



AREPO AMENDMENTS PROPOSAL TO THE REVISION OF REGULATION ON EUROPEAN UNION GEOGRAPHICAL INDICATIONS FOR WINE, SPIRIT DRINKS AND AGRICULTURAL PRODUCTS, AND QUALITY SCHEMES FOR AGRICULTURAL PRODUCTS, AMENDING REGULATIONS (EU) NO 1308/2013, (EU) 2017/1001 AND (EU) 2019/787

COM(2022) 134 final

Amendment 1

Title of the Proposal for a regulation

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on European Union geographical indications for wine, spirit drinks and agricultural products, and quality schemes for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2017/1001 and (EU) 2019/787 and repealing Regulation (EU) No 1151/2012	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on European Union <i>quality schemes for wine, spirit drinks and agricultural products</i> , geographical indications for wine, spirit drinks and agricultural products, and quality schemes for agricultural products , amending Regulations (EU) No 1308/2013, (EU) 2017/1001 and (EU) 2019/787 and repealing Regulation (EU) No 1151/2012

<i>Justification</i>
Geographical indications are quality schemes, part of the EU Quality policy. In the framework of EU Common Agricultural Policy (CAP), EU quality policy aims to protect the names of specific products to promote their unique characteristics, linked to their geographical origin as well as traditional know-how. PDOs and PGIs have been and continue to be part of the quality schemes in a clear and explicit manner, since they are included in the Regulation (EU) No 1151/2012, currently in force, as can be seen from its title: "Regulation on quality schemes for agricultural products and foodstuffs". Therefore, it is important to emphasise this starting from the title of the new regulation, to reaffirm that geographical indications, as quality schemes, are an integral part of EU Common Agricultural Policy (CAP). As a matter of fact, even the first EU regulation governing PDOs and PGIs, which dates back to 1992, saw them as an integral part of the CAP.

Amendment 2

New recital after recital 3

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
	<i>In its Communication of 30 June 2021 "A long-term vision for the EU's rural areas - Towards stronger, connected, resilient and prosperous rural areas by 2040", the Commission gave geographical indications a role among the flagship initiatives promoting prosperous rural areas, because of their contribution to the economic diversification of rural areas</i>



<i>Justification</i>
Geographical indications, through their multiple positive externalities, contribute to sustainable rural growth.

Amendment 3

New recital after recital 3

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
	<i>The changes introduced to the Union's system of geographical indications by Regulation (EU) 2021/2117, as part of the reform of the Common Agricultural Policy (CAP)</i>

<i>Justification</i>
Consistency must be ensured with the advances in the CMO Regulation and Regulation (EU) No 1151/2012 made in the recent CAP.

Amendment 4

New recital after recital 11

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
	<i>EU quality policy is a public policy associated with the production of public goods and its contribution to the transition towards a sustainable food system should be assessed from this perspective, through a holistic and multidimensional approach, encompassing environmental, economic and socio-cultural sustainability. Geographical indications are tools capable of contributing to the maintenance of Local Food Systems; sustainable rural development; diversification of the rural economy; safeguarding employment and SMEs; prevention of depopulation; preservation of cultural and socio-economic diversity; protection of the rural landscape; sustainable management and reproduction of natural resources; preservation of biodiversity and the Natura 2000 network; animal welfare; food safety and traceability, through mechanisms included in the product specifications</i>

Justification

It is important to recognise the contribution of GIs to environmental, economic and socio-cultural sustainability, because of their inseparable link with the territory.

Amendment 5

Recital 12

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
(12) To contribute to the transition to a sustainable food system and respond to societal demands for sustainable, environmentally and climate friendly, animal welfare ensuring, resource efficient, socially and ethically responsible production methods, producers of geographical indications should be encouraged to adhere to sustainability standards that are more stringent than the mandatory ones and go beyond good practice. Such specific requirements could be set out in the product specification.	(12) To contribute to the transition to a sustainable food system and respond to societal demands for sustainable, environmentally and climate friendly, animal welfare ensuring, resource efficient, socially and ethically responsible production methods, producers of geographical indications should be encouraged to adhere to agree on sustainability standards undertakings that contribute to achieving environmental, economic and socio-cultural sustainability objectives are more stringent than the mandatory ones and go beyond good practice . Such specific requirements undertakings could be set out in the product specification.

Justification

There is no definition of "sustainability standards" to which adhere to. It is therefore important to keep the same wording as in Article 12 below, which introduces sustainability undertakings.

Amendment 6

New recital after recital 12

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
	<i>In order to make local and regional food production systems more sustainable and to contribute to diversified and balanced diets, geographical indications should be included in the mandatory minimum criteria for sustainable food procurement.</i>

Justification

As recommended by a study of the Committee of the Regions¹, the inclusion of sustainable foodstuffs, including PDO and PGI products, should be encouraged.

Amendment 7

Recital 23

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
(23) Producer groups play an essential role in the application process for the registration of geographical indications, as well as in the amendment of specifications and cancellation requests. They should be equipped with the means to better identify and market the specific characteristics of their products. The role of the producer group should hence be clarified.	(23) Producer groups play an essential role in the <i>governance of their geographical indication, including the</i> application process for the registration of geographical indications, as well as in the amendment of specifications and cancellation requests. They should be equipped with the means to better identify and market the specific characteristics of their products <i>as well as an adequate financial support to perform their powers and responsibilities similarly to the support to POs under Regulation (EU) No 1308/2013.</i> The role of the producer group should hence be clarified.

Justification

Producer groups play an essential role in the governance of their GI. As acknowledged in whereas 24, “*producers of products bearing geographical indications are mostly small or medium size enterprises*”, as a consequence, it is important to provide them with adequate financial support in order to perform existing and new powers and responsibilities that demand further efforts on their side.

Amendment 8

Recital 39

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
(39) The procedures for registration, amendment and cancellation of geographical indications, including the scrutiny and the opposition procedure, should be carried out in the most efficient way. This can be achieved by using the assistance for the scrutiny of the applications provided by the European Union Intellectual Property Office (EUIPO). While a partial outsourcing to EUIPO has been considered, the Commission would remain	(39) The procedures for registration, amendment and cancellation of geographical indications, including the scrutiny and the opposition procedure, should be <i>free of charges</i> and carried out in the most efficient way. <i>This can be achieved by using the assistance for the scrutiny of the applications provided by the European Union Intellectual Property Office (EUIPO). While a partial outsourcing to EUIPO has been considered,</i> The Commission

¹ European Committee of the Regions, Soldi, R., Sustainable public procurement of food, European Committee of the Regions, 2018, <https://data.europa.eu/doi/10.2863/1187>

responsible for registration, amendment and cancellation, due to a strong relation with the Common Agricultural Policy and to the expertise needed to ensure that specificities of wine, spirit drinks and agricultural products are adequately assessed.	would will remain responsible for registration, amendment and cancellation, due to a strong relation with the Common Agricultural Policy and to the expertise needed to ensure that specificities of wine, spirit drinks and agricultural products are adequately assessed.
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<i>Justification</i>
GIs are more than intellectual property rights. Given their close link to rural development policy, GIs should not be managed as trademarks. Furthermore, according to the Court of Auditors' report ² , the intervention of the EUIPO has not reduced the duration of the procedure.

Amendment 9

New recital after recital 39

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
	<i>Clear deadlines and faster procedures for amending specifications, by dividing them into EU-wide and standard amendments, will help to improve the efficiency of the system.</i>

<i>Justification</i>
The simplification of the procedures for amending product specifications adopted in December 2021 will help to overcome red tape. This is important because the amendment of product specifications has a major influence on the adoption of production process adjustments.

Amendment 10

New recital after recital 39

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
	<i>The EUIPO will participate in the functioning of the Union's Geographical Indications system by offering its expertise in the intellectual property domain in carrying out tasks related to the protection of geographical indications, including on the Internet, in the mutual recognition provided for by protection agreements with third countries and in international disputes.</i>

² [Special report 06/2022: EU intellectual property rights - Protection not fully waterproof](#)

Justification

The technical IPR expertise and resources of the EUIPO could provide invaluable support to strengthening GI protection. For example, the EUIPO could complement DG AGRI's competences in agriculture and rural development with IPR expertise.

Amendment 11

Recital 56

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
<p>(56) In order to supplement or amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of defining sustainability standards and laying down criteria for the recognition of existing sustainability standards; clarifying or adding items to be supplied as part of accompanying information; entrusting the EUIPO with the tasks related to scrutiny for opposition and the opposition procedure, operation of the register, publication of standard amendments to a product specification, consultation in the context of cancellation procedure, establishment and management of an alert system informing applicants about the availability of their geographical indication as a domain name, scrutiny of third country geographical indications other than geographical indications under the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications, proposed for protection pursuant to international negotiations or international agreements; establishing appropriate criteria for monitoring performance of the EUIPO in the execution of the tasks entrusted to it; laying down additional rules on the use of geographical indications to identify ingredients in processed products; laying down additional rules for determining the generic status of terms; establishing the restrictions and derogations with regard to the</p>	<p>(56) In order to supplement or amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of defining sustainability standards and laying down criteria for the recognition of existing sustainability standards; clarifying or adding items to be supplied as part of accompanying information; entrusting the EUIPO with the tasks related to scrutiny for opposition and the opposition procedure, operation of the register, publication of standard amendments to a product specification, consultation in the context of cancellation procedure, establishment and management of an alert system informing applicants about the availability of their geographical indication as a domain name, scrutiny of third country geographical indications other than geographical indications under the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications, proposed for protection pursuant to international negotiations or international agreements; establishing appropriate criteria for monitoring performance of the EUIPO in the execution of the tasks entrusted to it; laying down additional rules on the use of geographical indications to identify ingredients in processed products; laying down additional rules for determining the generic status of terms; establishing the restrictions and derogations with regard to the</p>

sourcing of feed in the case of a designation of origin; establishing restrictions and derogations with regard to the slaughtering of live animals or with regard to the sourcing of raw materials; laying down rules for determining the use of the denomination of a plant variety or of an animal breed; laying down rules which limit the information contained in the product specification for geographical indications and traditional specialities guaranteed; laying down further details of the eligibility criteria for traditional specialities guaranteed; laying down additional rules to provide for appropriate certification and accreditation procedures to apply in respect of product certification bodies; laying down additional rules to further detail protection of traditional specialities guaranteed; laying down for traditional specialities guaranteed additional rules for determining the generic status of terms, conditions for use of plant variety and animal breed denominations, and relation to intellectual property rights; defining additional rules for joint applications concerning more than one national territory and complementing the rules of the application process for traditional specialities guaranteed; complementing the rules for the opposition procedure for traditional specialities guaranteed to establish detailed procedures and deadlines; supplementing the rules regarding the amendment application process for traditional specialities guaranteed; supplementing the rules regarding the cancellation process for traditional specialities guaranteed; laying down detailed rules relating to the criteria for optional quality terms; reserving an additional optional quality term, laying down its conditions of use; laying down derogations to the use of the term 'mountain product' and establishing the methods of production, and other criteria relevant for the application of that optional quality term, in particular, laying down the conditions under which raw materials or feedstuffs are permitted

sourcing of feed in the case of a designation of origin; establishing restrictions and derogations with regard to the slaughtering of live animals or with regard to the sourcing of raw materials; laying down rules for determining the use of the denomination of a plant variety or of an animal breed; laying down rules which limit the information contained in the product specification for geographical indications and traditional specialities guaranteed; laying down further details of the eligibility criteria for traditional specialities guaranteed; laying down additional rules to provide for appropriate certification and accreditation procedures to apply in respect of product certification bodies; laying down additional rules to further detail protection of traditional specialities guaranteed; laying down for traditional specialities guaranteed additional rules for determining the generic status of terms, conditions for use of plant variety and animal breed denominations, and relation to intellectual property rights; defining additional rules for joint applications concerning more than one national territory and complementing the rules of the application process for traditional specialities guaranteed; complementing the rules for the opposition procedure for traditional specialities guaranteed to establish detailed procedures and deadlines; supplementing the rules regarding the amendment application process for traditional specialities guaranteed; supplementing the rules regarding the cancellation process for traditional specialities guaranteed; laying down detailed rules relating to the criteria for optional quality terms; reserving an additional optional quality term, laying down its conditions of use; laying down derogations to the use of the term 'mountain product' and establishing the methods of production, and other criteria relevant for the application of that optional quality term, in particular, laying down the conditions under which raw materials or feedstuffs are permitted

<p>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. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p>	<p>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. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p>
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Justification

Some essential elements of the system must be defined in the Regulation and not by delegated acts.

Amendment 12

Article 2

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
<p>For the purposes of this Regulation, the following definitions shall apply</p> <p>g) 'generic term' means:</p> <p>(i) the name of products which, although relating to the place, region or country where a product was originally produced or marketed, have become the common name of a product in the Union; and</p> <p>(ii) a common term descriptive of types of products, product attributes or other terms that do not refer to specific product;</p>	<p>For the purposes of this Regulation, the following definitions shall apply</p> <p>g) 'generic term' means:</p> <p>(i) the name of products which, although relating to the place, region or country where a product was originally produced or marketed, have become the common name of a product in the Union; and</p> <p>(ii) a common term descriptive of types of products, product attributes or other terms that do not refer to specific product;</p>

Justification

Paragraph g ii) adds a new provision concerning the definition of generic terms. This issue should be left to the Courts.

Amendment 13

Article 2 - New paragraph

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
	<p><i>h) Sustainability undertakings: 'Sustainability undertaking' means an undertaking</i></p>

	<p><i>which aims to contribute to one or more of the following environmental, economic or sociocultural objectives:</i></p> <ol style="list-style-type: none"> 1. Environmental objectives, including among others: <ul style="list-style-type: none"> • <i>climate change mitigation and adaptation, including energy efficiency and decrease water consumption;</i> • <i>preservation and sustainable use of soil, landscapes, natural resources and the Natura 2000 network;</i> • <i>preservation of biocultural diversity and conservation of rare seeds, local breeds and plants varieties;</i> • <i>management and valorisation of animal health and animal welfare;</i> • <i>transition to a green and circular economy</i> 2. Economic objectives, including among others: <ul style="list-style-type: none"> • <i>to secure viable GI producers' income and resilience;</i> • <i>to improve the economic value of GI products and redistribution of added value;</i> • <i>to contribute to the diversification of the rural economy;</i> • <i>to contribute preserving the rural fabric and local development, including agricultural employment;</i> 3. Sociocultural objectives, including among others: <ul style="list-style-type: none"> • <i>to attract and sustain young GI producers and new GI producers and facilitate inter-generational transmission of know-how and culture;</i> • <i>to contribute to the valorisation of rural identity as well as cultural and gastronomic heritage;</i> • <i>to promote education on themes concerning the quality system, food safety and balanced and diversified diets;</i> • <i>to improve coordination between producers through improved efficiency of the governance instruments.</i>
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Justification

In Article 2 on Definitions, it would be important to introduce a definition of sustainability undertakings, recalling that sustainability englobes three pillars: economic, social and environmental.

Amendment 14

Article 4 – new paragraph

<i>Text proposed by the European Commission</i>	<i>Amendment</i>
	<i>1. The measures set out in this Regulation are intended to support agricultural and processing activities and the farming systems associated with high quality products, thereby contributing to the achievement of rural development policy objectives.</i>

Justification

EU GIs play a major role in maintaining economic and social activity in rural areas and are therefore crucial for maintaining territorial balance at regional level. As the Commission itself has recognised GIs as an "essential vector for rural growth", a reference to GIs as a tool contributing to rural development should be reintroduced.

Amendment 15

Article 4

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
<p>1. This Title provides for a unitary and exclusive system of geographical indications, protecting the names of wine, spirit drinks and agricultural products having characteristics, attributes or reputation linked to their place of production, thereby ensuring the following:</p> <p>(a) producers acting collectively have the necessary powers and responsibilities to manage their geographical indication, including to respond to societal demands for products resulting from sustainable production in its three dimensions of economic, environmental and social value, and to operate in the market;</p> <p>(b) fair competition for producers in the marketing chain;</p> <p>(c) consumers receive reliable information and a guarantee of authenticity of such products and can readily identify them in the marketplace including in electronic commerce;</p> <p>(d) efficient registration of geographical indications taking into account the appropriate protection of intellectual property rights; and</p> <p>(e) effective enforcement and marketing</p>	<p>2. This Title provides for a unitary and exclusive system of geographical indications, protecting the names of wine, spirit drinks and agricultural products having characteristics, attributes or reputation linked to their place of production, thereby ensuring the following:</p> <p>(a) producers acting collectively have the necessary powers and responsibilities to manage their geographical indication, including <i>to create value and</i> to respond to societal demands for products resulting from sustainable production in its three dimensions of economic, environmental and social value, and to operate in the market;</p> <p>(b) fair competition for producers in the marketing chain;</p> <p>(c) consumers receive reliable information and a guarantee of authenticity of such products and can readily identify them in the marketplace including <i>in the Domain Names System and</i> in electronic commerce;</p> <p>(d) efficient registration of geographical indications taking into account the appropriate <i>and effective</i> protection of intellectual property</p>

<p>throughout the Union and in electronic commerce ensuring the integrity of the internal market.</p>	<p>rights <i>in the Single Market and the Union Digital Market</i>; and (e) effective enforcement and marketing throughout the Union <i>and in domain name system</i> and in electronic commerce ensuring the integrity of the internal market. <i>f) the added value associated with geographical indication products is shared across the supply chain to ensure producers may stabilise their prices and invest in the quality and reputation of their products.</i></p>
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<p>Justification</p> <p>As introduced for GI wines by Article 172b of the CMO, it is necessary to emphasise that GIs should seek to create added value throughout the value chain to improve their quality and reputation.</p>

Amendment 16

Article 12

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
<p>1. A producer group may agree on sustainability undertakings to be adhered to in the production of the product designated by a geographical indication. Such undertakings shall aim to apply a sustainability standard higher than mandated by Union or national law and go beyond good practice in significant respects in terms of social, environmental or economic undertakings. Such undertakings shall be specific, shall take account of existing sustainable practices employed for products designated by geographical indications, and may refer to existing sustainability schemes.</p> <p>2. The sustainability undertakings referred to in paragraph (1) shall be included in the product specification.</p> <p>3. The sustainability undertakings referred to in paragraph 1 shall be without prejudice to requirements for compliance with hygiene, safety standards and competition rules.</p> <p>4. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 defining sustainability standards in different sectors and laying down criteria for the recognition of existing sustainability standards to which producers of products designated by geographical indications may adhere.</p> <p>5. The Commission may adopt implementing acts defining a harmonised presentation of sustainability undertakings. Those implementing acts shall be adopted in</p>	<p>1. A producer group may agree on <i>economic, environmental or social</i> sustainability undertakings to be adhered to in the production of the product designated by a geographical indication. Such undertakings shall aim to apply a sustainability standard higher than mandated by Union or national law and go beyond good practice in significant respects in terms of social, environmental or economic undertakings. Such undertakings shall be specific, shall take account of existing sustainable practices employed for products designated by geographical indications, and may refer to existing sustainability schemes.</p> <p>2. The sustainability undertakings referred to in paragraph (1) shall <i>may</i> be included in the product specification <i>and/or developed in separate initiatives.</i></p> <p>3. The sustainability undertakings referred to in paragraph 1 shall be without prejudice to requirements for compliance with hygiene, safety standards and competition rules.</p> <p>4. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 defining sustainability standards in different sectors and laying down criteria for the recognition of existing sustainability standards to which producers of products designated by geographical indications may adhere.</p> <p>5. The Commission may adopt implementing</p>

accordance with the examination procedure referred to in Article 53(2).	acts defining a harmonised presentation of sustainability undertakings. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2).
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Justification

The definition of sustainability criteria cannot be done through delegated acts. It must be specified in the regulation, leaving it to the producer groups to choose whether to include agreed sustainability undertakings in the specifications or by other means.

Amendment 17

Article 17

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
2. Scrutiny should not exceed a period of 6 months. In the event that the scrutiny period exceeds or is likely to exceed 6 months the Commission shall inform the applicant of the reasons for the delay in writing.	2. Scrutiny should must not exceed a period of 6 months. In the event that the scrutiny period exceeds or is likely to exceed 6 months the Commission shall inform the applicant of the reasons for the delay in writing.

Justification

The 6-month deadline provided for in the Regulation is generally not respected by the EC and producers or MS are never informed of the reason for the delay (although the Regulation provides for this possibility). It should be clarified that the review must not exceed a period of 6 months.

Amendment 18

Article 17

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
5. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by rules on entrusting EUIPO with the tasks set out in this Article.	5. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by rules on entrusting EUIPO with the tasks set out in this Article.

Justification

It should be made clear that the Commission is responsible for examining applications for registration. For intellectual property matters, the Commission will be able to rely on the technical support of the EUIPO. However, this division of competences in relation to IPR must be clearly defined in the legislative proposal and not through delegated acts.

Amendment 19

Article 19

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
10. The Commission shall be empowered to adopt delegated acts, in accordance with Article 84 supplementing this Regulation by detailed procedures and deadlines for the opposition procedure, for the official submission of comments by national authorities and persons with a legitimate interest, which will not trigger the opposition procedure and by rules on entrusting its tasks set out in this Article to EUIPO.	10. The Commission shall be empowered to adopt delegated acts, in accordance with Article 84 supplementing this Regulation by detailed procedures and deadlines for the opposition procedure, for the official submission of comments by national authorities and persons with a legitimate interest, which will not trigger the opposition procedure and by rules on entrusting its tasks set out in this Article to EUIPO.

Justification

It should be clearly stated that the Commission is responsible for the opposition procedure. If tasks are delegated to the EUIPO, these should be clearly defined in the legislative proposal and not through delegated acts.

Amendment 20

Article 25

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
5. A standard amendment shall be considered as a temporary amendment when it concerns a temporary change in the product specification resulting from the imposition of obligatory sanitary and phytosanitary measures by the public authorities or a temporary amendment necessary because of a natural disaster or adverse weather conditions formally recognised by the competent authorities.	5. A 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 the consequences of an adverse and exceptional geopolitical event formally recognised by the competent authorities.

Justification

As shown by recent events, geopolitical situations such as war, should be taken into account to allow for temporary changes in specifications.

Amendment 21

Article 25

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

Justification

It could be risky to allow the EC to request changes to the product specifications going beyond the submitted amendment request.

Amendment 22

Article 26, paragraph 6

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
6. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by rules entrusting EUIPO with the tasks set out in paragraph (5).	6. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by rules entrusting EUIPO with the tasks set out in paragraph (5).

Justification

Delegating these tasks to the EUIPO is not acceptable. Recent applications for cancellation have led to a privatisation of some GI names by means of a trademark by private companies.

Amendment 23

Article 27, paragraph 1

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
1. Geographical indications entered in the	1. Geographical indications entered in the

Union register of geographical indications shall be protected against:	Union register of geographical indications and those protected by international agreements in the Union shall be protected against:
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Justification
Art. 23, par. 3 gives just the possibility to include GIs from third countries protected by international agreement in the Union register (“[...] may be entered in the Union register of geographical indications”). As a result, it’s important to specify that the scope of protection applies to them as well even in the case they are not entered in the Union register.

Amendment 24

Article 27, paragraph 1, letter a

Text proposed by the Commission	AREPO amendment
(a) any direct or indirect commercial use of the geographical indication in respect of products not covered by the registration, where those products are comparable to the products registered under that name or where use of a name exploits, weakens, dilutes, or is detrimental to the reputation of, the protected name;	(a) any direct or indirect commercial use of the geographical indication in respect of products not covered by the registration, where those products are comparable to the products registered under that name or where use of a name exploits, weakens, dilutes, or is detrimental to the reputation of, the protected name including where those products are used as ingredients;

Justification
For consistency with the new provisions on the protection of GIs used as ingredients, included in Article 28 of this proposal for a regulation, it is useful to reintroduce the reference to GIs used as ingredients.

Amendment 25

Article 27, paragraph 1, letter b

Text proposed by the Commission	AREPO amendment
(b) any misuse, imitation or evocation, even if the true origin of the products or services is indicated or if the protected name is translated or accompanied by an expression such as ‘style’, ‘type’, ‘method’, ‘as produced in’, ‘imitation’, ‘flavour’, ‘like’ or similar.	(b) any misuse, imitation or evocation, even where Member States or public authorities are involved and 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 these products are used as ingredients.

Justification

Protection should also be strengthened against any action carried out by other MS and public authorities formally kept within the bounds of legality but aimed at exploiting the popularity of a GI.

Amendment 26

Article 27, paragraph 1, letter c

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
(c) any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product that is used on the inner or outer packaging, advertising material, documents or information provided on websites relating to the product concerned, and the packing of the product in a container liable to convey a false impression as to its origin;	(c) any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product that is used on the inner or outer packaging, advertising material, documents or information provided on websites <i>or domain names</i> relating to the product concerned, and the packing of the product in a container liable to convey a false impression as to its origin;

Amendment 27

Article 27, paragraph 2

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
2. For the purposes of paragraph (1), point (b), the evocation of a geographical indication shall arise, in particular, where a term, sign, or other labelling or packaging device presents a direct and clear link with the product covered by the registered geographical indication in the mind of the reasonably circumspect consumer, thereby exploiting, weakening, diluting or being detrimental to the reputation of the registered name.	2. For the purposes of paragraph (1), point (b), the evocation of a geographical indication shall arise, in particular, where a term, sign, or other labelling or packaging device presents a direct and clear link with the product covered by the registered geographical indication in the mind of the reasonably circumspect consumer, thereby exploiting, weakening, diluting or being detrimental to the reputation of the registered name.

Justification

There is no definition of evocation in the current EU GI regulations. It is the EU Court of Justice that has given an extensive interpretation of evocation which is not reflected in the proposed article, missing several elements compared to the rulings of the CJEU. It is best to leave it to the EU Court of Justice to continue to assess the issue of evocation on a case-by-case basis.

Amendment 28

Article 27, paragraph 7

<i>Text proposed by the European Commission</i>	<i>AREPO amendment</i>
7. Where a geographical indication is a compound name which contains a term which	7. Where a geographical indication is a compound name which contains a term which

is considered to be generic, the use of that term shall not constitute a conduct referred to in paragraph (1), point (a) and (b).	is considered to be generic, the use of that term shall not constitute a conduct referred to in paragraph (1), point (a) and (b).
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Justification

This provision could be dangerous for a number of PDO wines. Some protected names contain in fact generic terms. When a geographical indication is a compound name which contains a term which is considered to be generic, the use of that term shall not be considered to be contrary to the scope of protection regarding direct or indirect commercial use and misuse, imitation or evocation.

Amendment 29

New paragraph - Article 27

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
	<p>8. Member States shall take appropriate administrative and judicial steps to prevent or stop the unlawful use of protected designations of origin and protected geographical indications, as referred to in paragraph 1, that are produced or marketed in that Member State.</p> <p>To that end Member States shall designate the authorities that are responsible for taking these steps in accordance with procedures determined by each individual Member State.</p>

Justification

It would be important to reintroduce this provision of Article 13.3 of Regulation (EU) No 1151/2012.

Amendment 30

Article 28, paragraph 2

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
<p>2. The geographical indication designating a product ingredient shall not be used in the food name of the related processed product, except in cases of an agreement with a producer group representing two thirds of the producers.</p> <p>3. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by additional rules on the use of geographical indications to identify ingredients in processed products referred to in paragraph (1) of this Article.</p>	<p>2. The geographical indication designating a product ingredient shall not be used in the food name of the related processed product, except in cases of an agreement with a <i>the recognized</i> producer group, <i>who may provide for minimum conditions for its use as an ingredient, as well as request a financial contribution or reimbursement to the processor using the GI.</i> representing two thirds of the producers.</p> <p>3. The Commission shall be empowered to adopt delegated acts in accordance with Article</p>

	84 supplementing this Regulation by additional rules on the use of geographical indications to identify ingredients in processed products referred to in paragraph (1) of this Article.
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Justification

It should be indicated that producer groups can define minimum criteria for the use of their GI as an ingredient, as well as request a financial contribution or reimbursement, in order to address the increase in operating and management costs of their ordinary activities. Furthermore, new rules on GIs used as ingredients should be defined in this Regulation.

Amendment 31

Article 29

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
3. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by additional rules for determining the generic status of terms referred to in paragraph (1) of this Article.	3. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by additional rules for determining the generic status of terms referred to in paragraph (1) of this Article.

Justification

Additional rules on genericity, if any, should be laid down in the Regulation and not through delegated acts.

Amendment 32

Article 32, paragraph 1

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

Justification

The categories of members of the producer group can differ according to the type of value chain and between Member States, so it is best to limit the specification to producers and processors. Furthermore, it is difficult to understand the added value of including actors who are not involved in the production process among the members of a producer group.

Amendment 33

Article 32, paragraph 2

<i>Text proposed by the European Commission</i>	<i>AREPO amendment</i>
<p>2. A producer group may exercise in particular the following powers and responsibilities:</p> <p>(a) develop the product specification and manage internal controls that ensure compliance of production steps of the product designated by the geographical indication with the said specification;</p> <p>(b) take legal action to ensure protection of the geographical indication and of the intellectual property rights that are directly connected with it;</p> <p>(c) agree sustainability undertakings, whether or not included in the product specification or as a separate initiative, including arrangements for verification of compliance with those undertakings and assuring adequate publicity for them notably in an information system provided by the Commission;</p> <p>(d) take action to improve the performance of the geographical indication, including:</p> <p>(i) development, organisation and conduct of collective marketing and advertising campaigns;</p> <p>(ii) dissemination of information and promotion activities aiming at communicating the attributes of the product designated by a geographical indication to consumers;</p> <p>(iii) carrying out analyses into the economic performance, sustainability of production, nutritional profile, and organoleptic profile, of the product designated by the geographical indication;</p> <p>(iv) dissemination of information on the geographical indication and the relevant Union symbol; and</p> <p>(v) providing advice and training to current and future producers, including on gender mainstreaming and equality.</p> <p>(e) combat counterfeiting and suspected fraudulent uses on the internal market of a geographical indication designating products</p>	<p>2. A producer group may exercise in particular the following powers and responsibilities:</p> <p>(a) develop the product specification and manage internal controls <i>activities relating to ensuring</i> that ensure compliance of production steps of the product designated by the geographical indication with the said specification;</p> <p>(b) take legal action to ensure protection of the geographical indication and of the intellectual property rights that are directly connected with it;</p> <p>(c) agree sustainability undertakings, whether or not included in the product specification or as a separate initiative, including arrangements for verification of compliance with those undertakings and assuring adequate publicity for them notably in an information system provided by the Commission;</p> <p><i>(d) disseminate best practices and raise awareness among producers on sustainability undertakings as defined in Article 12. This may take the form of but not limited to providing information on available financial support, developing tools and action plans.</i></p> <p>(e) take action to improve the performance of the geographical indication, including:</p> <p>(i) development, organisation and conduct of collective marketing and advertising campaigns;</p> <p>(ii) dissemination of information and promotion activities aiming at communicating the attributes of the product designated by a geographical indication to consumers;</p> <p>(iii) carrying out analyses into the economic performance, sustainability of production, nutritional profile, and organoleptic profile, of the product designated by the geographical indication;</p> <p>(iv) dissemination of information on the geographical indication and the relevant Union symbol; and</p>

<p>that are not in compliance with the product specification, by monitoring the use of the geographical indication across the internal market and on third countries markets where the geographical indications are protected, including on the internet, and, as necessary, inform enforcement authorities using confidential systems available.</p>	<p>(v) providing advice and training to current and future producers, including on gender mainstreaming and equality. (f) combat counterfeiting and suspected fraudulent uses on the internal market of a geographical indication designating products that are not in compliance with the product specification, by monitoring the use of the geographical indication across the internal market and on third countries markets where the geographical indications are protected, including on the internet, and, as necessary, inform enforcement authorities using confidential systems available.</p>
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<i>Justification</i>	
<p>Giving producer groups the possibility to disseminate best practices could encourage those producers still lagging behind concerning sustainability and improve producers' commitment towards sustainability.</p>	

Amendment 34

Article 32 - new letter g paragraph 2

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
	<p><i>(g) take measures to enhance the value of products and, where necessary, take steps to prevent or counter any measures which are, or risk being, detrimental to the image of those products.</i></p>

<i>Justification</i>	
<p>It is necessary to reintroduce this provision from Article 45.1 f) of Regulation 1151/12, in order to strengthen the role and powers of GI producer groups.</p>	

Amendment 35

Article 32 – new paragraph 3

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
	<p><i>3. The powers and responsibilities determining the amendment of product specification, shall be subject to a prior agreement concluded between a minimum number of members covering a minimum volume or value of marketable production, to be laid down by the Member State concerned.</i></p>

Justification

In order to guarantee the powers and responsibilities mentioned in this article, it would be important to assure a balance in decision-making between the different members of the producer group.

Amendment 36

Article 33

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
<p>1. Upon a request of producer groups fulfilling the conditions of paragraph 3, Member States shall designate, in accordance with their national law, one producer group as recognised producer group for each geographical indication originating in their territory that is registered or is subject to an application for registration or for product names that are a potential subject for application for registration.</p> <p>2. A producer group may be designated as recognised producer group subject to a prior agreement concluded between at least two-thirds of the producers of the product bearing a geographical indication, accounting for at least two-thirds of the production of that product in the geographical area referred to in the product specification. As an exception, an authority, as referred to in Article 8(2), and a single producer, as referred to in Article 8(3), shall be deemed to be a recognised producer group.</p>	<p>1. Upon a request of producer groups <i>fulfilling the conditions of paragraph 3</i>, Member States shall designate, in accordance with their national law, one producer group as recognised producer group for <i>one or more geographical indications originating in their territory. each geographical indication originating in their territory that is registered or is subject to an application for registration or for product names that are a potential subject for application for registration.</i></p> <p>2. A producer group may be designated as recognised producer group <i>if: subject to a prior agreement concluded between at least two-thirds of the producers of the product bearing a geographical indication, accounting for at least two-thirds of the production of that product in the geographical area referred to in the product specification. As an exception, an authority, as referred to in Article 8(2), and a single producer, as referred to in Article 8(3), shall be deemed to be a recognised producer group.</i></p> <p><i>(a) it has a minimum number of members, expressed as a percentage, and/or covers a minimum volume or value of marketable production, to be laid down by the Member State concerned, in the geographical area referred to in the product specification. Such provisions shall not prevent the recognition of producer groups which are dedicated to small-scale production;</i></p> <p><i>(b) it has a structured organization with headquarters, staff and financial statements, to carry out its activities in compliance with the GI legislation</i></p> <p><i>(c) it exercises its powers and responsibilities respecting the criteria of fair and balanced representation of the categories of operators involved in the production process, laid down by or to be laid down by the Member State concerned, in order to avoid exclusions and allow the democratic governance of the</i></p>

	<i>recognised group.</i>
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<i>Justification</i>

The current wording does not take into account the diversity of legal situations in Member States. The legislative proposal should define general principles on how GI groups can be recognised by a Member State, so that national specificities as well as differences between sectors are taken into account. Finally, it is essential that the criteria for the representativeness of the recognised group ensure a balance in decision-making between the different members of the group.

Amendment 37

Article 33

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
<p>3. In addition to the powers and responsibilities referred to in Article 32(2), a recognised producer group may exercise the following powers and responsibilities:</p> <p>(a) to liaise with intellectual property enforcement and anti-counterfeit bodies and participate in intellectual property enforcement networks as the geographical indication right holder;</p> <p>(b) to take enforcement actions, including filing applications for actions with custom authorities, to prevent or counter any measures which are, or risk being, detrimental to the image of their products;</p> <p>(c) to recommend to the national authorities binding rules to be adopted in accordance with Article 166a of Regulation (EU) No 1308/2013 for the regulation of the supply of products designated by a geographical indication;</p> <p>(d) with a view to protecting the geographical indication in the internet domain name systems outside the jurisdiction of the Union, to register an individual, collective or certification trade mark depending on the trade mark system concerned, containing, as one of its prominent elements, a geographical indication and restricted to product conforming to the corresponding product specification.</p> <p>4. The powers and responsibilities referred to in paragraph 2 shall be subject to a prior agreement concluded between at least two-thirds of the producers of the product designated by a geographical indication, accounting for at least two-thirds of the production of that product in the geographical area referred to in the product specification.</p> <p>5. Member States shall carry out checks in order to ensure that the conditions laid down in</p>	<p>3. In addition to the powers and responsibilities referred to in Article 32(2), a recognised producer group may exercise the following powers and responsibilities:</p> <p>(a) to liaise with intellectual property enforcement and anti-counterfeit bodies and participate in intellectual property enforcement networks as the geographical indication right holder;</p> <p>(b) to take enforcement actions, including filing applications for actions with custom authorities, to prevent or counter any measures which are, or risk being, detrimental to the image of their products;</p> <p>(c) to recommend to the national authorities binding rules to be adopted in accordance with Article 166a of Regulation (EU) No 1308/2013 for the regulation of the supply of products designated by a geographical indication;</p> <p>(d) with a view to protecting the geographical indication in the internet domain name systems outside the jurisdiction of the Union, to register an individual, collective or certification trade mark depending on the trade mark system concerned, containing, as one of its prominent elements, a geographical indication and restricted to product conforming to the corresponding product specification.</p> <p><i>(e) to establish standard value sharing clauses within the meaning of Article 172a of Regulation (EU) 1308/2013, including market bonuses and losses, determining any evolution of relevant market prices of the products concerned or other commodity;</i></p> <p><i>(f) define rules concerning the use of their GI product as an ingredient, in particular:</i></p> <p style="padding-left: 20px;"><i>i) set minimum conditions for the use of</i></p>

<p>paragraph 2 are complied with. Where the competent national authorities find that such conditions have not been complied with, Member States shall annul the decision on the recognition of the producer group.</p>	<p><i>their GI as an ingredient;</i> <i>ii) request a financial contribution or reimbursement to the processor using the GI as an ingredient;</i> <i>iii) carry out control and supervision activities in all EU internal market.</i> <i>(g) to be consulted by the European Commission, in the context of international trade negotiations, with regard to the protection of their name.</i> 5. Member States shall carry out checks in order to ensure that the conditions laid down in paragraph 2 are complied with. Where the competent national authorities find that such conditions have not been complied with, Member States shall annul the decision on the recognition of the producer group.</p>
<i>Justification</i>	
<p>The powers and responsibilities listed in this article require a solid organisation and governance to be exercised. At the same time they should be seen as an encouragement for producer groups to be recognised by the Member State and work together, in order to maintain a solid structure and organisation that can support the management and development of the GI and does not disappear after the recognition of the product at EU level.</p>	

Amendment 38

Article 33 new paragraph 6

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
	<p><i>6. In duly justified cases, Member States may decide on the basis of objective and non-discriminatory criteria that the conditions set out in paragraph 1 are fulfilled for producers groups already designated at national level on the basis of national rules in place before date of entering into force of this regulation, and where this does not impair the proper functioning of the internal market.</i></p>

Justification

In some Member States it is already in place a system with recognised producer groups.

Amendment 39

Article 34, paragraph 1

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
<p>1. Country-code top-level domain name registries established in the Union may, upon</p>	<p><i>1. The following obligations shall apply to core platform services provided or offered by</i></p>

<p>the request of a natural or legal person having a legitimate interest or rights, revoke or transfer a domain name registered under such country-code top-level domain to the recognised producer group of the products with the geographical indication concerned, following an appropriate alternative dispute resolution procedure or judicial procedure, if such domain name has been registered by its holder without rights or legitimate interest in the geographical indication or if it has been registered or is being used in bad faith and its use contravenes Article 27.</p>	<p><i>registries to business users established in the Union or end users established or located in the Union, irrespective of the place of establishment or residence of the registries and irrespective of the law otherwise applicable to the provision of service, in accordance with Article 1 of Regulation (EU) 2022/xxx:</i></p> <p>a) Country-code top-level domain name registries established in the Union <i>operating</i> shall <i>may, ex officio or</i> upon the request of a natural or legal person having a legitimate interest or rights, revoke or transfer a domain name registered under such country-code top-level domain to the recognised producer group of the products with the geographical indication concerned <i>or to the Member State originating of the geographical indication in question,</i> following an appropriate alternative dispute resolution procedure or judicial procedure, if such domain name has been registered by its holder without rights or legitimate interest in the geographical indication or if it has been registered or is being used in bad faith and its use contravenes Article 27.</p>
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Justification	
<p>Article 34 only covers country code top level domains (ccTLDs) in the Union. For domain names other than ccTLDs, this provision would not be applicable. It is therefore appropriate to align the wording with that of the Digital Market Act.</p>	

Amendment 40

Article 34, paragraph 2

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
<p>2. Country-code top-level domain name registries established in the Union shall ensure that any alternative dispute resolution procedure established to solve disputes relating to the registration of domain names referred to in paragraph (1), shall recognise geographical indications as rights that may prevent a domain name from being registered or used in bad faith.</p>	<p>2. Country-code top-level domain name registries <i>operating</i> established in the Union shall ensure that any alternative dispute resolution procedure established to solve disputes relating to the registration of domain names referred to in paragraph (1), shall recognise geographical indications as rights that may prevent a domain name from being registered or used in bad faith.</p>



Amendment 41

Article 35

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
<p>1. The registration of a trade mark the use of which would contravene Article 27 shall be rejected if the application for registration of the trade mark is submitted after the date of submission to the Commission of the application for the registration of the geographical indication.</p> <p>2. Trade marks registered in breach of paragraph (1) shall be invalidated by EUIPO and, when applicable, the competent national authorities.</p> <p>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.</p>	<p>1. The registration of a trade mark the use of which would contravene Article 27 shall be rejected if the application for registration of the trade mark is submitted after the date of submission to the Member State or the Commission, depending on the stage of the procedure, of the application for the registration of the geographical indication.</p> <p>2. Trade marks registered in breach of paragraph (1) shall be invalidated by EUIPO and, when applicable, the competent national authorities.</p> <p>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 Member State or 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.</p>

Justification

The registration procedure for a GI consists of two steps: the first step with the request at national level and the second step at the EU level. Therefore, it is limiting to consider exclusively the "*submission to the Commission*" as a moment to be protected. It is necessary to provide for the extension of the protection against registrations of private trademarks as of the beginning of the process.

Amendment 42

Article 37, paragraph 6

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
<p>6. Indications, abbreviations and Union symbols may be used in the labelling and advertising materials of processed products when the geographical indication refers to an</p>	<p>6. Indications <i>and</i> abbreviations Union symbols may be used in the labelling and advertising materials of processed products when the geographical indication refers to an ingredient</p>

<p>ingredient thereof. In that case, the indication, abbreviation or Union symbol shall be placed next to the name of the ingredient that is clearly identified as an ingredient. The Union symbol shall not be placed in association with the name of the food within the meaning of Article 17 of Regulation (EU) No 1169/2011 or in a manner that suggests to the consumer that the processed product rather than the ingredient is the object of registration.</p>	<p>thereof. In that case, the indication <i>or</i> abbreviation Union symbol shall be placed next to the name of the ingredient that is clearly identified as an ingredient. <i>The Union symbol shall not be used in the labelling and advertising materials nor placed in association with the name of the food within the meaning of Article 17 of Regulation (EU) No 1169/2011 to avoid misleading consumer. or in a manner that suggests to the consumer that the processed product rather than the ingredient is the object of registration.</i></p>
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Justification	
<p>A geographical indication is a concept that manifests itself both through the product name and the product trademark logo registered in the product specifications. PDO and PGI Union symbol should not be used in a processed product using a GI as ingredient to avoid confusion.</p>	

Amendment 43

Article 39, paragraph 7

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
<p>7. The costs of verification of compliance with the product specification may be borne by the operators which are subject to those controls. The Member States may also contribute to those costs.</p>	<p>7. The costs of verification of compliance with the product specification may be borne by the operators which are subject to those controls <i>or by the group of producers referred to in Article 32 and 33</i>. The Member States may also contribute to those costs.</p>

Justification	
<p>Producer groups have various responsibilities, notably to make participation in the GI easier and fairer. Being able to bear the certification costs of its members and carry out the related administrative tasks is a great advantage especially for small producers.</p>	

Amendment 44

New article after Article 45

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
	<p><i>1. The EUIPO may participate in the EU Geographical Indications system by offering technical assistance to the European Commission in the cases and in the ways provided for in this Regulation, not exceeding its domain of expertise concerning intellectual</i></p>

	<p><i>property rights.</i></p> <p>2. The EUIPO may support the European Commission in carrying out the following tasks:</p> <p>a) publication of standard changes to a specification ;</p> <p>b) protection of geographical indications, including on the Internet ;</p> <p>c) Operation of the GI Register ;</p> <p>d) setting up and managing an alert system informing applicants of the availability of their geographical indication as a domain name.</p>
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Justification
<p>Chapter 5 of the proposed Regulation is the appropriate place to better clarify and list in a transparent manner the types of tasks for which the EUIPO can assist the Commission. In this way, the EUIPO could complement DG AGRI's competences in agriculture and rural development with expertise in IPR.</p>

Amendment 45

Article 47

Text proposed by the Commission	AREPO amendment
<p>1. Where the Commission exercises any of the empowerments provided for in this Regulation to entrust tasks to EUIPO, it shall also be empowered to adopt delegated acts in accordance with Article 84 to supplement this Regulation by criteria for monitoring performance in the execution of such tasks. Such criteria may include:</p> <p>(a) the extent of integration of agricultural factors in the scrutiny process;</p> <p>(b) quality of assessments;</p> <p>(c) coherence of assessments of geographical indications from different sources;</p> <p>(d) efficiency of tasks; and</p> <p>(e) user satisfaction.</p> <p>2. No later than 5 years after the first delegation of any tasks to EUIPO, the Commission shall prepare and submit a report to the European Parliament and to the Council on the results and experience of the exercise of these tasks by EUIPO.</p>	<p>1. Where the Commission relies on the assistance of the EUIPO to carry out the tasks mentioned, exercises any of the empowerments provided for in this Regulation to entrust tasks to EUIPO, it shall also be empowered to adopt delegated acts in accordance with Article 84 to supplement this Regulation by criteria for monitoring performance in the execution of such tasks. Such criteria may include:</p> <p>(a) the extent of integration of agricultural factors in the scrutiny process;</p> <p>(b) quality of assessments;</p> <p>(c) coherence of assessments of geographical indications from different sources;</p> <p>(d) efficiency of tasks; and</p> <p>(e) user satisfaction.</p> <p>2. No later than 5 years after the first delegation of any tasks to EUIPO, the Commission shall prepare and submit a report to the European Parliament and to the Council on the results and experience of the exercise of these tasks by</p>

	EUIPO.
<i>Justification</i>	
The EUIPO's contribution to the performance of these tasks will be limited to IPR aspects and its intervention will also have to be assessed.	

Amendment 46

Article 48

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
<p>3. The following agricultural products are excluded from being the subject of a protected designation of origin or a protected geographical indication:</p> <p>(a) products that by their nature cannot be traded within the internal market and can only be consumed in or near their place of manufacture, such as restaurants;</p>	<p>3. The following agricultural products are excluded from being the subject of a protected designation of origin or a protected geographical indication:</p> <p>(a) products that by their nature cannot be traded within the internal market and can only be consumed in or near their place of manufacture, such as restaurants;</p>

<i>Justification</i>
As the type of products that could be excluded is not clearly defined, this article could constitute a discriminatory provision

Amendment 47

Article 49

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
<p>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 denomination of a plant variety or animal breed, provided that the following conditions are met:</p> <p>(a) the product in question comprises or is derived from the variety or breed indicated;</p> <p>(b) consumers are not misled;</p> <p>(c) the usage of the denomination of the variety or breed name constitutes fair competition;</p> <p>(d) the usage does not exploit the reputation of the registered geographical indication; and</p> <p>(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.</p>	<p>3. If the assessment referred to in paragraph 2 proves that the conditions envisaged in paragraph 1 are not met, and if at the same time all the other prerequisites envisaged in this Regulation are met, the name shall be registered as a designation of origin or geographical indication and shall therefore benefit from the protection envisaged in Article 27.</p> <p>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 whose name is identical to the registered name or of a different name that wholly or partially includes, derives from or refers to it includes the name or part of the name of that geographical indication, that contains or comprises the denomination of a plant variety or animal breed, provided that the following conditions are met:</p> <p>(a) the product in question comprises or is derived from the variety or breed indicated and</p>

	<p><i>is produced outside the area indicated in the product specification;</i> <i>b) the name is used by an operator who, during the registration procedure, has lodged an opposition to the registration, to the Member State or to the Commission, by proving that in the twenty-five years prior to the opening of the registration procedure he used the name in question to designate products with which his name/trademark was associated;</i> (b) (c) consumers are not misled; (c) (d) the usage of the denomination of the variety or breed name constitutes fair competition; (d) (e) the usage 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.</p>
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Justification	
<p>It is necessary to give maximum clarity to the results of the registration of a GI that contains or comprises the denomination of a plant variety or animal breed, in order to apply without doubts the protections reserved for GIs in article 27 of these Regulations.</p>	

Amendment 48

Title III

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
Quality schemes	Other quality schemes

Justification	
<p>Traditional specialities guaranteed and Optional quality terms such as Mountain products, should be included in a title dedicated to quality schemes other than geographical indications. The link with the territory is stronger for GIs, while the other EU quality schemes aim to emphasise the traditional production process or products made in difficult natural areas such as mountains or islands.</p>	

Amendment 49

Article 60

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
<p>2. The scrutiny should not exceed a period of 6 months. In the event that the scrutiny period exceeds or is likely to exceed 6 months the Commission shall inform the applicant of the reasons for the delay in writing.</p>	<p>2. The scrutiny shall not exceed a period of 6 months. In the event that the scrutiny period exceeds or is likely to exceed 6 months the Commission shall inform the applicant of the reasons for the delay in writing.</p>

Justification

The 6-month time limit provided for in the Regulation is generally not respected by the EC. It should be noted that the review should not exceed a period of 6 months.

Amendment 50

Article 84

<i>Text proposed by the Commission</i>	<i>AREPO amendment</i>
<p>2. The power to adopt delegated acts referred to in Article 12(4), Article 14(2), Article 15(6), Article 17(5), Article 19(10), Article 23(7), Article 25(10), Article 26(6), Article 28(3), Article 29(3), Article 34(3), Article 46(1), Article 46, Article 47(1), Article 48(6), Article 48(7), Article 49(4), Article 51(3), Article 55(5), Article 56(2), Article 73(10), Article 69(4), Article 70(2), Article 58(3), Article 62(10), Article 67(3), Article 68(6), Article 76(4), Article 77(1), Article 78(3), Article 78(4), shall be conferred on the Commission for a period of 7 years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than 9 months before the end of the seven-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than 3 months before the end of each period.</p>	<p>2. The power to adopt delegated acts referred to in Article 12(4), Article 14(2), Article 15(6), Article 17(5), Article 19(10), Article 23(7), Article 25(10), Article 26(6), Article 28(3), Article 29(3), Article 34(3), Article 46(1), Article 46, Article 47(1), Article 48(6), Article 48(7), Article 49(4), Article 51(3), Article 55(5), Article 56(2), Article 73(10), Article 69(4), Article 70(2), Article 58(3), Article 62(10), Article 67(3), Article 68(6), Article 76(4), Article 77(1), Article 78(3), Article 78(4), shall be conferred on the Commission for a period of 7 years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than 9 months before the end of the seven-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than 3 months before the end of each period.</p>

Justification

The text would give the EC great freedom to make changes to GI policy through delegated acts. This is not acceptable as the key issues must be fixed in the text of the regulation and through the co-decision procedure.