



20.10.2022

# DRAFT OPINION

of the Committee on Legal Affairs

for the Committee on Agriculture and Rural Development

on the proposal for a regulation of the European Parliament and of the Council  
European Union geographical indications for wine, spirit drinks and  
agricultural products, and quality schemes for agricultural products, amending  
Regulations (EU) No 1308/2013, (EU) 2017/1001 and (EU) 2019/787 and  
repealing Regulation (EU) No 1151/2012  
(COM(2022)0134 – C9-0130/2022 – 2022/0089(COD))

Rapporteur for opinion: Adrián Vázquez Lázara

PA\_Legam

## SHORT JUSTIFICATION

The rapporteur welcomes the Commission's proposal aimed at strengthening the protection of geographical indications for wine, spirit drinks and agricultural products, and quality schemes for agricultural products (GIs).

In 2022 the European Commission and its Directorate-General for Agriculture and Rural Development (DG AGRI) informally agreed to delegate tasks in the scrutiny and registration process of geographical indications (GIs) to the European Union Intellectual Property Office (EUIPO), responsible for managing the EU trade mark and the registered Community design, an agency that is under the remit of the legal affairs committee.

The JURI rapporteur for this opinion sees the upcoming revision of the GI system as an opportunity to clarify the role of the EUIPO vis-à-vis the DG AGRI and the system of agricultural GIs. Indeed, the Memorandum of Understanding between DG AGRI and the EUIPO was reached in a way rather unbeknown to the Parliament and its Members, not providing enough certainty as to which tasks had been covered, which had not, and to what extent and purpose.

We should strive for further legal clarity. The Commission proposal indeed advances in that direction, acknowledging the EUIPO's assistance role, but leaves out still the details of such cooperation regarding delegated acts. The JURI rapporteur believes that such tasks should be clearly delineated and agreed, among co-legislators, directly in that particular regulation.

One notable exception to that approach is the use of GI registers which, he believes, should be tackled through a further delegated act that should include the creation of a new GI register, its maintenance, update and protection.

On substance, hence, the JURI rapporteur sees a relevant role for the EUIPO in performing technical supporting tasks such as scrutinizing the application for registration, informing applicants in case of delay in the scrutiny process, seeking supplementary information from the applicant if necessary. Also in handling the publication of the single document in the Union registration, managing the opposition procedure or establishing and managing an alert system that would provide information about the availability of a geographical indication as a domain name.

The more substantial aspect of GI registration, like the analysis of the products specification (*cahier des charges*), however, should remain within the DG AGRI. Union amendments should also remain under the responsibility of DG AGRI.

The JURI rapporteur believes that a certain level of coherence between the revised system for agricultural GIs and the proposed system for craft GIs should be aimed for.

Overall, the JURI rapporteur sees the collaboration between EUIPO and DG AGRI as positive and cost-efficient but he wishes to clarify that collaboration.

The JURI rapporteur also suggests an amendment related to the rights of the information of the applicants and the timeline the Commission must respect when handling their requests.

## AMENDMENTS

The Committee on Legal Affairs calls on the Committee on Agriculture and Rural Development, as the committee responsible, to take into account the following amendments:

### Amendment 1

#### Proposal for a regulation

##### Recital 15

*Text proposed by the Commission*

(15) To ensure transparency and uniformity across Member States, it is necessary to establish and maintain an electronic Union register of geographical indications, registered as protected designations of origin or protected geographical indications. The register should provide information to consumers and to those involved in trade. The register should be an electronic database stored within an information system, and should be accessible to the public.

*Amendment*

(15) To ensure transparency and uniformity across Member States, it is necessary to establish and maintain an electronic Union register of geographical indications, registered as protected designations of origin or protected geographical indications. The register should provide information to consumers and to those involved in trade. The register should be an electronic database stored within an information system, and should be accessible to the public. ***It should be developed, kept-up-to date and maintained by the European Union Intellectual Property Office (EUIPO).***

Or. en

### Amendment 2

#### Proposal for a regulation

##### Recital 39

*Text proposed by the Commission*

(39) The procedures for registration, amendment and cancellation of geographical indications, including the scrutiny and the opposition procedure, should be carried out in the most efficient way. This can be achieved by using the assistance for the scrutiny of the applications provided by the ***European Union Intellectual Property Office (EUIPO)***. While a partial outsourcing to ***EUIPO*** has been considered, the

*Amendment*

(39) The procedures for registration, amendment and cancellation of geographical indications, including the scrutiny and the opposition procedure, should be carried out in the most efficient way. This can be achieved by using the assistance for the scrutiny of the applications provided by the ***EUIPO***. ***The involvement of the EUIPO should not lead to delays or unnecessary administrative burden.*** While a partial outsourcing has

Commission *would* remain responsible for **registration**, amendment and cancellation, due to a strong relation with the Common Agricultural Policy and to the expertise needed to ensure that specificities of wine, spirit drinks and agricultural products are adequately assessed.

been considered, the Commission *should* remain responsible for **the product specification, Union** amendment and cancellation, due to a strong relation with the Common Agricultural Policy and to the expertise needed to ensure that specificities of wine, spirit drinks and agricultural products are adequately assessed.

Or. en

#### *Justification*

*The JURI rapporteur believes that while the involvement of the EUIPO can be of benefit, it should not lead to delays and extra administrative layers. Also the JURI rapporteur believes that the EC should in any case remain responsible for the registration, including the product specification and union amendments.*

### **Amendment 3**

#### **Proposal for a regulation Recital 39 a (new)**

*Text proposed by the Commission*

*Amendment*

***(39a) Clear deadlines and faster procedures for amending specifications, by dividing amendments into Union amendments and standard amendments, will help improve the effectiveness of the system.***

Or. en

#### *Justification*

*The simplification of procedures for amending specifications will help to address administrative burden. This is important because amendments to specifications have a major impact on the adoption of production process adjustments.*

### **Amendment 4**

#### **Proposal for a regulation Recital 39 b (new)**

***(39b) The role of the EUIPO should be reinforced in order for the registration procedure to be more efficient. Namely, the EUIPO should be tasked with scrutinising the application for registration, informing applicants in the event of delay in the scrutiny process and seeking supplementary information from the applicant if necessary. The EUIPO should be entrusted with the publication of the single document in the Union register, after its verification by the Commission. The EUIPO should support the Commission in the opposition procedure. It should carry out the tasks related to the amendments to a product specification and makes public the standard amendments. Similarly to its role in protecting domain names in trade marks, the EUIPO should establish and manage an alert system that provides information about the availability of a geographical indication as a domain name. The EUIPO should carry out the scrutiny of third-country geographical indications and updates to the list of international agreement protecting them. Finally, the EUIPO and the competent authorities of the Member States should cooperate with each other to promote convergence of practices and tools in the field of geographical indications.***

Or. en

## **Amendment 5**

### **Proposal for a regulation Recital 56**

*Text proposed by the Commission*

(56) In order to supplement or amend certain non-essential elements of this Regulation, the power to adopt acts in

*Amendment*

(56) In order to supplement or amend certain non-essential elements of this Regulation, the power to adopt acts in

accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of defining sustainability standards and laying down criteria for the recognition of existing sustainability standards; ***clarifying or adding items to be supplied as part of accompanying information; entrusting the EUIPO with the tasks related to scrutiny for opposition and the opposition procedure, operation of the register, publication of standard amendments to a product specification, consultation in the context of cancellation procedure, establishment and management of an alert system informing applicants about the availability of their geographical indication as a domain name, scrutiny of third country geographical indications other than geographical indications under the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications<sup>34</sup>, proposed for protection pursuant to international negotiations or international agreements; establishing appropriate criteria for monitoring performance of the EUIPO in the execution of the tasks entrusted to it;*** laying down additional rules on the use of geographical indications to identify ingredients in processed products; laying down additional rules for determining the generic status of terms; establishing the restrictions and derogations with regard to the sourcing of feed in the case of a designation of origin; establishing restrictions and derogations with regard to the slaughtering of live animals or with regard to the sourcing of raw materials; laying down rules for determining the use of the denomination of a plant variety or of an animal breed; laying down rules which limit the information contained in the product specification for geographical indications and traditional specialities guaranteed; laying down further details of the eligibility criteria for traditional specialities guaranteed; laying down additional rules to provide for appropriate

accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of defining sustainability standards and laying down criteria for the recognition of existing sustainability standards; laying down additional rules on the use of geographical indications to identify ingredients in processed products; laying down additional rules for determining the generic status of terms; establishing the restrictions and derogations with regard to the sourcing of feed in the case of a designation of origin; establishing restrictions and derogations with regard to the slaughtering of live animals or with regard to the sourcing of raw materials; laying down rules for determining the use of the denomination of a plant variety or of an animal breed; laying down rules which limit the information contained in the product specification for geographical indications and traditional specialities guaranteed; laying down further details of the eligibility criteria for traditional specialities guaranteed; laying down additional rules to provide for appropriate certification and accreditation procedures to apply in respect of product certification bodies; laying down additional rules to further detail protection of traditional specialities guaranteed; laying down for traditional specialities guaranteed additional rules for determining the generic status of terms, conditions for use of plant variety and animal breed denominations, and relation to intellectual property rights; defining additional rules for joint applications concerning more than one national territory and complementing the rules of the application process for traditional specialities guaranteed guaranteed; complementing the rules for the opposition procedure for traditional specialities guaranteed to establish detailed procedures and deadlines; supplementing the rules regarding the amendment application process for traditional specialities guaranteed; supplementing the rules regarding the cancellation process for

certification and accreditation procedures to apply in respect of product certification bodies; laying down additional rules to further detail protection of traditional specialities guaranteed; laying down for traditional specialities guaranteed additional rules for determining the generic status of terms, conditions for use of plant variety and animal breed denominations, and relation to intellectual property rights; defining additional rules for joint applications concerning more than one national territory and complementing the rules of the application process for traditional specialities guaranteed guaranteed; complementing the rules for the opposition procedure for traditional specialities guaranteed to establish detailed procedures and deadlines; supplementing the rules regarding the amendment application process for traditional specialities guaranteed; supplementing the rules regarding the cancellation process for traditional specialities guaranteed; laying down detailed rules relating to the criteria for optional quality terms; reserving an additional optional quality term, laying down its conditions of use; laying down derogations to the use of the term 'mountain product' and establishing the methods of production, and other criteria relevant for the application of that optional quality term, in particular, laying down the conditions under which raw materials or feedstuffs are permitted to come from outside the mountain areas. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>35</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of

traditional specialities guaranteed; laying down detailed rules relating to the criteria for optional quality terms; reserving an additional optional quality term, laying down its conditions of use; laying down derogations to the use of the term 'mountain product' and establishing the methods of production, and other criteria relevant for the application of that optional quality term, in particular, laying down the conditions under which raw materials or feedstuffs are permitted to come from outside the mountain areas. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>35</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.



Commission expert groups dealing with the preparation of delegated acts.

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34

<https://www.wipo.int/publications/en/details.jsp?id=3983>

<sup>35</sup> OJ L 123, 12.5.2016, p. 1.

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34

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<sup>35</sup> OJ L 123, 12.5.2016, p. 1.

Or. en

## Amendment 6

### Proposal for a regulation Article 17 – title

#### *Text proposed by the Commission*

Scrutiny by the **Commission** and publication for opposition

#### *Amendment*

Scrutiny by the **EUIPO** and publication for opposition

Or. en

#### *Justification*

*EUIPO is already getting technical inputs from several Commission units with the geographical indication file to be pre-examined.*

## Amendment 7

### Proposal for a regulation Article 17 – paragraph 1

#### *Text proposed by the Commission*

1. The **Commission** shall scrutinise any application for registration that it receives pursuant to Article 16(1). Such scrutiny shall consist of a check that there are no manifest errors, that the information provided in accordance with Article 15 is complete and that the single document referred to in Article 13 is precise and technical in nature. It shall take into account the outcome of the national procedure carried out by the Member State

#### *Amendment*

1. The **EUIPO** shall scrutinise any application for registration that it receives pursuant to Article 16(1). Such scrutiny shall consist of a check that there are no manifest errors, that the information provided in accordance with Article 15 is complete and that the single document referred to in Article 13 is precise and technical in nature. It shall take into account the outcome of the national procedure carried out by the Member State

concerned. It shall focus in particular on the single document referred to in Article 13.

concerned *and the opinion of the Commission*. It shall focus in particular on the single document referred to in Article 13.

Or. en

## Amendment 8

### Proposal for a regulation Article 17 – paragraph 2

#### *Text proposed by the Commission*

2. Scrutiny should not exceed a period of 6 months. In the event that the scrutiny period exceeds or is likely to exceed 6 months the **Commission** shall inform the applicant of the reasons for the delay in writing.

#### *Amendment*

2. Scrutiny should not exceed a period of 6 months. In the event that the scrutiny period exceeds or is likely to exceed 6 months the **EUIPO** shall inform the applicant of the reasons for the delay in writing.

Or. en

## Amendment 9

### Proposal for a regulation Article 17 – paragraph 3

#### *Text proposed by the Commission*

3. The **Commission** may seek supplementary information from the applicant.

#### *Amendment*

3. The **EUIPO** may seek supplementary information from the applicant.

Or. en

#### *Justification*

*In the AM 4 the JURI rapporteur proposes to entrust EUIPO with seeking supplementary information from the applicant. For the sake of efficiency, the JURI rapporteur would suggest to leave this part of the process for the EUIPO.*

## Amendment 10

### Proposal for a regulation Article 17 – paragraph 5

*Text proposed by the Commission*

*Amendment*

5. *The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by rules on entrusting EUIPO with the tasks set out in this Article.*

*deleted*

Or. en

*Justification*

*The JURI rapporteur believes the new tasks transferred to the EUIPO should be set here, in this Regulation, by the co-legislators and not be left up to the Commission*

## Amendment 11

### Proposal for a regulation Article 17 – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

5a. *The EUIPO shall perform all the necessary technical scrutiny tasks.*

Or. en

## Amendment 12

### Proposal for a regulation Article 18 – paragraph 2 – introductory part

*Text proposed by the Commission*

*Amendment*

2. The **Commission** shall be exempted from the obligation to meet the deadline to perform the scrutiny referred to in Article 17(2) and **to** inform the applicant of the reasons for the delay where it receives a

2. The **EUIPO** shall be exempted from the obligation to meet the deadline to perform the scrutiny referred to in Article 17(2) and **shall** inform the applicant of the reasons for the delay where it receives a

communication from a Member State,  
concerning an application for registration  
in accordance with Article 9(6), which:

communication from a Member State,  
concerning an application for registration  
in accordance with Article 9(6), which:

Or. en

*Justification*

*The JURI rapporteur believes there is no reason to exempt the EUIPO from informing the applicant.*

**Amendment 13**

**Proposal for a regulation  
Article 19 – paragraph 1**

*Text proposed by the Commission*

1. Within 3 months from the date of publication in the Official Journal of the European Union of the single document and the reference to the product specification pursuant to Article 17(4), the authorities of a Member State or of a third country, or a natural or legal person having a legitimate interest, established or resident in a third country, may lodge an opposition **or a notice of comment** with the Commission.

*Amendment*

1. Within 3 months from the date of publication in the Official Journal of the European Union of the single document and the reference to the product specification pursuant to Article 17(4), the authorities of a Member State or of a third country, or a natural or legal person having a legitimate interest, established or resident in a third country, may lodge an opposition with the Commission.

Or. en

*Justification*

*The notice of comment is not an opposition procedure and should therefore not be dealt with in the same article. A certain level of coherence between this report and Mrs Walsmann's on geographical indications for craft and industrial products is important.*

**Amendment 14**

**Proposal for a regulation  
Article 19 – paragraph 2**

*Text proposed by the Commission*

2. Any natural or legal person having a legitimate interest, established or resident

*Amendment*

2. Any natural or legal person having a legitimate interest, established or resident

in a Member State other than the one from which the Union application for registration was submitted, may lodge an opposition with the Member State, in which it is established or resident, within a time limit permitting an opposition *or notice of comments* to be lodged pursuant to paragraph (1).

in a Member State other than the one from which the Union application for registration was submitted, may lodge an opposition with the Member State, in which it is established or resident, within a time limit permitting an opposition to be lodged pursuant to paragraph (1).

Or. en

#### *Justification*

*The notice of comment is not an opposition procedure and should therefore not be dealt with in the same article.*

### **Amendment 15**

#### **Proposal for a regulation Article 19 – paragraph 9**

##### *Text proposed by the Commission*

9. After completion of the opposition procedure, the Commission shall finalise its assessment of the Union application for registration, taking into account any request for transitional periods, the outcome of the opposition procedure, *any notice of comments* received and any other matters arising subsequently to its scrutiny that may imply a change of the single document.

##### *Amendment*

9. After completion of the opposition procedure, the Commission shall finalise its assessment of the Union application for registration, taking into account any request for transitional periods, the outcome of the opposition procedure received and any other matters arising subsequently to its scrutiny that may imply a change of the single document.

Or. en

#### *Justification*

*The notice of comment is not an opposition procedure and should therefore not be dealt with in the same article.*

### **Amendment 16**

#### **Proposal for a regulation Article 19 – paragraph 10**

*Text proposed by the Commission*

*Amendment*

**10. The Commission shall be empowered to adopt delegated acts, in accordance with Article 84 supplementing this Regulation by detailed procedures and deadlines for the opposition procedure, for the official submission of comments by national authorities and persons with a legitimate interest, which will not trigger the opposition procedure and by rules on entrusting its tasks set out in this Article to EUIPO.**

**deleted**

Or. en

*Justification*

*The JURI rapporteur believes the new tasks transferred to the EUIPO should be set here, in this Regulation, by the co-legislators and not be left up to the Commission*

## **Amendment 17**

### **Proposal for a regulation Article 19 – paragraph 10 a (new)**

*Text proposed by the Commission*

*Amendment*

**10a. The EUIPO shall support the Commission in:**

- (a) providing technical assistance in opposition procedures;**
- (b) receiving the oppositions referred to in paragraph 1;**
- (c) checking the admissibility of the oppositions;**
- (d) inviting the authority or the person that lodged the opposition and the authority or the applicant producer group that lodged the application to engage in appropriate consultations if the opposition is admissible;**
- (e) extending the deadline for the consultation;**

*(f) receiving the notification of the result of consultation and of the opponent's position at the end of the consultation, or any consequent changes to the application for registration;*

*(g) repeating the scrutiny and publishing once more the application in the cases referred to in paragraph 7 (repetition of the scrutiny in the event that, following the end of the consultations, the data published in the single document have been modified, and, where the application for registration has been modified in a substantial manner and meets the conditions for registration, re-publication of the single document);*

*(h) providing an assessment of the Union application for registration.*

Or. en

## **Amendment 18**

### **Proposal for a regulation Article 20 a (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 20a*

##### *Notice of comment procedure*

*1. In order to correct inaccuracies in an ongoing registration procedure for a geographical indication, a competent authority of a Member State or of a third country, or a natural or legal person having a legitimate interest and established or resident in a third country or in another Member State may lodge a notice of comment with the EUIPO within three months of the date of publication of the single document and the product specification reference in the Union register.*

*2. The notice of comment referred to in paragraph 1 of this Article shall not be based on the grounds for opposition*

*referred to in Article 19. The competent authority or person that lodges a notice of comment shall not be considered to be a party to the procedure.*

*3. The EUIPO shall share the notice of comment with the applicant and shall take the notice of comment into consideration when deciding on the application of the registration, unless it is unclear or obviously incorrect.*

*4. In order to facilitate the management of the notice of comment procedure, the Commission may adopt implementing acts laying down rules on the submission of such notice of comments and specifying their format and online presentation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2).*

Or. en

#### *Justification*

*It has to be clarified what the notice of comment procedure is, since this is not an opposition but corrective remarks in the registration procedure. A certain level of coherence between this draft opinion and Mrs Walsmann's draft report on geographical indications for craft and industrial products is important.*

#### **Amendment 19**

##### **Proposal for a regulation**

##### **Article 23 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*1a. The Union register as referred to in paragraph 1 shall be developed, kept up-to-date and maintained by the EUIPO for the management of geographical indications protected under this Regulation.*

Or. en



## Amendment 20

### Proposal for a regulation Article 23 – paragraph 5

*Text proposed by the Commission*

5. The Commission shall make public and **regularly** update the list of the international agreements referred to in paragraph (3) as well as the list of geographical indications protected under those agreements.

*Amendment*

5. The Commission shall make public and, **in the event of changes**, update the list of the international agreements referred to in paragraph (3) as well as the list of geographical indications protected under those agreements.

Or. en

## Amendment 21

### Proposal for a regulation Article 23 – paragraph 7

*Text proposed by the Commission*

7. **The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by rules on entrusting EUIPO to operate the Union register of geographical indications.**

*Amendment*

**deleted**

Or. en

*Justification*

*The JURI rapporteur believes the new tasks transferred to the EUIPO should be set here, in this Regulation, by the co-legislators and not be left up to the Commission*

## Amendment 22

### Proposal for a regulation Article 24 – paragraph 2

*Text proposed by the Commission*

2. Where a producer group has been recognised by the national authorities in accordance with Article 33, that group

*Amendment*

2. Where a producer group has been recognised by the national authorities in accordance with Article 33 **or by an**

shall be identified as the rights' holder of the geographical indication in the Union register of geographical indications and in the official extract referred to in paragraph (1).

**authority of a third country**, that group shall be identified as the rights' holder of the geographical indication in the Union register of geographical indications and in the official extract referred to in paragraph (1).

Or. en

*Justification*

*It is necessary to grant the same rights to third countries to meet WTO commitments.*

**Amendment 23**

**Proposal for a regulation  
Article 25 – paragraph 5**

*Text proposed by the Commission*

5. A **standard** amendment shall be considered as a **temporary** amendment when it concerns a temporary change in the product specification resulting from the imposition of obligatory sanitary and phytosanitary measures by the public authorities or a temporary amendment necessary because of a natural disaster **or** adverse weather conditions formally recognised by the competent authorities.

*Amendment*

5. A **temporary** amendment shall be considered as a **standard** amendment when it concerns a temporary change in the product specification resulting from the imposition of obligatory sanitary and phytosanitary measures by the public authorities or a temporary amendment necessary because of a natural disaster, adverse weather conditions **or the consequences of an exceptional geopolitical event** formally recognised by the competent authorities.

Or. en

*Justification*

*Recent events show that it would be useful to take into account geopolitical situations such as war to allow for temporary changes to specifications.*

**Amendment 24**

**Proposal for a regulation  
Article 25 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

6. Union amendments shall be approved by the Commission. The approval procedure shall follow, mutatis mutandis, the procedure laid down from Article 8 to Article 22.

6. Union amendments shall be **assessed and** approved by the Commission. The approval procedure shall follow, mutatis mutandis, the procedure laid down from Article 8 to Article 22.

Or. en

*Justification*

*The DG AGRI should remain responsible for the examination of EU amendments given the low administrative burden it represents and the high expertise DG AGRI has on this field.*

**Amendment 25**

**Proposal for a regulation  
Article 25 – paragraph 9**

*Text proposed by the Commission*

*Amendment*

9. Standard amendments shall be approved by Member States or third countries in whose territory the geographical area of the product concerned is located and communicated to the Commission. The Commission shall make those amendments public.

9. Standard amendments shall be approved by Member States or third countries in whose territory the geographical area of the product concerned is located and communicated to the Commission. **Following such approval,** the Commission **shall transmit those amendments to the EUIPO, which** shall make those amendments public

Or. en

**Amendment 26**

**Proposal for a regulation  
Article 25 – paragraph 10**

*Text proposed by the Commission*

*Amendment*

**10. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by provisions entrusting EUIPO with the publication of standard**

**deleted**

*amendments referred to in paragraph (9).*

Or. en

*Justification*

*The JURI rapporteur believes the new tasks transferred to the EUIPO should be set here, in this Regulation, by the co-legislators and not be left up to the Commission*

**Amendment 27**

**Proposal for a regulation  
Article 25 – paragraph 10 a (new)**

*Text proposed by the Commission*

*Amendment*

**10a. The EUIPO shall be responsible for the publication of standard amendments referred to in paragraph 9. The EUIPO shall perform the technical scrutiny of the Union amendments and prepare the observations, which shall be verified and sent to the applicants by the Commission.**

Or. en

**Amendment 28**

**Proposal for a regulation  
Article 26 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. Before adopting the implementing acts referred to in paragraphs 1 and 2, the Commission shall consult the authorities of the Member State, the authorities of the third country or, where possible, the third country producer which had originally applied for the registration of the geographical indication concerned, unless the cancellation is directly requested by those original applicants.

5. Before adopting the implementing acts referred to in paragraphs 1 and 2, the Commission shall consult the authorities of the Member State, the authorities of the third country or, where possible, the third country producer which had originally applied for the registration of the geographical indication concerned, unless the cancellation is directly requested by those original applicants. ***The registration of the name on the market and its protection under another intellectual***

*property right shall be prohibited for a period of at least 10 years following the date of cancellation of a geographical indication.*

Or. en

*Justification*

*Looking at recent cancellation requests which have led to a privatisation of some GIs, it would be useful to introduce rules.*

**Amendment 29**

**Proposal for a regulation  
Article 26 – paragraph 6**

*Text proposed by the Commission*

6. The *Commission* shall *be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by rules entrusting EUIPO with the tasks set out in paragraph (5).*

*Amendment*

6. The **EUIPO** shall *carry out* the tasks set out in **Article 26(5)**.

Or. en

*Justification*

*The JURI rapporteur believes the new tasks transferred to the EUIPO should be set here, in this Regulation, by the co-legislators and not be left up to the Commission*

**Amendment 30**

**Proposal for a regulation  
Article 27 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Geographical indications entered in the Union register of geographical indications shall be protected against:

*Amendment*

1. Geographical indications entered in the Union register of geographical indications **and those protected by international agreements in the Union** shall be protected against:

*Justification*

*GIs that are protected by bilateral or multilateral agreements should not be automatically included in the Union register.*

**Amendment 31**

**Proposal for a regulation**  
**Article 31**

*Text proposed by the Commission*

*Amendment*

**Article 31**

**deleted**

**Trade marks**

***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.***

*Justification*

*Merged with paragraph 35 in order to provide further clarity.*

**Amendment 32**

**Proposal for a regulation**  
**Article 35 – title**

*Text proposed by the Commission*

*Amendment*

***Conflicting*** trade marks

***Conflict between*** trade marks ***and geographical indications***

*Justification*

*Consistency with the merger of Articles 31 and 35.*

## Amendment 33

### Proposal for a regulation Article 35 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2a. An application for the registration of a geographical indication shall be rejected where, in the light of a well-known trade mark and its reputation, the name proposed as a geographical indication is liable to mislead the consumer as to the true identity of the product.**

Or. en

*Justification*

*Consistency with the merger of Articles 31 and 35.*

## Amendment 34

### Proposal for a regulation Article 46 – paragraph 1

*Text proposed by the Commission*

*Amendment*

The *Commission* shall ***be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by rules on entrusting EUIPO with the*** scrutiny of third country geographical indications, other than geographical indications under the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications, proposed for protection pursuant to international negotiations or international agreements.

The ***EUIPO*** shall ***carry out the technical*** scrutiny of third country geographical indications, other than geographical indications under the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications, proposed for protection pursuant to international negotiations or international agreements.

Or. en

*Justification*

*The JURI rapporteur believes the new tasks transferred to the EUIPO should be set here, in*

*this Regulation, by the co-legislators and not be left up to the Commission*

### **Amendment 35**

#### **Proposal for a regulation**

#### **Article 47 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. ***Where the Commission exercises any of the empowerments provided for in this Regulation to entrust tasks to EUIPO, it shall also*** be empowered to adopt delegated acts in accordance with Article 84 to supplement this Regulation by criteria for monitoring performance in the execution of ***such*** tasks. Such criteria may include:

*Amendment*

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 to supplement this Regulation by criteria for monitoring performance in the execution of ***the*** tasks ***entrusted to the EUIPO in accordance with this Regulation***. Such criteria may include:

Or. en

### **Amendment 36**

#### **Proposal for a regulation**

#### **Article 47 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) reduction of processing time for the scrutiny of applications;***

Or. en

*Justification*

*EUIPOs intervention will have to be assessed in terms of how it could reduce the duration of procedures.*

### **Amendment 37**

#### **Proposal for a regulation**

#### **Article 47 – paragraph 2**



*Text proposed by the Commission*

2. No later than 5 years after the **first delegation of any tasks to EUIPO**, the Commission shall prepare and submit a report to the European Parliament and to the Council on the results and experience of the exercise of these tasks by EUIPO.

*Amendment*

2. No later than ... [**5 years after the date of entry into force of this Regulation**], the Commission shall prepare and submit a report to the European Parliament and to the Council on the results and experience of the exercise of these tasks by EUIPO.

***That report may be accompanied, where necessary, by legislative proposals.***

Or. en

*Justification*

*Co-legislators would be involved to, if necessary, expand the tasks of the EUIPO in the future.*

**Amendment 38**

**Proposal for a regulation**

**Article 82**

Regulation (EU) 2017/1001

Article 151 – paragraph 1 – point f

*Text proposed by the Commission*

(f) administration of geographical indications, **notably** the tasks conferred on it by means of **Commission delegated acts adopted in accordance with Article [...] of Regulation (EU) .../... of the European Parliament and of the Council**[Regulation on GIs]

*Amendment*

(f) administration **and promotion** of geographical indications, and the tasks conferred on it by means of Regulation (EU) .../... of the European Parliament and of the Council [Regulation on GIs].

*Justification*

*EUIPO could be in charge of promotion of GIs, similarly as it is envisaged in the Proposal for a Regulation of the European Parliament and of the Council on geographical indication protection for craft and industrial products (Art. 61).*

Or. en

