

Protection of geographical indications and designations of origin for agricultural products and foodstuffs *

European Parliament legislative resolution on the proposal for a Council regulation on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (COM(2005)0698 – C6-0027/2006 – 2005/0275(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2005)0698)¹,
 - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0027/2006),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development (A6-0034/2006),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council, as a first step, to make only those amendments to Council Regulation (EEC) No 2081/92² which are necessary in the light of the ruling of the World Trade Organisation, and to debate without time pressure those elements of the Commission proposal which are more far-reaching;
 4. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 5. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 6. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1
Recital 3

¹ Not yet published in OJ.

² OJ L 208, 24.7.1992, p. 1.

(3) *Some consumers tend to* attach greater importance to the quality of foodstuffs in their diet rather than to quantity. This quest for specific products generates a demand for agricultural products or foodstuffs with an identifiable geographical origin.

(3) *A constantly increasing number of consumers* attach greater importance to the quality of foodstuffs in their diet rather than to quantity. This quest for specific products generates a demand for agricultural products or foodstuffs with an identifiable geographical origin.

Amendment 2
Recital 5

(5) The labelling of agricultural products and foodstuffs is subject to the general rules laid down in Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs. In view of their specific nature, additional special provisions should be adopted for agricultural products and foodstuffs from a specified geographical area. The use of the indications and Community symbols concerned should also be made obligatory in the case of Community designations, on the one hand, to make this category of products and the guarantees attached to them better known to consumers and, on the other, to permit easier identification of these products on the market so as to facilitate checks. A reasonable length of time should be allowed for operators to adjust to this obligation.

(5) The labelling of agricultural products and foodstuffs is subject to the general rules laid down in Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs. In view of their specific nature, additional special provisions should be adopted for agricultural products and foodstuffs from a specified geographical area. The use of the indications and Community symbols concerned should also be made obligatory in the case of Community designations, on the one hand, to make this category of products and the guarantees attached to them better known to consumers and, on the other, to permit easier identification of these products on the market so as to facilitate checks. *To this end, and as a result of such obligation, the Community symbols associated with the various indications should be properly differentiated from each other, so as to ensure that there is a clear link between the indication and its specific symbol.* A reasonable length of time should be allowed for operators to adjust to this obligation.

Amendment 3
Recital 5 a (new)

(5a) In the light of the extension of the scope of this Regulation to third-country products and in order to ensure that there is no risk of consumer confusion between the Community symbol and the origin of a product, the place of origin and the place of

processing agricultural products or foodstuffs marketed under a registered name should be indicated on the label.

Amendment 4
Recital 6 a (new)

(6a) The strengthening of Community policy on designations of origin and geographical indications requires, in addition to the clarification and simplification referred to in this Regulation, the negotiation of a multilateral register under the auspices of the WTO, with the objective of ensuring the durability of that policy.

Amendment 42
Recital 12

(12) The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement 1994, contained in Annex 1C to the Agreement establishing the World Trade Organisation) contains detailed provisions on the existence, acquisition, scope, maintenance and enforcement of intellectual property rights.

(12) The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement 1994, contained in Annex 1C to the Agreement establishing the World Trade Organisation) contains detailed provisions on the existence, acquisition, scope, maintenance and enforcement of intellectual property rights. *For the European Union, the importance of the protection of intellectual property in world trade is constantly increasing. Geographical indications and designations of origin play a special role in this connection and hence, in the context of the ongoing negotiations on the Doha Development Agenda, it is essential to ensure that international protection of geographical indications and designations of origin is broadened to cover an increasingly large number of agricultural products.*

Amendment 6
Recital 13

(13) The protection afforded by this Regulation, subject to registration, should be open to the geographical indications of third countries where these are protected in their

(13) The protection afforded by this Regulation, subject to registration, should be open to the geographical indications of third countries where these are protected in their

country of origin.

country of origin. ***In parallel, the Commission should endeavour to obtain recognition by third countries of Community products of designated origin and geographical indication. In order to raise consumer awareness, information and promotional measures are appropriate within and outside the European Union.***

Amendment 7

Article 2, paragraph 1, point a, introduction

(a) ‘designation of origin’ means the name of a region, a specific place or, in exceptional cases, a country, used to describe an agricultural product or a foodstuff

(a) ‘designation of origin’ means the name of a region, a specific place or, in exceptional cases, a country, used to describe ***and/or to identify*** an agricultural product or a foodstuff

Amendment 8

Article 2, paragraph 1, point a, indent 3

- the production, processing ***and*** preparation of which take place in the defined geographical area;

- the production, processing, preparation ***and, where appropriate, packaging*** of which take place in the defined geographical area;

Amendment 9

Article 2, paragraph 1, point b, introduction

(b) ‘geographical indication’ means an indication serving to identify an agricultural product or a foodstuff

(b) ‘geographical indication’ means an indication ***or the name of a region, of a specific place or of a country*** serving to ***designate and/or to*** identify an agricultural product or a foodstuff

Amendment 10

Article 2, paragraph 1, point b, indent 1

- as originating in a region, specific place or country,

- as originating in a region, specific place or ***(in exceptional cases)*** country,

Amendment 51

Article 2, paragraph 1, point b, subparagraph 1 a (new)

After an appropriate transitional period, and at any rate no later than ten years after the entry into force of this Regulation, all production, preparation or processing activities must take place within the defined geographical area.

If raw materials come from a geographical area larger than or different from the processing area, this may be approved by means of the procedure referred to in Article 15(2), provided that:

(i) the production area of the raw materials is defined,

(ii) special conditions for the production of the raw materials exist, and

(iii) there are inspection arrangements to ensure that the conditions referred to in point (ii) are adhered to.

Amendment 11
Article 2, paragraph 2

2. Traditional geographical or non-geographical names designating an agricultural product or a foodstuff originating in a region or a specific place which fulfil the conditions referred to in the second and third intents of paragraph 1(a) shall also be considered as designations of origin.

2. Traditional geographical or non-geographical names designating an agricultural product or a foodstuff originating in a region or a specific place which fulfil the conditions referred to in the second and third intents of paragraph 1(a) **and in paragraph 1(b)** shall also be considered as designations of origin **or geographical indications**.

Amendment 12
Article 2, paragraph 3, subparagraph 1, introductory part

3. Notwithstanding paragraph 1(a), certain geographical designations shall be treated as designations of origin where the raw materials for the products concerned come from a geographical area larger than or different from the processing area, provided that:

3. Notwithstanding paragraph 1(a) **and (b)**, certain geographical designations shall be treated as designations of origin **or geographical indications** where the raw materials for the products concerned come from a geographical area larger than or different from the processing area, provided that:

Amendment 13
Article 2, paragraph 3, subparagraph 1, point c a (new)

(ca) the beneficiary of the derogation indicates the origin of the raw materials on the label or the packaging.

Amendment 14
Article 2, paragraph 3, subparagraph 2

The designations in question must have been recognised as designations of origin in the country of origin before 1 May 2004.

Deleted

Amendment 16
Article 4, paragraph 2, point h

(h) any specific labelling rule for the agricultural product or foodstuff in question;

(h) any specific labelling rule for the agricultural product or foodstuff in question ***and, as appropriate, the terms and conditions for the use of protected geographical terms on the labels of processed products in order to indicate any product ingredients that benefit from a protected designation of origin or a protected geographical indication;***

Amendment 17
Article 4, paragraph 2, point h a (new)

(ha) where appropriate, the rightholder's decision to have certain packaging operations carried out solely in the production area in order to guarantee the elements that justify the links referred to in subparagraph (f);

Amendment 18
Article 5, paragraph 3, point c ii

(ii) a concise description of the link between the product and the geographical environment or geographical origin referred to in Article 2(1)(a) or (b), as the case may be, including, where appropriate, the specific elements of the product description or production method justifying the link.

(ii) a concise description of the link between the product and the geographical environment or geographical origin referred to in Article 2(1)(a) or (b), as the case may be, including ***factors relating to the natural and sociocultural environment, and***, where appropriate, the specific elements of the product description or production method justifying the link.

Amendments 48 and 19
Article 5, paragraph 4, subparagraph 2

The Member State shall scrutinize the application by appropriate means to check that it is justified and meets the conditions of this Regulation.

The Member State, ***if appropriate in cooperation with the regional authorities,*** shall ***immediately*** scrutinize the application by appropriate means to check that it is

justified and meets the conditions of this Regulation.

Amendment 20

Article 5, paragraph 5, subparagraph 1

5. As part of the scrutiny referred to in paragraph 4, the Member State shall initiate an objection procedure at national level, ensuring adequate publication of the application allowing a *reasonable* period within which any person having a legitimate interest and established or resident on its territory may declare their objection to the application.

5. As part of the scrutiny referred to in paragraph 4, the Member State shall initiate an objection procedure at national level, ensuring adequate publication of the application allowing a period ***of three months*** within which any person having a legitimate interest and established or resident on its territory may declare their objection to the application.

Amendment 21

Article 5, paragraph 7, point a (new)

(aa) the product specification referred to in Article 4;

Amendment 22

Article 5, paragraph 9, subparagraph 1

9. Where the registration application concerns a geographical area situated in a third country, it shall comprise the elements provided for in paragraph 3 and also proof that the name in question is protected in its country of origin.

9. Where the registration application concerns a geographical area situated in a third country, it shall comprise the elements provided for in paragraph 3 and also proof that the name in question is protected in its country of origin. ***If the Commission is not satisfied as to certain elements of the application, it shall be entitled to insist that a third-country applicant provide all relevant additional information, including a copy of the specification.***

Amendment 23

Article 6, paragraph 1, subparagraph 1

1. The Commission shall scrutinize the application in an appropriate manner to check that it is justified and meets the conditions of this Regulation.

1. ***Within six months***, the Commission shall scrutinize the application in an appropriate manner to check that it is justified and meets the conditions of this Regulation.

Amendment 24

Article 6, paragraph 2, subparagraph 1

2. Where the conditions laid down in this

2. Where the conditions laid down in this

Regulation appear to be met, the Commission shall publish in the *Official Journal of the European Union* the single document and the reference to the publication of the specification referred to in the fifth subparagraph of Article 5(5).

Regulation appear to be met ***and no longer than 6 months after receipt of the application referred to in Article 5(7)***, the Commission shall publish in the *Official Journal of the European Union* the single document and the reference to the publication of the specification referred to in the fifth subparagraph of Article 5(5).

Amendment 49

Article 7, paragraph 1

1. Within ***four*** months from the date of publication in the *Official Journal of the European Union* provided for in the first subparagraph of Article 6(2), any Member State or third country may object to the registration proposed, by sending a duly substantiated statement to the Commission.

1. Within ***six*** months from the date of publication in the *Official Journal of the European Union* provided for in the first subparagraph of Article 6(2), any Member State or third country may object to the registration proposed, by sending a duly substantiated statement to the Commission.

Amendment 25

Article 7, paragraph 4, subparagraph 2

The registration shall be published in the *Official Journal of the European Union*.

The registration shall be published in the *Official Journal of the European Union* ***and on the Internet and shall include the publication details of the specification referred to in Article 5(5). If the application for registration relates to a geographical area situated in a third country, the Commission shall publish the specification pursuant to Article 5(5).***

Amendment 26

Article 7, paragraph 6

6. The Commission shall maintain updated a register of protected designations of origin and protected geographical indications.

6. The Commission shall maintain updated a register of protected designations of origin and protected geographical indications ***and publish the register on the Internet.***

Amendment 27

Article 8, paragraph 2 a (new)

The Community symbols shall be distinguished by means of colour codes specific to each symbol.

Amendment 47
Article 8, paragraph 3

In the case of agricultural products and foodstuffs originating in third countries marketed under a name registered in accordance with this Regulation the indications referred to in the second subparagraph **and** the associated Community symbols may also appear on the labelling.

In the case of agricultural products and foodstuffs originating in third countries marketed under a name registered in accordance with this Regulation the indications referred to in the second subparagraph, **but not** the associated Community symbols, may also appear on the labelling.

Amendment 28
Article 8, paragraph 3 a (new)

The place of origin and the place of processing of each agricultural product or foodstuff marketed under a name registered in accordance with this Regulation shall be clearly and visibly indicated on the label.

Amendment 29
Article 10, paragraph 3

3. In accordance with Article 4 of Regulation (EC) No 882/2004 the Member States shall designate **a competent central** body **specifically** responsible for **implementing the control system relating to this Regulation.**

3. In accordance with Article 4 of Regulation (EC) No 882/2004 the Member States shall designate **an official** body responsible for **monitoring compliance with Community rules on geographical indication.**

Amendment 30
Article 10, paragraph 3 a (new)

3a. Rightholders may lodge complaints with their national monitoring body and ask that it intervene to protect their registered name.

Amendment 31
Article 10, paragraph 3 b (new)

3b. A list of these monitoring bodies shall be published in the Official Journal of the European Union and shall be regularly updated.

Amendment 52
Article 11, paragraph 4

4. Each Member State shall notify the Commission of the name and address of the competent authority referred to in Article 10(3), the name and address of whatever official inspection services are designated and the name and address of delegated private inspection bodies as referred to in the first subparagraph of paragraph 1, their respective **tasks** and any changes to this information.

In the case of names referring to a geographical area in a third country, the group shall send the Commission, either direct or via the authorities of the country concerned, the information listed in the first subparagraph.

The Commission shall **make public** the information referred to in the first and second subparagraphs and update it regularly.

4. Each Member State shall notify the Commission of the name and address of the competent authority referred to in Article 10(3), the name and address of whatever official inspection services are designated and the name and address of delegated private inspection bodies as referred to in the first subparagraph of paragraph 1, their respective **competences** and any changes to this information.

In the case of names referring to a geographical area in a third country, the group shall send the Commission, either direct or via the authorities of the country concerned, the information listed in the first subparagraph.

The Commission shall **publish** the information referred to in the first and second subparagraphs **in the Official Journal of the European Union and on the internet** and update it regularly.

Amendment 32
Article 11, paragraph 6

6. The costs of the controls referred to in this Article **shall** be borne by the operators subject to those controls.

6. The costs of the controls referred to in this Article **may** be borne by the operators subject to those controls.

Amendment 33
Article 12, paragraph 2, subparagraph 1 a (new)

The interested parties within the Member State concerned shall be consulted in respect of any application for cancellation.

Amendment 53
Article 12, paragraph 2 a (new)

2a. For a period of five years from the date of announcement of the cancellation in the Official Journal of the European Union, the protected name may not be used for registration as a trademark pursuant to Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark¹ or comparable national provisions. Specific provisions may be adopted in

accordance with the procedure referred to in Article 15(2).

¹ *OJ L 11, 14.1.1994, p. 1.*

Amendment 34

Article 13, paragraph 1, subparagraph 1, point a

(a) any direct or indirect commercial use of a registered name in respect of products not covered by the registration insofar as those products are comparable to the products registered under that name or insofar as using the name exploits the reputation of the protected name;

(a) any direct or indirect commercial use, *in particular on any type of manufactured label or packaging, in whole or in part, and in any form*, of a registered name in respect of products not covered by the registration insofar as those products are comparable to the products registered under that name or insofar as using the name exploits the reputation of the protected name;

Amendment 35

Article 13, paragraph 1, subparagraph 1, point a a (new)

(aa) the commercial use of a registered name for foodstuffs without the prior consent of the rightholder;

Amendment 36

Article 13, paragraph 1, subparagraph 1 a (new)

If a processed product contains an agricultural product or foodstuff that has been registered under this Regulation, the use of the relevant expression on the label of the processed product must be subject to the specific authorisation of the group that obtained recognition.

Amendment 37

Article 13, paragraph 1 a (new)

1a. Where agricultural products or foodstuffs benefit from a protected designation of origin or a protected geographical indication, other geographical terms which are included in the protected geographical area may not be used on similar products not covered by that protected designation of origin or protected geographical indication.

Amendment 50
Article 14, paragraph 1, point b

(b) in the case of other designations of origin and geographical indications registered under this Regulation, after the date of submission of the registration application to the Commission.

(b) in the case of other designations of origin and geographical indications registered under this Regulation, after the date of submission of the registration application to ***a Member State or the Commission, whichever the earlier.***

Amendment 54
Article 15, paragraph 3

3. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

deleted

The period provided for in Article 4(3) of Decision 1999/468/EC shall be three months.

Amendment 38
Annex I, indents 6 a to f (new)

- wine vinegar,***
- currant vinegar,***
- wine made from berries or fermented berry-based beverages as well as cider and perry,***
- salt, traditional sea salt and hand-harvested sea salt ("fleur de sel"),***
- spices,***
- herbal mixtures.***

Amendment 39
Annex II, indent 7

- wicker,

- wicker ***and wicker products,***