



2015/2053(INI)

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AMENDMENTS

1 - 53

Draft report

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(PE554.895v02-00)

The possible extension of geographical indication protection of the European Union to non-agricultural products
(2015/2053(INI))

Amendment 1
Angel Dzhambazki, Jean-Marie Cavada

Motion for a resolution
Citation 7 a (new)

Motion for a resolution

Amendment

– having regard the case law of the Court of Justice of the European Union regarding geographical indications;

Or. en

Amendment 2
Daniel Buda

Motion for a resolution
Citation 10 a (new)

Motion for a resolution

Amendment

– having regard to the Geneva Act to the Lisbon Agreement for the Protection of Appellations of Origin of 31 October 1958, revised at Stockholm on 14 July 1967 and 28 September 1979, regarding intellectual property and guaranteeing the protection of products marketed internationally and widely reputed for the characteristics of their specific geographical area of origin,

Or. ro

Amendment 3
Ramón Luis Valcárcel Siso, Rosa Estaràs Ferragut

Motion for a resolution
Recital A a (new)

Motion for a resolution

Amendment

Aa. whereas agricultural products from a

specific geographical origin which have certain qualities or are made according to traditional methods may be afforded EU-wide unitary geographical indication protection;

Or. es

Amendment 4

Ramón Luis Valcárcel Siso, Rosa Estaràs Ferragut

Motion for a resolution

Recital B

Motion for a resolution

B. whereas high-quality traditional European products form part of the EU's cultural heritage and are central to the economy and society in many of Europe's regions in that they generate activities directly linked to local ways of life, especially in rural areas;

Amendment

B. whereas high-quality traditional European products ***based on traditional knowledge and techniques*** form part of the EU's cultural heritage and are central to the economy and society in many of Europe's regions in that they generate activities directly linked to local ways of life, especially in rural areas;

Or. es

Amendment 5

Aldo Patriciello

Motion for a resolution

Recital B

Motion for a resolution

B. whereas high-quality traditional European products form part of the EU's cultural heritage and are ***central to*** the economy and society ***in*** many of Europe's regions in that they generate activities directly linked to local ways of life, especially in rural areas;

Amendment

B. whereas high-quality traditional European products form part of the EU's cultural heritage and are ***an essential element to be preserved within*** the economy and society ***of*** many of Europe's regions in that they generate activities directly linked to local ways of life, especially in rural areas;

Or. it

Amendment 6

Daniel Buda

Motion for a resolution

Recital B

Motion for a resolution

B. whereas high-quality traditional European products form part of the EU's cultural heritage and are central to the economy and society in many of Europe's regions in that they generate activities directly linked to local ways of life, especially in rural areas;

Amendment

B. whereas high-quality traditional European products form part of the EU's cultural heritage and are central to the economy and society in many of Europe's regions in that they ***reflect their level of know-how and*** generate activities directly linked to local ways of life, especially in rural areas;

Or. ro

Amendment 7

Ramón Luis Valcárcel Siso, Rosa Estaràs Ferragut

Motion for a resolution

Recital B a (new)

Motion for a resolution

Amendment

Ba. whereas the reputation of a geographical indication is an intangible common asset which if not protected may be used freely, without restriction, causing its value to fall and even the loss of the product itself;

Or. es

Amendment 8

Ramón Luis Valcárcel Siso, Rosa Estaràs Ferragut

Motion for a resolution

Recital B b (new)

Motion for a resolution

Amendment

Bb. whereas geographical indications can have great economic potential and affording them proper protection can bring significant benefits, especially for SMEs and EU regions;

Or. es

Amendment 9
Daniel Buda

Motion for a resolution
Recital C

Motion for a resolution

Amendment

C. whereas Europe's regions can boast a wealth of non-agricultural products resting on a very high standard of traditional know-how;

C. whereas Europe's regions can boast a wealth of non-agricultural products resting on a very high standard of traditional know-how ***that helped to build their reputation;***

Or. ro

Amendment 10
Ramón Luis Valcárcel Siso, Rosa Estaràs Ferragut

Motion for a resolution
Recital C a (new)

Motion for a resolution

Amendment

Ca. whereas public authorities should protect, foster when so requested by the private sector, and promote European traditional quality products and their geographical indication;

Or. es

Amendment 11
Constance Le Grip

Motion for a resolution
Recital D

Motion for a resolution

D. whereas the quality, reputation, or other characteristics of a product can be determined by its origin;

Amendment

D. whereas the quality, reputation or other characteristics of a product can be determined by its origin; ***whereas certain practices involving the misuse of names can seriously damage a product's reputation as determined by its origin;***

Or. fr

Amendment 12
Daniel Buda

Motion for a resolution
Recital E

Motion for a resolution

E. whereas because traditional European products are of high quality, and are consequently sought after, their names are open to misuse;

Amendment

E. whereas because traditional European products are of high quality, and are consequently sought after, their names are open to misuse, ***to the detriment of both consumers and business undertakings;***

Or. ro

Amendment 13
Constance Le Grip

Motion for a resolution
Recital E

Motion for a resolution

E. whereas because traditional European products are of high quality, and are consequently sought after, their names are open to misuse;

Amendment

E. whereas because traditional European products are of high quality, and are consequently sought after, their names are open to misuse ***which can be severely***

damaging to their producers;

Or. fr

Amendment 14

Ramón Luis Valcárcel Siso, Rosa Estaràs Ferragut

Motion for a resolution

Recital F

Motion for a resolution

F. whereas proper Europe-wide protection of the geographical indications used to designate non-agricultural products could help to stamp out counterfeiting, avoid unfair competition, and prevent consumers from being deceived;

Amendment

F. whereas proper Europe-wide protection of the geographical indications used to designate non-agricultural products, ***which watches over and monitors their use and fights fraud***, could help to stamp out counterfeiting, avoid unfair competition, and prevent consumers from being deceived;

Or. es

Amendment 15

Ramón Luis Valcárcel Siso, Rosa Estaràs Ferragut

Motion for a resolution

Recital G

Motion for a resolution

G. whereas consumers are showing a growing interest not just in product safety, but also in the origins of products and the methods by which they are produced;

Amendment

G. whereas consumers are showing a growing interest not just in product safety, but also in the origins of products, ***their authenticity*** and the methods by which they are produced;

Or. es

Amendment 16

Angel Dzhambazki, Jean-Marie Cavada

Motion for a resolution
Recital G a (new)

Motion for a resolution

Amendment

Ga. whereas consumers should be able to make informed choices when purchasing goods by being able to identify the origin and quality of the products;

Or. en

Amendment 17
Marie-Christine Boutonnet, Gilles Lebreton

Motion for a resolution
Recital H

Motion for a resolution

Amendment

H. whereas the national laws currently protecting non-agricultural products give rise to different degrees of protection in Member States and whereas ***that fact poses a difficulty to effective protection in Europe as a whole;***

H. whereas the national laws currently protecting non-agricultural products give rise to different degrees of protection in Member States and whereas ***the high level of protection afforded in certain Member States should be maintained;***

Or. fr

Amendment 18
Daniel Buda

Motion for a resolution
Recital H

Motion for a resolution

Amendment

H. whereas the national laws currently protecting non-agricultural products give rise to different degrees of protection in Member States and whereas that fact poses a difficulty to effective protection in Europe as a whole;

H. whereas the national laws currently protecting non-agricultural products give rise to different degrees of protection in Member States and whereas that fact poses a difficulty to effective protection in Europe as a whole, ***reflecting the need for a single system for the protection of geographical indications throughout the***

EU, given the inadequacy of existing legal instruments for national and European producers;

Or. ro

Amendment 19
Angel Dzhambazki, Jean-Marie Cavada

Motion for a resolution
Recital H

Motion for a resolution

H. whereas the national laws currently protecting non-agricultural products give rise to different degrees of protection in Member States **and** whereas that fact poses a difficulty to effective protection in Europe as a whole;

Amendment

H. whereas the national laws currently protecting non-agricultural products give rise to different degrees of protection in Member States, whereas that fact poses a difficulty to effective protection in Europe as a whole **and whereas that is not in conformity with the aims of the internal market;**

Or. en

Amendment 20
Daniel Buda

Motion for a resolution
Recital I a (new)

Motion for a resolution

Ia. whereas one-third of Member States have developed specific legislation assimilating geographical indications with intellectual property rights;

Or. ro

Amendment 21
Daniel Buda

Motion for a resolution

Recital I b (new)

Motion for a resolution

Amendment

Ib. whereas the purpose of protected geographical indications is to prevent fraudulent use of such designations on the market;

Or. ro

Amendment 22

Aldo Patriciello

Motion for a resolution

Paragraph 1

Motion for a resolution

Amendment

1. Welcomes the Commission's initiative of consulting stakeholders in order to determine whether EU geographical indication (GI) protection could be extended to cover non-agricultural products;

(Does not affect the English version.)

Or. it

Amendment 23

Daniel Buda

Motion for a resolution

Paragraph 1

Motion for a resolution

Amendment

1. Welcomes the Commission's initiative of consulting stakeholders in order to determine whether EU geographical indication (GI) protection could be extended to cover non-agricultural products;

(Does not affect English version)

Or. ro

Amendment 24

Jean-Marie Cavada, António Marinho e Pinto, Angel Dzhambazki

Motion for a resolution

Paragraph 2

Motion for a resolution

2. Believes that a protection instrument should be established at European level, specifically for non-agricultural products, as this would enhance the prestige of locally based manufacturing and handicraft production and strengthen consumer confidence;

Amendment

2. Believes that a protection instrument should be established at European level, specifically for non-agricultural products, as this would enhance the prestige of locally based manufacturing and handicraft production, ***support local economic development and employment in the areas concerned, boost tourism*** and strengthen consumer confidence;

Or. fr

Amendment 25

Jiří Maštálka

Motion for a resolution

Paragraph 2 a (new)

Motion for a resolution

Amendment

2a. Stresses the importance of geographical indications (GIs) as an important tool to enhance traceability, transparency and information for consumers and to enhance protagonism of EU territories in a more social and environmental sustainable approach to economic development, as well as the key role played in EU trade policy

Or. en

Amendment 26

Jiří Maštálka

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Calls on the Commission to propose such an instrument as soon as possible, once it has conducted an impact study;

Amendment

3. Considers that the protection of geographical indications relating to non-agricultural products requires careful analysis, in view of the interplay between existing rights held at European, national, local or sectoral levels, and other provisions at European level which provide consumer protection against misinterpretation of this kind, underlining the need for robust analysis before bringing forward such a proposal

Or. en

Amendment 27
Jiří Maštálka

Motion for a resolution
Paragraph 3 a (new)

Motion for a resolution

3a. Is convinced that the system must be based on best practices and transparent and non-discriminatory principles, and it can be an effective tool in countering imitation and counterfeit products and in ensuring a more social, economic and environmental sustainable approach to economic development inside and outside EU, as well as consumers protection

Or. en

Amendment 28
Cecilia Wikström

Motion for a resolution
Paragraph 3 a (new)

Motion for a resolution

Amendment

3a. Calls on the Commission to consider whether or not to perform this review in the framework of a broader review of the entire system of Geographical Indicators with a view to consolidate the many different existing instruments governing agricultural GI:s in one consolidated instrument covering also non-agricultural GI:s.

Or. en

Amendment 29
Constance Le Grip

Motion for a resolution
Paragraph 3 a (new)

Motion for a resolution

Amendment

3a. Believes there should also be provision for the requisite resources to make the protection afforded by such an instrument effective in practice whatever the means of product distribution in cases of misuse; emphasises the need to ensure that GIs are equally well protected in the digital marketplace;

Or. fr

Amendment 30
Jiří Maštálka

Motion for a resolution
Paragraph 3 b (new)

Motion for a resolution

Amendment

3b. Considers that the discussion about newly developed versus traditional products, as well as the relation between

GIs and trademarks, when it comes to non-agricultural products has yet to be held

Or. en

Amendment 31
Constance Le Grip

Motion for a resolution
Paragraph 3 b (new)

Motion for a resolution

Amendment

3b. Emphasises that the introduction of such an instrument will need to be accompanied by information and communication campaigns to familiarise producers and consumers with the new type of GI;

Or. fr

Amendment 32
Aldo Patriciello

Motion for a resolution
Paragraph 4

Motion for a resolution

Amendment

4. Maintains that a link with the territory of production is essential in order to identify the special know-how and designate the quality of the product;

(Does not affect the English version.)

Or. it

Amendment 33
Daniel Buda

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Maintains that a link with the territory of production is essential in order to identify the special know-how and designate the quality of the product;

Amendment

4. Maintains that a link with the territory of production is essential in order to identify the special know-how and designate the quality ***and characteristics*** of the product;

Or. ro

Amendment 34

Jean-Marie Cavada, António Marinho e Pinto, Angel Dzhambazki

Motion for a resolution

Paragraph 4

Motion for a resolution

4. Maintains that a link with the territory of production is essential in order to identify the special know-how and designate the quality of the product;

Amendment

4. Maintains that a link with the territory of production is essential in order to identify the special know-how and designate the quality ***and authenticity*** of the product ***irrespective of how well-known it is***;

Or. fr

Amendment 35

Daniel Buda

Motion for a resolution

Paragraph 5

Motion for a resolution

5. Considers that there should be different ways of expressing ***that*** link: ***when it is possible to distinguish*** between the fact of making things in a protected area out of raw materials from that area and the mere fact of making something there, ***that distinction should be made***;

Amendment

5. Considers that there should be different ways of expressing ***the*** link ***between a product and the place of origin***: ***where possible, a distinction should accordingly be made*** between the fact of making things in a protected area out of raw materials from that area and the mere fact of making something there;

Or. ro

Amendment 36

Jean-Marie Cavada, António Marinho e Pinto, Angel Dzhambazki

Motion for a resolution

Paragraph 5

Motion for a resolution

5. Considers that *there should be different ways of expressing that link: when it is possible to distinguish between the fact of making things in a protected area out of raw materials from that area and the mere fact of making something there, that distinction should be made;*

Amendment

5. Considers, *therefore, that it should be a requirement that a product's place of production be within a protected area even though the raw materials used in the production process may not necessarily come from that area;*

Or. fr

Amendment 37

Max Andersson

Motion for a resolution

Paragraph 5 a (new)

Motion for a resolution

Amendment

5a. Taking into consideration the significant differences between agricultural and non-agricultural products, such as number of producers, underlines the relevance of quality controls.

Or. en

Amendment 38

Marie-Christine Boutonnet, Gilles Lebreton

Motion for a resolution

Paragraph 6

Motion for a resolution

6. Favours a *broad* definition that would make it possible to recognise the link

Amendment

6. Favours a *clear and precise* definition that would make it possible to recognise

between a product and the area covered by the GI *while expanding the scope of protection to include names which, though not geographical, clearly refer to the area covered;*

the link between a product and the area covered by the GI;

Or. fr

Amendment 39
Ramón Luis Valcárcel Siso, Rosa Estaràs Ferragut

Motion for a resolution
Paragraph 7 a (new)

Motion for a resolution

Amendment

7a. Advocates too that an inspection, infringement and penalty scheme be set up to monitor geographical indications on products marketed in Europe;

Or. es

Amendment 40
Angel Dzhambazki

Motion for a resolution
Paragraph 8

Motion for a resolution

Amendment

8. Maintains that the label/distinguishing sign/mark/logo for non-agricultural GIs should be simple, easily recognisable, and written in the language of the product's place of origin;

8. Maintains that the label/distinguishing sign/mark/logo for non-agricultural GIs should be simple, easily recognisable, and written *also* in the language of the product's place of origin;

Or. en

Amendment 41
Jean-Marie Cavada, António Marinho e Pinto

Motion for a resolution
Paragraph 8

Motion for a resolution

8. Maintains that the label/distinguishing sign/mark/logo for non-agricultural GIs should be simple, easily recognisable, and written in the language of the product's place of origin;

Amendment

8. Maintains that the label/distinguishing sign/mark/logo for non-agricultural GIs should be simple, easily recognisable, and written in the language of the product's place of origin ***and/or that of the country into which it is imported;***

Or. fr

Amendment 42

Jean-Marie Cavada, António Marinho e Pinto

Motion for a resolution

Paragraph 9 a (new)

Motion for a resolution

Amendment

9a. Considers that, to maximise the GI protection of non-agricultural products, the ban on incorrect use of GIs should apply, not only where there is a the risk of consumers being misled or where there is any unfair competition, even in cases where a product's actual origin is clearly indicated; proposes, therefore, that the additional protection provided for in Article 23 of the TRIPS Agreement, initially applicable only to wines and spirits, be extended to cover the GIs of non-agricultural products;

Or. fr

Amendment 43

Cecilia Wikström

Motion for a resolution

Paragraph 12 a (new)

Motion for a resolution

Amendment

12a. Proposes that the Commission

examine the possibility of transferring, in this context, also the registration of agricultural GI:s to the OHIM

Or. en

Amendment 44
Jiří Maštálka

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Maintains that the system should keep costs and red tape for businesses to a minimum while offering sufficient guarantees to consumers;

Amendment

13. Maintains that the system should keep costs and red tape for businesses to a minimum while offering sufficient guarantees to consumers *and help them to make better informed choices about buying products*

Or. en

Amendment 45
Marie-Christine Boutonnet, Gilles Lebreton

Motion for a resolution
Paragraph 14

Motion for a resolution

14. Considers that under a scheme of the type described above, establishing GIs should be a matter for the businesses concerned, which should, in particular, be called upon to draw up the specifications that the GIs would have to meet;

Amendment

14. Considers that under a scheme of the type described above, establishing GIs should be a matter for the businesses concerned, which should, in particular, be called upon to draw up the specifications that the GIs would have to meet, *in accordance with existing national protection rules;*

Or. fr

Amendment 46
Constance Le Grip

Motion for a resolution
Paragraph 16

Motion for a resolution

16. Believes that specifications should include at least the following criteria: raw materials used, description of the production process, proof of the link with the territory, *and elements of corporate social responsibility*;

Amendment

16. Believes that specifications should include at least the following criteria: raw materials used, description of the production process, *and* proof of the link with the territory;

Or. fr

Amendment 47
Jean-Marie Cavada, António Marinho e Pinto

Motion for a resolution
Paragraph 16 a (new)

Motion for a resolution

Amendment

16a. Suggests that there should be procedures for regional public authorities and/or chambers of commerce to monitor the fulfilment of these criteria at all stages of the production process so as to ensure that product specifications are met; considers that if such monitoring procedures are properly followed it will not be necessary to place a time limit on the GI protection of non-agricultural products or to require that it be renewed;

Or. fr

Amendment 48
Max Andersson

Motion for a resolution
Paragraph 18

Motion for a resolution

18. Notes that producers could be asked to pay a contribution in order to obtain a GI, provided that such contributions **were one-off payments**, were fair in relation to the costs incurred, and were enforced uniformly throughout the EU;

Amendment

18. Notes that producers could be asked to pay a contribution in order to obtain a GI, provided that such contributions were fair in relation to the costs incurred, and were enforced uniformly throughout the EU;

Or. en

Amendment 49
Constance Le Grip

Motion for a resolution
Paragraph 18 a (new)

Motion for a resolution

Amendment

18a. Suggests the introduction of a procedure, open to interested parties, whereby the registration of GIs can be contested;

Or. fr

Amendment 50
Tonino Picula

Motion for a resolution
Paragraph 18 a (new)

Motion for a resolution

Amendment

18a. considers that open-ended lists of all products, both agricultural and non-agricultural, protected by geographical indications should be incorporated into future EU trade agreements with non-member countries;

Or. hr

Amendment 51
Jiří Maštálka

Motion for a resolution
Paragraph 20 a (new)

Motion for a resolution

Amendment

20a. Expresses concerns over the potential negative influence of the ongoing TTIP negotiations on the standards of GIs protection.

Or. en

Amendment 52
Jean-Marie Cavada, António Marinho e Pinto, Angel Dzhambazki

Motion for a resolution
Paragraph 20 a (new)

Motion for a resolution

Amendment

20a. Suggests that the rules on the relationship between trademarks and GIs should apply to the GI protection of non-agricultural products;

Or. fr

Amendment 53
Angel Dzhambazki

Motion for a resolution
Paragraph 21

Motion for a resolution

Amendment

21. Proposes that Member States which already provide protection should be allowed the necessary time to ensure compliance;

21. Proposes that Member States which already provide protection should be allowed the necessary time to ensure compliance, ***while at the same allowing for transitional arrangements to be applied, providing for a co-existence of the two systems before moving towards an EU mechanism;***

