



2022/0115(COD)

26.1.2023

OPINION

of the Committee on the Internal Market and Consumer Protection

for the Committee on Legal Affairs

on the proposal for a regulation of the European Parliament and of the Council on geographical indication protection for craft and industrial products and amending Regulations (EU) 2017/1001 and (EU) 2019/1753 of the European Parliament and of the Council and Council Decision (EU) 2019/1754 (COM(2022)0174 – C9-0148/2022 – 2022/0115(COD))

Rapporteur for opinion: Dita Charanzová

PA_Legam

SHORT JUSTIFICATION

On 13 April 2022, the European Commission adopted a proposal for a legislation to create a Geographical Indication (GI) system to protect crafts and industrial products whose qualities have a specific link to the place where they are made. The ambitions of this proposal are lofty, as they seek to establish and ensure intellectual property rights protection for these specific products across the Union, whilst pursuing policies that provide consumers with reliable information and empower local business. Within this framework, steps are also taken to act against fake products and unfair commercial practice, including online, while enabling GIs from non-EU countries to access GI protection within the EU.

As Rapporteur, I commend the overall spirit and aims of this proposal, which seeks to put crafts and industrial products on an equal footing with protected geographical indications that already exist in the agricultural area. However, it is important to focus on a careful approach for the achievement of the general objectives without affecting fair competition for producers, the internal market of the Union or international trade. Further to this, it is also important that this proposal does not create additional bureaucratic burden on SMEs through complex processes in terms of procedures for registration, reporting obligations or coordination of time schedules for inspections bodies, particularly in smaller Member States. Keeping the bureaucratic burden as low as possible will be a main point for me in my role as Rapporteur.

In terms of our businesses, this draft opinion seeks to provide fair and proportional alternative procedures for producer groups to protect their products by a geographical indication, to support SMEs by strengthening their competitiveness in the internal market and provide them with higher visibility and credibility among consumers. Furthermore, it also seeks to strengthen consumer protection and to guarantee consumers of the specific characteristics of craft and industrial products, compliance with attributes of the product designated by a geographical indication.

For historical reasons, more than one language may be used to describe some products that should be protected by geographical indication. This opinion seeks to take this into account by allowing GI protection for additional names for the same area of protection. In addition, the drafting of the proposal has been improved where needed to ensure that there is no different interpretations and to ensure better law making is supported.

We must take into account the convergence points in order to ensure coherence with already-existing tools and legislation. Finally, the significance of the integration of the European Single Market - in terms of economic and consumer benefits for our citizens - at the very heart of this proposal, cannot be stressed enough.

AMENDMENTS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Legal Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) For many years, geographical indication protection has been established at Union level for wines, spirit drinks⁶, aromatised wines⁷, as defined at Union level, as well as agricultural products and foodstuffs⁸, as protected at Union level. It is appropriate to provide Union-wide geographical indication protection in respect of products falling outside the scope of existing regulations, while ensuring convergence, and aiming at encompassing a large variety of craft and industrial products, such as natural stones, jewellery, textiles, lace, cutlery, glass and porcelain.

⁶ Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008 (OJ L 130, 17.5.2019, p. 1).

⁷ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347 20.12.2013, p. 671).

⁸ Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

Amendment

(3) For many years, geographical indication protection has been established at Union level for wines, spirit drinks⁶, aromatised wines⁷, as defined at Union level, as well as agricultural products and foodstuffs⁸, as protected at Union level. It is appropriate to provide Union-wide geographical indication protection in respect of products falling outside the scope of existing regulations, while ensuring convergence, and aiming at encompassing a large variety of craft and industrial products, such as natural stones, **woodwork**, jewellery, textiles, lace, cutlery, glass, **musical instruments**, **leathercraft**, **soaps** and porcelain.

⁶ Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008 (OJ L 130, 17.5.2019, p. 1).

⁷ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347 20.12.2013, p. 671).

⁸ Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

Amendment 2

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) Unitary protection throughout the Union for the intellectual property rights related to geographical indications can contribute to incentives for the production of quality products, the wide availability of such products for consumers and the creation of valuable and sustainable jobs including in rural and less-developed regions. In particular in view of the potential of geographical indications to contribute to sustainable and highly skilled jobs in rural and less developed regions, producers should aim at creating a substantial proportion of the value of the product designated by a geographical indication within the defined geographical area.

Amendment

(5) Unitary protection throughout the Union for the intellectual property rights related to geographical indications can contribute to incentives for the production of quality products, the wide availability of such products for consumers and the creation of valuable and sustainable jobs including in rural and less-developed regions. In particular in view of the potential of geographical indications to contribute to sustainable and highly skilled jobs in rural and less developed regions, producers should aim at creating a substantial proportion of the value of the product designated by a geographical indication within the defined geographical area. ***Therefore, producers acting collectively should have the necessary powers and responsibilities to manage their geographical indication, including, if necessary, to respond to societal demands for products resulting from sustainable production in its three dimensions of economic, environmental and social value, and to operate in the market.***

Amendment 3

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) Making geographically linked products is often based on local know-how and follows local production methods that are rooted in the cultural and social heritage of the home region of such

Amendment

(7) Making geographically linked products is often based on local know-how and follows local production methods that are rooted in the cultural and social heritage of the home region of such

products. Efficient intellectual property protection has the potential to contribute to increased profitability and attractiveness of the traditional craft professions. Specific geographical indication protection is acknowledged so as to safeguard and develop cultural heritage both in the agricultural and the craft and industrial areas. Efficient procedures should be established for the registration of Union geographical indications protecting the names of craft and industrial products, which take into account regional and local specificities. The geographical indication system for craft and industrial products should ensure that the production and marketing traditions are maintained and enhanced.

products. Efficient intellectual property protection has the potential to contribute to increased profitability and attractiveness of the traditional craft professions. Specific geographical indication protection is acknowledged so as to safeguard and develop cultural heritage both in the agricultural and the craft and industrial areas. Efficient procedures should be established for the registration of Union geographical indications protecting the names of craft and industrial products, which take into account regional and local specificities. The geographical indication system for craft and industrial products should ensure that the production and marketing traditions are maintained and enhanced. ***To allow transmission between generations, the period that allows transmission between generations should be at least 30 years and the said usage may embrace modifications necessitated by changing hygiene and safety practices.***

Amendment 4

Proposal for a regulation

Recital 9

Text proposed by the Commission

Amendment

(9) To provide for a full coverage of craft and industrial products eligible for GI protection (i.e. those having characteristics, attributes or reputation linked to their place of production or manufacturing), the scope of this Regulation needs to be determined in line with the relevant international framework, namely, the World Trade Organization. Hence, the use of the Combined Nomenclature should be established through direct reference to Annex I to Council Regulation No 2658/87¹⁰. This approach ensures coherence with the scope of the revised GI Regulation for agricultural products,

deleted

foodstuff, wine and spirits.

¹⁰ *Council Regulation (EEC) No 2685/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff Regulation (OJ L 256, 7.9.1987 p.1).*

Amendment 5

Proposal for a regulation Recital 9 a (new)

Text proposed by the Commission

Amendment

(9 a) *Due to historical events and the movement of persons, the names and languages of geographical areas have changed over time. This has resulted in some regional products being known by both modern and historical names. As such, GI protection for eligible craft and industrial products may cover the use of both modern and historical names, symbols, and other characteristics as long as both are commonly known and in use to identify the product.*

Amendment 6

Proposal for a regulation Recital 12

Text proposed by the Commission

Amendment

(12) *Where applicable, the information included in the single document shall be made available through the Digital Product Passport as set out by the Regulation establishing a framework for ecodesign requirements for sustainable products and repealing Directive 2009/125/EC.*

(12) *Micro and small and medium sized companies often struggle with administrative tasks, and therefore the competent authorities should draw up the single document for them on the basis of their product specifications and send it for their approval.*

Amendment 7

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) Member States should have the possibility to charge a registration fee to cover their costs of managing the geographical indication system for craft and industrial products. Member States should charge ***lower fees for*** micro, small or medium-sized enterprises (MSMEs). The Office should not charge a fee for the management of the Union application process. However, the Office should ***have the possibility to*** charge a fee for the direct registration. In that case, the fees charged by the Office should be laid down by an implementing act in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹⁴.

¹⁴ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Amendment 8

Proposal for a regulation Recital 13 a (new)

Amendment

(13) Member States should have the possibility to charge a registration fee to cover their costs of managing the geographical indication system for craft and industrial products. Member States should charge ***progressive fees, taking into account the situation of*** micro, small or medium-sized enterprises (MSMEs), ***enabling them full access to the protection of geographical indications and the safeguarding of their intellectual property rights***. The Office should not charge a fee for the management of the Union application process. However, the Office should charge a fee for ***procedures relating to*** the direct registration, ***third country applications and appeals***. In that case, the fees charged by the Office should be laid down by an implementing act in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹⁴.

¹⁴ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Text proposed by the Commission

Amendment

(13 a) The Member States should establish details concerning the national stage procedure, but the admissibility of the opposition and the reasons for denying registration of a geographical indication have to be aligned with the ones on the Union stage.

Amendment 9

Proposal for a regulation Recital 13 b (new)

Text proposed by the Commission

Amendment

(13 b) Given the limited resources available to micro, small and medium-sized enterprises for administrative tasks, the authorities should provide them with all necessary support and financial assistance during the registration process.

Amendment 10

Proposal for a regulation Recital 14

Text proposed by the Commission

Amendment

(14) To qualify for protection in the Member States, geographical indications should be registered only at Union level. However, with effect from the date of application for such registration at Union level, Member States should be able to grant temporary protection at national level without affecting the internal market of the Union or international trade. The protection afforded by this Regulation upon registration should be equally available to geographical indications of third countries ***that*** meet the corresponding criteria and that are protected in their

(14) To qualify for protection in the Member States, geographical indications should be registered only at Union level. However, with effect from the date of application for such registration at Union level, Member States should be able to grant temporary protection at national level without affecting ***fair competition for producers***, the internal market of the Union or international trade. The protection afforded by this Regulation upon registration should be equally available to geographical indications of third countries ***which recognise and enforce the***

country of origin. The Office should carry out the corresponding procedures for geographical indications originating in third countries.

geographical indications of the Union and which meet the corresponding criteria and that are protected in their country of origin. The Office should carry out the corresponding procedures for geographical indications originating in third countries.

Amendment 11

Proposal for a regulation Recital 15

Text proposed by the Commission

(15) The procedures for registration, amendments to the product specification and cancellation of the registration in respect of geographical indications originating in the Union under this Regulation should be carried out by the Member States and the Office. The Member States and the Office should be responsible for distinct stages of the procedures. Member States should be responsible for the first stage, which consists of receiving the application from the applicants, assessing it, running the national opposition procedure, and, ***following the positive results of the assessment, submitting the Union*** application to the Office. The Office should be responsible for examining the applications in the second stage of the procedure, running the worldwide opposition procedure and taking a decision on granting or refusing the protection to the geographical indication. The Office should also carry out the corresponding procedures for geographical indications originating in third countries, without prejudice to the direct registration procedure.

Amendment

(15) The procedures for registration, amendments to the product specification and cancellation of the registration ***and appeals*** in respect of geographical indications originating in the Union under this Regulation should be carried out by the Member States and the Office. The Member States and the Office should be responsible for distinct stages of the procedures. Member States should be responsible for the first stage, which consists of receiving the application from the applicants, assessing it, running the national opposition procedure, and, ***upon a positive assessment, the forwarding of the results and*** application to the Office. The Office should be responsible for examining the applications in the second stage of the procedure, running the worldwide opposition procedure and taking a decision on granting or refusing the protection to the geographical indication. The Office should also carry out the corresponding procedures for geographical indications originating in third countries, without prejudice to the direct registration procedure. ***The running costs arising from the tasks entrusted to the Office by this Regulation should be covered by the operational budget of the Office.***

Amendment 12

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) In order to facilitate the management of GI applications by national authorities, it should be possible for two or more Member States to: (i) cooperate in the management of the national phase of the procedures, including those procedures for registration, examination, national opposition, submission of the Union application to the Office, amendments to the product specification and cancellation of the registration, and (ii) decide that one of them manages these procedures also on behalf of the other Member State or Member States concerned. In those cases, **all the Member States concerned** should inform the Commission **without delay, providing the necessary information.**

Amendment 13

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) It is possible for certain Member States **to obtain a derogation** from the Member States' obligation to designate a national authority in respect of geographical indications for craft and industrial products to take charge of the procedures for registration, national opposition, amendments to the product specification and cancellation of the registration **under certain circumstances specified in this Regulation. That derogation, that should take the form of a Commission Decision, takes into account the fact that certain Member States do not have a specific national system for the management of geographical indications for craft and industrial products and that**

Amendment

(16) In order to facilitate the management of GI applications by national authorities, it should be possible for two or more Member States to: (i) cooperate in the management of the national phase of the procedures, including those procedures for registration, examination, national opposition, submission of the Union application to the Office, amendments to the product specification and cancellation of the registration, and (ii) decide that one of them manages these procedures also on behalf of the other Member State or Member States concerned. In those cases, **those Member States should, without delay, inform the Commission accordingly.**

Amendment

(17) It is possible for certain Member States **opt out** from the Member States' obligation to designate a national authority in respect of geographical indications for craft and industrial products to take charge of the procedures for registration, national opposition, amendments to the product specification and cancellation of the registration. It is more effective and economical to provide an alternative procedure for the producer groups from these Member States to protect their products by a geographical indication.

*the local interest in these countries to protect these geographical indications is minimal. Under these circumstances, it would not be justified to oblige the respective Member State to set up an infrastructure, employ the necessary personnel and purchase facilities for the management of these geographical indications. It is more effective and economical to provide an alternative procedure for the producer groups from these Member States to protect their products by a geographical indication. **The “direct registration procedure” has cost advantages reaped by Member States. Pursuant to this derogation, procedures for registration, amendments to the product specification and cancellation should be managed directly by the Office. In this regard the Office should receive the effective assistance of the administrative authorities of that Member State when required by the Office, through designation of a contact point, as regards in particular aspects related to the examination of the application. In those cases, the Office should be entitled to charge a registration fee, considering that this procedure generates more work for the Office than the management of Union applications. However, the application of the “direct registration procedure” should not exempt Member States from the obligation to designate a competent authority for the controls and enforcement and to take the necessary actions to enforce the rights set out in this Regulation. The competent authority maintained or designated for the management of the geographical indications and the competent authority designated for the controls and enforcement may differ, when a Member State so decides.***

Amendment 14

Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17 a) Pursuant to this derogation, procedures for registration, amendments to the product specification and cancellation should be managed directly by the Office. In this regard, the Office should receive the effective assistance of the administrative authorities of that Member State when required by the Office, through designation of a contact point, as regards in particular aspects related to the examination of the application. The contact point should have the necessary expertise and local knowledge on geographical indications to assist the Office and where needed, the authority to consult other experts with product or sector-specific knowledge. Under the “direct registration procedure”, the Office should be entitled to charge a proportional registration fee, considering that this procedure generates more work for the Office than the management of Union applications.

Amendment 15

Proposal for a regulation
Recital 17 b (new)

Text proposed by the Commission

Amendment

(17 b) However, the application of the “direct registration procedure” should not exempt Member States from the obligation to designate a competent authority for the controls and enforcement and to take the necessary actions to enforce the rights set out in this Regulation. The competent authority maintained or designated for the management of the geographical indications and the competent authority designated for the controls and

enforcement may differ, when a Member State so decides.

Amendment 16

Proposal for a regulation

Recital 18

Text proposed by the Commission

Amendment

(18) *The Commission, after reviewing the information provided by the Member State, should adopt a Commission Decision establishing the right of the Member State to opt for the exceptional direct registration procedure. Accordingly, the Commission should retain the right to modify and withdraw a Decision allowing a Member State to opt for the “direct registration procedure”, should the conditions not be met by the Member State concerned. This is, for example, the case should the number of direct applications submitted by applicants from that Member State exceed the original number estimated by that Member State in a recurrent manner over time.*

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Amendment 17

Proposal for a regulation

Recital 19

Text proposed by the Commission

Amendment

(19) To ensure coherent decision-making as regards applications for protection and judicial challenges against them, submitted in the national procedure, the Office should be informed in a timely and regular manner when procedures are launched before national courts or other bodies concerning an application for registration forwarded by the Member State to the Office and of their final results.

(19) To ensure coherent decision-making as regards applications for protection and judicial challenges against them, submitted in the national procedure, the Office should be informed in a timely and regular manner when procedures are launched before national courts or other bodies concerning an application for registration forwarded by the Member State to the Office and of their final results.

For the same reason, where a Member State considers that a national decision on which the application for protection is based is likely to be invalidated as a result of national judicial proceedings, it should inform the Office of that assessment. If the Member State requests the suspension of the examination of an application at Union level, the Office should be exempted from the obligation to meet the deadline for examination established therein. ***In order to protect the applicant from vexatious legal actions and to preserve the applicant's right to secure the protection of a name within a reasonable time, the exemption should be limited to cases in which the application for registration has been invalidated at national level by an immediately applicable but not final judicial decision or in which the Member State considers that the action to challenge the validity of the application is based on valid grounds.***

If the Member State requests the suspension of the examination of an application at Union level, the Office should be exempted from the obligation to meet the deadline for examination established therein.

Amendment 18

Proposal for a regulation Recital 19 a (new)

Text proposed by the Commission

Amendment

(19 a) When Member States decide to provide for temporary national protection, they should take into account that certain producers may not be able to market the respective product with the name temporarily protected in the Member State and, in case the Office decides to refuse the registration of that name, those producers that were notable to market their product due the temporary national protection may claim damages or compensation from the Member State, if the laws of the respective Member State so provide.

Amendment 19

Proposal for a regulation Recital 20

Text proposed by the Commission

(20) To allow operators, whose interests are affected by the registration of a name, to continue to use that name for a limited period of time, while contravening the protection regime, specific derogations for the use of the names in the form of transitional periods should be granted. Such *periods* can also be allowed to **overcome temporary difficulties and** with the **long-term objective of ensuring that all producers comply with the** product specification. Without prejudice to the rules governing conflicts between geographical indications and trademarks, names, which would otherwise contravene the protection of geographical indication, may continue to be used under certain conditions and for a transitional period.

Amendment

(20) To allow operators, whose interests are affected by the registration of a name, to continue to use that name for a limited period of time, while contravening the protection regime, specific derogations for the use of the names in the form of transitional periods should be granted. Such **specific derogations** can also be allowed to **ensure compliance** with the **related** product specification **in the concerned area**. Without prejudice to the rules governing conflicts between geographical indications and trademarks, names, which would otherwise contravene the protection of geographical indication, may continue to be used under certain conditions and for a transitional period.

Amendment 20

Proposal for a regulation Recital 22

Text proposed by the Commission

(22) To ensure transparency and uniformity across Member States, it is necessary to establish and maintain an electronic Union register of geographical indications for craft and industrial products. The register should be an electronic database stored within an information system, and should be accessible to the public. The Union register of geographical indications for craft and industrial products should be developed, kept and maintained by the Office and also the personnel for its operation should be provided by the Office.

Amendment

(22) To ensure transparency and uniformity across Member States, it is necessary to establish and maintain an electronic Union register of geographical indications for craft and industrial products. The register should be an electronic database stored within an information system, and should be **easily** accessible to the public. The Union register of geographical indications for craft and industrial products should be developed, kept and maintained by the Office and also the personnel for its operation should be provided by the Office.

Amendment 21

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) For the optimal functioning of the internal market, it is important that producers and other operators concerned, authorities and consumers ***may quickly and easily have*** access to ***the*** relevant information concerning ***a registered protected*** geographical ***indication***.

Amendment

(24) For the optimal functioning of the internal market, it is important that producers and other operators concerned, authorities and consumers ***have quick and easy*** access to relevant information concerning geographical ***indications***.

Amendment 22

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) The Office should establish an information and alert system against the abusive use of craft and industrial geographical indications in the domain name system. This system should inform applicants, on the one hand, about the availability of the geographical indication as a domain name and, on the other hand, provide them with information once a domain name that is conflicting with their geographical indication is registered. Receiving such alerts would allow producers to take appropriate action more quickly and effectively. Registries of country-code top-level domain names, established in the Union, should provide the Office with all the information and data in their possession necessary to run the system as a task carried out in public interest, namely information on the availability of the geographical indication as a domain name and, as far as the alerts are concerned, the particulars of conflicting domain names, the dates of its application

Amendment

(26) The Office should establish an information and alert system against the abusive use of craft and industrial geographical indications in the domain name system. This system should inform applicants, on the one hand, about the availability of the geographical indication as a domain name and, on the other hand, provide them with information once a domain name that is conflicting with their geographical indication is registered. Receiving such alerts would allow producers to take appropriate action more quickly and effectively. Registries of country-code top-level domain names, established in the Union, should provide the Office with all the information and data in their possession necessary to run the system as a task carried out in public interest, namely information on the availability of the geographical indication as a domain name and, as far as the alerts are concerned, the particulars of conflicting domain names, the dates of its application

and registration. The information and data should be provided in a machine readable format. Making the information and data available to the Office is proportionate as it serves the legitimate purpose of ensuring better protection and enforcement of geographical indications as intellectual property in the online environment. ***This is even more so as regarding the alerts*** the transfer of domain name registration data ***is*** explicitly limited to those domain names that are identical or similar and therefore potentially capable of infringing the geographical indication concerned.

Amendment 23

Proposal for a regulation Recital 27

Text proposed by the Commission

(27) It is necessary to establish an Advisory Board, which is a pool of experts, composed of representatives from Member States and the Commission. The purpose of the Advisory Board is to provide the necessary local knowledge and expertise concerning certain products and knowledge about the local circumstances that may influence the outcome of the procedures laid down in this Regulation. In order to support the Office on its assessment of individual applications at any stage of the examination, opposition, appeal or other procedures with specific technical knowledge, the Geographical Indications Division or the Boards of Appeal, at its own initiative or at the request of the Commission, should have the possibility to consult the Advisory Board. The consultation, when necessary, should also include a general opinion on assessing quality criteria, establishing reputation ***and renown***, determining generic nature of a name, and assessing fair competition in commercial transactions and the risk of confusing consumers. The opinion of the

and registration. The information and data should be provided in a machine readable format. Making the information and data available to the Office is proportionate as it serves the legitimate purpose of ensuring better protection and enforcement of geographical indications as intellectual property in the online environment. The transfer of domain name registration data ***should be*** explicitly limited to those domain names that are identical or similar and therefore potentially capable of infringing the geographical indication concerned.

Amendment

(27) It is necessary to establish an Advisory Board, which is a pool of experts, composed of representatives from Member States and the Commission. The purpose of the Advisory Board is to provide the necessary local knowledge and expertise concerning certain products and knowledge about the local circumstances that may influence the outcome of the procedures laid down in this Regulation. In order to support the Office on its assessment of individual applications at any stage of the examination, opposition, appeal or other procedures with specific technical knowledge, the Geographical Indications Division or the Boards of Appeal, at its own initiative or at the request of the Commission, should have the possibility to consult the Advisory Board. The consultation, when necessary, should also include a general opinion on assessing quality criteria, establishing reputation ***of a geographical indication***, determining generic nature of a name, and assessing fair competition in commercial transactions and the risk of confusing consumers. The

Advisory Board should not be binding. The appointment procedure of the experts and the operation of the Advisory Board should be specified in the rules of procedure of the Advisory Board approved by the Management Board.

opinion of the Advisory Board should not be binding. The ***Advisory Board should also include experts in the field of the concerned product category, including from academia.*** The appointment procedure of the experts and the operation of the Advisory Board should be specified in the rules of procedure of the Advisory Board approved by the Management Board.

Amendment 24

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) The relationship between internet domain names and geographical indications should be clarified as regards the scope of the application of the remedy measures, the recognition of geographical indications in dispute resolution, and the fair use of domain names. ***Persons having a legitimate interest in*** a registered geographical indication should be empowered to request for the revocation or the transfer of the domain name in case the conflicting domain name has been registered by its holder without rights or legitimate interest in the geographical indication or if it has been registered or is being used in bad faith and its use contravenes the protection of a geographical indication. Alternative dispute resolution procedures should not prejudice the possibility of bringing domain name disputes before a national court.

Amendment

(33) The relationship between internet domain names and geographical indications should be clarified as regards the scope of the application of the remedy measures, the recognition of geographical indications in dispute resolution, and the fair use of domain names. ***The holders of a registered geographical indication or a producer group having a legitimate interest in it*** should be empowered to request for the revocation or the transfer of the domain name in case the conflicting domain name has been registered by its holder without rights or legitimate interest in the geographical indication or if it has been registered or is being used in bad faith and its use contravenes the protection of a geographical indication. Alternative dispute resolution procedures should not prejudice the possibility of bringing domain name disputes before a national court. ***In case of conflicts on domain names with non-EU Country-codes, or with EU country codes concerning non-EU geographical indications, the dispute settlement should be conducted by the Office in cooperation with the international dispute settlement systems already in place, such as the ones managed by World Intellectual Property***

Amendment 25

Proposal for a regulation Recital 35

Text proposed by the Commission

(35) In order to ***avoid creating unfair conditions for*** competition, any producer, including a third-country producer, should be able to use a registered geographical indication, provided that the product concerned complies with the requirements of the relevant product specification, ***or single document or equivalent to the latter i.e. a complete summary of the product specification.*** The system set up by the Member States should also guarantee that producers complying with the rules are covered by the verification of compliance of the product specification.

Amendment

(35) In order to ***strengthen*** competition ***in the internal market***, any producer, including a third-country producer, should be able to use a registered geographical indication, provided that the product concerned complies with the requirements of the relevant product specification. The system set up by the Member States should also guarantee that producers complying with the rules are covered by the verification of compliance of the product specification.

Amendment 26

Proposal for a regulation Recital 36

Text proposed by the Commission

(36) ***As it is the first time that an*** Union-wide geographical indication protection system for craft and industrial ***product is implemented, it is important*** to raise awareness among consumers, producers, especially ***MSMEs*** and public authorities at ***national, regional and local*** level ***about the initiative.***

Amendment

(36) ***In order to strengthen the*** Union-wide geographical indication protection system for craft and industrial ***products, the Commission, Member States and relevant stakeholders are encouraged*** to raise awareness ***about the initiative*** among consumers, producers, especially ***micro, small or medium-sized enterprises*** and public authorities at ***local, regional, national, and international*** level.

Amendment 27

Proposal for a regulation
Recital 37

Text proposed by the Commission

(37) The symbols, indications and abbreviations identifying a registered geographical indication, and the rights therein pertaining to the Union, should be protected in the Union as well as in third countries with the aim of ensuring that they are used on genuine products and that consumers are not misled as to the qualities of products.

Amendment

(37) The symbols, indications and abbreviations identifying a registered geographical indication, and the rights therein pertaining to the Union, should be protected in the Union as well as in third countries with the aim of ensuring that they are used on genuine products and that consumers are not misled as to the qualities of products. ***Such a geographical indication should be protected against any direct or indirect commercial use of the geographical indication in respect of products not covered by the registration, where those products are identical or similar to the products registered under that geographical indication or where use of the name exploits or weakens the protected geographical indication. Moreover, any imitation, even if the true origin of the products or services is indicated or if the protected geographical indication is translated or accompanied by an expression such as ‘style’, ‘type’, ‘method’, ‘as produced in’, ‘imitation’, ‘flavour’, ‘like’ or similar should be prevented. Additionally, other false or misleading indication as to the provenance, origin, nature or essential qualities of the product that is used on the inner or outer packaging, advertising material, documents or information provided on websites relating to the products, and the packing of the products in a container liable to convey a false impression as to their origin should be prevented. This includes using, for example, national or regional colours associated with a product and any other practice liable to mislead the consumer as to the true origin of the products.***

Amendment 28

Proposal for a regulation
Recital 38

Text proposed by the Commission

(38) The use of Union symbols and indications on the packaging of craft and industrial products designated by a geographical indication ***should be recommended*** in order to make this category of products, and the guarantees attached to them, better known to consumers and to permit easier identification of these products on the market, thereby facilitating checks. The use of such symbols or indications should remain voluntary for third-country geographical indications.

Amendment

(38) The use of Union symbols and indications on the packaging of craft and industrial products designated by a geographical indication in order to make this category of products, and the guarantees attached to them, better known to consumers and to permit easier identification of these products on the market, thereby facilitating checks, ***should be supported***. The use of such symbols or indications should, ***however***, remain voluntary for third-country geographical indications. ***Additionally, nothing in this Regulation should be seen as requiring producers to use geographical indication labelling, even if the product would otherwise meet the conditions of a registered geographical indication.***

Amendment 29

Proposal for a regulation
Recital 39

Text proposed by the Commission

(39) ***For the sake of clarity for consumers and to maximise coherence with the revised Regulation for protection of geographical indications for agricultural products, foodstuff, wine and spirits***, the Union symbol used on the packaging of craft and industrial products designated by a geographical indication should be identical to the one used on the packaging of agricultural products and foodstuffs, wines and spirit drinks designated by a geographical indication established under Commission Delegated Regulation (EU) 664/2014¹⁶.

Amendment

(39) The Union symbol used on the packaging of craft and industrial products designated by a geographical indication should be identical to the one used on the packaging of agricultural products and foodstuffs, wines and spirit drinks designated by a geographical indication established under Commission Delegated Regulation (EU) 664/2014¹⁶ ***to maximise transparency for consumers and coherence with the revised Regulation for protection of geographical indications for agricultural products, foodstuff, wine and spirits.***

¹⁶ Commission Delegated Regulation (EU) No 664/2014 of 18 December 2013 supplementing Regulation (EU) No 1151/2012 of the European Parliament and of the Council with regard to the establishment of the Union symbols for protected designations of origin, protected geographical indications and traditional specialities guaranteed and with regard to certain rules on sourcing, certain procedural rules and certain additional transitional rules (OJ L 179, 19.6.2014, p. 17).

¹⁶ Commission Delegated Regulation (EU) No 664/2014 of 18 December 2013 supplementing Regulation (EU) No 1151/2012 of the European Parliament and of the Council with regard to the establishment of the Union symbols for protected designations of origin, protected geographical indications and traditional specialities guaranteed and with regard to certain rules on sourcing, certain procedural rules and certain additional transitional rules (OJ L 179, 19.6.2014, p. 17).

Amendment 30

Proposal for a regulation

Recital 40

Text proposed by the Commission

(40) The added value of geographical indications is based on consumer trust. Such trust can only be well-founded if the registration of geographical indications is accompanied by effective verification and controls, including the producer's *due diligence*.

Amendment

(40) The added value of geographical indications is based on consumer trust. Such trust can only be well-founded if the registration of geographical indications is accompanied by effective verification and controls, including the producer's *obligations*.

Amendment 31

Proposal for a regulation

Recital 41

Text proposed by the Commission

(41) In order to guarantee consumers of the specific characteristics of craft and industrial products protected by geographical indications, producers should be subject to a system that verifies compliance with the product specification before the product is put on the market. Member States should be free to establish a third-party verification system operated by the competent authorities, and the product

Amendment

(41) In order *to strengthen consumer protection and* to guarantee consumers of the specific characteristics of craft and industrial products protected by geographical indications, producers should be subject to *a fair and proportional* a system that verifies compliance with the product specification before the product is put on the market. Member States should be free to establish a third-party

certification bodies, to which those authorities delegate certain official control tasks or a verification system based on a producer's self-declaration. The self-declaration should be submitted to the competent authorities assuring conformity with the product specification.

verification system operated by the competent authorities, and the product certification bodies, to which those authorities delegate certain official control tasks or a verification system based on a producer's self-declaration. The self-declaration should be submitted to the competent authorities assuring conformity with the product specification.

Amendment 32

Proposal for a regulation Recital 43 a (new)

Text proposed by the Commission

Amendment

(43 a) For a product to be included within a GI protection, production steps should include significant steps within the geographical indicated area. For example, the mere adding of additional paint or ribbon to an otherwise finished product could be seen as a fraudulent and deceptive practice. This should be subject to Member State controls and decided on a case-by-case basis.

Amendment 33

Proposal for a regulation Recital 44

Text proposed by the Commission

Amendment

(44) Member States should have the possibility to allow producers to fulfil their obligation ***to perform due diligence*** by submitting a self-declaration to the competent authorities every three years, demonstrating their continued compliance. Producers should be required to renew their self-declaration immediately where there is an amendment to the product specification or a change affecting the concerned product. The use of self-

(44) Member States should have the possibility to allow producers to fulfil their obligation by submitting a self-declaration to the competent authorities every three years, demonstrating their continued compliance. Producers should be required to renew their self-declaration immediately where there is an amendment to the product specification or a change affecting the concerned product. The use of self-declaration should not prevent producers

declaration should not prevent producers from having their conformity fully or partially certified by eligible third parties. A third-party certification should be able to supplement a self-declaration but not replace it.

from having their conformity fully or partially certified by eligible third parties. A third-party certification should be able to supplement a self-declaration but not replace it.

Amendment 34

Proposal for a regulation Recital 46

Text proposed by the Commission

(46) Where a self-declaration certification procedure is in place, competent authorities should carry out random controls.

Amendment

deleted

Amendment 35

Proposal for a regulation Recital 48

Text proposed by the Commission

(48) Control and verification fees or charges should cover, but not exceed, the costs, including overhead costs, incurred by the competent authorities to perform official controls. Overhead costs could include the costs of the organisation and support necessary for planning and carrying out the official controls. Such costs should be calculated on the basis of each individual official control or on the basis of all official controls performed over a given period of time. Where fees or charges are applied on the basis of the actual cost of individual official controls, producers with a good record of compliance should bear lower overall charges than non-compliant ones, as such producers with a good record of compliance should be subject to less frequent official controls. In order to

Amendment

(48) Control and verification fees or charges should cover, but not exceed, the costs, including overhead costs, incurred by the competent authorities to perform official controls. Overhead costs could include the costs of the organisation and support necessary for planning and carrying out the official controls. Such costs should be calculated on the basis of each individual official control or on the basis of all official controls performed over a given period of time. Where fees or charges are applied on the basis of the actual cost of individual official controls, producers with a good record of compliance should bear lower overall charges than non-compliant ones, as such producers with a good record of compliance should be subject to less frequent official controls. In order to

promote compliance with Union legislation by all producers irrespective of the method (based on actual costs or on a flat rate) that each Member States has chosen for the calculation of the fees or charges, where fees or charges are calculated on the basis of overall costs incurred by the competent authorities over a given period of time, and imposed on all producers irrespective of whether they are subject to an official control during the reference period, those fees or charges should be calculated so as to reward producers with a consistently good record of compliance. ***No fee should be charged for the submission of the self-declaration and its processing.***

Amendment 36

Proposal for a regulation

Recital 51

Text proposed by the Commission

(51) European standards (EN standards) developed by the European Committee for Standardisation (CEN) and international standards developed by the International Organization for Standardization (ISO) should be used for the accreditation of product certification bodies as well as by those bodies for their operations. The accreditation of those bodies should take place in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council¹⁸. Natural persons should have the expertise, equipment and infrastructure required to perform those official control tasks delegated to them; should be suitably qualified and experienced, and act impartially and free from any conflict of interest as regards the exercise of those official control tasks delegated to them. Product certification bodies established outside the Union should demonstrate their compatibility with Union or internationally recognised standards based on a certificate issued by a

promote compliance with Union legislation by all producers irrespective of the method (based on actual costs or on a flat rate) that each Member States has chosen for the calculation of the fees or charges, where fees or charges are calculated on the basis of overall costs incurred by the competent authorities over a given period of time, and imposed on all producers irrespective of whether they are subject to an official control during the reference period, those fees or charges should be calculated so as to reward producers with a consistently good record of compliance.

Amendment

(51) European standards (EN standards) developed by the European Committee for Standardisation (CEN) and international standards developed by the International Organization for Standardization (ISO) should be used for the accreditation of product certification bodies as well as by those bodies for their operations. The accreditation of those bodies should take place in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council¹⁸. Natural persons should have the expertise, equipment and infrastructure required to perform those official control tasks delegated to them; should be suitably qualified and experienced, and act impartially and free from any conflict of interest as regards the exercise of those official control tasks delegated to them. Product certification bodies established outside the Union should demonstrate their compatibility with Union or internationally recognised standards based on a certificate issued by a

body that is a signatory of a multilateral recognition agreement under the auspices of the International Accreditation Forum.

body that is a signatory of a multilateral recognition agreement under the auspices of the International Accreditation Forum **(IAF) or a member of the International Laboratory Accreditation Cooperation (ILAC).**

¹⁸ Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and repealing Regulation (EEC) No 339/93 (OJ L 218 13.8.2008, p. 30).

¹⁸ Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and repealing Regulation (EEC) No 339/93 (OJ L 218 13.8.2008, p. 30).

Amendment 37

Proposal for a regulation Recital 60

Text proposed by the Commission

(60) In order to amend or supplement certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the requirements or listing additional items of the accompanying documentation, defining procedures and conditions applicable to the preparation and submission of Union applications for registration, rules on entrusting the Office to operate the Union register of geographical indications for craft and industrial products; the formal content of the notice of appeal, the procedure for the filing and the examination of an appeal as well as the formal content and the form of the Board of Appeal's decisions; ***the information and requirements of the self-declaration*** and the technical assistance of the Office. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance

Amendment

(60) In order to amend or supplement certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the requirements or listing additional items of the accompanying documentation, defining procedures and conditions applicable to the preparation and submission of Union applications for registration, rules on entrusting the Office to operate the Union register of geographical indications for craft and industrial products; the formal content of the notice of appeal, the procedure for the filing and the examination of an appeal as well as the formal content and the form of the Board of Appeal's decisions and the technical assistance of the Office. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the

with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making²³. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Interinstitutional Agreement of 13 April 2016 on Better Law-Making²³. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

²³ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

²³ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

Amendment 38

Proposal for a regulation

Recital 61

Text proposed by the Commission

(61) The current protection of geographical indications at national level is based on various regulatory approaches. Having two parallel systems at Union and national levels might carry the risk of confusing consumers and producers. The replacement of national specific geographical indication protection systems by the Union wide regulatory framework **will** create legal certainty, reduce administrative burden for national authorities, ensure fair competition between the producers of the products bearing such indications as well as predictable and relatively low costs and enhance the credibility of the products in the consumers' eyes. To this end, the national specific protection for geographical indications for craft and industrial products **will** cease to exist one year after the **entry into force** of this Regulation. The protection may be

Amendment

(61) The current protection of geographical indications at national level is based on various regulatory approaches. Having two parallel systems at Union and national levels might carry the risk of confusing consumers and producers. The replacement of national specific geographical indication protection systems by the Union wide regulatory framework **would** create legal certainty, reduce administrative burden for national authorities, ensure fair competition between the producers of the products bearing such indications as well as predictable and relatively low costs and enhance the credibility of the products in the consumers' eyes. To this end, the national specific protection for geographical indications for craft and industrial products **should** cease to exist one year after the **date of application** of this Regulation. The protection may be

extended in time until the registration process is finalised for those national GIs identified by interested Member States. Some Member States that are party to the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration have registered geographical indications for craft and industrial products and protected geographical indications for craft and industrial products originating from third countries under that Agreement. Regulation (EU) 2019/1753 should therefore be amended so as to allow for the continued protection of those geographical indications for craft and industrial products.

extended in time until the registration process is finalised for those national GIs identified by interested Member States. Some Member States that are party to the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration have registered geographical indications for craft and industrial products and protected geographical indications for craft and industrial products originating from third countries under that Agreement. Regulation (EU) 2019/1753 should therefore be amended so as to allow for the continued protection of those geographical indications for craft and industrial products.

Amendment 39

Proposal for a regulation Recital 62

Text proposed by the Commission

(62) Since a period of time is required to ensure that the framework for the proper functioning of this Regulation is in place to create a Union and international registration system (including IT system, setting up and managing the Union register of geographical indications for craft and industrial products, the EU alert system against the abusive use of geographical indications for craft and industrial products *in the internet*, etc.), this Regulation should start to apply *[XX] months following the date of its entry into force*.

Amendment

(62) Since a period of time is required to ensure that the framework for the proper functioning of this Regulation is in place to create a Union and international registration system (including IT system, setting up and managing the Union register of geographical indications for craft and industrial products, the EU alert system against the abusive use of geographical indications for craft and industrial products *online*, etc.), this Regulation should start to apply *from [1 January 2025]*.

Amendment 40

Proposal for a regulation Article 1 – paragraph 1 – point a

Text proposed by the Commission

(a) the registration, protection, control and enforcement of ***certain*** names that identify craft and industrial products with given quality, reputation or other characteristics linked to their geographical origin and,

Amendment

(a) the registration, protection, control and enforcement of names that identify craft and industrial products with given quality, reputation or other characteristics linked to their geographical origin and,

Amendment 41

Proposal for a regulation
Article 2 – paragraph 1

Text proposed by the Commission

1. This Regulation ***applies to*** craft and industrial products ***listed under the combined nomenclature set out in Annex I to Council Regulation (EEC) No 2658/87***²⁴

Amendment

1. This Regulation ***creates a sui generis protection for the geographical indication of*** craft and industrial products

²⁴ ***Council Regulation (EEC) N0 2685/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff Regulation (OJ L 256, 7.9.1987 p.1)***

Amendment 42

Proposal for a regulation
Article 2 – paragraph 4

Text proposed by the Commission

4. ***The geographical indications system laid down in this Regulation shall apply notwithstanding*** Directive (EU) No 2015/1535 of the European Parliament and of the Council²⁸.

Amendment

4. Directive (EU) No 2015/1535 of the European Parliament and of the Council²⁸ ***shall not apply to the geographical indications system laid down in this Regulation.***

²⁸ Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure

²⁸ Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure

for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).

for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).

Amendment 43

Proposal for a regulation Article 3 – paragraph 1 – point a

Text proposed by the Commission

(a) ‘craft products’ means products *produced either totally by hand or with the aid of manual tools or by mechanical means, whenever the direct manual contribution is the most important component of the finished product;*

Amendment

(a) ‘craft **and industrial** products’ means products;

Amendment 44

Proposal for a regulation Article 3 – paragraph 1 – point a – point i (new)

Text proposed by the Commission

Amendment

i) produced either by hand or with the aid of manual tools or by mechanical means, or with the aid of digital and other design tools under the direct supervision of the business owner (from the project to the manufacturing stage; or

Amendment 45

Proposal for a regulation Article 3 – paragraph 1 – point a – point ii (new)

Text proposed by the Commission

Amendment

ii) produced in a standardised way, and through the use of machines;

Amendment 46

Proposal for a regulation
Article 3 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) ‘industrial products’ means products produced in a standardised way, typically on mass scale and through the use of machines;

deleted

Amendment 47

Proposal for a regulation
Article 3 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) “geographical indications” means an indication consisting of or containing the name of a geographical area, or another indication known as referring to such area, which identifies a good as originating in that geographical area, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin;

Amendment 48

Proposal for a regulation
Article 3 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) 'producer' means an operator engaged in any production step of a product whose name is protected as a geographical indication, including production or processing activities, covered by the product specification;

Amendment 49

Proposal for a regulation
Article 3 – paragraph 1 – point d

Text proposed by the Commission

(d) ‘producer group’ means any association, irrespective of its legal form, mainly composed of producers or processors working with the same product;

Amendment

(d) ‘producer group’ means any association, irrespective of its legal form, mainly composed of producers, ***manufactures***, or processors ***or any other operator*** working with the same product;

Amendment 50

Proposal for a regulation
Article 3 – paragraph 1 – point e

Text proposed by the Commission

(e) ‘production step’ means any stage of production, processing or preparation, up to the point, where the product is in a form to be placed on the ***internal*** market;

Amendment

(e) ‘production step’ means any stage of production, ***including*** processing, ***obtaining, extracting, cutting*** or preparation, ***included in the specifications or description of the geographical indication product***, up to the point, where the product is in a form to be placed on the market;

Amendment 51

Proposal for a regulation
Article 3 – paragraph 1 – point g

Text proposed by the Commission

(g) ***'producer' means an operator engaged in any production step of a product the name of which is protected as a geographical indication, including processing activities, covered by the product specification;***

Amendment

deleted

Amendment 52

Proposal for a regulation
Article 3 – paragraph 1 – point h – point i

Text proposed by the Commission

(i) the names of products which, although relating to the place, region or country where the product was originally produced or marketed, have become the common name of a product in the Union **or**

Amendment

(i) the names of products which, although relating to the place, region or country where the product was originally produced or marketed, have become the common name of a product in the Union.

Amendment 53

Proposal for a regulation

Article 3 – paragraph 1 – point i

Text proposed by the Commission

(i) ‘product certification body’ means a legal person which certifies that products designated by geographical indications comply with the product specification, whether in performance of a delegated official control task or any other mandate;

Amendment

(i) ‘product certification body’ means a legal person, **duly accredited**, which certifies that products designated by geographical indications comply with the product specification, whether in performance of a delegated official control task or any other mandate;

Amendment 54

Proposal for a regulation

Article 3 – paragraph 1 – point j a (new)

Text proposed by the Commission

Amendment

(j a) ‘the Office’ means the European Union Intellectual Property Office as defined in Regulation (EU) 2017/1001;

Amendment 55

Proposal for a regulation

Article 3 – paragraph 1 – point k

Text proposed by the Commission

(k) ‘notice of comment’ means a written observation lodged with the **European Union Intellectual Property**

Amendment

(k) ‘notice of comment’ means a written observation lodged with the Office indicating inaccuracies in the application

Office (*the Office*) indicating at inaccuracies in the application without triggering the opposition procedure.

without triggering the opposition procedure.

Amendment 56

Proposal for a regulation Article 3 – paragraph 1 – point k a (new)

Text proposed by the Commission

Amendment

(k a) ‘national specific protection for geographical indications for craft and industrial products’ means an intellectual property title under national, regional or local law specifically protecting names that identify craft and industrial products with a given quality, reputation or other characteristics linked to their geographical origin, with the exception of trade marks.

Amendment 57

Proposal for a regulation Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

For the name of a craft and industrial product to qualify for “geographical indication” protection, the product shall comply with the following requirements:

For the name ***or names*** of a craft and industrial product to qualify for “geographical indication” protection, the product shall comply with the following requirements:

Amendment 58

Proposal for a regulation Article 5 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) at least one of the production steps of the product takes place in the defined geographical area.

(c) at least one of the ***significant*** production steps of the product takes place in the defined geographical area.

Amendment 59

Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

1. Applications for the registration of geographical indications shall **only** be submitted by a producer group **of a product** ('applicant producer group'), the name of which is proposed for registration. Regional or local public entities may help in the preparation of the application and in the related procedure.

Amendment

1. Applications for the registration of geographical indications shall be submitted by a producer group ('applicant producer group'), the name of which is proposed for registration. Regional or local public entities may help in the preparation of the application and in the related procedure.

Amendment 60

Proposal for a regulation

Article 6 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The use of the geographical indication shall be opened to any new producer able to comply with the specifications.

Amendment 61

Proposal for a regulation

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. Craft and industrial products **the names of which are** registered as a geographical indication shall comply with a product specification, which shall include **at least**:

Amendment

1. **In order for the name or names of a** craft and industrial products **to be** registered as a geographical indication, **the product** shall comply with a product specification, which shall include:

Amendment 62

Proposal for a regulation
Article 7 – paragraph 1 – point a

Text proposed by the Commission

(a) the name to be protected as geographical indication which may be either a geographical name of the place of production of a specific product, or a name used in trade or in common language to describe the specific product in the defined geographical area;

Amendment

(a) the name ***or names*** to be protected as geographical indication which may be either a geographical name of the place of production of a specific product, or a name used in trade or in common language to describe the specific product in the defined geographical area;

Amendment 63

Proposal for a regulation
Article 7 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(a a) the type of product(s) covered by the name or names;

Amendment 64

Proposal for a regulation
Article 7 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the specification of the defined geographical area ***creating the link*** referred to in point (g),

(c) the specification of the defined geographical area ***as*** referred to in ***Article 5 point (b) and details establishing the link between the geographical area and a given quality, the reputation or other characteristic of the product;***

Amendment 65

Proposal for a regulation
Article 7 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) evidence that the product originates

(d) evidence that the product

in the defined geographical area specified in Article 5, *point* (c);

originates, **and that at least one of the significant production steps takes place**, in the defined geographical area **as** specified in Article 5, *points (a) and (c)*;

Amendment 66

Proposal for a regulation Article 7 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) a description of the method of producing or obtaining the product **and**, where appropriate, the traditional methods and specific practices used;

(e) a description of the method of producing or obtaining the product **including**, where appropriate, the traditional methods and specific practices **to be** used;

Amendment 67

Proposal for a regulation Article 7 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) **details establishing the link between a given quality, the reputation or other characteristic of the product and the geographical origin as referred to in Article 5, point (b)**;

deleted

Amendment 68

Proposal for a regulation Article 7 – paragraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(h a) the name and contact details of the competent authority or product certification body verifying compliance with the provisions of the product specification;

Amendment 69

Proposal for a regulation

Article 7 – paragraph 1 – point i

Text proposed by the Commission

(i) other ***applicable*** requirements where provided for by Member States or by a producer group, ***if*** applicable, having regard to the fact that such requirements must be objective, non-discriminatory and compatible with Union law.

Amendment

(i) other requirements where provided for by Member States or by a producer group, ***as*** applicable, having regard to the fact that such requirements must be objective, non-discriminatory and compatible with Union law.

Amendment 70

Proposal for a regulation

Article 8 – paragraph 1 – point a – point i

Text proposed by the Commission

(i) the name;

Amendment

(i) the name; ***or names to be protected as a geographical indication;***

Amendment 71

Proposal for a regulation

Article 8 – paragraph 1 – point a – point i a (new)

Text proposed by the Commission

Amendment

(i a) product type (hand-made or industrial);

Amendment 72

Proposal for a regulation

Article 8 – paragraph 1 – point a – point ii

Text proposed by the Commission

(ii) a description of the product, including, where appropriate, specific rules concerning packaging and labelling,

Amendment

(ii) a description of the product, including, where appropriate, specific rules, ***including the raw materials and information*** concerning ***the*** packaging and

labelling,

Amendment 73

Proposal for a regulation

Article 8 – paragraph 1 – point a – point iii a (new)

Text proposed by the Commission

Amendment

(iii a) the main steps of production;

Amendment 74

Proposal for a regulation

Article 8 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(a a) Where the applicant is a micro, small or medium-sized enterprise or a producer group consisting only of micro, small or medium-sized enterprises, the single document may be prepared by the competent authority of the Member State from where the producer group originates, on the basis of the information provided in accordance with Articles 7 and 9. In the case of cross-border applications, the single document may be prepared by any of the competent authorities concerned. Where a Member State decides to use the direct registration procedure referred to in Article 15, the single document shall be prepared by the Office and the deadline for the examination shall be extended to eight months. The competent authority shall send the single document to the applicant for approval.

Amendment 75

Proposal for a regulation

Article 8 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(a b) Where more than one name is included, a justification for the additional names.

Amendment 76

Proposal for a regulation

Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The documentation accompanying the application for registration ('accompanying documentation') shall comprise:

1. The documentation accompanying the application for registration **as referred in Articles 11 and 17** ('accompanying documentation') shall comprise:

Amendment 77

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States may charge a fee to cover the costs of managing the geographical indication system for craft and industrial products provided for in this Regulation, including those incurred in processing applications, statements of opposition, applications for amendments **and** requests for cancellations.

1. Member States may charge a fee to cover **marginal** the costs of managing the geographical indication system for craft and industrial products provided for in this Regulation, including those incurred in processing applications, statements of opposition, applications for amendments requests for cancellations, **and, where applicable, appeals.**

Amendment 78

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

Amendment

2. **Where a Member State charges a fee**, the level of the fees shall be

2. **Any fee charged under this Article**, the level of the fees shall be reasonable,

reasonable, foster the competitiveness of the producers of the geographical indications and shall **take into account the situation of** micro, small and medium-sized enterprises.

foster the competitiveness of the producers of the geographical indications and shall **foresee reductions for** micro, small and medium-sized enterprises.

Amendment 79

Proposal for a regulation Article 10 – paragraph 3

Text proposed by the Commission

3. The Office shall not charge **any fee for any procedure** under this Regulation.

Amendment

3. The Office shall not charge **fees for procedures** under this Regulation, **except for the cases listed in paragraph 4.**

Amendment 80

Proposal for a regulation Article 10 – paragraph 4

Text proposed by the Commission

4. **By way of derogation to paragraph 3 of this Article**, the Office **shall** charge a fee **in** the direct registration procedure referred to in Article 15, **in** the procedure referred to in Article 17(3) **and for the** appeals before the Boards of Appeal referred to in Article 30. Fees may be charged **also for the** amendment **of** the product specification and cancellation if the procedure concerns a name that was registered under Article 15 or Article 17(3).

Amendment

4. The Office **may** charge a fee **for:**

(a) the direct registration procedure, **as** referred to in Article 15;

(b) the procedure **concerning products originating in a third country or third countries**, **as** referred to in Article 17(3); **and**

(c) appeals before the Boards of Appeal, **as** referred to in Article 30.

Fees may *also* be charged *for an* amendment *to* the product specification, *opposition* and cancellation *of the geographical indication* if the procedure concerns a name that was registered under Article 15 or Article 17(3).

Amendment 81

Proposal for a regulation Article 10 – paragraph 5

Text proposed by the Commission

5. The Commission shall adopt implementing acts to determine the amounts of the fees charged by the Office and the ways in which they are to be paid or, in case of the fee for appeals before the Boards of Appeal, reimbursed. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 65(2).

Amendment

5. The Commission shall adopt implementing acts to determine the amounts of the fees charged by the Office and the ways in which they are to be paid or, in case of the fee for appeals before the Boards of Appeal, reimbursed. ***Such implementing acts shall ensure that any fees charged shall be reasonable, foster the competitiveness of the producers of the geographical indications and shall take into account the specific situation of micro, small and medium-sized enterprises.*** Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 65(2).

Amendment 82

Proposal for a regulation Article 11 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The competent authority shall ensure that applicants can submit their applications electronically via the digital system of the Office according to Article 18(1) and Article 64.

Amendment 83

Proposal for a regulation
Article 11 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Member States, which agreed to the procedure referred to in paragraph 4 of this Article may annul their agreement and opt for a different procedure after notifying the other party or parties of the agreement in writing. If the competent authority acting on behalf of other Member State, or Member States, is located in a Member State that seeks to annul the agreement, that Member State shall notify the other party or parties of the agreement about its intention to annul the agreement in writing at least 6 months prior to the date of annulment.

Amendment 84

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

Amendment

The competent authority shall examine the application and shall check that the product complies with the requirements for geographical indications referred to in Article 5 and provides the necessary information for registration referred to in Articles 7, 8 and 9.

The competent authority shall examine the application and shall check **within 6 months from the submission of the application** that the product complies with the requirements for geographical indications referred to in Article 5 and provides the necessary information **and evidences** for registration referred to in Articles 7, 8 and 9. **Where the examination period exceeds or is likely to exceed 6 months, the competent authority shall inform the applicant of the reasons for the delay in writing. This examination process shall not exceed 18 months.**

In case Article 8 (1a (new)) applies, the competent authority may prepare the single document on the basis of the information provided according to Articles 7 and 9 and send it to the

applicant for approval.

Amendment 85

Proposal for a regulation Article 13 – paragraph 1

Text proposed by the Commission

1. After the conclusion of the examination referred to in Article 12, the competent authority shall conduct a national opposition procedure. That procedure shall ensure publication of the application and provide for a period of at least 60 days from the date of publication within which any person having a legitimate interest and established or resident on the territory of the Member State in charge of the national phase of the registration or of the Member States in which the product concerned originates ('national opponent') may lodge an opposition to the application with the competent authority of the Member State in charge of the national phase of the registration.

Amendment

1. After the conclusion of the examination referred to in Article 12, the competent authority shall conduct a national opposition procedure. That procedure shall ensure publication of the application and provide for a period of at least 60 **working** days from the date of publication within which any person having a legitimate interest and established or resident on the territory of the Member State in charge of the national phase of the registration or of the Member States in which the product concerned originates ('national opponent') may lodge an opposition to the application with the competent authority of the Member State in charge of the national phase of the registration.

Amendment 86

Proposal for a regulation Article 13 – paragraph 2

Text proposed by the Commission

2. The competent authority shall ***establish the detailed arrangements of the opposition procedure. Those detailed arrangements may include criteria for the*** admissibility of *an* opposition, ***a period of consultation between the applicant and each national opponent, and submission of a report from the applicant on the outcome of the consultations including any changes the applicant has made to the application.***

Amendment

2. The competent authority shall ***check*** the admissibility of ***the opposition. If it considers that the opposition is admissible, it shall, within 30 days after the receipt of that*** opposition, ***invite the*** opponent ***and the applicant to engage in consultations for a reasonable period not exceeding 3 months. At any time during that period, the competent authority may, at the request of either party, extend the time limit for the consultations by a***

maximum of 3 months.

Amendment 87

Proposal for a regulation Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The competent authority shall establish an objective and impartial report after the national opposition period.

Amendment 88

Proposal for a regulation Article 13 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. Where a Member State authority receives an opposition from any person having a legitimate interest but not established or resident on the territory of the Member State in charge of the national phase of the registration or of the Member States in which the product concerned originates, the competent authority shall inform the interested person of their ineligibility during the national phase and shall at the end of the national phase of the registration forward that opposition to the Office.

Amendment 89

Proposal for a regulation Article 14 – paragraph 1

Text proposed by the Commission

Amendment

1. If the competent authority, after the examination of the application and the assessment of the results of any oppositions received, and any changes to

1. If the competent authority, after the examination of the application and the assessment of the results of any oppositions received, and any changes to

the application agreed with the applicant, finds that the requirements of this Regulation are met, it shall take a favourable decision and lodge a Union application for registration in accordance with Article 17.

the application agreed with the applicant, finds that the requirements of this Regulation are met, ***within 2 months*** it shall take a favourable decision and ***within 2 months from the favourable decision*** lodge a Union application for registration in accordance with Article 17.

Amendment 90

Proposal for a regulation

Article 15 – paragraph 1 – introductory part

Text proposed by the Commission

1. By way of derogation from Article 11, ***the Commission shall be empowered to exempt*** a Member State from the obligation to designate a competent authority in accordance with Article 11(1) and to handle the management of the applications of geographical indications for craft and industrial products at national level, if the Member State, by 6 months from the date of entry into force of this Regulation, ***provides*** the Commission ***with evidence that shows that the following conditions are met:***

Amendment

1. By way of derogation from Article 11, a Member State ***can be exempted*** from the obligation to designate a competent authority in accordance with Article 11(1) and to handle the management of the applications of geographical indications for craft and industrial products at national level, if the Member State, by 6 months from the date of entry into force of this Regulation, ***informs*** the Commission ***of their decision.***

Amendment 91

Proposal for a regulation

Article 15 – paragraph 1 – point a

Text proposed by the Commission

(a) ***the Member State concerned does not have a national sui generis system in place for the management of geographical indications for craft and industrial products; and***

Amendment

deleted

Amendment 92

Proposal for a regulation
Article 15 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the Member State concerned submits a request for an opt-out accompanied by an assessment to the Commission demonstrating that the local interest for protecting craft and industrial products by a geographical indication is low.

deleted

Amendment 93

Proposal for a regulation
Article 15 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission may request further information from the Member State **before adopting a Commission Decision** on the derogation referred in paragraph 1.

2. The Commission may request further information from the Member State on the derogation referred in paragraph 1.

Amendment 94

Proposal for a regulation
Article 15 – paragraph 3

Text proposed by the Commission

Amendment

3. When a Member State makes use of the derogation in accordance with paragraph 1, the application from **a producer group** of that Member State for registration, cancellation or amendment **of** the product specification of a geographical indication originating in the Union shall be addressed directly to the Office.

3. When a Member State makes use of the derogation in accordance with paragraph 1, the application from **an applicant** of that Member State for registration, cancellation or amendment **to** the product specification of a geographical indication originating in the Union shall be addressed directly to the Office. **In case Article 8 (1a (new)) applies the competent authority may prepare the single document on the basis of the information provided according to Articles 7 and 9 and send it to the applicant for approval.**

Amendment 95

Proposal for a regulation Article 15 – paragraph 5

Text proposed by the Commission

Amendment

5. If the number of direct applications submitted by applicants from a Member State that has opted out substantially exceeds the estimate given in the assessment submitted by the Member State pursuant to paragraph 1, the Commission may withdraw its decision referred to in paragraph 2.

deleted

Amendment 96

Proposal for a regulation Article 15 – paragraph 8

Text proposed by the Commission

Amendment

8. Upon request by the Office, within 60 days from such request, the Member State, through the contact point, shall provide assistance in particular for the examination process. Upon request by the Member State, the time limit may be extended by 60 days. Such assistance shall include examining certain specific aspects of the applications lodged by the applicant with the Office, verifying certain information in the applications, issuing declarations concerning such information and replying to other requests for clarifications made by the Office in relation to the applications.

8. Upon request by the Office, within 60 **working** days from such request, the Member State, through the contact point, shall provide assistance in particular for the examination process. Upon request by the Member State, the time limit may be extended by 60 **working** days. Such assistance shall include examining certain specific aspects of the applications lodged by the applicant with the Office, verifying certain information in the applications, issuing declarations concerning such information and replying to other requests for clarifications made by the Office in relation to the applications.

Amendment 97

Proposal for a regulation Article 17 – paragraph 1 – introductory part

Text proposed by the Commission

1. For geographical indications concerning products originating in the Union, the Union application for registration submitted by a Member State to the Office, shall comprise:

Amendment

1. For geographical indications concerning products originating in the Union, the Union application for registration submitted by ***an applicant in accordance with Article 15 or*** a Member State to the Office, shall comprise:

Amendment 98

**Proposal for a regulation
Article 17 – paragraph 1 – point c**

Text proposed by the Commission

(c) declaration by the Member State to which the application was initially addressed, confirming that the application meets the conditions for registration under this Regulation;

Amendment

(c) ***where applicable,*** declaration by the Member State to which the application was initially addressed, confirming that the application meets the conditions for registration under this Regulation ***and that there is no objection sustained at national level;***

Amendment 99

**Proposal for a regulation
Article 17 – paragraph 3 – introductory part**

Text proposed by the Commission

3. For geographical indications concerning products originating in a third country or countries the application for registration is submitted to the Office, such application for registration shall comprise:

Amendment

3. For geographical indications concerning products originating in a third country or countries the application for registration is submitted to the Office, such application for registration ***may be submitted only by third countries which recognise and enforce the geographical indications of the Union and*** shall comprise:

Amendment 100

Proposal for a regulation
Article 17 – paragraph 4

Text proposed by the Commission

4. A joint application for registration referred to in Article 6(4) shall be submitted to the Office by one of the Member States concerned or by the applicant producer group in a third country, directly or by the competent authority of that third country. If the cross-border area concerns any Member State and a third country, the joint application shall be submitted by the Member State concerned.

Amendment

4. A joint application for registration referred to in Article 6(4) shall be submitted to the Office by one of the Member States concerned or by the applicant producer group in a third country, directly or by the competent authority of that third country. If the cross-border area concerns any Member State and a third country, the joint application shall be submitted by the Member State concerned. ***If the cross-border area concerns any Member State or Member States which obtained derogation from Article 11 and a third country or countries, the joint application shall be submitted by the applicant producer groups.***

Amendment 101

Proposal for a regulation
Article 17 – paragraph 5

Text proposed by the Commission

5. The joint application referred to in Article 6(4) shall include, ***where relevant***, the documents listed in paragraphs 1 and 2 of this Article, from the Member States or third countries concerned. The related national procedure for application, the examination and opposition procedure referred to in Articles 11, 12 and 13 shall be carried out in all the Member States and third countries concerned.

Amendment

5. The joint application referred to in Article 6(4) shall include the documents listed in paragraphs 1 and 2 of this Article, from the Member States ***concerned or, where relevant, the documents listed in paragraph 3 of this Article, from the*** or third countries concerned. The related national procedure for application, the examination and opposition procedure referred to in Articles 11, 12 and 13 shall be carried out in all the Member States and third countries concerned.

Amendment 102

Proposal for a regulation
Article 19 – paragraph 1 – point a (new)

Text proposed by the Commission

Amendment

(a a) the application complies with the definition of the geographical indication as provided in Article 3;

Amendment 103

Proposal for a regulation Article 19 – paragraph 6

Text proposed by the Commission

Amendment

6. Where, based on the examination carried out pursuant to paragraph 1, the Office finds that the application is incomplete or incorrect, the Office shall send its observations to the Member State or in case of third country applications, to the relevant producer group or competent authority that has submitted the Union application, from where that application originates and request to complete or to correct the application within 60 days. If the Member State, or in case of third country applications, the relevant producer group or competent authority, does not complete the application within the deadline, the application shall be considered to be withdrawn, or if not corrected, it shall be rejected pursuant to Article 24(2).

6. Where, based on the examination carried out pursuant to paragraph 1, the Office finds that the application is incomplete or incorrect, the Office shall send its observations to the Member State or in case of third country applications, to the relevant producer group or competent authority that has submitted the Union application, from where that application originates and request to complete or to correct the application within 60 **working** days. If the Member State, or in case of third country applications, the relevant producer group or competent authority, does not complete the application within the deadline, the application shall be considered to be withdrawn, or if not corrected, it shall be rejected pursuant to Article 24(2). ***Upon request, the time limit may be extended by 2 months.***

Amendment 104

Proposal for a regulation Article 20 – paragraph 1

Text proposed by the Commission

Amendment

1. Member **States** shall keep the Office informed of any national administrative and judicial proceedings that may affect the registration of a

1. ***The competent authority of the Member State*** shall keep the Office informed of any national administrative and judicial proceedings, ***against its***

geographical indication.

decision, that may affect the registration of a geographical indication.

Amendment 105

Proposal for a regulation

Article 20 – paragraph 2 – introductory part

Text proposed by the Commission

2. The Office shall be exempted from the obligation to meet the deadline to perform the examination laid down in Article **19(2)** and to inform the applicant of the reasons for the delay, where it receives a communication from a Member State, concerning an application for registration in accordance with Article 14(1), which:

Amendment

2. The Office shall be exempted from the obligation to meet the deadline to perform the examination laid down in Article **19(3)** and to inform the applicant of the reasons for the delay, where it receives a communication from **the competent authority of** a Member State, concerning an application for registration in accordance with Article 14(1), which:

Amendment 106

Proposal for a regulation

Article 20 – paragraph 2 – point a

Text proposed by the Commission

(a) informs the Office that the decision referred to in Article 14(1) has been invalidated at national level by an immediately applicable, but not final, judicial decision; or

Amendment

(a) informs the Office that the decision referred to in Article 14(1) has been invalidated at national level by an immediately applicable, but not final, **administrative or** judicial decision; or

Amendment 107

Proposal for a regulation

Article 20 – paragraph 2 – point b

Text proposed by the Commission

(b) requests the Office to suspend the examination because national administrative or judicial proceedings have been initiated to challenge the validity of the application **and the Member State**

Amendment

(b) requests the Office to suspend the examination because national administrative or judicial proceedings have been initiated to challenge the validity of the application.

considers that those proceedings are based on valid grounds.

Amendment 108

Proposal for a regulation Article 20 – paragraph 3

Text proposed by the Commission

3. The exemption set out in paragraph 2 shall have effect until the Office is informed by the Member State that the ***original application has been restored or that the Member State withdraws its request for suspension.***

Amendment

3. The exemption set out in paragraph 2 shall have effect until the Office is informed by the ***competent authority of the Member State that the reason for the suspension no longer exists.***

Amendment 109

Proposal for a regulation Article 20 – paragraph 4

Text proposed by the Commission

4. ***If*** the judicial decision referred to in paragraph 2 has ***acquired the force of res judicata,*** the Member State shall, as necessary, ***withdraw or modify the application.***

Amendment

4. ***When*** the judicial decision referred to in paragraph 2 has ***become final, the competent authority of the Member State shall, as necessary, inform the Office accordingly.***

Amendment 110

Proposal for a regulation Article 21 – paragraph 3

Text proposed by the Commission

3. The Office shall check the admissibility of the opposition. If the Office considers that the opposition is admissible, it shall, within 60 days after the receipt of that opposition, invite the opponent and the applicant to engage in consultations for a reasonable period not exceeding 3 months. At any time during

Amendment

3. The Office shall check the admissibility of the opposition. If the Office considers that the opposition is admissible, it shall, within 60 ***working*** days after the receipt of that opposition, invite the opponent and the applicant to engage in consultations for a reasonable period not exceeding 3 months. At any

that period, the Office may, at the request of either party, extend the time limit for the consultations by a maximum of 3 months. The Office may offer mediation for the consultations between the applicant and the opponent pursuant to Article 170 of Regulation (EU) 2017(1001).

time during that period, the Office may, at the request of either party, extend the time limit for the consultations by a maximum of 3 months. The Office may offer mediation for the consultations between the applicant and the opponent pursuant to Article 170 of Regulation (EU) 2017(1001).

Amendment 111

Proposal for a regulation Article 21 – paragraph 6

Text proposed by the Commission

6. Within 1 month from the end of the consultations referred to in paragraph 2, the applicant established in the third country or the competent authority of the Member State or of the third country from which the application for Union registration was lodged shall notify the Office of the result of the consultations, whether an agreement was reached with one or all of the opponents, and of any consequent changes to the application made by that applicant. The opponent may also notify the Office of its position at the end of the consultations.

Amendment

6. Within 1 month from the end of the consultations referred to in paragraph 2, the applicant established in the third country or the competent authority of the Member State or of the third country from which the application for Union registration was lodged shall notify the Office ***and, where applicable, the relevant producer groups or single producers*** of the result of the consultations, whether an agreement was reached with one or all of the opponents, and of any consequent changes to the application made by that applicant. The opponent may also notify the Office of its position at the end of the consultations.

Amendment 112

Proposal for a regulation Article 22 – paragraph 2 – point b

Text proposed by the Commission

(b) the registration of the proposed geographical indication would be contrary to Articles 37, 38 or 39;

Amendment

(b) the registration of the proposed geographical indication would be contrary to Articles **35, 37, 38 or 39**;

Amendment 113

Proposal for a regulation
Article 23 – paragraph 1 – introductory part

Text proposed by the Commission

1. Without prejudice to Article 42, at the time of registration, the Office may decide to grant a transitional period of up to 5 years to enable, for products originating in a Member State or a third country the designation of which consists of or contains a name that contravenes Article 35, the continued use of that designation, under which they were marketed, provided that an admissible and grounded opposition, under Article 13 or Article 21, to the application for registration of the geographical indication whose protection is contravened shows that:

Amendment

1. Without prejudice to Article [42], at the time of registration **of the geographical indication**, the Office may decide to grant a transitional period of up to 3 years to enable, for products originating in a Member State or a third country the designation of which consists of or contains a name that contravenes Article 35, the continued use of that designation, under which they were marketed, provided that an admissible and grounded opposition, under Article 13 or Article 21, to the application for registration of the geographical indication whose protection is contravened shows that:

Amendment 114

Proposal for a regulation
Article 23 – paragraph 2 – introductory part

Text proposed by the Commission

2. The Office may decide to extend the transitional period granted under paragraph 1 up to 15 years, or allowing continued use for up to 15 years, provided it is additionally shown that:

Amendment

2. The Office may decide to extend the transitional period granted under paragraph 1 up to 5 years, or allowing continued use for up to 5 years, provided it is additionally shown that:

Amendment 115

Proposal for a regulation
Article 23 – paragraph 2 – point c

Text proposed by the Commission

(c) the consumer has not **been or could not have** been misled as to the true origin of the product.

Amendment

(c) the consumer has not been misled as to the true origin of the product.

Amendment 116

Proposal for a regulation Article 23 – paragraph 5

Text proposed by the Commission

5. ***To overcome temporary difficulties with the long-term objective of ensuring that all producers of a product designated under a geographical indication in the area concerned comply with the related product specification, a Member State*** may grant a transitional period for compliance, of up to **10** years, with effect from the date on which the application is lodged with the Office, provided that the operators concerned have legally marketed the products in question, using the names concerned continuously for at least 5 years preceding the lodging of the application to the authorities of that Member State and have referred to that fact in the national opposition procedure referred to in Article 13.

Amendment

5. Member **States** may grant a transitional period for compliance, of up to **5** years, with effect from the date on which the application is lodged with the Office, **to producers of a product designated under a geographical indication to ensure compliance with the related product specification in the concerned area**, provided that the operators concerned have legally marketed the products in question, using the names concerned continuously for at least 5 years preceding the lodging of the application to the authorities of that Member State and have referred to that fact in the national opposition procedure referred to in Article 13.

Amendment 117

Proposal for a regulation Article 23 – paragraph 6

Text proposed by the Commission

6. Paragraph 5 shall apply mutatis mutandis to a geographical indication referring to a geographical area situated in a third country, ***with the exception of the opposition procedure.***

Amendment

6. Paragraph 5, ***with the exception of the opposition procedure***, shall apply mutatis mutandis to a geographical indication referring to a geographical area situated in a third country.

Amendment 118

Proposal for a regulation Article 24 – paragraph 2

Text proposed by the Commission

2. Where, on the basis of the information available to the Office from the examination carried out pursuant to Article 19, the Office considers that any of the requirements referred to in that Article is not fulfilled, it shall adopt a decision rejecting the application for registration.

Amendment

2. Where, on the basis of the information available to the Office from the examination carried out pursuant to Article 19, the Office considers that any of the requirements referred to in that Article is not fulfilled, it shall adopt a decision rejecting the application for registration. ***The Office may publish the geographical indication application refusal.***

Amendment 119

**Proposal for a regulation
Article 24 – paragraph 7**

Text proposed by the Commission

7. Decisions adopted by the Office shall be published in the Union register of geographical indications for craft and industrial products in all the official languages of the Union. The reference to the name of the product, ***class*** of the product, indications of the country or countries of origin and the reference to the decision published in the Union register of geographical indications for craft and industrial products shall be published in the Official Journal of the European Union.

Amendment

7. Decisions adopted by the Office shall be published in the Union register of geographical indications for craft and industrial products in all the official languages of the Union. The reference to the name of the product, ***type*** of the product, indications of the country or countries of origin and the reference to the decision published in the Union register of geographical indications for craft and industrial products shall be published in the Official Journal of the European Union.

Amendment 120

**Proposal for a regulation
Article 26 – paragraph 1**

Text proposed by the Commission

1. A publicly accessible electronic Union register of geographical indications for craft and industrial products shall be developed, kept and maintained by the Office for the management of geographical indications for craft and industrial

Amendment

1. A publicly ***and easily*** accessible electronic Union register of geographical indications for craft and industrial products shall be developed, kept and maintained by the Office for the management of geographical indications for craft and

products.

industrial products.

Amendment 121

Proposal for a regulation

Article 26 – paragraph 3 – point a

Text proposed by the Commission

(a) the registered *name of the product*;

Amendment

(a) the *name of the geographical indication* registered as a '*protected geographical indication*';

Amendment 122

Proposal for a regulation

Article 26 – paragraph 3 – point b

Text proposed by the Commission

(b) *the class* of the product;

Amendment

(b) *type* of the product;

Amendment 123

Proposal for a regulation

Article 26 – paragraph 4

Text proposed by the Commission

4. Geographical indications concerning products from third countries that are protected in the Union under an international agreement to which the Union is a contracting party shall be entered in the Union register of geographical indications for craft and industrial products. Geographical indications other than those protected in the Union *pursuant to Article 7 Regulation EU 2019/5713* shall be registered by means of implementing acts adopted by the Commission in accordance with the examination procedure referred to in Article 65(2).

Amendment

4. Geographical indications concerning *craft and industrial* products from third countries that are protected in the Union under an international agreement to which the Union is a contracting party shall be entered in the Union register of geographical indications for craft and industrial products. *Third country* geographical indications other than those protected in the Union *under the Geneva Act* shall be registered by means of implementing acts adopted by the Commission in accordance with the examination procedure referred to in Article 65(2).

Amendment 124

Proposal for a regulation Article 26 – paragraph 7

Text proposed by the Commission

7. The Office shall retain documentation related to the registration of a geographical indication in digital or paper form for the period of validity of the geographical indication, and in case of cancellation for 10 years thereafter.

Amendment

7. The Office shall retain documentation related to the registration of a geographical indication in digital or paper form for the period of validity of the geographical indication, and in case of cancellation ***or refusal*** for 10 years thereafter.

Amendment 125

Proposal for a regulation Article 27 – paragraph 1

Text proposed by the Commission

1. The Office shall ensure that any person is able to download an official extract from the Union register of geographical indications for craft and industrial products that provides proof of registration of the geographical indication, and the relevant data including the date of application for the registration of the geographical indication or other priority date. The official extract may be used as an authentic certificate in legal proceedings, in a court of law, in a court of arbitration or similar body.

Amendment

1. The Office shall ensure that any person is able to ***easily*** download an official extract from the Union register of geographical indications for craft and industrial products that provides proof of registration ***or refusal*** of the geographical indication, and the relevant data including the date of application for the registration of the geographical indication or other priority date. The official extract may be used as an authentic certificate in legal proceedings, in a court of law, in a court of arbitration or similar body.

Amendment 126

Proposal for a regulation Article 27 – paragraph 2

Text proposed by the Commission

2. The applicant producer group or where Article 6(3) applies, the single producer shall be identified as the holder of

Amendment

2. The applicant producer group or where Article 6(3) applies, ***the authority designated by a Member State or a***

the registration in the Union register of geographical indications for craft and industrial products and in the official extract referred to in paragraph (1) of this Article.

territorial collectivity or the single producer shall be identified as the holder of the registration in the Union register of geographical indications for craft and industrial products and in the official extract referred to in paragraph (1) of this Article.

Amendment 127

Proposal for a regulation Article 28 – paragraph 1

Text proposed by the Commission

1. A producer group having a legitimate interest may apply for the approval of an amendment to the product specification of a registered geographical indication.

Amendment

1. A producer group, **a competent authority or a single producer** having a legitimate interest may apply for the approval of an amendment to the product specification of a registered geographical indication.

Amendment 128

Proposal for a regulation Article 28 – paragraph 3 – point b

Text proposed by the Commission

(b) the amendment risks **voiding** the link to the geographical area referred to in the single document,

Amendment

(b) the amendment risks **undermining** the link to the geographical area referred to in the single document,

Amendment 129

Proposal for a regulation Article 29 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Office may, own its own initiative or on a duly substantiated request by a Member State, a third country or any natural or legal person having a legitimate interest, decide to cancel the registration of

Amendment

1. The Office may, own its own initiative or on a duly substantiated request by **a geographical indication producers group**, a Member State, a third country or any natural or legal person having a

a geographical indication in the following cases:

legitimate interest, decide to cancel the registration of a geographical indication in the following cases:

Amendment 130

Proposal for a regulation Article 29 – paragraph 1 – point b

Text proposed by the Commission

(b) where no product has been placed on the market under the geographical indication for at least a consecutive period of 7 years.

Amendment

(b) where no product has been placed on the market under the geographical indication for at least a consecutive period of 5 years;

Amendment 131

Proposal for a regulation Article 29 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) where compliance with the requirements for the geographical indication definition can no longer be ensured.

Amendment 132

Proposal for a regulation Article 29 – paragraph 3

Text proposed by the Commission

3. *Article 6 and* Articles 19 to 25 shall apply *mutatis mutandis* to the cancellation procedure.

Amendment

3. ***The steps of the national and Union phase as set out in Articles 6, 12 to 15, and 19 to 25 shall apply to the cancellation procedure mutatis mutandis. Unless the cancellation is requested by the beneficiary, the beneficiary shall be informed of the request by the national competent authority or, where Article 15 applies, by the Office.***

Amendment 133

Proposal for a regulation Article 30 – paragraph 1

Text proposed by the Commission

1. Any party to a procedure regulated in this Regulation that is adversely affected by the decision taken by the Office in that procedure may lodge an appeal to the Boards of Appeal referred to in Article 34 against the decision. The ***appealed*** decisions of the Office shall take effect only as from the date of expiration of the appeal period referred to in paragraph 3. The filing of the appeal shall have suspensive effect. Member States shall also have the right to join the procedure.

Amendment

1. Any party to a procedure regulated in this Regulation that is adversely affected by the decision taken by the Office in that procedure may lodge an appeal to the Boards of Appeal referred to in Article 34 against the decision. The ***contested*** decisions of the Office shall take effect only as from the date of expiration of the appeal period referred to in paragraph 3. The filing of the appeal shall have suspensive effect. Member States shall also have the right to join the ***appeal*** procedure.

Amendment 134

Proposal for a regulation Article 30 – paragraph 3

Text proposed by the Commission

3. Notice of appeal shall be filed in writing ***at*** the Office within ***2*** months of the date of publication of the decision. The notice shall be deemed to be have been filed only when the fee for appeal has been paid. In case of an appeal, a written statement setting out the grounds of appeal shall be filed within ***4*** months of the date of publication of the decision.

Amendment

3. ***The*** notice of appeal shall be filed in writing ***with*** the Office within ***two*** months of the date of publication of the decision. The notice shall be deemed to be have been filed only when the fee for appeal has been paid. In case of an appeal, a written statement setting out the grounds of appeal shall be filed within ***four*** months of the date of publication of the decision.

Amendment 135

Proposal for a regulation Article 30 – paragraph 4

Text proposed by the Commission

4. ***The Boards of Appeal shall examine whether the appeal is admissible.***

Amendment

deleted

Amendment 136

Proposal for a regulation Article 30 – paragraph 5

Text proposed by the Commission

5. Following an examination of admissibility of the appeal, the Boards of Appeal shall decide on the appeal. The Boards of Appeal shall either exercise any power within the competence of the geographical indications division which was responsible for the decision ***appealed*** or remit the case to that geographical indication division ***for further prosecution***. The Boards of Appeal may, on ***its*** own initiative or upon the written, reasoned request of a party, consult the Advisory Board as referred to in Article 33. The Office may offer mediation services pursuant to Article 170 of Regulation (EU) 2017/1001, with a view of assisting the parties reach an amicable settlement.

Amendment

5. Following an examination of admissibility of the appeal, the Boards of Appeal shall decide on the appeal. The Boards of Appeal shall either exercise any power within the competence of the geographical indications division ***referred to in Article 32***, which was responsible for the ***contested*** decision or remit the case to that geographical indication division. The Boards of Appeal may, on ***their*** own initiative or upon the written, reasoned request of a party, consult the Advisory Board as referred to in Article 33. The Office may offer mediation services pursuant to Article 170 of Regulation (EU) 2017/1001, with a view of assisting the parties reach an amicable settlement.

Amendment 137

Proposal for a regulation Article 30 – paragraph 6

Text proposed by the Commission

6. Actions may be brought before the General Court against decisions of the Boards of Appeal in relation to appeals, within two months of the date of ***publication*** of the decision of the Boards of Appeal, on grounds of infringement of an essential procedural requirement, infringement of the ***TFEU***, infringement of this Regulation or of any rule of law relating to their application or misuse of power. The action shall be open to any party to proceedings before the Boards of Appeal adversely affected by its decision and to any Member State. The General

Amendment

6. Actions may be brought before the General Court ***of the European Union*** against decisions of the Boards of Appeal in relation to appeals, within two months of the date of ***notification*** of the decision of the Boards of Appeal, on grounds of infringement of an essential procedural requirement, infringement of the ***Treaty on the Functioning of the European Union***, infringement of this Regulation or of any rule of law relating to their application or misuse of power. The action shall be open to any party to proceedings before the Boards of Appeal adversely affected by its

Court shall have jurisdiction to annul or to alter the contested decision.

decision and to any Member State. The General Court shall have jurisdiction to annul or to alter the contested decision.

Amendment 138

Proposal for a regulation Article 30 – paragraph 7

Text proposed by the Commission

7. The decisions of the Boards of Appeal shall take effect only as from the date of expiry of the **appeal** period or, if an action has been brought before the General Court within that period, as from the date of dismissal of such action or of any appeal filed with the Court of Justice against the decision of the General Court.

Amendment

7. The decisions of the Boards of Appeal shall take effect only as from the date of expiry of the period **referred to in paragraph 6** or, if an action has been brought before the General Court within that period, as from the date of dismissal of such action or of any appeal filed with the Court of Justice **of the European Union** against the decision of the General Court. **The Office shall take the necessary measures to comply with the judgement of the General Court or, in the event of an appeal against that judgement, the Court of Justice.**

Amendment 139

Proposal for a regulation Article 31 – paragraph 1

Text proposed by the Commission

1. For domain names registered under a country-code top-level domain name, administered or managed by a registry established in the Union, the Office shall provide a domain name information and alert system. Upon **submission** of an application for a geographical indication, the information and alert system shall inform **applicants for** a geographical indication about the availability of their geographical indication as a domain name, and on an optional basis once a domain name containing an identical or similar

Amendment

1. For domain names registered under a country-code top-level domain name, administered or managed by a registry established in the Union, the Office shall provide a domain name information and alert system. Upon **registration** of an application for a geographical indication, the information and alert system shall inform **right holders of** a geographical indication about the availability of their geographical indication as a domain name, and on an optional basis once a domain name containing an identical or similar

name with their geographical indication is registered (domain name alerts).

name with their geographical indication is registered (domain name alerts).

Amendment 140

Proposal for a regulation Article 31 – paragraph 2

Text proposed by the Commission

2. For the purposes of paragraph 1, country-code top-level domain name registries, established in the Union, shall provide the Office with **all** information and data in their possession necessary to run the domain name information and alert system.

Amendment

2. For the purposes of paragraph 1, country-code top-level domain name registries, established in the Union, shall provide the Office with information and data in their possession necessary to run the domain name information and alert system.

Amendment 141

Proposal for a regulation Article 31 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Paragraph 1 is without prejudice to the possibility for the Office to extend the domain name information and alert system to other top-level domain names administered and managed by a registry established in the Union, in particular generic top-level domain names. In this case, paragraph 2 shall apply mutatis mutandis to the relevant top-level domain name registries.

Amendment 142

Proposal for a regulation Article 32 – paragraph 2

Text proposed by the Commission

2. Opposition and cancellation decisions shall be taken by a panel of three

Amendment

2. Opposition and cancellation decisions shall be taken by a panel of three

members. At least one member shall be legally qualified. All other decisions of paragraph 1 **shall** be taken by a single member.

members. At least one member shall be legally qualified **and/or technically qualified**. All other decisions of paragraph 1 **may** be taken by a single member.

Amendment 143

Proposal for a regulation Article 33 – title

Text proposed by the Commission

Amendment

Geographical Indications Advisory Board

Advisory Board

Amendment 144

Proposal for a regulation Article 33 – paragraph 1

Text proposed by the Commission

Amendment

1. An Advisory Board **is** set up to deliver an opinion where provided for in this Regulation.

1. An Advisory Board **shall be** set up to deliver an opinion where provided for in this Regulation.

Amendment 145

Proposal for a regulation Article 33 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. The Geographical Indications Division and the Boards of Appeal as referred to in Article 32 and 34 may, and, at the request of the Commission shall, consult the Advisory Board concerning **individual applications** at any stage of the examination, opposition or the appeal procedure as referred to in Articles 19, 21 and 30 **as well as concerning the following** matters:

2. The Geographical Indications Division and the Boards of Appeal as referred to in Article 32 and 34 may, and, at the request of the Commission shall, consult the Advisory Board **on questions concerning an application** at any stage of the examination, opposition or the appeal procedure as referred to in Articles 19, 21, **22, 24, 28, 29** and 30. **The Advisory Board may also be consulted on horizontal matters, such as:**

Amendment 146

Proposal for a regulation Article 33 – paragraph 2 – point b

Text proposed by the Commission

(b) the establishment of *reputation and* renown;

Amendment

(b) the establishment of renown;

Amendment 147

Proposal for a regulation Article 33 – paragraph 2 – point c

Text proposed by the Commission

(c) the determination of the generic nature of the name;

Amendment

(c) the determination of the generic nature of the name *of the geographical indication*;

Amendment 148

Proposal for a regulation Article 33 – paragraph 2 – point d

Text proposed by the Commission

(d) *the assessment of fair competition in commercial transactions and* the risk of confusing consumers in cases of conflict between geographical indications and trade marks, homonyms or existing products which are legally marketed.

Amendment

(d) the risk of confusing consumers in cases of conflict between geographical indications and trade marks, homonyms or existing products which are legally marketed.

Amendment 149

Proposal for a regulation Article 33 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(d a) the assessment of the conditions of production and the link between the product and its geographical origin;

Amendment 150

Proposal for a regulation Article 33 – paragraph 3

Text proposed by the Commission

3. The Geographical Indications Division **and** the Boards of Appeal **shall** consult the Advisory Board concerning the possible registration of all individual applications submitted through the direct registration procedure referred to in Article 15.

Amendment

3. The Geographical Indications Division **referred to in Article 32 and, as applicable,** the Boards of Appeal **referred in Article 34, may** consult the Advisory Board concerning the possible registration of all individual applications submitted through the direct registration procedure referred to in Article 15.

Amendment 151

Proposal for a regulation Article 33 – paragraph 5

Text proposed by the Commission

5. The Advisory Board shall be composed of one representative of each Member State **and one representatives** of the Commission **and** their respective alternates.

Amendment

5. The Advisory Board shall be composed of one representative of each Member State, **one representative** of the Commission, their respective alternates **and any recognized expert in the field of GIs or of the concerned product category, including academia and representatives of regions.**

Amendment 152

Proposal for a regulation Article 33 – paragraph 8

Text proposed by the Commission

8. Procedures concerning the appointment of the members of the Advisory Board and its operation shall be specified in its rules of procedures as approved by the Management Board and

Amendment

8. Procedures concerning the appointment of the members of the Advisory Board and its operation shall be specified in its rules of procedures as approved by the Management Board **instituted by Article 153 of Regulation**

shall be made public.

(EU) 2017/1001, and shall be made public.

Amendment 153

Proposal for a regulation

Article 35 – paragraph 1 – introductory part

Text proposed by the Commission

1. Geographical indications entered in the Union register of geographical indications for craft and industrial products shall be protected against:

Amendment

1. Geographical indications entered in the Union register of geographical indications for craft and industrial products ***as well as geographical indication protected by international agreement in the Union*** shall be protected against:

Amendment 154

Proposal for a regulation

Article 35 – paragraph 1 – point a

Text proposed by the Commission

(a) any direct or indirect commercial use of the geographical indication in respect of products not covered by the registration, where those products are identical or similar to the products registered under that geographical indication or where use of the name exploits, ***weakens, dilutes, or is detrimental to the reputation of,*** the protected geographical indication;

Amendment

(a) any direct or indirect commercial use of the geographical indication in respect of products not covered by the registration, where those products are identical or similar to the products registered under that geographical indication or where use of the name exploits, the protected geographical indication, ***including where those products are parts or components in manufactured products;***

Amendment 155

Proposal for a regulation

Article 35 – paragraph 1 – point b

Text proposed by the Commission

(b) any misuse, imitation or evocation, even if the true origin of the products or services is indicated or if the ***protected***

Amendment

(b) any misuse, imitation or evocation even if the true origin of the products or services is indicated or if the ***registered***

geographical indication is translated or accompanied by an expression such as ‘style’, ‘type’, ‘method’, ‘as produced in’, ‘imitation’, ‘**flavour**’, ‘like’ or similar;

geographical indication is translated **transcribed or transliterated**, or accompanied by an expression such as ‘style’, ‘type’, ‘method’, ‘as produced in’, ‘imitation’, ‘**fragrance**’, ‘like’ or similar **including where those products are parts or components in manufactured products**;

Amendment 156

Proposal for a regulation

Article 35 – paragraph 1 – point c

Text proposed by the Commission

(c) any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product that is used on the inner or outer packaging, advertising material, documents or information provided on **websites** relating to the products, and the packing of the products in a container liable to convey a false impression as to their origin;

Amendment

(c) any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product that is used on the inner or outer packaging, advertising material, documents or information provided on **online interfaces or other digital forms** relating to the products, and the packing of the products **or on domain names** in a container liable to convey a false impression as to their origin;

Amendment 157

Proposal for a regulation

Article 35 – paragraph 2

Text proposed by the Commission

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

Amendment

2. For the purposes of paragraph 1, point (b), the evocation of a geographical indication shall be deemed to arise, in particular, where a term, sign, or other labelling or packaging device presents a **sufficiently** direct link with the product covered by the registered geographical indication in the mind of the **average European consumer who is reasonably well-informed and reasonably observant and** circumspect consumer, thereby exploiting, weakening, diluting or being

detrimental to the reputation of the registered name.

Amendment 158

Proposal for a regulation Article 35 – paragraph 3

Text proposed by the Commission

3. Paragraph 1 shall also apply to a domain name containing or consisting of the registered geographical indication.

Amendment

3. Paragraph 1 shall also apply to a domain name containing or consisting of the registered geographical indication ***within the limits of Article 41.***

Amendment 159

Proposal for a regulation Article 36 – paragraph 1

Text proposed by the Commission

1. Article 35 is without prejudice to the use of a geographical indication ***by producers in conformity with Article 43 to indicate*** that a manufactured product contains, as a part or component, a product designated by that geographical indication provided that such use is made in accordance with honest commercial practices and does not weaken, dilute, or is not detrimental to, the reputation of the geographical indication.

Amendment

1. Article 35 is without prejudice to the use of a ***protected*** geographical indication ***name indicating*** that a manufactured product contains ***or integrates***, as a part or component, a product designated by that geographical indication provided that such use is made in accordance with honest commercial practices, ***is agreed with the geographical indication right holder*** and does not weaken, dilute, or is not detrimental to, the reputation of the geographical indication.

Amendment 160

Proposal for a regulation Article 39 – paragraph 1

Text proposed by the Commission

A name shall not be registered as a geographical indication where, in the light of a trade mark's reputation and renown,

Amendment

An application for the registration of a geographical indication ***shall be rejected*** where, in the light of a trade mark's

registration of the name proposed as a geographical indication **could** mislead the consumer as to the true identity of the product.

reputation and renown, registration of the name proposed as a geographical indication **is liable to** mislead the consumer as to the true identity of the product.

Amendment 161

Proposal for a regulation Article 39 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The Office shall remove from the Union register any geographical indication that has been registered in breach of paragraph 1.

Amendment 162

Proposal for a regulation Article 40 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall verify that the producer group operates in a transparent and democratic manner and that all producers of the product designated by the geographical indication enjoy right of membership in the group. Member States may provide that public officials, and other stakeholders such as consumer groups, retailers and suppliers, also participate in the work of the producer group.

1. Member States ***or the Office in case of direct application*** shall ***regularly*** verify that the producer group operates in a transparent and ***non-discriminatory*** democratic manner and that all producers of the product designated by the geographical indication ***to*** enjoy ***a*** right of membership in the group. Member States may provide that public officials, and other stakeholders such as consumer groups, retailers and suppliers, also participate in the work of the producer group.

Amendment 163

Proposal for a regulation Article 40 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) develop the product specification

(a) develop, ***modify*** the product

and manage internal controls that ensure compliance of production steps of product designated by the geographical indication with that specification;

specification and manage internal controls that ensure compliance of production steps of product designated by the geographical indication with that specification;

Amendment 164

Proposal for a regulation Article 40 – paragraph 2 – point b

Text proposed by the Commission

(b) take legal action to ensure the protection of the geographical indication and of the intellectual property rights that are directly connected with it;

Amendment

(b) take legal action ***and assert the right including enforcement actions***, to ensure the protection of the geographical indication and of the intellectual property rights that are directly connected with it, ***and prevent or counter any measures which are, or risk being detrimental to the image of their products***;

Amendment 165

Proposal for a regulation Article 40 – paragraph 2 – point d – point ii

Text proposed by the Commission

(ii) dissemination of information and promotion activities aiming at communicating the attributes of the product designated by a geographical indication ***to consumers***;

Amendment

(ii) dissemination of information and promotion activities aiming at communicating ***to consumers*** the attributes of the product designated by a geographical indication;

Amendment 166

Proposal for a regulation Article 40 – paragraph 2 – point d – point v

Text proposed by the Commission

(v) providing advice and training to current and future producers, ***including on gender mainstreaming and equality***; and

Amendment

(v) providing advice and training to current and future producers;

Amendment 167

Proposal for a regulation Article 40 – paragraph 2 – point e

Text proposed by the Commission

(e) combat counterfeiting and suspected fraudulent uses on the internal market of a geographical indication that is not in compliance with the product specification by monitoring the use of the geographical indication across the internal market and on third countries' markets where the geographical indications are protected, including ***on the internet***, and, as necessary, informing enforcement authorities using confidential systems available.

Amendment

(e) combat counterfeiting and suspected fraudulent uses on the internal market of a geographical indication that is not in compliance with the product specification by monitoring the use of the geographical indication across the internal market and on third countries' markets where the geographical indications are protected, including ***online interfaces*** and, as necessary, informing enforcement authorities using confidential systems available.

Amendment 168

Proposal for a regulation Article 40 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Producer groups shall ensure that producers within the group continuously comply with the relevant product specification when using of the name and symbol in the market. They may:

(a) monitor the commercial use of the geographical indication in the market;

(b) develop activities related to ensuring compliance of a product designated by a geographical indication with its product specification;

(c) take action to ensure adequate legal protection of the geographical indication, including, where appropriate, informing the competent authorities as referred to in Article 45(1).

Amendment 169

Proposal for a regulation
Article 42 – paragraph 1

Text proposed by the Commission

1. The registration of a trade mark the use of which would contravene Article 35 shall be rejected if the application for registration of the trade mark is submitted after the date of submission to the Office of the application for the registration of the geographical indication.

Amendment

1. The registration of a trade mark the use of which would contravene Article 35 shall be rejected if the application for registration of the trade mark is submitted after the date of submission to the Office of the application for the registration of the geographical indication. ***Where applicable, the Office shall take account of any priority claimed in this trade mark application.***

Amendment 170

Proposal for a regulation
Article 42 – paragraph 2

Text proposed by the Commission

2. The Office and, when applicable, the competent national authorities shall invalidate trade marks registered in breach of paragraph 1.

Amendment

2. The Office and, when applicable, the competent national authorities shall, ***upon request***, invalidate trade marks registered in breach of paragraph 1.

Amendment 171

Proposal for a regulation
Article 42 – paragraph 3

Text proposed by the Commission

3. For the purposes of paragraphs 1 and 4 of this Article, for geographical indications registered further to the procedure set up in Article 67, the first day of protection, following the one year transitional period ***since*** [the date ***entry into force*** of this Regulation], shall be deemed to be the day on which the Member States have informed the Office and the Commission.

Amendment

3. For the purposes of paragraphs 1 and 4 of this Article, for geographical indications registered further to the procedure set up in Article 67, the first day of protection, following the one year transitional period ***from*** [the date ***of application*** of this Regulation], shall be deemed to be the day on which the Member States have informed the Office and the Commission.

Amendment 172

Proposal for a regulation Article 43 – paragraph 1

Text proposed by the Commission

1. A registered geographical indication may be used by any producer marketing a product **conforming to** the corresponding product specification **or to a single document or an equivalent to the latter**.

Amendment

1. A registered geographical indication may be used by any producer marketing a product **which is in conformity with** the corresponding product specification.

Amendment 173

Proposal for a regulation Article 45 – paragraph 2

Text proposed by the Commission

2. Competent authorities referred to in paragraph 1 shall be objective and impartial, and shall have at their disposal **the** qualified staff and resources **necessary to** carry out their functions.

Amendment

2. Competent authorities referred to in paragraph 1 shall be objective and impartial, and shall have at their disposal **sufficiently** qualified staff and resources **in order to efficiently** carry out their functions.

Amendment 174

Proposal for a regulation Article 46 – paragraph 6

Text proposed by the Commission

6. The costs of verification of compliance with the product specification **may** be borne by the producers, which are subject to those controls. Member States may **also** contribute to those costs.

Amendment

6. The costs of verification of compliance with the product specification **shall** be borne by the producers, which are subject to those controls. Member States may contribute to those costs. **Any charges by a Member State shall be reasonable, encourage competitiveness on the part of producers using the geographical indications and factor in the situation of micro, small and medium-sized**

enterprises.

Amendment 175

Proposal for a regulation

Article 47

Text proposed by the Commission

Amendment

Article 47

deleted

Due diligence

Producers using the geographical indication shall ensure the continuous compliance of the use of the name and symbol in the marketplace with the relevant product specification. They may:

- (a) monitor the commercial use of the geographical indication in the marketplace;*
- (b) develop activities related to ensuring compliance of a product designated by a geographical indication with its product specification;*
- (c) take action to ensure adequate legal protection of the geographical indication, including, where appropriate, informing the competent authorities as referred to in Article 45(1).*

Amendment 176

Proposal for a regulation

Article 48 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall designate one or more enforcement authorities, which may be the same as the competent authorities referred to in Article 46(3) responsible for controls in the marketplace and enforcement of geographical indications after the craft and industrial product designated by a geographical

1. Member States shall designate one or more enforcement authorities, which may be the same as the competent authorities referred to in Article 46(3) responsible for controls in the marketplace and enforcement of geographical indications after the craft and industrial product designated by a geographical

indication has completed all production steps, *whether it is in storage, transit, distribution, or offered for sale at wholesale or retail level, including in electronic commerce.*

indication has completed all production steps.

Amendment 177

Proposal for a regulation Article 48 – paragraph 2

Text proposed by the Commission

2. The enforcement authority shall carry out controls, based on a risk analysis and notifications *of interested producers of products designated by geographical indications*, to ensure conformity with the product specification or the single document or an equivalent to the latter.

Amendment

2. The enforcement authority shall **regularly** carry out controls, based on a risk analysis and **on** notifications, to ensure conformity with the product specification or the single document or an equivalent to the latter. ***In the event of detected non-compliance, the competent authority shall take all necessary measures to remedy the situation.***

Amendment 178

Proposal for a regulation Article 49 – paragraph 1

Text proposed by the Commission

1. ***Without prejudice to Article 46***, Member States may allow a self-declaration for the verification of compliance with the product specification. The producer shall submit such self-declaration to the competent authorities ***referred to in*** Article 45(1).

Amendment

1. ***As an alternative to the procedure set out in Article 46(3)***, Member States may allow a self-declaration for the verification of compliance with the product specification. The producer shall submit such self-declaration to the competent authorities ***as designated under*** Article 45(1).

Amendment 179

Proposal for a regulation Article 49 – paragraph 2

Text proposed by the Commission

2. Member States may allow producers to submit a self-declaration once every 3 years to the competent authorities to ensure their continuous conformity with the product specification ***in the marketplace***. Where the product specification is amended or changed in a way that affects the concerned product, the self-declaration shall be renewed immediately.

Amendment 180

**Proposal for a regulation
Article 49 – paragraph 3**

Text proposed by the Commission

3. Where self-declarations are used competent authorities shall carry out random controls. In the event of breaches, Member States shall take all necessary measures to remedy the situation.

Amendment 181

**Proposal for a regulation
Article 49 – paragraph 4**

Text proposed by the Commission

4. The self-declaration shall ***follow the structure*** set out in Annex 1 and shall contain all the information and requirements specified in that Annex.

Amendment 182

**Proposal for a regulation
Article 49 – paragraph 5**

Amendment

2. Member States may allow producers to submit a self-declaration once every 3 years to the competent authorities to ensure their continuous conformity with the product specification. Where the product specification is amended or changed in a way that affects the concerned product, the self-declaration shall be renewed immediately.

Amendment

3. Where self-declarations are used, ***the*** competent authorities shall carry out random controls. In the event of breaches, Member States shall take all necessary measures to remedy the situation.

Amendment

4. The self-declaration shall ***be made by using the form*** set out in Annex 1 and shall contain all the information and requirements specified in that Annex.

Text proposed by the Commission

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 66, amending **this Regulation and introducing**, where relevant, modifications to the information and requirements specified in Annex 1.

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 66, **to amending and introduce**, where relevant, modifications to the information and requirements specified in Annex 1.

Amendment 183

Proposal for a regulation

Article 50 – paragraph 2 – point b – point iii

Text proposed by the Commission

(iii) is to be impartial and free from any conflict of interest and in particular is not to be in a situation which may, directly or indirectly, affect the impartiality of its professional conduct as regards the performance of those official control tasks delegated to it; and

Amendment

(iii) is to be impartial, **independent** and free from any conflict of interest and in particular is not to be in a situation which may, directly or indirectly, affect the impartiality of its professional conduct as regards the performance of those official control tasks delegated to it; and

Amendment 184

Proposal for a regulation

Article 50 – paragraph 2 – point c – point iii

Text proposed by the Commission

(iii) are to act impartially and are to be free from any conflict of interest as regards the exercise of those official control tasks delegated to them; and

Amendment

(iii) are to act impartially, **independently** and are to be free from any conflict of interest as regards the exercise of those official control tasks delegated to them; and

Amendment 185

Proposal for a regulation

Article 53 – paragraph 2

Text proposed by the Commission

2. The Office shall make public the names and addresses of the competent authorities and product certification bodies referred to in Article 46(4) and update that information *periodically*.

Amendment 186

**Proposal for a regulation
Article 53 – paragraph 3**

Text proposed by the Commission

3. The Office *may* establish a digital portal where the names and addresses of the competent authorities and delegated product certification bodies including natural persons referred to in paragraphs 1 and 2 are made public.

Amendment 187

**Proposal for a regulation
Article 54 – paragraph 2**

Text proposed by the Commission

2. Accreditation referred to in paragraph 1 shall be performed by an accreditation body recognised in accordance with Regulation (EC) No 765/2008, that is a member of European Accreditation, or by an accreditation body outside the Union that is a member of International Accreditation Forum.

Amendment 188

**Proposal for a regulation
Article 60 – paragraph 1 – point 10**

Amendment

2. The Office shall make public the names and addresses of the competent authorities and product certification bodies referred to in Article 46(4) and update that information *when changes occur*.

Amendment

3. The Office *shall* establish a digital portal where the names and addresses of the competent authorities and delegated product certification bodies including natural persons referred to in paragraphs 1 and 2 are made public.

Amendment

2. Accreditation referred to in paragraph 1 shall be performed by an accreditation body recognised in accordance with Regulation (EC) No 765/2008, that is a member of European Accreditation, or by an accreditation body outside the Union that is a member of International Accreditation Forum *or of the International Laboratory Accreditation Cooperation (ILAC)*.

Regulations (EU) 2017/1001 and (EU) 2019/1753
Article 11 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The Member State concerned shall notify the Office of the choice referred to in the first subparagraph, and lodge the respective request **within** one year **following the adoption** of Regulation (EU) 2022/.... The registration procedure foreseen in Article 67 (3) of Regulation (EU) 2022/... applies mutatis **mutandi**.

Amendment

The Member State concerned shall notify the Office of the choice referred to in the first subparagraph, and lodge the respective request **by** [one year **from the date of entry into force** of Regulation (EU) 2022/...]. The registration procedure foreseen in Article 67 (3) of Regulation (EU) 2022/... applies mutatis **mutandis**.

Amendment 189

Proposal for a regulation

Article 60 – paragraph 1 – point 10

Regulations (EU) 2017/1001 and (EU) 2019/1753
Article 11 – paragraph 3 – subparagraph 3

Text proposed by the Commission

In the situations referred to in point (a) of the first subparagraph, the Member State concerned shall request the international registration of that appellation of origin under the Geneva Act, if that Member State has ratified or acceded to the Geneva Act pursuant to the authorisation referred to in Article 3 of Decision (EU) 2019/1754, within **six months** from the date of registration of the geographical indication under Regulation (EU) 2022/....

Amendment

In the situations referred to in point (a) of the first subparagraph, the Member State concerned shall request the international registration of that appellation of origin under the Geneva Act, if that Member State has ratified or acceded to the Geneva Act pursuant to the authorisation referred to in Article 3 of Decision (EU) 2019/1754, within **one year** from the date of registration of the geographical indication under Regulation (EU) 2022/....

Amendment 190

Proposal for a regulation

Article 61 – paragraph 1 – point 2

Regulations (EU) 2017/1001 and (EU) 2019/1753
Article 170a

Text proposed by the Commission

Amendment

2 a. Paragraph 1 is without prejudice to the possibility for the Office to extend

the domain name information and alert system to other top-level domain names administered and managed by a registry established in the Union, in particular generic top-level domain names. In this case, paragraph 2 shall apply mutatis mutandis to the relevant top-level domain name registries’.

Amendment 191

Proposal for a regulation

Article 64 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

The Office shall make that digital system easily accessible and design in such a way, that it can be used by the Member States for their national procedure according to Articles 11 (3 a new) and 18 (1).

Amendment 192

Proposal for a regulation

Article 67 – paragraph 1

Text proposed by the Commission

Amendment

1. National specific protection for geographical indications for craft and industrial products shall cease to exist *by [one year after the date of entry into force of this Regulation]*.

1. *By [twelve months after the date of application of this Regulation], national specific protection for geographical indications for craft and industrial products shall cease to exist, and pending applications shall be considered not to have been filed by. On the basis of a request in accordance with paragraph 2, the national protection may be extended in time until the registration procedure pursuant to paragraph 3 is finalised and the decision has become final.*

Amendment 193

Proposal for a regulation
Article 67 – paragraph 2

Text proposed by the Commission

2. By [**six months** after the date of **entry into force** of this Regulation], interested Member States shall inform the Commission and the Office, which of their legally protected names or in the Member States where there is no protection system, which of their names established by usage they wish to register and protect pursuant to this Regulation.

Amendment 194

Proposal for a regulation
Article 67 – paragraph 4

Text proposed by the Commission

4. **Without prejudice to paragraph 1, national protection of the names communicated in accordance with paragraph 2 shall be maintained until such time as a decision on registration has been taken. The decision may be subject of appeal referred to in Article 30.**

Amendment 195

Proposal for a regulation
Article 68 – paragraph 2

Text proposed by the Commission

2. **Eligible** Member States shall provide the Commission by [six months after the date of entry into force of this Regulation] with the information **requested in Article 15 in order** to opt **for** the “direct registration” procedure. On the basis of the information received, the Commission shall adopt a Decision on the right of the concerned Member State to opt for the

Amendment

2. By [**one year** after the date of **application** of this Regulation], interested Member States shall inform the Commission and the Office, which of their legally protected names or in the Member States where there is no protection system, which of their names established by usage they wish to register and protect pursuant to this Regulation.

Amendment

deleted

Amendment

2. Member States shall provide the Commission by [six months after the date of entry into force of this Regulation] with the information **if they wish** to opt **out and choose** the “direct registration” procedure. On the basis of the information received, the Commission shall adopt a Decision on the right of the concerned Member State to opt for the “direct registration” procedure

“direct registration” procedure and hence, to not designate a national authority for the management at national level of the procedures for the application, amendment of the product specification and cancellation as referred to in Article 15.

and hence, to not designate a national authority for the management at national level of the procedures for the application, amendment of the product specification and cancellation as referred to in Article 15.

Amendment 196

Proposal for a regulation Article 70 – paragraph 1

Text proposed by the Commission

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. It shall apply from 1 January **2024**.

Amendment

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. It shall apply from 1 January **2025, except Article 26(8) and Article 66, which shall apply as of the date of the entry into force of this Regulation.**

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Geographical indication protection for craft and industrial products and amending Regulations (EU) 2017/1001 and (EU) 2019/1753 of the European Parliament and of the Council and Council Decision (EU) 2019/1754	
References	COM(2022)0174 – C9-0148/2022 – 2022/0115(COD)	
Committee responsible Date announced in plenary	JURI 18.5.2022	
Opinion by Date announced in plenary	IMCO 18.5.2022	
Rapporteur for the opinion Date appointed	Dita Charanzová 19.7.2022	
Discussed in committee	26.10.2022	29.11.2022
Date adopted	24.1.2023	
Result of final vote	+: 35 –: 0 0: 5	
Members present for the final vote	Alex Agius Saliba, Andrus Ansip, Pablo Arias Echeverría, Adam Bielan, Deirdre Clune, David Cormand, Alexandra Geese, Sandro Gozi, Maria Grapini, Svenja Hahn, Arba Kokalari, Marcel Kolaja, Kateřina Konečná, Andrey Kovatchev, Jean-Lin Lacapelle, Morten Løkkegaard, Adriana Maldonado López, Antonius Manders, Beata Mazurek, Leszek Miller, Anne-Sophie Pelletier, Miroslav Radačovský, Christel Schaldemose, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Róza Thun und Hohenstein, Kim Van Sparrentak, Marion Walsmann, Marco Zullo	
Substitutes present for the final vote	Maria da Graça Carvalho, Malte Gallée, Ivars Ijabs, Sven Mikser, Tsvetelina Penkova, Kosma Złotowski	
Substitutes under Rule 209(7) present for the final vote	Adam Jarubas, Camilla Laureti, Bogdan Rzońca, Loránt Vincze	

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

35	+
NI	Miroslav Radačovský
PPE	Pablo Arias Echeverría, Maria da Graça Carvalho, Deirdre Clune, Adam Jarubas, Arba Kokalari, Andrey Kovatchev, Antonius Manders, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Loránt Vincze, Marion Walsmann
Renew	Andrus Ansip, Sandro Gozi, Svenja Hahn, Ivars Ijabs, Morten Løkkegaard, Róza Thun und Hohenstein, Marco Zullo
S&D	Alex Agius Saliba, Maria Grapini, Camilla Laureti, Adriana Maldonado López, Sven Mikser, Leszek Miller, Tsvetelina Penkova, Christel Schaldemose
The Left	Kateřina Konečná, Anne-Sophie Pelletier
Verts/ALE	David Cormand, Malte Gallée, Alexandra Geese, Marcel Kolaja, Kim Van Sparrentak

0	-

5	0
ECR	Adam Bielan, Beata Mazurek, Bogdan Rzońca, Kosma Złotowski
ID	Jean-Lin Lacapelle

Key to symbols:

+ : in favour

- : against

0 : abstention