forest management plans; networks and clusters; social farming; community supported agriculture; actions within the scope of LEADER; and the setting up of producer groups and producer organisations, <i>including producer groups recognised under Regulation (EU) No 1151/12</i> , as well as other forms of

	cooperation deemed necessary to achieve the specific objectives of the CAP.
Justification	
<p>Support for certification costs of EU quality schemes is a fundamental measure to promote such schemes, in line with the objectives of Article 71.</p> <p>Regulation (EU) No 1151/12 on quality schemes for agricultural products and foodstuffs highlights the importance of collective organisation and recognises the role of producer groups in ensuring adequate legal protection of PDO/PGI as well as, in general, any activity aimed at improving the value of the registered names and effectiveness of the quality schemes (art. 45). In order to assure the development of these prerogatives, GI producer groups should be included among the potential beneficiaries of cooperation.</p>	

CHAPTER IV – TYPES OF INTERVENTIONS FOR RURAL DEVELOPMENT

ARTICLE 71: COOPERATION

Amendment 2 / Addition of GI producer groups as possible beneficiaries under type of measure “Cooperation”.

Article	Text proposed by the Commission	Amendment proposal
71.1	1. Member States may grant support for cooperation under the conditions set out in this Article and as further specified in their CAP Strategic Plans to prepare and to implement Operational Group projects of the European Innovation Partnership for agricultural productivity and sustainability as referred to in Article 114 and LEADER, referred to as community-led local development in Article 25 of Regulation (EU) [CPR], and to promote quality schemes, producer organisations or producer groups or other forms of cooperation.	1. Member States may grant support for cooperation under the conditions set out in this Article and as further specified in their CAP Strategic Plans to prepare and to implement Operational Group projects of the European Innovation Partnership for agricultural productivity and sustainability as referred to in Article 114 and LEADER, referred to as community-led local development in Article 25 of Regulation (EU) [CPR], and to promote quality schemes, producer organisations or producer groups, including producer groups recognised under Regulation (EU) No 1151/12 , or other forms of cooperation
Justification		
Regulation 1151/12 on quality schemes for agricultural products and foodstuffs highlights the importance of collective organisation and recognises the role of producer groups in ensuring adequate legal protection of PDO/PGI as well as, in general, any activity aimed at improving the value of the registered names and effectiveness of the quality schemes (art. 45). In order to assure the		

development of these prerogatives, GI producer groups should be included among the potential beneficiaries of cooperation.

Amendment 3 / Addition of support for certification costs of EU quality schemes as possible intervention under type of measure “Cooperation”.

Article	<i>Text proposed by the Commission</i>	Amendment proposal
71.3	3. Member States may cover under this type of interventions the costs related to all aspects of the cooperation.	3. Member States may cover under this type of interventions the costs related to all <i>necessary</i> aspects of the cooperation, <i>including certification costs relating to participation in an EU quality scheme.</i>
Justification		
Support for certification costs of EU quality schemes is a fundamental measure to promote such schemes, in line with the objectives of Article 71.		

ARTICLE 64 – PARAGRAPH 1 – POINT h bis (NEW)

Amendment 4 / Addition of a thematic sub-programme for quality schemes for agricultural products and foodstuffs.

Article	<i>Text proposed by the Commission</i>	Amendment proposal
64.1.h(a)		<i>h bis) thematic sub-programme for quality schemes for agricultural products and foodstuffs.</i>
Justification		
The EU recognises that quality schemes can benefit the rural economy, particularly less favoured areas like mountain areas and most remote regions. In particular, Geographical Indications (GIs) can contribute to deliver important socio-economic and environmental public goods in line with European Union (EU) priorities and objectives. A horizontal programme using different measures to support quality schemes for agricultural products and foodstuffs would be of paramount importance to address simultaneously specific local needs and to boost GIs impact in term of rural development.		

ARTICLE 72 bis (NEW)

Amendment 5 / Addition of a thematic sub-programme for quality schemes for agricultural products and foodstuffs.

Article	<i>Text proposed by the Commission</i>	Amendment proposal
72 bis		<i>Article 72 bis</i>

		<p><i>Thematic sub-programme for quality schemes for agricultural products and foodstuffs</i></p> <p><i>Member States may establish a thematic subprogramme for quality schemes for agricultural products and foodstuffs within their strategic plans. This subprogramme shall meet the objectives referred to in Article 6(1).</i></p>
Justification		
<p>The EU recognises that quality schemes can benefit the rural economy, particularly less favoured areas like mountain areas and most remote regions. In particular, Geographical Indications (GIs) can contribute to deliver important socio-economic and environmental public goods in line with European Union (EU) priorities and objectives. A horizontal programme using different measures to support quality schemes for agricultural products and foodstuffs would be of paramount importance to address simultaneously specific local needs and to boost GIs impact in term of rural development.</p>		

CHAPTER III - SECTORAL TYPES OF INTERVENTIONS

ARTICLE 60 – TYPES OF INTERVENTION (OTHER SECTORS)

Amendment 6 / Inclusion of control of Union and national quality schemes under the types of intervention for “other sectors”.

Article	<i>Text proposed by the Commission</i>	Amendment proposal
60.1.g	(g) implementation of Union and national quality schemes;	(g) implementation and control of Union and national quality schemes;
Justification		
<p>It is important to ensure that both the implementation and the control of Union and national quality schemes are available as types of intervention for “other sectors”. Indeed, it is important that the strategic plans allow for the control of Union and national quality schemes to strengthen and harmonize their protection and reputation.</p>		

ARTICLE 61 – PARAGRAPHS 1,4 AND 5 – OPERATIONAL PROGRAMS (OTHER SECTORS)

Amendment 7 / Inclusion of producer groups, as defined in Regulation 1151/12 on quality schemes, as beneficiaries of operational programs under “other sectors” sectoral interventions.

Article	<i>Text proposed by the Commission</i>	Amendment proposal
61.1	1. In each sector concerned, the objectives and the interventions set out by the Member States in their CAP Strategic Plans	1. In each sector concerned, the objectives and the interventions set out by the Member States in their CAP Strategic Plans shall be

	shall be implemented through approved operational programs of producer organisations and/or associations of producer organisations recognised under Regulation (EU) No 1308/2013, under the conditions laid down in this Article.	implemented through approved operational programs of producer organisations and/or associations of producer organisations recognised under Regulation (EU) No 1308/2013 and producer groups recognised under Regulation (EU) No 1151/12 , under the conditions laid down in this Article.
61.4	4. Operational programs shall be submitted by producer organisations and/or associations of producer organisations recognised under Regulation (EU) No 1308/2013 to the Member States for their approval.	4. Operational programs shall be submitted by producer organisations and/or associations of producer organisations recognised under Regulation (EU) No 1308/2013 and producer groups recognised under Regulation (EU) No 1151/12 to the Member States for their approval.
61.5	5. Operational programs may be implemented only by producer organisations or by associations of producer organisations recognised under Regulation (EU) No 1308/2013.	5. Operational programs may be implemented only by producer organisations or by associations of producer organisations recognised under Regulation (EU) No 1308/2013 and by producer groups recognised under Regulation (EU) No 1151/12 .
Justification		
<p>Producer groups as defined in Regulation 1151/12 on quality schemes should have the possibility to implement specific programmes to support coordinated activities along the supply chain under the single CMO. In particular, they should have access to the support for Producers Organisations (POs) to implement operational programmes aiming at promoting collective actions and strengthening the supply chain.</p>		

AMENDING REGULATION - SINGLE CMO AND QUALITY SCHEMES FOR AGRICULTURAL PRODUCTS AND FOODSTUFFS

RECITAL 14

Amendment 8 / Cancellation of the separation of the assessment of compliance with intellectual property rules from the assessment of compliance of the product specifications

Article	Text proposed by the Commission	Amendment proposal
Recital 14	(14) Registration of geographical indications should be made simpler and faster by separating the assessment of compliance with intellectual property rules from the assessment of compliance of the product specifications with the requirements laid down in the marketing standards and labelling rules.	Deletion

Justification

EU quality policy is more than a simple GI protection mechanism as they constitute an important tool for rural development. Product specifications include essential elements which do not concern exclusively IPRs, but also production processes, labelling, oenological practices etc. Limiting the examination to IPRs could eventually lead the EC to transform PDO and PGI schemes into a simple IP protection mechanism.

ARTICLE 1: AMENDMENTS TO REGULATION (EU) 1308/2013

Amendment 9 / Cancellation of the separation of the assessment of compliance with intellectual property rules from the assessment of compliance of the product specifications for wine GIs

Article	Text proposed by the Commission	Amendment proposal
Proposal for a regulation Article 1 – paragraph 13 – point 3 b (new) Regulation (EU) No 1308/2013 Article 99 – paragraph 3	3. Protection conferred pursuant to this Article shall be without prejudice to compliance of products concerned with other Union rules relating in particular to the placing of products on the market, marketing and to food labelling.	Deletion

Justification

EU quality policy is more than a simple GI protection mechanism as they constitute an important tool for rural development. Product specifications include essential elements which do not concern exclusively IPRs, but also production processes, labelling, oenological practices etc. Limiting the examination to IPRs could eventually lead the EC to transform PDO and PGI schemes into a simple IP protection mechanism.

ARTICLE 2: AMENDMENTS TO REGULATION (EU) 1151/2012

Amendment 10 / Cancellation of the separation of the assessment of compliance with intellectual property rules from the assessment of compliance of the product specifications for agricultural products and foodstuffs

Article	Text proposed by the Commission	Amendment proposal
Proposal for a regulation Article 2 – paragraph 1 Regulation (EU) No 1151/2012 Article 2 – paragraph 3	3. This Regulation, and in particular the registrations made pursuant to Article 52, shall be without prejudice to compliance of products concerned with other Union rules relating in particular to the placing of products on the market, marketing and to food labelling.	Deletion

<p>Justification</p> <p>EU quality policy is more than a simple GI protection mechanism as they constitute an important tool for rural development. Product specifications include essential elements which do not concern exclusively IPRs, but also production processes, labelling, oenological practices etc. Limiting the examination to IPRs could eventually lead the EC to transform PDO and PGI schemes into a simple IP protection mechanism.</p>
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Amendment 11 / Assuring a more efficient approval of amendments to product specifications.

Article	Text proposed by the Commission	Amendment proposal
<p>Proposal for a regulation Article 2 – paragraph 14</p> <p>Regulation (EU) No 1151/2012 Article 53 – paragraph 2 (last paragraph)</p>	<p>Amendments shall be scrutinised taking into account other elements of the product specifications. Where appropriate, the Commission or the Member State concerned may invite the applicant to modify other elements of the product specifications.</p>	<p><i>In Article 53, paragraph 2, the last paragraph is replaced by the following:</i></p> <p><i>The scrutiny of the application shall focus on the proposed amendment.</i></p>
<p>Justification</p> <p>The scrutiny of the application shall focus on the proposed amendment in order to assure a faster and more efficient approval of amendments to product specifications.</p>		

Amendment 12 / Maintenance of the European and common nature of the Geographical Indication system

Article	Text proposed by the Commission	Amendment proposal
<p>Proposal for a regulation Article 2 – paragraph 14</p> <p>Regulation (EU) No 1151/2012 Article 53 – paragraph 4 new</p>		<p><i>4. The Commission shall adopt guidelines setting out criteria and a common methodology for the implementation and enforcement of the administrative process of Union and standard amendments to product specifications, in order to assure coherence in the implementation of standard amendments at national level.</i></p> <p><i>Within 3 year of entry into force of the reform, the Commission shall carry out a first evaluation of the effectiveness of the administrative process of Union and standard amendments to product specification, in order to assess the impact and coherence of the reform</i></p>

		<i>implementation at national level. Following the evaluation, the Commission shall present a report of the main findings to the European Parliament and to the Council.</i>
Justification		
<p>If the EU PDO/PGI schemes were implemented differently throughout the EU, the whole concept of EU GIs would be weakened. The adoption of guidelines setting out criteria and a common methodology for the implementation and enforcement of the administrative process of Union and standard amendments to product specifications will allow a the PDO/PGI concept to be applied in a consistent manner throughout the EU and that a level playing field between the different Member States is ensured.</p>		

Amendment 13/ Alignment of the Designation of Origin definition with the one provided for at international level in the Lisbon Agreement

Article	Text proposed by the Commission	Amendment proposal
<p>Proposal for a regulation Article 2 – paragraph 2 - (a)(new)</p> <p>Regulation (EU) No 1151/2012 - Article 5 - paragraph 1</p>		<p>Paragraph 1 of Article 5 shall be replaced by the following:</p> <p>1. For the purpose of this Regulation, ‘designation of origin’ is a name traditionally used in a specific place which identifies a product:</p>
Justification		
<p>The definition of designation of origin in the amendment takes over the definition provided for at international level in the Lisbon Agreement.</p>		

Amendment 14/ Alignment of the Geographical Indication definition with the one provided for at international level in the Lisbon Agreement

Article	Text proposed by the Commission	Amendment proposal
<p>Proposal for a regulation Article 2 – paragraph 2 - (c) (new)</p> <p>Regulation (EU) No 1151/2012 - Article 5 - paragraph 2</p>		<p>Paragraph 2 of Article 5 shall be replaced by the following:</p> <p>1. For the purpose of this Regulation, ‘geographical indication’ is a name traditionally used in a specific place which identifies a product:</p>

Justification
The definition of geographical indication is harmonised with the definition of designation of origin. It will clarify the position of PGI whose name is not linked to the name of the region.

Amendment 15/ Improvement of PDO/PGI protection against the abuse of their reputation

Article	<i>Text proposed by the Commission</i>	Amendment proposal
Proposal for a regulation Article 2 – paragraph 5 - (a) (new) Regulation (EU) No 1151/2012 - Article 13 - paragraph 1 - a		(5 a) In point (a) of Article 13(1), point a) is replaced by the following: (a) any direct or indirect commercial use of a registered name in respect of products not covered by the registration where those products are comparable to the products registered under that name or where using the name exploits, weakens or dilutes , the reputation of the protected name, including when those products are used as an ingredient;
Justification		
This amendment aims to reinforce the system that protects any protected designation of origin or protected geographical indication. The same modifications have been included for the GI wine sector by MEP Andrieu in his report and for the sake of consistency the provisions should be harmonised.		

Amendment 16/ Improvement of PDO/PGI protection against any second level bad faith registration in the domain name space (second level domain: website name)

Article	<i>Text proposed by the Commission</i>	Amendment proposal
Proposal for a regulation Article 2 – paragraph 5 - (b) (new) Regulation (EU) No 1151/2012 - Article 13 - paragraph 1 - e (new)		In Article 13, paragraph 1, the following point shall be inserted: (e) any registration, in bad faith, of a domain name that is similar or liable to cause confusion, in full or in part, with a protected name.
Justification		
It is important to reinforce the protection system for geographical indications on the Internet in addition to existing legislation. This applies in particular to the protection of domain names. The same		

modifications have been included for the GI wine sector by MEP Andrieu in his report and for the sake of consistency the provisions should be harmonised.