

## AREPO POSITION ON AN EU-WIDE PROTECTION OF GEOGRAPHICAL INDICATIONS FOR INDUSTRIAL AND ARTISANAL PRODUCTS

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 33 European regions and over 700 associations of producers for more than 60% of European GIs.

AREPO is driven by a vision of **Geographical Indications (GIs) as tools for rural development and territorial planning**. We have a long experience in the protection and valorisation of agricultural and agri-food GIs. Likewise, we believe that **GIs for non-agricultural products could contribute to the growth and development of local territories**.

Particularly, most of these manufactures have place in rural areas, hence the introduction of an EU-wide scheme for protection could boost their positive impact on the territories of origin. Furthermore, so far GIs for industrial and artisanal products have been mainly protected at national level with no mutual recognition of national protection systems, resulting in a fragmentation that has diluted their potential.

For this reason, AREPO welcomes the proposal for a regulation published by the European Commission extending the GI protection to industrial and craft products at EU level and would like to seize this opportunity to submit the following observations and the relative recommendations.

### 1. OBJECTIVES AND DEFINITIONS

As far as possible, **the system for craft and industrial GIs (CI GIs) should be modelled on the existing EU rules for agricultural PDOs and PGIs**, while taking into account certain specificities of the industrial and craft sectors.

Firstly, in order to guarantee consistency with the agricultural GIs system and considering that CI GIs represent economic tools enabling the development of local economies, it would be important to include an article in the legislative text recalling the various **objectives** pursued by the regulation on CI GIs.

Secondly, the legislative proposal **should provide for a definition of Geographical Indication**, reproducing the TRIPs definition or the PGI definition as well as **a list of goods covered by the regulation** (like for agricultural GIs), so as not to exclude nationally registered products which would currently be out of the definitions of CI products given by the proposal.

Concerning "generic terms", it should only refer to a product name that has become the common name of a product. The further assessment of genericity should be left to the judges.

Finally, we would like to stress the need for clarifications regarding the designations of origin, existing in some Member States. As a matter of fact, from the text it is not clear whether the DOs are integrated in the system or are subject to differentiated treatment.

### 2. FUNCTIONING OF THE SYSTEM

Concerning the general functioning of the system, AREPO would like to raise the attention on the following points:

- **Content of the product specifications:** GI specifications must refer to **geographical names** that are used in commerce and must also include the **type of product** covered by the GI, as this information is included in the agricultural GIs specifications. Furthermore, for the sake of

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transparency to consumers, it will be essential to mention the control body in the specification, this being a public document;

- **Official logo:** the European Commission opted for the use of the PGI logo. The use of the logo should be **mandatory**, in order for consumers to easily recognise it as expression of the quality and peculiarities of the good.
- **Sustainability:** In line with the proposal reviewing EU regulation 1151/2012, producer groups can agree on sustainability undertakings. We welcome this integration in the CI GIs system, recalling the importance of keeping a **voluntary and flexible approach** concerning sustainability for CI products. As a matter of fact, this regulation will create a completely new system, firstly requiring operators to get familiar with its functioning at EU level. Furthermore, it must be avoided a standardisation of sustainability or a unique approach to it, since **each value chain has its own specificities and the diversity of the products and organizations for CI GIs will have to be taken into account.**
- **Protection:** the envisaged system seems to provide for a strong set of rules on protection, inspired to the type of protection accorded to agricultural product. The definition of evocation raises some doubts. There is no definition of evocation in the current EU regulations on GIs. This has allowed the European Court of Justice, to provide an extensive interpretation of evocation which is not reflected in the proposed article. We would like to recommend to leave it to the Courts to continue assessing the issue of evocation on a case-by-case basis. Therefore, **the definition of evocation should be removed from the proposal for a regulation.**
- **Controls:** It is necessary to put in place reliable controls on the operators concerned in order to maintain compliance with the product specifications and to build up a credible system for consumers. The legislative proposal also introduces the possibility for producers to submit a **self-declaration**. This raises many questions concerning the level of guarantee of such a declaration for the consumers and for the whole GI system, since its content will depend only on the producers' assertions.