



2022/0115(COD)

29.9.2022

DRAFT 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

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 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

Amendment 2

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, foodstuff, wine and spirits.

deleted

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 3

Proposal for a regulation Recital 9 a (new)

(9a) 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.

Or. en

Amendment 4

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

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 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 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).

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).

Or. en

Amendment 5

Proposal for a regulation Recital 14

Text proposed by the Commission

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

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 ***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 that 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.

Or. en

Amendment 6

Proposal for a regulation Recital 15

Text proposed by the Commission

(15) The procedures for registration,

Amendment

(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.

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Or. en

Amendment 7

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

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, **all the** Member States **concerned** should inform the Commission **without delay, providing the necessary information.**

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, accordingly.**

Or. en

Amendment 8

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 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

Amendment

(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 the local interest in these countries to protect these geographical indications is minimal. Under these circumstances, the respective Member State **should not be required** 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

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.*

protect their products by a geographical indication.

Or. en

Justification

Recital split into three based on logic of the text.

Amendment 9

Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) 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.

Or. en

Justification

Additional clarifications on the role of the contact point and the knowledge required to be nominated as one.

Amendment 10

Proposal for a regulation Recital 17 b (new)

Text proposed by the Commission

Amendment

(17b) 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.

Or. en

Amendment 11

Proposal for a regulation

Recital 19

Text proposed by the Commission

(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***

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. 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.

judicial decision or in which the Member State considers that the action to challenge the validity of the application is based on valid grounds.

Or. en

Justification

It is not clear how the judgement of the Member State authority can be used to pre-judge the outcome of a legal proceeding and to judge the merit of such a legal action.

Amendment 12

**Proposal for a regulation
Recital 19 a (new)**

Text proposed by the Commission

Amendment

(19a) 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.

Or. en

Amendment 13

**Proposal for a regulation
Recital 20**

Text proposed by the Commission

Amendment

(20) To allow operators, whose interests are affected by the registration of a name,

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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.

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.

Or. en

Justification

Adapted to Art 23 para 5.

Amendment 14

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*.

Or. en

Amendment 15

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 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

(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. 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.

Or. en

Justification

Attempt to make it clearer

Amendment 16

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 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.

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, determining generic nature of a name, and the risk of confusing consumers. The opinion of 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.

Or. en

Amendment 17

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.

Or. en

Amendment 18

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***, it is important 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.

Or. en

Justification

Linguistic

Amendment 19

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.***

Or. en

Justification

Moved clarifications from the Article to the Recital.

Amendment 20

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.***

Or. en

Justification

Using a GI is voluntary.

Amendment 21

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***

Amendment

(39) The Union symbol used on the packaging of craft and industrial products designated by a geographical indication

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.

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).

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).

Or. en

Amendment 22

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 due diligence ***obligations***.

Or. en

Amendment 23

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 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

(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** 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 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.

Or. en

Amendment 24

Proposal for a regulation Recital 43 a (new)

Text proposed by the Commission

Amendment

(43a) 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 25**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 body that is a signatory of a multilateral recognition agreement under the auspices of the International Accreditation Forum.

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

(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 ***(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).

Amendment 26

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 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

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.

products.

Or. en

Amendment 27

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]*.

Or. en

Amendment 28

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,

Or. en

Amendment 29

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 2658/87²⁴***

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

1. This Regulation applies to 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)

Or. en

Justification

There are potential products that should be protected that are not included in the nomenclature set out in Annex I to Council Regulation (EEC) No 2658/87. There is no legal reason to include this limit, as without it the international rules will still apply to all items included in the nomenclature and maybe potentially be extended further without having to then amend the Annex I of the 1987 Regulation.

Amendment 30

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.

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

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 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).

of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).

Or. en

Justification

Technical correction.

Amendment 31

**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

(i) 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; **or**

(ii) produced in a standardised way, typically on mass scale and through the use of machines;

Or. en

Justification

Craft and industrial products are always used in the text as a single term and the rules are the same for both. Therefore, it should be a single definition.

Amendment 32

**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

Or. en

Justification

Moved to point (a)

Amendment 33

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Or. en

Justification

Moved from point (g) for logic sake. It should be defined before ‘producer group’ which uses the term

Amendment 34

Proposal for a regulation

Article 3 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) ‘production step’ means any stage of production, processing or preparation, up to the point, where the product is in a

(e) ‘production step’ means any stage of production, *including* processing, *obtaining, extracting, cutting* or preparation, up to the point, where the

form to be placed on the *internal* market;

product is in a form to be placed on the market;

Or. en

Amendment 35

Proposal for a regulation

Article 3 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(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;

deleted

Or. en

Justification

Moved above

Amendment 36

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ja) 'the Office' means the European Union Intellectual Property Office as defined in Regulation (EU) 2017/1001;

Or. en

Justification

Technical correction.

Amendment 37

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

Amendment

(k) ‘notice of comment’ means a written observation lodged with the Office indicating at inaccuracies in the application without triggering the opposition procedure.

Or. en

Amendment 38

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ka) ‘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.

Or. en

Amendment 39

Proposal for a regulation

Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

For the name of a craft and industrial product to qualify for “geographical

Amendment

For the name ***or names*** of a craft and industrial product to qualify for

indication” protection, the product shall comply with the following requirements:

“geographical indication” protection, the product shall comply with the following requirements:

Or. en

Amendment 40

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

Text proposed by the Commission

(b) Its given quality, **reputation** or other characteristic is essentially attributable to its geographical origin; and

Amendment

(b) Its given quality or other characteristic is essentially attributable to its geographical origin; and

Or. en

Amendment 41

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 42

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

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;

used in trade or in common language to describe the specific product in the defined geographical area;

Or. en

Amendment 43

Proposal for a regulation

Article 7 – paragraph 1 – point d

Text proposed by the Commission

(d) evidence that the product originates in the defined geographical area specified in Article 5, **point** (c);

Amendment

(d) evidence that the product 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);

Or. en

Amendment 44

Proposal for a regulation

Article 7 – paragraph 1 – point e

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Technical correction

Amendment 45

Proposal for a regulation

Article 7 – paragraph 1 – point g

Text proposed by the Commission

(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);

Amendment

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

Or. en

Amendment 46

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***;

Or. en

Amendment 47

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 48

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.**

Or. en

Justification

Technical correction.

Amendment 49

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).

Or. en

Justification

Makes clearer exactly what the Office can charge a fee for, without using cross-references. This is important for better law-making.

Amendment 50

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).

Or. en

Amendment 51

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.

Or. en

Amendment 52

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

Text proposed by the Commission

Amendment

2a. 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.

Or. en

Justification

Despite being ineligible for the national phase, the opposition may be valid at the Union level and therefore the Office should be made aware of it, even if the party may or may not submit the same opposition at the Union phase.

Amendment 53

Proposal for a regulation Article 15 – paragraph 8

Text proposed by the Commission

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.

Amendment

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.

Or. en

Amendment 54

Proposal for a regulation Article 19 – paragraph 6

Text proposed by the Commission

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

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).

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 two months.***

Or. en

Amendment 55

Proposal for a regulation Article 20 – paragraph 1

Text proposed by the Commission

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

Amendment

1. ***The competent authority of the*** Member **State** shall keep the Office informed of any national administrative and judicial proceedings, ***against its decision,*** that may affect the registration of a geographical indication.

Or. en

Amendment 56

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

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

in accordance with Article 14(1), which:

an application for registration in accordance with Article 14(1), which:

Or. en

Amendment 57

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

Or. en

Amendment 58

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 considers that those proceedings are based on valid grounds.**

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.

Or. en

Justification

If the Member State does not feel that it is based on valid grounds, it would not make the request.

Amendment 59

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.***

Or. en

Amendment 60

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.***

Or. en

Amendment 61

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

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

exceeding 3 months. At any 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).

period not exceeding 3 months. At any 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).

Or. en

Amendment 62

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 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:

Or. en

Amendment 63

Proposal for a regulation

Article 23 – paragraph 2 – point c

Text proposed by the Commission

(c) the consumer has not *been or could*

Amendment

(c) the consumer has not been misled

not have been misled as to the true origin of the product.

as to the true origin of the product.

Or. en

Amendment 64

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 ***ten*** 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 ***five*** 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.

Or. en

Amendment 65

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 66

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 *names of the geographical indication* registered as a '*protected geographical indication*';

Or. en

Amendment 67

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).

Or. en

Amendment 68

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,

Or. en

Justification

An amendment could undermine a GI without voiding it.

Amendment 69

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.***

Or. en

Amendment 70

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

Amendment

1. Any party to a procedure regulated in this Regulation that is adversely affected by **a** 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 procedure.

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.

Or. en

Justification

Technical corrections aligned to the recital.

Amendment 71

**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.

Or. en

Justification

Technical corrections.

Amendment 72

**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

*Justification**Already covered by paragraph 5. Technical correction***Amendment 73****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.

*Justification**technical corrections***Amendment 74****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

Amendment

6. Actions may be brought before the General Court *of the European Union*

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

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

Or. en

Justification

technical corrections

Amendment 75

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.***

Or. en

Justification

The Office must implement the decisions of the European Court of Justice.

Amendment 76

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.

Or. en

Amendment 77

Proposal for a regulation

Article 31 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. 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.

Or. en

Amendment 78

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

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 **may** be taken by a single member.

Or. en

Amendment 79

Proposal for a regulation Article 33 – title

Text proposed by the Commission

Geographical Indications Advisory Board

Amendment

Advisory Board

Or. en

Amendment 80

Proposal for a regulation Article 33 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Technical correction.

Amendment 81

Proposal for a regulation

Article 33 – paragraph 2 – introductory part

Text proposed by the Commission

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:

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 ***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:***

Or. en

Amendment 82

Proposal for a regulation

Article 33 – paragraph 2 – point b

Text proposed by the Commission

(b) the establishment of reputation and renown;

Amendment

deleted

Or. en

Amendment 83

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;*

Or. en

Amendment 84

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.

Or. en

Amendment 85

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 applications submitted through the direct registration procedure referred to in Article 15.

Or. en

Justification

Consulting the Advisory Board might not be needed in all cases and therefore it would be unwise to require them to comment on each application.

Amendment 86

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 shall be made public.

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

Or. en

Justification

Needed cross-reference added as the Management Board is not governed by this Regulation.

Amendment 87

**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 ***or*** weakens the protected geographical indication;

Or. en

Amendment 88

**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

Amendment

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

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;**

the **registered** geographical indication is translated or accompanied by an expression.

Or. en

Justification

Text moved to the Recitals.

Amendment 89

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 in a container liable to convey a false impression as to their origin;

Or. en

Amendment 90

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

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 reasonably circumspect *consumer, thereby exploiting, weakening, diluting or being detrimental to the reputation of the registered name.*

covered by the registered geographical indication in the mind of the *average European consumer who is reasonably well-informed and reasonably observant and* circumspect.

Or. en

Justification

Repetitive of conditions in (a) and unneeded.

Amendment 91

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

Amendment

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

Or. en

Amendment 92

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

Text proposed by the Commission

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

Or. en

Amendment 93

Proposal for a regulation Article 40 – paragraph 1

Text proposed by the Commission

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.

Amendment

1. Producer **groups shall** operate in a transparent and **non-discriminatory** manner **allowing** 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, **can** also participate in the work of the producer group.

Or. en

Justification

More technically correct wording. It is not clear what is a "democratic manner" when in reference to a producer group.

Amendment 94

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;

Or. en

Justification

Linguistic correction.

Amendment 95

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;

Or. en

Amendment 96

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.

Or. en

Amendment 97

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

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.

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.***

Or. en

Amendment 98

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.

Or. en

Amendment 99

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.

Or. en

Justification

It takes time to adjust trademarks and GIs. Until the application of this Regulation, it is not possible to know which GIs will be registered. Therefore, the transitional period should not start before the application date.

Amendment 100

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.

Or. en

Amendment 101

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.

Or. en

Justification

It is not clear who else should bear these costs. The Member States may do so, but if they do not then it should be the producers who use the GI.

Amendment 102

Proposal for a regulation Article 48 – paragraph 1

Text proposed by the Commission

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.***

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 indication has completed all production steps.

Or. en

Justification

Not clear what is the added value of the list in this paragraph.

Amendment 103

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 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. ***In the event of detected non-compliance, the competent authority shall take all necessary measures to remedy the situation.***

Or. en

Amendment 104

Proposal for a regulation Article 48 – paragraph 3

Text proposed by the Commission

3. Member States **shall** take appropriate administrative and judicial steps to prevent or stop the use of names on products or services that are produced, operated or marketed in their territory and that contravenes the protection of geographical indications provided for in Articles 35 and 36.

Amendment

3. Member States **may** take appropriate administrative and judicial steps to prevent or stop the use of names on products or services that are produced, operated or marketed in their territory and that contravenes the protection of geographical indications provided for in Articles 35 and 36.

Or. en

(See amendment to Article 48, paragraph 2.)

Justification

While a Member State shall take measures, it will not always be in the form of administrative or judicial actions. Due to the production size of many potential GI products, non-formal measures may be enough to ensure compliance. "shall" is moved to Paragraph 2 and "may" inserted here.

Amendment 105

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).

Or. en

Amendment 106

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

2. Member States may allow producers to submit a self-declaration once every 3 years to the competent authorities to **demonstrate** 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.

Or. en

Amendment 107

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

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.

Or. en

Amendment 108

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

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.

requirements specified in that Annex.

Or. en

Amendment 109

Proposal for a regulation Article 49 – paragraph 5

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.

Or. en

Justification

Likely a technical error. The Paragraph should give the Commission the power to adopt a delegated act to amend the whole Regulation.

Amendment 110

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

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)**.

Or. en

Amendment 111

Proposal for a regulation

Article 60 – paragraph 1 – point 10

Regulation (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**.

Or. en

Amendment 112

Proposal for a regulation

Article 60 – paragraph 1 – point 10

Regulation (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/....

Or. en

Amendment 113

Proposal for a regulation

Article 61 – paragraph 1 – point 2

Regulation (EU) 2017/1001

Article 170a

Text proposed by the Commission

Amendment

2a. 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’.

Or. en

Amendment 114

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. **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.**

Or. en

Justification

National GI protections should not cease to exist until the Union system is in place. Text from

Paragraph 4 merged.

Amendment 115

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

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.

Or. en

Amendment 116

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

deleted

Or. en

Justification

Merged with paragraph.

Amendment 117

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.**

Or. en

Justification

Additional time is needed to put this system in place and to close national systems.