

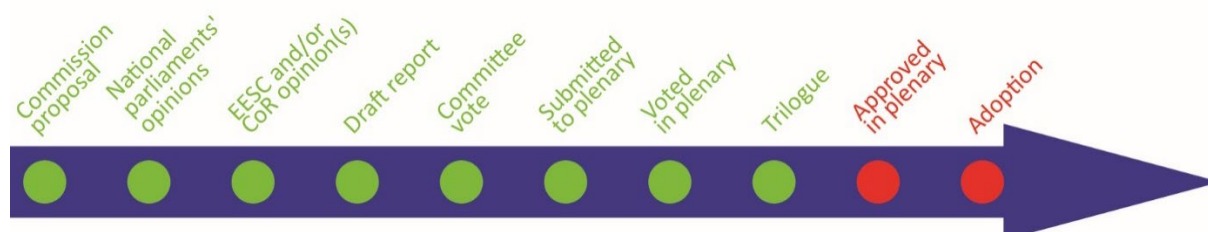
Geographical indications for wine, spirit drinks and agricultural products

On 24 October 2023, negotiators from the Parliament and Council reached a provisional agreement on the Commission's proposal for a regulation on geographical indications for wine, spirit drinks and agricultural products. The text still has to be formally adopted by the Parliament and Council.

The agreed text would bring together in a single legal document the provisions setting out the procedures for registering geographical indications (GIs) for wine, spirit drinks and agricultural products that are currently spread over three regulations. It would increase the powers and responsibilities of producer groups, lay down rules on sustainability practices, clarify rules on the use of GI products as ingredients, and improve the protection of GI products online. The Commission would remain in charge of the management of geographical indications, with the European Union Intellectual Property Office (EUIPO) only providing technical assistance and maintaining the GI register.

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

<i>Committee responsible:</i>	Agriculture and Rural Development (AGRI)	COM(2022) 134
<i>Rapporteur:</i>	Paolo De Castro (S&D, Italy)	31.3.2022
<i>Shadow rapporteurs:</i>	Álvaro Amaro (EPP, Portugal) Irène Tolleret (Renew, France) Claude Gruffat (Greens/EFA, France) Mazaly Aguilar (ECR, Spain) Elena Lizzi (ID, Italy) Eugenia Rodríguez Palop (The Left, Spain)	2022/0089(COD) Ordinary legislative procedure (COD) (Parliament and Council on equal footing – formerly 'co-decision')
<i>Next steps expected:</i>	Final first-reading vote in plenary	



Introduction

On 31 March 2022, the European Commission proposed a [regulation](#) on European Union geographical indications for wine, spirit drinks and agricultural products, and quality schemes for agricultural products. The need to reform legislation on geographical indications (GIs) had been announced in the [farm to fork strategy](#) and the [intellectual property action plan](#). The proposal was included in the 2021 [Commission work programme](#) under the regulatory fitness check (REFIT) initiative, but was delayed until 2022.

According to the World Intellectual Property Organization ([WIPO](#)), a geographical indication (GI) is a 'sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin. In order to function as a GI, a sign must identify a product as originating in a given place.'¹

There are different types of [geographical indications](#) in the EU:

- **protected designation of origin (PDO)** – used for food, agricultural products and wine for which all production steps take place in a specific geographical location;
- **protected geographical indication (PGI)** – used for food, agricultural products and wine for which at least one of the production steps takes place in a specific geographical location. For wine, at least 85 % of the grapes have to come exclusively from the geographical area in which the wine is actually made;
- **geographical indication (GI)** – used for spirit drinks for which at least one of the stages of preparation takes place in a specific region, but raw products can come from elsewhere.

The EU also has several quality schemes for food and agricultural products, with the most important being the **traditional speciality guaranteed (TSG)** – used for food and agricultural products that are made in a traditional way. TSGs can be made anywhere and can use the name if they follow the registered recipe.

Currently, almost 3 500 geographical indications and 69 traditional specialties guaranteed are registered and included in the EU [registers](#). A 2019 [study](#) published by the European Commission showed that, in 2017, GI and TSG products represented a sales value of €77 billion and accounted for 7 % of the sales value of the whole European food and drink sector.² More than half of this amount resulted from the sales of wine, and one fifth from exports outside the European Union. The study found that products with a protected name achieve, on average, double the sales value of similar products without a certification. However, a 2021 Commission [evaluation](#) of the EU policy on GIs and TSGs found a number of issues: low consumer awareness; long and complicated procedures for registration; difficulties in enforcement of producers' rights, especially online; unclear role of producer groups; and uneven application in Member States. The proposed regulation is the result of that evaluation.

Existing situation

Geographical indications and quality schemes in the EU are regulated by three regulations:

- the [Regulation on quality schemes for agricultural products and foodstuffs](#) lays down rules for GIs and TSGs for agricultural products, foodstuffs and aromatised wines. The regulation was last revised by the [CMO Amending Regulation](#) in 2021, when aromatised wines were brought under its scope (see [consolidated version](#));³
- the [Common Market Organisation \(CMO\) Regulation](#) lays down rules for GIs for wine (see [consolidated version](#)).⁴ It was also amended in 2021 by the same CMO Amending Regulation as the GIs and TSGs for agricultural products;
- the [Spirit Drinks Regulation](#) lays down rules for GIs for spirit drinks (see [consolidated version](#)).

Rules on procedures for **applications for registration** of geographical indications and their approval are similar for all three groups of products, but they take into account some of their specificities. An application can only be submitted by a group (composed of producers for wine and 'mainly producers or processors' for agricultural products and spirit drinks). For all products, the application for a GI must contain the product specification, including the product description, with raw materials and product characteristics; the method of production; the definition of the geographical area where the product is produced; and the link between the geographical area and the quality, reputation or other characteristics of the product. In addition, the applications for wine GIs have to include maximum yields per hectare and an indication of the wine grape variety or varieties, while an application for spirit drinks GIs must include the specific characteristics of the product compared to other spirit drinks in the same category. The product specification for TSGs includes the main characteristics of the product showing its specific character, the production method and the key elements establishing the product's traditional character.

The application is first submitted to the national authorities, who are required to scrutinise it to check that it is justified and that it meets the requirements. The concrete rules, including deadlines, are laid out by Member States. The national authorities initiate a **national opposition procedure** enabling natural or legal persons with a legitimate interest and established or residing in the Member State to submit an opposition to the application. The opposition procedure has to be open for a 'reasonable period' for agricultural products and spirit drinks, while the procedure for wines includes a two-month period for 'objections'. If the national authorities consider that the application meets the requirements, they submit the application to the European Commission, launching the **Union procedure**.

All three regulations require scrutiny of the applications by the Commission, which can last a maximum of 6 months, with a possibility to extend it by three more. If the scrutiny is positive, the Commission adopts and publishes an implementing act, starting a 3-month **EU-level opposition procedure** ('objection procedure' for wines). This can include consultations between those opposing the registration and the applicant group or authority. The consultations must conclude within 3 months, extendable by an additional 3 months. The final decision on whether the product name can be registered or not is made by the Commission.

Groups can also apply for approval of an **amendment to a product specification** for existing GIs and TSGs. Depending on the contents of the amendment, it can be considered a 'Union amendment', requiring a decision by the Commission, or a 'standard amendment', which can be approved by the Member State. A 'temporary amendment' can be applied for due to a change of mandatory sanitary and phytosanitary measures or a natural disaster or adverse weather. Temporary amendments are considered standard amendments and are approved by Member States.

The regulations stipulate some rules regarding **generic names**: on the one hand, generic terms cannot be registered as GIs; on the other hand, once they are registered, GIs cannot become generic. Registration of names **homonymous** with a name that is already protected as a GI is also banned, unless the usage and the presentation or practice regarding the products is sufficiently distinct and would not confuse the consumer. The registration of a **trademark** is also not allowed when an application for a GI registration of the same name has already been submitted for a product of the same type, but it is allowed for previously registered trademarks to co-exist with new GIs. However, a new GI cannot be registered if it would mislead the consumer regarding the true identity of a product due to an existing trademark's reputation and renown.

GI products are **protected** against direct or indirect commercial use; misuse, imitation or evocation, including in translations or in expressions such as 'style', 'type' or 'imitation'; any other false or misleading indication on the inner or outer packaging; and any other practice that could mislead the consumer. These protections also apply to GI products used as ingredients and to goods in transit. The CMO Amending Regulation also added a specific mention of the protection for GIs for agricultural products and wine sold by distance selling – for instance, online selling.

Parliament's starting position

In its [resolution](#) of 11 November 2021 on an intellectual property action plan to support the EU's recovery and resilience, Parliament welcomed the initiatives and actions to strengthen, modernise, streamline and better enforce the system of GIs for agricultural products, food, wines and spirits, 'in order to make it more precise and effective, since they contribute to creating and protecting quality jobs, to the promotion of social, environmental and economic sustainability in rural areas, and to fostering European cultural diversity'. Parliament considered that the discussions should focus on the issue of excessive administrative burden for producers, especially in connection with the registration, amendment and management of GIs and TSG product specifications.

In its [resolution](#) of 20 October 2021 on a farm to fork strategy, Parliament welcomed the incentives in the new CAP for promotion of 'short supply chains such as products with protected geographical indications or designations of origin'. Parliament stressed that the revision of the GI rules should improve recognition of the authenticity of GIs among consumers; reduce the administrative burden for small producers who wish to join these quality schemes; and strengthen the protection of GIs against misuse or imitation at international level. It called for minimum mandatory criteria for kindergartens and schools, other public institutions and private companies delivering public services to encourage, among other things, food with geographical indications.

On 23 October 2020, Parliament adopted [amendments](#) to the proposal for the CAP Amending Regulation. Parliament's proposals for the recitals noted that procedural rules for geographical indications are different for wine and for other sectors (foodstuffs, spirit drinks and aromatised wines), and that this has led to inconsistent application of intellectual property rights. It said that the rules should be simplified, clarified, supplemented and harmonised, and that they should, to the greatest extent possible, follow the rules that are in place for agricultural products and foodstuffs.

Preparation of the proposal

As part of the preparations, the European Commission conducted an evaluation of the EU policy on GIs and TSG that focused on the 2008-2020 period. The evaluation was underpinned by a [support study](#) carried out by AND International and Ecorys. The evaluation's [findings](#) (and its [executive summary](#)), published on 21 December 2021, showed that the objectives of the GI and TSG schemes have been achieved effectively, but the main limitations were the low awareness and understanding of this policy by consumers in some Member States and certain weaknesses in the controls performed at the downstream stages of the value chain. The evaluation also noted that, even though the CAP reform had already aligned the procedures for agricultural products with the rules for wines, the legal framework would benefit from streamlining. It also noted that the current rules still do not address new political priorities such as the green and digital transitions.

In October 2020, the Commission published an [inception impact assessment](#) for a revision of the EU GI systems, which received feedback from [51 respondents](#). The feedback mainly focused on sustainability aspects, the need for improved protection and legislative clarifications. In November 2020, a [high-level conference](#) was organised by the Commission and the European Intellectual Property Office (EUIPO), with the aim of gathering views of stakeholders such as GI producers, stakeholders across the food value chain, Member State officials, international and civil society organisations, EU officials and interested students.

From 15 January to 9 April 2021, the Commission ran an open [public consultation](#), which received 302 contributions from 20 Member States and 11 non-EU countries. Most contributions came from EU citizens (24 %), followed by business associations (20 %), companies/business organisations (14 %) and public authorities (13 %). Almost all respondents considered that preventing fraud and counterfeit labelling of fake GIs, especially on the internet, and increasing consumer awareness of the GI logos were important. The main challenges mentioned were preventing fraud and

counterfeiting of GI products online; providing GI producer groups with greater powers and responsibilities to manage, promote and enforce their GIs; and the lack of awareness of the GI logos.

The Commission consulted, in 2020 and 2021, the Civil Dialogue Group (CDG) on Quality and Promotion, which represents the interests of producers, processors, retailers, consumers and environmentalists; the CDG on Wine was also consulted. The Commission further consulted Member States' experts in the framework of the Expert Group for Quality and Sustainability of Agriculture and Rural Development.

From October 2020 to September 2021, the Commission worked on the [impact assessment](#) (IA) ([executive summary](#)).⁵ The IA looked at three policy options: option 1 – improving the instruments already in place and providing further support to producers, national authorities and other stakeholders; option 2 – reinforcing the protection of GIs through a single set of control procedures for all sectors and the development of detailed rules on respect for GIs online, with two sub-options; option 3 – creating a single regulation containing the same rules for all sectors on enforcement, control rules, protection, procedures and labelling. The preferred option was option 2, assessed as the best when comparing costs and benefits for GI producers. The preferred sub-option included transferring the assessment of applications during the Union phase, including the opposition procedure, to the EUIPO, but keeping the decision on registration or rejection with the Commission.

EPRS's [initial appraisal of the Commission impact assessment](#) concluded that the IA presented a well-defined problem and a pertinent set of objectives, and that it used recent and relevant evidence. However, it found a number of shortcomings, including costs and benefits not being quantified due to the lack of data and the analysis being predominantly qualitative. Notably, the choice of the preferred option and sub-option was found to be not well substantiated. EPRS also published an [implementation appraisal](#) of the GI and TSG legislation in 2021, based on the publicly available material on its implementation, application and effectiveness.

In 2022, the European Court of Auditors (ECA), in its [special report](#) on EU intellectual property rights, also suggested improving the GI system. It criticised the lengthy process of approval, which 'creates an unnecessary obstacle to producers wishing to register'. The ECA found that Member States rarely observed their own deadlines for national scrutiny, which lasted up to 60 months, while the Union procedure saw delays of up to 48 months. The Court also noted that the rules were not uniformly implemented in the Member States, including when it comes to customs controls.

The changes the proposal would bring

The new regulation would amend the CMO Regulation, the Spirit Drinks Regulation and the Union Trademark Regulation. The current Regulation on geographical indications for agricultural products would be repealed. The Commission's proposal includes the following main elements:

- **a single GI system for wine, spirit drinks and agricultural products** – all of these sectors would be included in the scope of the new regulation. However, some provisions on wine GIs would remain in the CMO Regulation and some for spirit drinks in the Spirit Drinks Regulation;
- **an expanded role for the European Union Intellectual Property Office** – the EUIPO would be tasked with establishing and managing a domain name information and alert system, which would provide the applicant, upon submission of an application, with information about the availability of the GI as a domain name (article 34). The Commission would be empowered to adopt delegated acts to entrust the EUIPO with a series of additional tasks, including regarding the scrutiny of applications from the EU (article 17) and from third countries (article 46); the opposition procedure (article 19); operation of the register of GIs (article 23); publication of standard amendments (article 25); and cancellation of registrations (article 26). The proposal would also lay down the criteria for assessing the performance of the EUIPO (article 47). The task of administering GIs would be added to the EUIPO's tasks in the Union Trademark Regulation (article 82);

- **sustainability undertakings** – a producer group would be able to add social, environmental or economic sustainability requirements to a product specification. These requirements would have to be higher than mandated by EU or national law and go beyond good practice. The Commission would be empowered to adopt delegated acts defining sustainability standards in different sectors (article 12);
- **the procedure for GI registration** – the application for registration addressed to the national authorities would have to include a product specification, a single document and accompanying documents. The new regulation would define the content of these documents for agricultural products, while the CMO Regulation would continue to define it for wine and the Spirit Drinks Regulation for spirit drinks. The period for the national opposition procedure would be harmonised and would have to last 'at least two months' (article 9);
- **increased online protection** – the new legislation would increase the protection of GIs on the internet. Country-code top-level domain name registries established in the EU would have an option, on request, to revoke or transfer a domain name registered to a recognised producer group (article 34);
- **labelling of GI products as ingredients** – using a GI designating a product ingredient in the name of a processed food product would be banned, except in the case of an agreement with the producer group representing two thirds of the producers (article 28). The indications, abbreviations and Union symbols could be used in labelling and advertising of processed products, but only next to the name of the ingredient and not next to the name of the product itself (article 37(6));
- **powers of producer groups** – producer groups would get increased powers and responsibilities, including internal controls to ensure compliance of production steps; taking legal action to ensure protection of the GI; agreeing sustainability undertakings; combating counterfeiting and suspected fraudulent uses; and informing enforcement authorities (article 32). Member States would be required to verify that the groups operate in a transparent and democratic manner (article 32);
- **recognised producer groups** – Member States could designate 'recognised producer groups', representing at least two thirds of producers of a product bearing a GI, and accounting for at least two thirds of the production. These groups would have additional powers and responsibilities, such as taking enforcement actions or registering a trademark to protect the name outside the EU (article 33);
- **controls and enforcement** – laid out in Chapter 4 of Title II, the provisions on control and enforcement would apply only to agricultural products and spirit drinks, while the rules on checks for wine would continue to be governed by Article 116a of the CMO Regulation. Member States would be required to designate one or more enforcement authorities responsible for controls and enforcement of the GIs (article 42) and would be required to mutually assist each other and exchange information (article 45). Producers would be responsible for internal controls on compliance before the product is placed on the market, and third-party verification could be carried out by the competent authorities or certification bodies;
- **additional rules for GIs of agricultural products that do not apply to wine and spirit drinks** – Chapter 6 of Title II would apply only to agricultural products. It would clarify the rules on sourcing raw materials and feed. In particular, feed could be sourced outside the GI area, provided that it does not exceed 50% of dry matter on an annual basis and does not affect the 'product quality or characteristics essentially due to the geographic environment' (article 50);
- **the procedure for TSGs** – the steps of the procedure would be laid out in more detail and would largely mirror the procedure for GIs. The description of the product in the product specification would no longer have to prove the product's specific character; it would be

enough to describe its main physical, chemical, organoleptic or microbiological characteristics and the production method (article 56). If, during the opposition procedure, it is demonstrated that the name is also used in another Member State or a third country, in order to distinguish comparable products or products of an identical or similar name, the Commission could decide that the TSG name has to be followed by the claim that it has been 'made following the tradition' of a Member State.

Advisory committees

The European Economic and Social Committee (EESC) adopted its [opinion](#) on 13 July 2022. It said that the GIs constitute 'a very particular system that is much more than an intellectual property right and should not be managed as a trademark'. It therefore questioned delegating GI management tasks from DG AGRI to the EUIPO, and called for assessing whether the agency 'possesses the expertise and necessary knowledge to manage the delegated tasks proficiently'. The EESC said that criteria for the recognition of sustainability undertakings should be directly included in the regulation and not in delegated acts. It also called for the Commission or the Member States to provide marketing support and expertise to GI producers.

The European Committee of the Regions (CoR) adopted an [opinion](#) on the Commission's proposal on 30 November 2022. While supporting the establishment of a single set of procedural rules, the CoR recommended that the specificities of each sector should be maintained. It criticised the proposal to transfer tasks from DG AGRI to the EUIPO, as well as the possibility of designating representative producer groups. It supported voluntary sustainability undertakings and the proposal to add the possibility of regional or local public bodies helping in the preparation of the application and the registration procedure for GIs in order to formalise regions' contributions.

National parliaments

The [deadline](#) for the submission of reasoned opinions on the grounds of subsidiarity was 10 October 2022. No reasoned opinions were submitted.

Stakeholder views⁶

Stakeholders representing producers were united in their opposition to the shifting of competencies from DG AGRI to the EUIPO. [COPA and COGECA](#), which represent European farmers and agricultural cooperatives, expressed doubt about the EUIPO's knowledge of the specificities of the agricultural sector and the nature of GIs, adding that this would put the GI policy at risk. They supported the division into 'producer groups' and 'recognised producer groups', saying this could contribute to empowering producer groups, but said the rules should be further clarified and the Member States given more subsidiarity regarding the recognition of such groups. They also said that only producers should be involved in such groups; that sustainability criteria for GIs should remain strictly voluntary; and that Member States and the Commission should be required to provide GI producers with the expertise and administrative support necessary for registration, especially in regions that are under-represented in the GI scheme. COPA and COGECA said that the procedures for wine GIs should be harmonised with those for agricultural products and spirit drinks, but that all provisions on wine should remain in the CMO Regulation.

The Organisation for an International Geographical Indication Network – European Union Office ([oriGIn](#)) also called for DG AGRI to remain in charge of the management of the GIs, with the EUIPO taking on the role of technical support in the areas where it can bring added value. OriGIn called for defining only general rules and principles applicable to producer groups, while considering national specificities and allowing the Member States to maintain or improve their national system. It also rejected the Commission's proposal to allow the setting up of sustainability standards via delegated acts and called for a review of the definition of evocation and genericity.

These views were echoed by the Association of European Regions for Products of Origin ([AREPO](#)), which warned that shifting the management from DG AGRI to EUIPO would mean weakening the agricultural and rural development components of GIs in favour of the intellectual property right dimension. It said that the EUIPO's technical assistance would still be invaluable in protecting GIs in the registration of domain names, improving the fight against counterfeiting and piracy, and in conflicts with trademarks and genericity issues. However, it criticised the proposal to introduce two types of producer groups and the idea of defining sustainability undertakings via delegated acts.

The European Federation of Origin Wines ([EFOW](#)) denounced the proposal and accused the Commission of 'an attempt to unravel GI policy'. It said that the proposal would multiply the institutional interlocutors for GI producers, forcing them to, in addition to the Commission, also deal with the EUIPO in the future. EFOW also said that, for wine producers, the proposed rules would not improve any of the rules that have recently entered into force.

The European Confederation of Independent Winegrowers ([CEVI](#)) said that it opposed the inclusion of wine in the scope of the new regulation. It warned that this would spread provisions for wine GIs over two different legislative acts and create complexity and administrative burdens for SMEs. It therefore called for all the EU provisions related to wine to remain within the CMO framework. CEVI also expressed its reservations concerning other parts of the proposal, including subsidiarity regarding producer group management, sustainability undertakings, control of products, labelling of GIs as ingredients and online protection.

The [spiritsEUROPE](#) association said that the Commission should remain in charge of key decisions, with DG AGRI the entity responsible for GI spirits drinks. It called on the Commission not to impose mandatory sustainability requirements and to keep the status of producer groups as they are now. However, it welcomed the provisions to fight against infringements on the internet.

The European Dairy Association ([EDA](#)) disagreed with externalising the management of the GI scheme and expressed its opposition to a number of provisions in the proposal, including the introduction of recognised producer groups, approval of standard amendments only by the national authorities, and the ban on the use of a geographical indication identifying an ingredient in the food name of a processed product without an agreement with a producer group.

[Eurogroup for Animals](#) said that the proposal correctly observes that the sustainability concerns of consumers are not sufficiently protected under the current scheme. It said that, for products of animal origin, the higher expectations of consumers should be taken into consideration and the registration of products that involve cruel methods of production should be prevented.

The International Trademark Association ([INTA](#)) said it was pleased that the proposal made clear that generic names would not be able to be registered as GIs. INTA argued that, in the national examination, particular care should be applied to verifying that non-geographical terms have indeed acquired geographical associations. It said the examination should ensure that protection of the GI would not result in a conflict with any prior trademarks or impair the free use of any generic terms. It also said that anyone with a legitimate interest, regardless of where they are located, should already be able to lodge a complaint during the national opposition procedure.

The US Consortium for Common Food Names ([CCFN](#)) called on the Commission to draw up a list of non-exhaustive generic food terms that could not be registered as GIs, noting that, in some cases, the absence of such a list has enabled restrictions on the use of names which have long been used as generic to 'provide an unfair advantage to a handful of producers in one Member State at the expense of international competitors and even others in the EU'. It also called for ensuring a more thorough assessment of GI applications by the Commission, saying that the current procedure lacks transparency and is strongly biased towards the applicant, adding that no opposition on generic grounds has ever been successful.

Legislative process

In the **European Parliament**, the file was referred to the Committee on Agriculture and Rural Development (AGRI), with Paolo de Castro (S&D, Italy) as rapporteur. The Legal Affairs Committee (JURI) is associated under [Rule 57](#) (rapporteur: Adrián Vázquez Lázara, Renew, Spain). JURI has some shared competences, and exclusive competences with regard to articles 31 and 35 (on trademarks) and article 82 (on the EUIPO's responsibility for GIs). On 18 October 2022, the rapporteur put forward a [draft report](#). The AGRI committee adopted its [report](#) on 20 April 2023. On 1 June 2023, Parliament adopted in plenary the mandate for negotiations with the Council, with the [following elements](#), and referred the matter back to the AGRI committee:

- **producer groups** – only producers of raw materials, processors or operators involved in the production of a product could be part of producer groups; Member States would not be allowed to let public officials and other stakeholders participate. The powers and responsibilities that the Commission proposed for producer groups would apply to producer groups only when there is no recognised producer group. Member States would be able to allow only one producer group, representing a majority of producers, to operate for each geographical indication. They could also decide that recognised producer groups are entitled to compulsory financial contributions from all producers of a GI product;
- **sustainability undertakings** – a list of examples of sustainability undertakings would be added to Article 12, including, for instance, improving animal health and welfare; and attracting and sustaining young producers, and facilitating the inter-generational transmission of know-how and culture. The sustainability undertakings could be included in the specification or under separate initiatives. Producer groups could prepare a sustainability report, describing the sustainable practices implemented in the production of the product, in terms of social, environmental, economic or animal health and welfare commitments. The Commission would not be empowered to adopt delegated acts defining sustainability standards in different sectors;
- **faster procedures** – the deadline for the Commission's scrutiny (referred to as the 'examination' in the report) would be cut to 5 months and could be extended by a maximum of 3 additional months. The Commission would be able to seek additional information only up to the end of 3 months from receiving the application;
- **the role of the EUIPO** – the Commission would not be allowed to entrust its tasks relating to scrutiny, the opposition procedure, amendments, cancellation or the scrutiny of third-country GIs to the EUIPO through delegated acts. It could, however, empower the EUIPO to maintain and keep the EU electronic register of GIs up to date. The EUIPO would also be required to support producer groups in relation to international agreements by providing them with information and legal advice;
- **domain names** – top-level and other domain-name registries operating in the EU would be required to revoke a domain name abusing a GI name or transfer it to the recognised producer group or to the competent national authority of a Member State. For this purpose, the EUIPO could be tasked with establishing and managing an alert system to monitor the registration of domain names;
- **the amendment procedure** – only a recognised producer group would be able to submit amendments to the product specification, unless no such group has been designated. In addition, only amendments that include a change in the name, entail further restrictions on marketing the product, or where a Member State finds that there is a risk of voiding the link to the geographical area, would have to be approved by the Commission, within 3 months. Exceptional geopolitical events could also be grounds for a temporary amendment;
- **GIs as ingredients** – the name of a geographical indication used in a processed product could be referred to in the list of ingredients, if such use is made in accordance with honest commercial practices and does not weaken or dilute, or is not detrimental to, the reputation

of the geographical indication. To use the GI ingredient's name in the name of the product, advertising or labelling outside the list of ingredients, there should be an agreement in writing with a recognised producer group. This group could lay down minimum conditions for fair use of the name of the GI product, including by requesting a financial contribution;

- **producer lists:** Member States would be required to make public an up-to-date list of producers of products with GI designations originating on their territory. They would be required to draw up a list of producers of TSG products, but would not be required to make it public. TSG producers would be required to register with the relevant national authorities or certification bodies to have products checked before they are first offered for sale;
- **GIs for wine** – the new regulation would lay down rules on the procedure for registration of GIs for wine, but the rules on amendments, cancellation, the register, protection of GIs and the relationship with trademarks would remain in the CMO Regulation. Rules on sustainability undertakings and sustainability reports would be added to the latter;
- **new products** – the Spirit Drinks Regulation would be amended by adding rules on potato spirits and bread spirits.

In the **Council**, the Working Party on Horizontal Agricultural Questions (Geographical Indications and Designations of Origin) and the Special Committee on Agriculture (SCA) examined the proposal. On 8 May 2023, the SCA adopted a [mandate](#) detailing the Council position, according to which:

- **the role of the EUIPO** – the EUIPO would not be allowed to have any role in the process of the registration, amendment or cancellation of GIs. The Commission would not be able to task the EUIPO with operating the EU register, nor with setting up domain name information or an alert system;
- **domain names** – no automatic transfer of domain names to producer groups would be allowed, but the producer groups would be able to invoke the GI rights in alternative dispute resolution procedures;
- **sustainable practices** – producer groups would be able to agree on sustainable practices with standards higher than those mandated by law. If a group decides that these sustainable practices are mandatory for all producers of the product, they would have to be included in the product specification, through either the registration or amendment procedure. The Commission could not define such standards in different sectors;
- **ingredients in the names of processed products** – a geographical indication designating a product used as an ingredient could be used in the name of the processed product (except in spirit drinks) if the following conditions are met: the processed product does not contain any other product comparable to the GI ingredient; the GI ingredient is used in sufficient quantities to confer an essential characteristic on the processed product; the percentage of the GI ingredient in the processed product is indicated in the label. The producer of the processed product would not be required to seek a written permission to use the GI ingredient in the name of the product from the producer group, but would only have to notify a recognised producer group, if it exists. The Commission would be allowed to adopt delegated acts on the use of GIs in the names of processed food;
- **the Union opposition procedure:** an opposition would first be examined by the Member State in which it was lodged, which would decide whether to forward it to the Commission. If the Commission considered an opposition admissible, it would invite the opponent and the applicant (but not the authorities of any of the Member States) to consultations;
- **the amendments procedure** – only recognised producer groups would be allowed to apply for amendments;
- **verification of compliance** – unlike the Commission's proposal, the chapter on controls and verification of compliance would also apply to wine. All operators wishing to be involved in the production of protected products would have to notify the authorities in their Member State. The verification of wines with GIs would have to be done annually;

- **new products** – the Spirit Drinks Regulation would be amended to include rules on potato spirit and birch sap spirit. The TSG protection would also be available for aerated waters;
- **date of application** – the new regulation would apply as of 1 year after its entry into force.

Trilogue negotiations started on 6 June 2023. During the fourth trilogue meeting, on 24 October, the co-legislators reached a [provisional agreement](#) that includes the following:

- **the role of EUIPO** – the Commission will remain in charge of managing the GIs system, while the EUIPO will be allowed to provide technical assistance only on administrative issues. The EUIPO will also be tasked with maintaining the GI register and keeping it up to date;
- **domain names and information and alert system** – Member States will be required to ensure that domain names using GIs illegally are removed or that access to them is disabled. Country-code top-level domain name registries established in the EU will be required to ensure that alternative dispute resolution procedures for domain names recognise registered GIs as a right that can be invoked in these procedures. The Commission will be required to evaluate the necessity and feasibility of a domain name information and alert system, and potentially task the EUIPO with setting it up. The alert system would provide applicants for GI protection with information about the availability of the GI as a domain name and would enable them, on an optional basis, to register such a domain name;
- **GIs as ingredients** – processors using a GI ingredient will be allowed to use the GI in the name of their processed product if the ingredient is used in sufficient quantities to confer an essential characteristic on the processed product, and the processed product does not contain any other product comparable to the GI ingredient. The percentage of the GI ingredient will have to be indicated in the label. In order to use the GI in the name of the processed product, producers will be required to give prior notification to the recognised producer group, which will be required to acknowledge the reception of the notification within four months in writing;
- **faster procedures** – the Commission would have six months for the examination of the application, extendable by one additional month;
- **sustainable practices** – a producer group, or a recognised producer group if such a group exists, will be able to agree on sustainable practices that will apply higher standards regarding animal welfare or social, environmental or economic sustainability to the GI product than laid down by law. If the producer group decides that the sustainable practices are mandatory for all producers, the practices will be included in the product specification;
- **producer groups** – only producers and associations of producers will be able to be members of producer groups. A producer group that wants to be designated as a recognised producer group has to represent at least 50 % of producers or 50 % of volume or value of production. They will be able to take on tasks such as preventing or countering measures or commercial practices that are detrimental to the image and value of their products, developing tourism services in their area and preparing sustainability reports describing their sustainable practices.
- **list of approved operators** – operators wishing to participate in any activity covered by the product specification of a GI or a TSG product will be required to notify the authorities in charge of official controls. Member States will be required to maintain lists of such operators.
- **wine** – the rules for GIs for wine relating to the national and EU application procedure will be laid out in the new regulation. This includes the opposition procedure, registers, amendments and cancellation. The rules on trademarks, homonyms and protection of GIs will also be in the new regulation. Some rules will remain in the CMO Regulation, for instance the rules on the single document, temporary labelling, traditional terms and labelling;
- **new products** – spirit made from bread, potato and birch sap will be able to be registered as a GI, while aerated waters and cork will be able to be registered as a TSG;

- **date of application** – the regulation would start applying 20 days after publication in the Official Journal, but some provisions, for instance, on the national opposition procedure and the operators' notification to the authorities, would apply from 2025.

The agreed text now has to be adopted by Parliament and the Council before it is signed into law.

EUROPEAN PARLIAMENT SUPPORTING ANALYSIS

[Revision of the EU legislation on geographical indications of agricultural and food products](#), EPRS, Implementation Appraisal, October 2021.

[Revising the EU geographical indications for wine, spirit drinks and agricultural products](#), EPRS, Initial Appraisal of a European Commission Impact Assessment, September 2022.

[CAP Amending Regulation \(CMO\): Amending regulations on the CMO for agricultural products, quality schemes and measures for remote regions](#), EPRS, EU Legislation in Progress, December 2021.

OTHER SOURCES

[Geographical Indications for wine, spirit drinks and agricultural products](#), Legislative Observatory (OEIL), European Parliament.

ENDNOTES

- ¹ While GIs establish collective intellectual property rights for producers who follow specific rules, they also aim to ensure a fair income for farmers, strengthen their bargaining power in the value chain, and stimulate vibrant rural areas, thus contributing to rural development. The EU has created its system of GI protection over several decades; protection for GIs of wine in the EU started in 1970 and was expanded to spirit drinks in 1989, aromatised wines in 1991 and agricultural products in 1992. Traditional specialities guaranteed were introduced in 2012.
- ² Of this amount, products registered as GIs accounted for €74.8 billion and TSG products for €2.35 billion.
- ³ Until December 2021, rules on geographical indications for aromatised wine products were governed by a separate piece of legislation, Regulation 251/2014. However, the Amending CMO Regulation incorporated the rules on aromatised wines into the GI Regulation, as only two aromatised wine products have ever been registered as GIs.
- ⁴ The CMO rules are supplemented by [Commission Delegated Regulation](#) (EU) 2019/33 of 17 October 2018 and [Commission Implementing Regulation](#) (EU) 2019/34 of 17 October 2018. The Commission has announced that, in the first quarter of 2023, it would update both the [delegated](#) and the [implementing](#) regulation, to adapt them to the amended CMO Regulation.
- ⁵ The [Regulatory Scrutiny Board](#) issued a negative opinion on the draft in June 2021, followed by a positive opinion with reservations in December 2021.
- ⁶ This section aims to provide a flavour of the debate and is not intended to be an exhaustive account of all different views on the proposal. Additional information can be found in related publications listed under 'European Parliament supporting analysis'.

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