



2022/0115(COD)

5.10.2022

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## **DRAFT REPORT**

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))

Committee on Legal Affairs

Rapporteur: Marion Walsmann

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**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))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0174),
  - having regard to Article 294(2) and Articles 118(1) and 207(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0148/2022),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to Rules 59 of its Rules of Procedure,
  - having regard to the opinions of the Committee on International Trade and the Committee on the Internal Market and Consumer Protection,
  - having regard to the report of the Committee on Legal Affairs (A9-0000/2022),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### **Amendment 1**

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

#### **Recital 9**

*Text proposed by the Commission*

(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

*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 2658/87<sup>10</sup>. This approach ensures coherence with the scope of the revised GI Regulation for agricultural products, foodstuff, wine and spirits.***

of this Regulation needs to be determined in line with the relevant international framework, namely, the World Trade Organization.

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<sup>10</sup> 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).

Or. en

## Amendment 2

### Proposal for a regulation Recital 11 a (new)

*Text proposed by the Commission*

*Amendment*

***(11a) Recognising that in certain geographical areas there is only one producer who wants to submit an application for the registration of a name as geographical indication, the possibility for a single producer to be considered an applicant should be ensured. However, a single producer should not be allowed to apply for protection for its own land or workshop; the geographical area should always refer to natural features and not property boundaries.***

Or. en

*Justification*

*In order to understand Art. 6 (3) better, a Recital is necessary.*

### Amendment 3

#### Proposal for a regulation

##### Recital 12

*Text proposed by the Commission*

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

*Amendment*

(12) *Micro, small and medium-sized enterprises often have limited resources to deal with administrative tasks. The competent authorities should, therefore, draw up the single document for them on the basis of their product specifications and send it for their approval.*

Or. en

*Justification*

*The single document should be legally sound therefore SMEs should be able to rely on the competent authority to draw up a single document on the basis of the product specifications. Additionally the lack of funds or skills prevent small and medium-sized enterprises to use the Digital Product Passport (DPP). Obliging them to include the single document in the DPP doesn't seem proportionate.*

### Amendment 4

#### Proposal for a regulation

##### Recital 13 a (new)

*Text proposed by the Commission*

*Amendment*

(13a) *The Member States should establish details concerning the national stage procedure. However, the admissibility of the opposition and the reasons for denying registration of a geographical indication should be aligned with those at the Union stage.*

Or. en

### Amendment 5

#### Proposal for a regulation

##### Recital 15

*Text proposed by the Commission*

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

*Amendment*

(15) The procedures for registration, amendments to the product specification, cancellation of the registration **and appeals** in respect of geographical indications originating in the Union under this Regulation should be carried out by the Member States and the Office. The Member States and the Office should be responsible for distinct stages of the procedures. Member States should be responsible for the first stage, which consists of receiving the application from the applicants, assessing it, running the national opposition procedure, and, 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.

Or. en

## **Amendment 6**

### **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

*Amendment*

(17) It is possible for Member States to **opt out** from the Member States' obligation to designate a national authority in respect of geographical indications for craft and industrial products to take charge of the procedures for registration, national opposition, amendments to the product



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 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

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

designated for the controls and enforcement may differ, when a Member State so decides.

Or. en

*Justification*

*The direct registration shall be an option for the Member States, they should not have to ask for permission from the Commission in order to opt-out.*

**Amendment 7**

**Proposal for a regulation**

**Recital 18**

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

*The direct registration shall be an option for the Member States, they should not have to ask for permission from the Commission in order to opt-out.*

## Amendment 8

### Proposal for a regulation

#### Recital 22

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 9

### 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

*Amendment*

(27) It is necessary to establish an Advisory Board, which is a pool of experts, composed of representatives from Member States and the Commission. The purpose of the Advisory Board is to provide the necessary local knowledge and expertise concerning certain products and knowledge about the local circumstances that may influence the outcome of the procedures laid down in this Regulation. In order to support the Office on its assessment of individual applications at any stage of the examination, opposition, appeal or other procedures with specific technical knowledge, the Geographical Indications Division or the Boards of Appeal, at its own initiative or at the request of the

Commission, should have the possibility to consult the Advisory Board. The consultation, when necessary, should also include a general opinion on assessing quality criteria, establishing reputation **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.

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 **the reputation of a geographical indication**, determining generic nature of a name, and assessing fair competition in commercial transactions and the risk of confusing consumers. The opinion of the Advisory Board should not be binding. **The Advisory Board should also include experts in the field of the product category concerned, including from academia.** The appointment procedure of the experts and the operation of the Advisory Board should be specified in the rules of procedure of the Advisory Board approved by the Management Board.

Or. en

#### *Justification*

*Since the non-agricultural GIs can be divided into different categories like jewellery, porcelain, textiles, etc., it seems reasonable to also consult experts in that certain product category. Additionally renown should be deleted since it does not refer to trademarks in this context.*

#### **Amendment 10**

##### **Proposal for a regulation Recital 30 a (new)**

*Text proposed by the Commission*

*Amendment*

***(30a) Homonymous indications are spelled or pronounced in the same way, but refer to different geographical areas. A name which is wholly or partly homonymous with a geographical indication registered or applied for earlier, should not be registered, unless certain circumstances make its protection justified, considering the need for equal treatment of the producers and the need for consumers not to be misled as to the true origin of the products.***

*Justification*

*A recital on homonymous geographical indications is needed in order to better understand Art. 38.*

**Amendment 11****Proposal for a regulation****Recital 31**

*Text proposed by the Commission*

*Amendment*

**(31) *The protection of geographical indications needs to balance with the protection of homonymous names registered as geographical indications as well as renowned trademarks, in particular in light of the fundamental right to property as set out in Article 17 of the Charter of Fundamental Rights of the European Union as well as obligations resulting from international law.*** **deleted**

Or. en

*Justification*

*The relationship between homonymous names and geographical indications is dealt with in recital 30 a (new) and the relationship between trade marks and geographical indications is dealt with in recital 32, that is why this recital is not needed.*

**Amendment 12****Proposal for a regulation****Recital 34**

*Text proposed by the Commission*

*Amendment*

**(34) The relationship between trade marks and geographical indications *should also be clarified in relation to* criteria for the rejection of trade mark applications, the invalidation of trade marks and the coexistence between trade marks and geographical indications.**

**(34) *Even though the link between a product and a region can only be covered within the protection of geographical indications for craft and industrial products and with trade marks, the relationship between trade marks and geographical indications could be***

*confusing. It is therefore of outmost importance to clarify the* criteria for the rejection of trade mark applications, the invalidation of trade marks and the coexistence between trade marks and geographical indications.

Or. en

## Amendment 13

### 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) As it is the first time that an Union-wide geographical indication protection system for craft and industrial product is implemented, *the Commission, Member States and relevant stakeholders are encouraged* to raise awareness among consumers, producers, especially MSMEs and public authorities at national, regional and local level about the initiative.

Or. en

## Amendment 14

### 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.

Or. en

## Amendment 15

### Proposal for a regulation Recital 42

#### *Text proposed by the Commission*

(42) To guarantee compliance with the product specification after the product has been put on the market, competent authorities should perform official controls in the **marketplace** on a risk analysis and with appropriate frequency considering the likelihood of non-compliances including fraudulent or deceptive practices.

#### *Amendment*

(42) To guarantee compliance with the product specification after the product has been put on the market, competent authorities should perform official controls in the **market, including in electronic commerce**, on a risk analysis and with appropriate frequency considering the likelihood of non-compliances including fraudulent or deceptive practices.

Or. en

## Amendment 16

### Proposal for a regulation Recital 43

#### *Text proposed by the Commission*

(43) Enforcement of geographical indications in the **marketplace** is important to prevent fraudulent and deceptive practices thus ensuring that the producers of products designated by a geographical indication are properly rewarded for the added value of their products bearing a geographical indication and that illegal users of those geographical indications are prevented from selling their products. Therefore, apart from controls concerning the producers, Member States should also take appropriate administrative and judicial steps to prevent or stop the use of names on products or services that contravene the protected geographical indications, where such products are produced, marketed or such services are marketed, in their territory. For the purposes of enforcing geographical indications, measures, procedures and remedies set out in Directive 2004/48/EC<sup>17</sup> of the European

#### *Amendment*

(43) Enforcement of geographical indications in the **market** is important to prevent fraudulent and deceptive practices thus ensuring that the producers of products designated by a geographical indication are properly rewarded for the added value of their products bearing a geographical indication and that illegal users of those geographical indications are prevented from selling their products. Therefore, apart from controls concerning the producers, Member States should also take appropriate administrative and judicial steps to prevent or stop the use of names on products or services that contravene the protected geographical indications, where such products are produced, marketed or such services are marketed, in their territory. For the purposes of enforcing geographical indications, measures, procedures and remedies set out in Directive 2004/48/EC<sup>17</sup> of the European



Parliament and of the Council are available as they are applicable to any infringement of intellectual property rights.

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<sup>17</sup> Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights.

Parliament and of the Council are available as they are applicable to any infringement of intellectual property rights.

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<sup>17</sup> Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights.

Or. en

## **Amendment 17**

### **Proposal for a regulation Recital 44**

#### *Text proposed by the Commission*

(44) Member States should have the possibility to allow producers to fulfil their obligation to perform *due diligence* by submitting a self-declaration to the competent authorities every three years, demonstrating their continued compliance. Producers should be required to renew their self-declaration immediately where there is an amendment to the product specification or a change affecting the concerned product. The use of self-declaration should not prevent producers from having their conformity fully or partially certified by eligible third parties. A third-party certification should be able to supplement a self-declaration but not replace it.

#### *Amendment*

(44) Member States should have the possibility to allow producers to fulfil their obligation to perform *continuous compliance* by submitting a self-declaration to the competent authorities every three years, demonstrating their continued compliance. Producers should be required to renew their self-declaration immediately where there is an amendment to the product specification or a change affecting the concerned product. The use of self-declaration should not prevent producers from having their conformity fully or partially certified by eligible third parties. A third-party certification should be able to supplement a self-declaration but not replace it.

Or. en

## **Amendment 18**

### **Proposal for a regulation Recital 45**



*Text proposed by the Commission*

(45) The self-declaration should provide competent authorities with all necessary information on the product **and on** its compliance with the product specification. To ensure that the information provided in the self-declaration is comprehensive, a harmonised structure for such declarations should be laid down in Annex. It is important to ensure that the self-declaration is filled in truthfully and accurately. Therefore, the producer should take full responsibility for the information provided in the self-declaration, and should be able to provide the necessary evidence to allow for the verification of that information.

*Amendment*

(45) The self-declaration should provide competent authorities with all necessary information on the product **in order to check** its compliance with the product specification. To ensure that the information provided in the self-declaration is comprehensive, a harmonised structure for such declarations should be laid down in Annex. It is important to ensure that the self-declaration is filled in truthfully and accurately. Therefore, the producer should take full responsibility for the information provided in the self-declaration, and should be able to provide the necessary evidence to allow for the verification of that information.

Or. en

**Amendment 19**

**Proposal for a regulation**

**Recital 46**

*Text proposed by the Commission*

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

*Amendment*

***deleted***

Or. en

**Amendment 20**

**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

*Amendment*

(a) the registration, protection, control and enforcement of names that identify craft and industrial products with given

given quality, reputation or other characteristics linked to their geographical origin and,

quality, reputation or other characteristics linked to their geographical origin and,

Or. en

## Amendment 21

### Proposal for a regulation Article 2 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

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

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<sup>24</sup> 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*

*The referral to the combined nomenclature creates more confusion than it creates legal certainty.*

## Amendment 22

### 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 Council<sup>28</sup>.

*Amendment*

4. Directive (EU) No 2015/1535 of the European Parliament and of the Council<sup>28</sup> ***shall not apply to the geographical indication system laid down in this Regulation.***

<sup>28</sup> 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).

<sup>28</sup> 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).

Or. en

*Justification*

*Corrective amendment.*

**Amendment 23**

**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 products’ means products produced either totally by hand or with the aid of manual tools or by mechanical means;

Or. en

*Justification*

*Change necessary to adjust to today’s reality of craft products.*

**Amendment 24**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point b**

*Text proposed by the Commission*

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

*Amendment*

(b) ‘industrial products’ means products produced in a standardised way through the use of machines;

## Amendment 25

### Proposal for a regulation

#### Article 3 – paragraph 1 – point b a (new)

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

*Article 2 of Geneva Act of the Lisbon Agreement on Appellations of origin and geographical indications has been used as a basis, in order to introduce a definition of geographical indications in Art. 3 of the proposal.*

## Amendment 26

### Proposal for a regulation

#### Article 3 – paragraph 1 – point c

*Text proposed by the Commission*

*Amendment*

***(c) 'combined nomenclature' means combined nomenclature as established in Article 1 of Regulation (EEC) No 2658/87;***

***deleted***

Or. en

## Amendment 27

### Proposal for a regulation

#### Article 3 – paragraph 1 – point i

*Text proposed by the Commission*

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

*Amendment*

(i) ‘product certification body’ means a **body** which **certifies** that products designated by geographical indications comply with the product specification;

Or. en

**Amendment 28**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

**(j a) “The Office” means the European Union Intellectual Property Office according to Regulation (EU) 2017/1001.**

Or. en

**Amendment 29**

**Proposal for a regulation**

Article 3 – paragraph 1 – point k

*Text proposed by the Commission*

*Amendment*

(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.

(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 30

### 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

#### *Justification*

*This definition is important in order to make sure that the transitional period foreseen in Art. 67 does not have consequences for the trade mark protection. The fact that existing national GIs protection schemes cease to exist does not have any influence on existing trade mark rights.*

## Amendment 31

### Proposal for a regulation

#### Article 4 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. The Commission and the Office shall be considered controllers within the meaning of Article 3, point **(9)**, of Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>29</sup> in relation to the processing of personal data in the procedure it is competent for in accordance with this Regulation.

1. The Commission and the Office shall be considered controllers within the meaning of Article 3, point **(8)**, of Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>29</sup> in relation to the processing of personal data in the procedure it is competent for in accordance with this Regulation.

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<sup>29</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union

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<sup>29</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union

institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

Or. en

*Justification*

*Corrective amendment.*

**Amendment 32**

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

*Text proposed by the Commission*

(a) The product originates in a specific place, region or country;

*Amendment*

(a) The product originates in a specific place, region or country, ***where at least one of the production steps of the product takes place;***

Or. en

*Justification*

*Addition from Art. 5 (c)*

**Amendment 33**

**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*

***deleted***

Or. en

*Justification*

*Moved to Art. 5 (a).*

## Amendment 34

### Proposal for a regulation Article 5 a (new)

*Text proposed by the Commission*

*Amendment*

#### *Article 5a*

##### *Registration procedure*

- 1. The registration procedure shall comprise two stages. The first stage shall take place at national level in accordance with Articles 11 to 16. The second stage shall take place at the level of the Office in accordance with Articles 17 to 31.*
- 2. Member States may opt out of the national stage of the procedure referred to in paragraph 1 and choose a direct registration in accordance with Article 15 in which the Office is also responsible for the first stage of the registration.*

Or. en

*Article 5a is introduced under Title II, Chapter 1.*

## Amendment 35

### Proposal for a regulation Article 6 – paragraph 1

*Text proposed by the Commission*

*Amendment*

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

1. Applications for the registration of geographical indications shall be submitted by a producer group. Regional or local public entities **are encouraged to** help in the preparation of the application and in the related procedure.

Or. en



## Amendment 36

### Proposal for a regulation

#### Article 6 – paragraph 2

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

2. An authority designated by a Member State may be deemed to be an applicant ***producer group*** for the purposes of this Title, ***if it is not feasible for the producers concerned to form a group by reason of their number, geographical location or organisational characteristics.*** Where such representation takes place, the application referred to in Article 11(3) shall state these reasons for such representation.

##### *Amendment*

2. An authority designated by a Member State may be deemed to be an applicant for the purposes of this Title. Where such representation takes place, the application referred to in Article 11(3) shall state these reasons for such representation.

Or. en

##### *Justification*

*In some Member States authorities are often the applicant. They should be able to continue their usual practices without giving any reason for it.*

## Amendment 37

### Proposal for a regulation

#### Article 6 – paragraph 3 – point b

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

(b) the geographical area concerned is defined by natural features without reference to ***property boundaries*** and has characteristics which differ appreciably from those of neighbouring areas or the characteristics of the product are different from those produced in neighbouring areas.

##### *Amendment*

(b) the geographical area concerned is defined by natural features without reference to ***the owner or owners of that geographical area*** and has characteristics which differ appreciably from those of neighbouring areas or the characteristics of the product are different from those produced in neighbouring areas.

Or. en

## Amendment 38

### Proposal for a regulation

#### Article 7 – paragraph 1 – introductory part

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*Reformulation for the sake of clarity.*

## Amendment 39

### Proposal for a regulation

#### Article 7 – paragraph 1 – point a

*Text proposed by the Commission*

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

*Amendment*

(a) the name 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 **or to refer to** the specific product in the defined geographical area;

Or. en

*Justification*

*To clarify that non-descriptive terms are also covered.*

## Amendment 40

### Proposal for a regulation

#### Article 7 – paragraph 1 – point c

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

*Justification*

*Art. 7 (g) has been moved to (c).*

**Amendment 41**

**Proposal for a regulation**

**Article 7 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

*Justification*

*Article 5 (a) and (c) have been merged.*

**Amendment 42**

**Proposal for a regulation**

**Article 7 – paragraph 1 – point f**

*Text proposed by the Commission*

*Amendment*

(f) information concerning packaging, where the applicant ***producer group*** so determines and gives sufficient product-specific justification as to why the packaging must take place in the defined geographical area to safeguard quality, to ensure the origin or to ensure control,

(f) information concerning packaging, where the applicant so determines and gives sufficient product-specific justification as to why the packaging must take place in the defined geographical area to safeguard quality, to ensure the origin or to ensure control, taking into account

taking into account Union law, in particular that on the free movement of goods and the free movement of services;

Union law, in particular that on the free movement of goods and the free movement of services;

Or. en

#### Amendment 43

##### Proposal for a regulation

##### Article 7 – paragraph 1 – point g

*Text proposed by the Commission*

*Amendment*

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

**deleted**

Or. en

*Justification*

*Art. 7 (g) has been moved to (c).*

#### Amendment 44

##### Proposal for a regulation

##### Article 8 – paragraph 1 – introductory part

*Text proposed by the Commission*

*Amendment*

1. The single document shall comprise:

1. The single document shall **comply with Annex 2 and** comprise **the following main points:**

Or. en

#### Amendment 45

##### Proposal for a regulation

##### Article 8 – paragraph 1 – point a – introductory part

*Text proposed by the Commission*

*Amendment*

**(a)** *the following main points of the product specification:*

*deleted*

Or. en

#### **Amendment 46**

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

##### **Article 8 – paragraph 1 – point a – point i**

*Text proposed by the Commission*

*Amendment*

**(i)** the name;

**(a)** the name *of the protected geographical indication*;

Or. en

#### **Amendment 47**

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

##### **Article 8 – paragraph 1 – point a – point ii**

*Text proposed by the Commission*

*Amendment*

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

**(b)** a description of the product, including, where appropriate, *information* concerning packaging and labelling;

Or. en

#### **Amendment 48**

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

##### **Article 8 – paragraph 1 – point a – point iii**

*Text proposed by the Commission*

*Amendment*

**(iii)** a concise definition of the geographical area;

**(c)** a concise definition of the geographical area;

Or. en

## Amendment 49

### Proposal for a regulation

#### Article 8 – paragraph 1 – point b

*Text proposed by the Commission*

**(b)** a description of the link between the product and the geographical origin referred to in Article 7(1), point **(g)**, including, where appropriate, the specific elements of the product description or production method justifying that link.

*Amendment*

**(d)** a description of the link between the product and the geographical origin referred to in Article 7(1), point **(c)**, including, where appropriate, the specific elements of the product description or production method justifying that link.

Or. en

*Justification*

*Art. 7 (1) point (g) has been moved to (c).*

## Amendment 50

### Proposal for a regulation

#### Article 8 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. Where the applicant is a micro, small or medium-sized enterprise or a producer group consisting only of micro, small or medium-sized enterprises, the single document shall be prepared by the competent authority of the Member State from where the producer group originates, on the basis of the information provided in accordance with Articles 7 and 9. In the case of cross-border applications, the single document may be prepared by any of the competent authorities concerned. Where a Member State decides to use the direct registration procedure referred to in Article 15, the single document shall be prepared by the Office and the deadline for the examination shall be extended to eight months. The competent authority shall send the single document to the applicant***

*for approval.*

Or. en

*Justification*

*The single document is a short version of the product specifications that is the basis for other proceedings. It therefore has to be legally sound. Micro, small or medium-sized enterprises should therefore get the support of authorities for this sometimes difficult task.*

**Amendment 51**

**Proposal for a regulation**

**Article 9 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) information concerning any proposed limitations on the use or protection of the geographical indication, as well as any transitional measures proposed by the applicant **producer group** or by the **national** authorities notably following the national examination and opposition procedure;

*Amendment*

(a) information concerning any proposed limitations on the use or protection of the geographical indication, as well as any transitional measures proposed by the applicant or by the **competent** authorities notably following the national examination and opposition procedure;

Or. en

**Amendment 52**

**Proposal for a regulation**

**Article 9 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the name and contact details of the applicant **producer group**;

*Amendment*

(b) the name and contact details of the applicant;

Or. en

**Amendment 53**

**Proposal for a regulation**

**Article 9 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. ***The Commission shall be empowered to adopt delegated acts supplementing this Regulation by provisions clarifying the requirements or listing additional items of the accompanying documentation to be supplied.***

***deleted***

Or. en

#### **Amendment 54**

##### **Proposal for a regulation Article 10 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

#### **Amendment 55**

##### **Proposal for a regulation Article 10 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Where a Member State charges a fee, the level of the fees shall be reasonable, foster the competitiveness of the producers of the geographical indications and shall ***take into account the situation of*** micro, small and medium-sized enterprises.

2. Where a Member State charges a fee, the level of the fees shall be reasonable, foster the competitiveness of the producers of the geographical indications and shall ***be set in such a way that there are reductions for*** micro, small and medium-sized enterprises.



## Amendment 56

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

## Amendment 57

### Proposal for a regulation Article 12 – paragraph 1

*Text proposed by the Commission*

*Amendment*

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

The competent authority shall examine the application and shall check ***within six months of the submission of the application*** that the product complies with the requirements for geographical indications referred to in Article 5 and provides the necessary information for registration referred to in Articles 7, 8 and 9. ***Where the examination period exceeds or is likely to exceed six months, the competent authority shall inform the applicant of the reasons for the delay in writing.***

Or. en

#### *Justification*

*For the national registration it would be more efficient to foresee also deadlines, like for the registration at the Office in Art. 19 (3).*

## Amendment 58

### Proposal for a regulation Article 12 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***In cases where Article 8(1a) applies the competent authority shall prepare the single document on the basis of the information provided in accordance with Articles 7 and 9 and send it to the applicant for approval.***

Or. en

## Amendment 59

### Proposal for a regulation Article 13 – paragraph 2

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

### *Justification*

*The national periods for checking the admissibility of the opposition should be aligned with the ones foreseen for the Office according to Art. 21 (3).*

## Amendment 60

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

*Text proposed by the Commission*

*Amendment*

**2a.** *In the event of an opposition, the name for which there has been an application for registration shall not be registered if:*

**(a)** *the proposed geographical indication does not comply with the requirements for protection laid down in this Regulation;*

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

**(c)** *the registration of the proposed geographical indication would be detrimental to the use of an identical or similar name or of a registered or unregistered trade mark, or the use of products which have been legally on the market for at least five years preceding the date of the publication provided for in Article 18(3).*

Or. en

*Justification*

*The national opposition criteria should be aligned with the ones foreseen for the Office according to Art. 22 (3).*

## Amendment 61

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

*Text proposed by the Commission*

*Amendment*

**2b.** *All aspects of the opposition procedure other than those that are covered by paragraphs 2 and 2a shall be established by the competent authority.*

**Amendment 62****Proposal for a regulation  
Article 14 – paragraph 1***Text proposed by the Commission*

1. If the competent authority, after the examination of the application and the assessment of the results of any oppositions received, and any changes to the application agreed with the applicant, finds that the requirements of this Regulation are met, it shall take a favourable decision and lodge a Union application for registration in accordance with Article 17.

*Amendment*

1. If the competent authority, after the examination of the application and the assessment of the results of any oppositions received, and any changes to the application agreed with the applicant, finds that the requirements of this Regulation are met, it shall take a favourable decision ***within two months of that finding*** and ***shall*** lodge, ***within two months of the favourable decision***, a Union application for registration in accordance with Article 17.

Or. en

**Amendment 63****Proposal for a regulation  
Article 14 – paragraph 2***Text proposed by the Commission*

2. The competent authority shall ***ensure that*** its decision ***is made*** public and that any person having a legitimate interest has an opportunity to lodge an appeal. The competent authority shall ensure that the product specification on which its favourable decision is based is published, and shall provide electronic access to the product specification.

*Amendment*

2. The competent authority shall ***make*** its decision public and ***ensure*** that any person having a legitimate interest has an opportunity to lodge an appeal. The competent authority shall ensure that the product specification on which its favourable decision is based is published, and shall provide electronic access to the product specification.

Or. en

## Amendment 64

### Proposal for a regulation

#### Article 15 – paragraph 1 – introductory part

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*It should be up to the Member States to decide if they want to opt out and choose a direct procedure and not depend on the acceptance of their request by the Commission.*

## Amendment 65

### Proposal for a regulation

#### Article 15 – paragraph 1 – point a

*Text proposed by the Commission*

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

*Amendment*

**deleted**

Or. en

*Justification*

*It should be up to the Member States to decide if they want to opt for a direct procedure and not depend on the acceptance of their request by the Commission.*

## **Amendment 66**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

*It should be up to the Member States to decide if they want to opt out and choose a direct procedure and not depend on the acceptance of their request by the Commission.*

## **Amendment 67**

### **Proposal for a regulation Article 15 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

*It should be up to the Member States to decide if they want to opt out and choose a direct procedure and not depend on the acceptance of their request by the Commission.*

## **Amendment 68**

### **Proposal for a regulation Article 15 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

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

***In cases where Article 8(2) applies, the Office shall also prepare the single document on the basis of the information provided in accordance with Articles 7 and 9.***

Or. en

**Amendment 69**

**Proposal for a regulation  
Article 15 – paragraph 5**

*Text proposed by the Commission*

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

*Amendment*

***deleted***

Or. en

*Justification*

*It should be up to the Member States to decide if they want to opt for a direct procedure and not depend on the acceptance of their request by the Commission.*

**Amendment 70**

**Proposal for a regulation  
Article 15 – paragraph 9**

*Text proposed by the Commission*

9. If the Member State, through the contact point, does not provide assistance within the time limit referred to in paragraph 8, the application **shall be** deemed not **to** be filed.

*Amendment*

9. If the Member State, through the contact point, does not provide assistance within the time limit referred to in paragraph 8, the **procedure is suspended and the Office shall inform the applicant that the contact point has not reacted and that the application is** deemed **to** not be filed **if there is no reaction within the following 14 days.**

Or. en

**Amendment 71**

**Proposal for a regulation  
Article 15 – paragraph 11**

*Text proposed by the Commission*

11. Articles **6 to 9, Articles 11 to 14** and Articles **16** to 30 shall apply to the direct registration procedure referred to in this Article mutatis mutandis, with the exception of any examination periods referred to in Article **19(2)** and the obligation to conduct a national opposition procedure referred to in Article 13, which shall not apply.

*Amendment*

11. **Articles 12, 17 to 19** and Articles **21** to 30 shall apply to the direct registration procedure referred to in this Article mutatis mutandis, with the exception of any examination periods referred to in Article **19(3)** and the obligation to conduct a national opposition procedure referred to in Article 13, which shall not apply.

Or. en

*Justification*

*Corrective amendment.*

**Amendment 72**

**Proposal for a regulation  
Article 17 – paragraph 4**

*Text proposed by the Commission*

4. A joint application for registration referred to in Article 6(4) shall be

*Amendment*

4. A joint application for registration referred to in Article 6(4) shall be



submitted to the Office by one of the Member States concerned or by the applicant *producer group* in a third country, directly or by the competent authority of that third country. If the cross-border area concerns any Member State and a third country, the joint application shall be submitted by the Member State concerned.

submitted to the Office by one of the Member States concerned or by the applicant in a third country, directly or by the competent authority of that third country. If the cross-border area concerns any Member State and a third country, the joint application shall be submitted by the Member State concerned.

Or. en

## **Amendment 73**

### **Proposal for a regulation Article 18 – paragraph 1**

#### *Text proposed by the Commission*

1. A Union application for the registration of a geographical indication, including the direct registration referred to in Article 15, shall be submitted to the Office electronically, through a digital system by the competent authority of the Member State or where Article 15 applies, by the *producer group* concerned. The digital system shall have the capacity to allow the submission of applications to competent authorities of a Member State, and to be used by the Member State in its national procedure.

#### *Amendment*

1. A Union application for the registration of a geographical indication, including the direct registration referred to in Article 15, shall be submitted to the Office electronically, through a digital system by the competent authority of the Member State or where Article 15 applies, by the *applicant* concerned. The digital system shall have the capacity to allow the submission of applications to competent authorities of a Member State, and to be used by the Member State in its national procedure.

Or. en

## **Amendment 74**

### **Proposal for a regulation Article 18 – paragraph 2**

#### *Text proposed by the Commission*

2. Where the application for registration relates to a geographical area in a third country, the application shall be submitted to the Office, either directly by

#### *Amendment*

2. Where the application for registration relates to a geographical area in a third country, the application shall be submitted to the Office, either directly by

the applicant **producer group** or by the competent authority of the third country concerned. The digital system, referred to in paragraph 1, shall have capacity to allow the submission of those applications by an applicant **producer group** established in a third country and by the competent authorities in the third country concerned. The applicant **producer group** and the competent authorities of the third country concerned shall be considered a party to the procedure.

the applicant or by the competent authority of the third country concerned. The digital system, referred to in paragraph 1, shall have capacity to allow the submission of those applications by an applicant established in a third country and by the competent authorities in the third country concerned. The applicant and the competent authorities of the third country concerned shall be considered a party to the procedure.

Or. en

## Amendment 75

### Proposal for a regulation Article 19 – paragraph 5

#### *Text proposed by the Commission*

5. When the Office consults the Advisory Board as referred to in Article 33, the applicant shall be notified thereof and the period referred to in **paragraph 2** of this Article shall be suspended.

#### *Amendment*

5. When the Office consults the Advisory Board as referred to in Article 33, the applicant shall be notified thereof and the period referred to in **paragraph 3** of this Article shall be suspended.

Or. en

#### *Justification*

*Corrective amendment.*

## Amendment 76

### 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

#### *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).

or in case of third country applications, to the relevant **applicant** 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 **applicant** or competent authority, does not complete the application within the deadline, the application shall be **suspended and the Office shall inform the applicant that the application will** be rejected pursuant to Article 24(2) **if not completed or corrected within the following 14 days.**

Or. en

## Amendment 77

### 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 States shall **immediately inform** the Office of any national administrative and judicial proceedings that may affect the registration of a geographical indication.

Or. en

## Amendment 78

### 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

*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 a Member State, concerning an application for registration in accordance with Article 14(1), which:

a communication from a Member State, concerning an application for registration in accordance with Article 14(1), which:

Or. en

*Justification*

*Corrective amendment.*

**Amendment 79**

**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 original application has been restored or that the Member State withdraws its request for suspension.

Or. en

**Amendment 80**

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

Or. en

## Amendment 81

### Proposal for a regulation

#### Article 21 – title

*Text proposed by the Commission*

*Amendment*

Opposition *and comments* procedure

**Union** opposition procedure

Or. en

#### *Justification*

*The notice of comment is not an opposition procedure and should therefore not be dealt with in the same article. Additionally the title has to be coherent with Art. 13 (national opposition procedure).*

## Amendment 82

### Proposal for a regulation

#### Article 21 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. Within 3 months from the date of publication of the single document and the reference to the product specification referred to in Article 7 in the Union register of geographical indications for craft and industrial products an opponent may lodge an opposition *or notice of comment* with the Office. The applicant and the opponent shall be considered a party to the procedure.

1. Within 3 months from the date of publication of the single document and the reference to the product specification referred to in Article 7 in the Union register of geographical indications for craft and industrial products an opponent may lodge an opposition with the Office (**'Union opponent'**). The applicant and the opponent shall be considered a party to the procedure.

Or. en

## Amendment 83

### Proposal for a regulation

#### Article 21 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. The Office shall check the admissibility of the opposition. If the Office considers that the opposition is

3. The Office shall check the admissibility of the opposition. If the Office considers that the opposition is

admissible, it shall, within **60 days** after the receipt of that opposition, invite the opponent and the applicant to engage in consultations for a reasonable period not exceeding 3 months. At any time during 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).

admissible, it shall, within **30 days** after the receipt of that opposition, invite the **Union** opponent and the applicant to engage in consultations for a reasonable 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 *shall* offer mediation for the consultations between the applicant and the **Union** opponent pursuant to Article 170 of Regulation (EU) 2017(1001).

Or. en

## Amendment 84

### Proposal for a regulation Article 21 – paragraph 4

#### *Text proposed by the Commission*

4. The applicant and the opponent shall provide each other during the consultation with the relevant information to assess whether the application for registration complies with the conditions set out in this Regulation.

#### *Amendment*

4. The applicant and the **Union** opponent shall provide each other during the consultation with the relevant information to assess whether the application for registration complies with the conditions set out in this Regulation.

Or. en

## Amendment 85

### Proposal for a regulation Article 21 – paragraph 5

#### *Text proposed by the Commission*

5. The Office may at any stage of the opposition procedure consult the Advisory Board as referred to in Article 33, in which case the parties shall be notified and the period referred to in *paragraph 2* shall be suspended.

#### *Amendment*

5. The Office may at any stage of the opposition procedure consult the Advisory Board as referred to in Article 33, in which case the parties shall be notified and the period referred to in *paragraph 3* shall be suspended.

Or. en

*Justification*

*Corrective amendment.*

**Amendment 86**

**Proposal for a regulation  
Article 21 – paragraph 6**

*Text proposed by the Commission*

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

*Amendment*

6. Within 1 month from the end of the consultations referred to in **paragraph 3**, the applicant established in the third country or the competent authority of the Member State or of the third country from which the application for Union registration was lodged shall notify the Office of the result of the consultations, whether an agreement was reached with one or all of the opponents, and of any consequent changes to the application made by that applicant. The opponent may also notify the Office of its position at the end of the consultations.

Or. en

*Justification*

*Corrective amendment.*

**Amendment 87**

**Proposal for a regulation  
Article 21 – paragraph 7**

*Text proposed by the Commission*

7. Where, following the end of the consultations, the data published in accordance with **Article 19(6)** have been modified, the Office shall carry out a new examination of the modified application. Where the application for registration has been modified in a substantial manner, and the Office considers that the modified

*Amendment*

7. Where, following the end of the consultations, the data published in accordance with **Article 19(7)** have been modified, the Office shall carry out a new examination of the modified application. Where the application for registration has been modified in a substantial manner, and the Office considers that the modified

application meets the conditions for registration, it shall publish the modified application in accordance with that paragraph.

application meets the conditions for registration, it shall publish the modified application in accordance with that paragraph.

Or. en

*Justification*

*Corrective amendment.*

**Amendment 88**

**Proposal for a regulation  
Article 21 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

**8. The authorities and persons that may act as an opponent may lodge a notice of comment with the Office. The competent authority or person that lodged a notice of comment shall not be considered to be a party to the procedure.** *deleted*

Or. en

*Justification*

*The notice of comment procedure is not an opposition procedure and therefore has to be dealt with in another article, see Art. 21 a (new).*

**Amendment 89**

**Proposal for a regulation  
Article 21 – paragraph 9**

*Text proposed by the Commission*

*Amendment*

**9. The Office may share the notice of comment with the applicant and the opponent.** *deleted*

Or. en



### *Justification*

*The notice of comment procedure is not an opposition procedure and therefore has to be dealt with in another article, see Art. 21 a (new).*

## **Amendment 90**

### **Proposal for a regulation Article 21 – paragraph 10**

*Text proposed by the Commission*

*Amendment*

**10. In order to facilitate the official submission of comments and to improve management of the opposition procedure, the Commission may adopt implementing acts laying down the necessary rules to provide for the submission of such official comments and specifying the format and online presentation of oppositions and any comments procedure. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 65(2).** **deleted**

Or. en

### *Justification*

*The notice of comment procedure is not an opposition procedure and therefore has to be dealt with in another article, see Art. 22 a (new).*

## **Amendment 91**

### **Proposal for a regulation Article 22 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. An opposition lodged in accordance with Article 21 shall be admissible only if it contains a declaration that the application could infringe the conditions laid down in paragraph 2 of this Article and give justification in a reasoned statement of opposition drawn up in accordance with the form set out in Annex 3. An opposition

1. An opposition lodged in accordance with Article 21 shall be admissible only if it contains a declaration that the application could infringe the conditions laid down in paragraph 2 of this Article and give justification in a reasoned statement of opposition drawn up in accordance with the form set out in Annex 3. An opposition

that does not contain the reasoned statement of opposition shall be void.

that does not contain the reasoned statement of opposition shall be void **and therefore be rejected.**

Or. en

## Amendment 92

### Proposal for a regulation

#### Article 22 – paragraph 2 – introductory part

*Text proposed by the Commission*

2. ***Upon*** opposition, ***the name for which there has been an application for registration shall not be registered, if:***

*Amendment*

2. ***An*** opposition ***shall be based on one or more of the following grounds for opposition:***

Or. en

## Amendment 93

### Proposal for a regulation

#### Article 22 – paragraph 2 – point b

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

#### *Justification*

*This addition is necessary in order to make clear that the grounds for opposition (a) -c) ) are not cumulative.*

## Amendment 94

### Proposal for a regulation

#### Article 22 – paragraph 2 – point c

*Text proposed by the Commission*

(c) the registration of the proposed

*Amendment*

(c) the registration of the proposed

geographical indication would ***jeopardise the existence of, an entirely, or partly*** identical name or of a trade mark, or the ***existence*** of products which have been legally on the market for at least 5 years preceding the date of the publication provided for in Article 18(3).

geographical indication would ***be detrimental to the use of an identical or similar*** name or of a ***registered or unregistered*** trade mark, or the ***use*** of products which have been legally on the market for at least 5 years preceding the date of the publication provided for in Article 18(3).

Or. en

## Amendment 95

### Proposal for a regulation Article 22 a (new)

*Text proposed by the Commission*

*Amendment*

#### ***Article 22a***

##### ***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 Office 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 shall not be based on the grounds for opposition referred to in Article 22. The competent authority or person that lodges a notice of comment shall not be considered to be a party to the procedure.***

***3. The Office 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 65(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.*

### **Amendment 96**

#### **Proposal for a regulation Article 24 – paragraph 5**

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

5. Where an admissible ***and grounded*** opposition had been received but no agreement has been reached following the consultations referred to in Article 21(3), the Office shall adopt a decision on registration.

##### *Amendment*

5. Where an admissible opposition had been received but no agreement has been reached following the consultations referred to in Article 21(3), the Office shall ***examine if the opposition is grounded. On the basis of that examination, the Office shall reject the opposition or*** adopt a decision on registration.

Or. en

### **Amendment 97**

#### **Proposal for a regulation Article 25 – paragraph 1**

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

1. Concerning applications for registration referred to in ***Article 17***, the Commission may take over from the

##### *Amendment*

1. Concerning applications for registration referred to in ***Articles 15 and 17***, the Commission may take over from

Office, at any time before the end of the procedure, on its own initiative, on the initiative of a Member State or the Office, the power to decide on the application for registration of the proposed geographical indication where such decision may jeopardise the public interest or the Union's trade or external relations. The Office shall submit a proposal to the Commission for a decision pursuant to Article 24(2) to 24(6). The Commission shall adopt the final act on the application for registration. This paragraph shall apply *mutatis mutandis* to the cancellation and the amendment of the product specification.

the Office, at any time before the end of the procedure, on its own initiative, on the initiative of a Member State or the Office, the power to decide on the application for registration of the proposed geographical indication where such decision may jeopardise the public interest or the Union's trade or external relations. The Office shall submit a proposal to the Commission for a decision pursuant to Article 24(2) to 24(6). The Commission shall adopt the final act on the application for registration. This paragraph shall apply *mutatis mutandis* to the cancellation and the amendment of the product specification.

Or. en

### *Justification*

*Corrective amendment.*

## **Amendment 98**

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

Or. en

## **Amendment 99**

### **Proposal for a regulation Article 26 – paragraph 3 – point a**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

## **Amendment 100**

### **Proposal for a regulation Article 26 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

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).

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) 2019/1753** 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

*Justification*

*Corrective amendment.*

## **Amendment 101**

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

*Text proposed by the Commission*

*Amendment*

6. The Commission shall make public and **regularly** update both the list of the international agreements referred to in

6. The Commission shall make public and, **in case of changes**, update both the list of the international agreements referred

*paragraph 2* and the list of geographical indications protected under those agreements.

to in *paragraph 4* and the list of geographical indications protected under those agreements.

Or. en

## Amendment 102

### Proposal for a regulation Article 27 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 103

### Proposal for a regulation Article 28 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 104

### Proposal for a regulation

#### Article 29 – paragraph 1 – point b

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 105

### Proposal for a regulation

#### Article 29 – paragraph 2

*Text proposed by the Commission*

2. The Office may, at the request of the producer group of the product marketed under the registered name, decide to cancel the corresponding registration.

*Amendment*

2. The Office may, at the request of the producer group **or producer** of the product marketed under the registered name, decide to cancel the corresponding registration.

Or. en

## Amendment 106

### 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. **Articles 6, 12 to 15** and 19 to 25 shall apply mutatis mutandis to the cancellation procedure.

Or. en

*Justification*

*Corrective amendment.*



## Amendment 107

### 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 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 *shall offer alternative dispute resolution, like* mediation services pursuant to Article 170 of Regulation (EU) 2017/1001, with a view of assisting the parties reach an amicable settlement.

Or. en

## Amendment 108

### 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 concerning individual applications at any stage of the examination, opposition or the appeal procedure as referred to in Articles 19, 21, **22, 24, 28, 29** and 30 as well as concerning the following matters:

*Justification**Corrective amendment.***Amendment 109****Proposal for a regulation  
Article 33 – paragraph 2 – point b***Text proposed by the Commission**Amendment*(b) the establishment of reputation **and  
renown**;(b) the establishment of reputation **of a  
geographical indication**;

Or. en

*Justification**Referring only to the “reputation” mentioned in Art. 5 makes sense, the referral to “renown” just creates confusion in particular because it is linked to trade marks.***Amendment 110****Proposal for a regulation  
Article 33 – paragraph 3***Text proposed by the Commission**Amendment*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 15.3. The Geographical Indications Division and the Boards of Appeal **may** consult the Advisory Board concerning the possible registration of applications submitted through the direct registration procedure referred to in Article 15.

Or. en

**Amendment 111****Proposal for a regulation  
Article 33 – paragraph 5**

*Text proposed by the Commission*

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

*Amendment*

5. The Advisory Board shall be composed of one representative of each Member State, **one representative** of the Commission, their respective alternates **and experts in the field of the product category concerned, including from academia.**

Or. en

*Justification*

*Since the non-agricultural GIs can be divided into different categories like jewellery, porcelain, textiles, etc, it seems reasonable to also consult experts in that certain product category.*

**Amendment 112**

**Proposal for a regulation**

**Article 38 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. For the purpose of this Article, a geographical indication applied for or protected in the Union refers to:

*Amendment*

3. For the purpose of this Article, a **homonymous** geographical indication applied for or protected in the Union refers to:

Or. en

**Amendment 113**

**Proposal for a regulation**

**Article 38 – paragraph 4**

*Text proposed by the Commission*

4. The Office shall **cancel the** geographical **indications** registered in breach of paragraphs 1 and 2.

*Amendment*

4. The Office shall **remove from the Union register any** geographical **indication that has been** registered in breach of paragraphs 1 and 2.

Or. en

## Amendment 114

### Proposal for a regulation Article 39 – title

*Text proposed by the Commission*

Trade marks

*Amendment*

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

Or. en

## Amendment 115

### 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*

- 1. An application for the registration of a trade mark, the use of which would contravene Article 35, shall be rejected if the application for registration of the trade mark is submitted after the date of submission to the Office of the application for the registration of the geographical indication. Where applicable, the Office shall take account of any priority claimed in this trade mark application.***
- 2. 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.***
- 3. The Office shall remove from the Union register any geographical indication that has been registered in breach of paragraph 2.***
- 4. The Office and, as applicable, the national competent authorities shall, upon request, invalidate trade marks registered in breach of paragraph 1.***

**5. Without prejudice to paragraph 4 of this Article, a trade mark the use of which contravenes Article 35, which has been applied for, registered, or established by use in good faith within the territory of the Union, if that possibility is provided for by the legislation concerned, before the date on which the application for registration of the geographical indication is submitted to the Office, may continue to be used and renewed notwithstanding the registration of a geographical indication, provided that no grounds for invalidity or revocation of the trade mark exist under Directive (EU) 2015/2436 of the European Parliament and of the Council or Regulation (EU) 2017/1001. In such cases, the use of the geographical indication and that of the relevant trade mark shall be permitted.**

**6. For the purposes of paragraphs 1 and 5 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 application of this Regulation, shall be deemed to be the day on which the Member States have informed the Office and the Commission.**

**7. Guarantee or certification marks referred to in Article 28(4) of Directive (EU) 2015/2436 and collective marks referred to in Article 29(3) of that Directive may be used on labels and packaging devices, together with the geographical indication.**

Or. en

#### *Justification*

*Art. 42 is merged with Art. 39 in order to avoid confusion on the relationship between trade marks and GIs.*

## Amendment 116

### 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. Member States shall **regularly** 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.

Or. en

## Amendment 117

### 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; and

Or. en

## Amendment 118

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

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

*Justification*

*Article 47 has been moved to Article 40.*

**Amendment 119**

**Proposal for a regulation  
Article 42**

*Text proposed by the Commission*

*Amendment*

*Article 42*

*deleted*

***Conflicting trade marks***

***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.***

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

***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.*

*4. Without prejudice to paragraph 2 of this Article, a trade mark the use of which contravenes Article 35, which has been applied for, registered, or established by use in good faith within the territory of the Union, if that possibility is provided for by the legislation concerned, before the date on which the application for registration of the geographical indication is submitted to the Office, may continue to be used and renewed notwithstanding the registration of a geographical indication, provided that no grounds for invalidity or revocation of the trade mark exist under Directive (EU) 2015/2436<sup>32</sup> of the European Parliament and of the Council or Regulation (EU) 2017/1001. In such cases, the use of the geographical indication and that of the relevant trade mark shall be permitted.*

*5. Guarantee or certification marks referred to in Article 28(4) of Directive (EU) 2015/2436 and collective marks referred to in Article 29(3) of that Directive may be used on labels, together with the geographical indication.*

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<sup>32</sup> *Directive (EU) 2015/2436 of the European Parliament and of the Council of 16 December 2015 to approximate the laws of the Member States relating to trade marks (OJ L 336, 23.12.2015, p. 1).*

Or. en

*Justification*

*Moved to Art. 39.*

**Amendment 120**

**Proposal for a regulation**  
**Article 44 – paragraph 7**



*Text proposed by the Commission*

7. Where an application is rejected, any products labelled in accordance with **paragraph 4** may be marketed until the stocks are exhausted.

*Amendment*

7. Where an application is rejected, any products labelled in accordance with **paragraphs 4 and 5** may be marketed until the stocks are exhausted.

Or. en

*Justification*

*Corrective amendment.*

**Amendment 121**

**Proposal for a regulation  
Article 45 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) monitoring of the use of geographical indications in the **marketplace**.

*Amendment*

(b) monitoring of the use of geographical indications in the **market, including in electronic commerce**.

Or. en

**Amendment 122**

**Proposal for a regulation  
Article 45 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 123

### Proposal for a regulation Article 46 – paragraph 3 – point a

*Text proposed by the Commission*

(a) one or more competent authorities as referred to in *Article 45* ; or

*Amendment*

(a) one or more competent authorities as referred to in *Article 45(1)*; or

Or. en

*Justification*

*Corrective amendment.*

## Amendment 124

### 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 may be borne by the producers, which are subject to those controls. Member States *shall* also contribute to those costs.

Or. en

## Amendment 125

### Proposal for a regulation Article 47

*Text proposed by the Commission*

*Article 47*

*Due diligence*

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

*Amendment*

*deleted*

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

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

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

Or. en

*Justification*

*Article 47 has been moved to Article 40.*

**Amendment 126**

**Proposal for a regulation  
Article 48 – title**

*Text proposed by the Commission*

*Amendment*

Controls and enforcement of geographical indications rights in the **marketplace**

Controls and enforcement of geographical indications rights in the **market**

Or. en

**Amendment 127**

**Proposal for a regulation  
Article 48 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

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

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.

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

Or. en

## Amendment 128

### Proposal for a regulation Article 48 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

2. The enforcement authority shall **regularly** carry out controls, based on a risk analysis and **on** notifications, to ensure conformity with the product specification or the single document or an equivalent to the latter.

Or. en

## Amendment 129

### Proposal for a regulation Article 48 – paragraph 5

*Text proposed by the Commission*

5. Member States may collect fees or charges to cover the costs of official controls in the *marketplace*.

*Amendment*

5. Member States may collect fees or charges to cover the costs of official controls in the *market*.

Or. en

## Amendment 130

### 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. Without prejudice to Article 46, Member States **shall** 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).

Or. en

**Amendment 131**

**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 **shall** 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 **market**. 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 132**

**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*

***deleted***

### Amendment 133

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

*Text proposed by the Commission*

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

*Amendment*

4. The self-declaration shall follow the structure set out in Annex 1, shall contain the **specified** information and **can be submitted digitally**.

Or. en

### Amendment 134

#### Proposal for a regulation Article 50 – paragraph 2 – point b – point i

*Text proposed by the Commission*

(i) is to have the expertise, equipment and infrastructure required to perform the official control tasks delegated to it;

*Amendment*

(i) is to have the expertise, equipment and infrastructure required to **efficiently** perform the official control tasks delegated to it;

Or. en

### Amendment 135

#### Proposal for a regulation Article 50 – paragraph 2 – point c – point i

*Text proposed by the Commission*

(i) are to have the expertise, equipment and infrastructure required to perform those official control tasks delegated to them;

*Amendment*

(i) are to have the expertise, equipment and infrastructure required to **efficiently** perform those official control tasks delegated to them;

Or. en

## Amendment 136

### Proposal for a regulation Article 53 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 137

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 138

### Proposal for a regulation Article 54 – paragraph 1 – point a

*Text proposed by the Commission*

(a) European standard ISO/IEC 17065:2012 ‘Conformity assessment — Requirements for bodies certifying products, processes and services’, including European standard ISO/IEC 17020:2012 ‘Conformity assessment — Requirements for the operation of various

*Amendment*

(a) European standard *EN* ISO/IEC 17065 ‘Conformity assessment — Requirements for bodies certifying products, processes and services’, including European standard *EN* ISO/IEC 17020 ‘Conformity assessment — Requirements for the operation of various

types of bodies performing inspection’; or

types of bodies performing inspection’ **and**  
**EN ISO/IEC 17025 for testing and**  
**calibrating laboratories; or**

Or. en

*Justification*

*Corrective amendment.*

**Amendment 139**

**Proposal for a regulation**  
**Article 55 – paragraph 1**

*Text proposed by the Commission*

Where provided by national law and in compliance with Union law, competent authorities of the Member States may issue an order to act as referred to in Article 8 of Regulation (EU) No xxxx/2022<sup>34</sup> against illegal content that contravenes **Article 35** of this Regulation .

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<sup>34</sup> Regulation of the European Parliament and of the Council on a Single Market For Digital Services (DSA) and amending Directive 2000/31/EC.

*Amendment*

Where provided by national law and in compliance with Union law, competent authorities of the Member States may issue an order to act as referred to in Article 8 of Regulation (EU) No xxxx/2022<sup>34</sup> against illegal content that contravenes **Articles 35 and 36** of this Regulation .

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<sup>34</sup> Regulation of the European Parliament and of the Council on a Single Market For Digital Services (DSA) and amending Directive 2000/31/EC.

Or. en

*Justification*

*Corrective amendment.*

**Amendment 140**

**Proposal for a regulation**  
**Article 59**  
Council Decision (EU) 2019/1754  
Article 4 – paragraph 1 – subparagraph 3a



**Article 59**

**deleted**

**Amendments to Council Decision (EU)  
2019/1754**

**In Article 4(1) of Council Decision (EU)  
2019/1754<sup>35</sup> the following subparagraph  
is added:**

***In respect of geographical indications  
protecting craft and industrial products  
within the meaning of Regulation (EU)  
2022/... of the European Parliament and  
of the Council of ... concerning  
geographical indication protection for  
craft and industrial products, the  
European Intellectual Property Office  
shall be designated as the Competent  
Authority referred to in Article 3 of the  
Geneva Act, and be responsible for the  
administration of the Geneva Act in the  
territory of the Union and for  
notifications and communications with  
the International Bureau of the WIPO  
under the Geneva Act and the Common  
Regulations.***

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<sup>35</sup> ***Council Decision (EU) 2019/1754 of 7  
October 2019 on the accession of the  
European Union to the Geneva Act of the  
Lisbon Agreement on Appellations of  
Origin and Geographical Indications (OJ  
L 271, 24.10.2019, p. 12).***

Or. en

*Justification*

*A separate proposal is necessary in order to amend the Council Decision (EU) 2019/1754.*

**Amendment 141**

**Proposal for a regulation  
Article 64 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***The Office shall make that digital system easy accessible and design it in such a way that it can be used by the Member States for their national procedure in accordance with Article 11(3a) and Article 18(1).***

Or. en

## **Amendment 142**

### **Proposal for a regulation Article 68 – paragraph 1**

*Text proposed by the Commission*

1. Member States or their national authorities shall report every four years to the Commission on the strategy and results of all the geographical indication controls carried out to verify compliance with the legal requirements related to the protection scheme established by this Regulation and of the enforcement of geographical indications for craft and industrial products in the market place including online as referred to in Article 45 on designation of competent authority, Article 46 on verification of compliance with the product specifications, ***Article 47 on due diligence***, Article 48 on enforcement of geographical indications in the marketplace, and Article 55 on online platforms.

*Amendment*

1. Member States or their national authorities shall report every four years to the Commission on the strategy and results of all the geographical indication controls carried out to verify compliance with the legal requirements related to the protection scheme established by this Regulation and of the enforcement of geographical indications for craft and industrial products in the market place including online as referred to in Article 45 on designation of competent authority, Article 46 on verification of compliance with the product specifications, ***Article 40(2a) on continuous compliance***, Article 48 on enforcement of geographical indications in the marketplace, and Article 55 on online platforms.

Or. en

## **Amendment 143**

### **Proposal for a regulation Article 68 – paragraph 2**

*Text proposed by the Commission*

2. **Eligible** Member States shall provide the Commission by [six months after the date of entry into force of this Regulation] with the information **requested in Article 15 in order** to opt **for** the “direct registration” procedure. On the basis of the information received, the Commission shall adopt a Decision on the right of the concerned Member State to opt for the “direct registration” procedure and hence, to not designate a national authority for the management at national level of the procedures for the application, amendment of the product specification and cancellation as referred to in Article 15.

*Amendment*

2. Member States shall provide the Commission by [six months after the date of entry into force of this Regulation] with the information **if they wish** to opt **out and choose** the “direct registration” procedure. On the basis of the information received, the Commission shall adopt a Decision on the right of the concerned Member State to opt for the “direct registration” procedure and hence, to not designate a national authority for the management at national level of the procedures for the application, amendment of the product specification and cancellation as referred to in Article 15.

Or. en

## EXPLANATORY STATEMENT

The rapporteur welcomes the Commission's proposal aimed at creating a sui generis protection of geographical indications for industrial and craft products (CI GI).

### 1. Difficulties due to a lack of an EU-wide CI GI protection

Geographical indications (GIs) establish intellectual property rights for products whose qualities are specially linked to a certain area of production and the producers' 'know-how'.

They have a positive impact on the whole region from which the product originates. They are a part of local identity and cultural heritage, attract tourism and create jobs. A uniform system would not only help producers to stay competitive in niche markets, it would also provide consumers with better information about the authenticity of products and boost regional economies. An EU-wide GI protection for non-agricultural products could yield an overall increase in intra-EU trade of about 4,9-6,6% (EUR 37,6-50 billion)<sup>1</sup>. Predictions are that a uniform system could boost employment in the regions by 0,12-0,14% and create 284 000-338 000 new jobs in the EU as a whole<sup>2</sup>.

Even though GIs of agricultural products, including wine, spirits and food, such as Thüringer Rostbratwurst, are already protected at Union level since 1992 and non-agricultural GIs are protected at international level through the "Geneva Act of the Lisbon Agreement on Appellations of Origins and Geographical Indications", to which the EU acceded in 2019<sup>3</sup>, an Union-wide protection of non-agricultural GIs like natural stone, jewellery, textiles, lace, cutlery, wood works, glassware, porcelain and furniture is still missing.

Sixteen Member States<sup>4</sup> have decided to establish national systems for the protection of non-agricultural GIs. Based on those national systems, national protection for example for Solingen cutlery, Macael marble, Bolesławiec ceramics and Murano glass became possible. But the existing national systems have different characteristics and do not grant Union-wide protection. The typical cluster of SMEs struggle with complicated and costly ways of securing protection throughout the EU, by applying for protection in different Member States. A harmonised Union-wide protection regime would put an end to the fragmentation and create legal certainty.

When designing this new legislative framework for non-agricultural GIs, the rapporteur is convinced that the system of agricultural GIs, that exists since 30 years already, should be considered, but at the same time it should be kept in mind, that the respective Regulation is currently under revision.

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<sup>1</sup> *Geographical indications for non-agricultural products — Cost of non-Europe report*, European Parliament (2019), p. 23.

<sup>2</sup> *Geographical indications for non-agricultural products — Cost of non-Europe report*, European Parliament (2019), p. 35.

<sup>3</sup> Regulation (EU) 2019/1753 of the European Parliament and of the Council of 23 October 2019 on the action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications.

<sup>4</sup> Belgium, Bulgaria, Croatia, Czechia, Estonia, France, Germany, Hungary, Italy, Latvia, Poland, Portugal, Romania, Spain, Slovakia and Slovenia)

## **2. Scope of application**

In order to ensure a clear scope of the application of this new Regulation, the rapporteur on the one hand decided to add definitions like the one on “geographical indications” and “the Office” and on the other hand to delete unclear parts like the “combined nomenclature”.

Definitions like “craft” and “industrial” products have to take into consideration the existing reality of the products.

## **3. Registration procedure**

For the rapporteur it is important that the registration procedure, including the procedural and substantive assessment of an application, for protection of a CI GI is efficient, ensures equal treatment, avoids administrative burden, especially for SMEs, and creates legal certainty at all stages. She introduced certain amendments in order to establish this.

### **a) Two stages of registration**

In its proposal the Commission decided to introduce a two stage registration. In the first stage producer groups or producers send their application to Member States' authorities. The so called competent authorities at national level assess the application, run the national opposition procedure, and, following a positive result of the assessment, submit a Union application to the European Union Intellectual Property Office (EUIPO). The EUIPO (the Office) is in charge of the second stage in which it examines the applications, runs an opposition procedure, takes a decision to grant or refuse the protection and records the protected GI in the Union register. The Office will also carry out the corresponding procedures for GIs originating in third countries.

The Commission bases the two-stage procedure on a product specification, a single document and other documents that all have to be provided by the applicant. To the rapporteur it makes sense to ask the applicant for the product specification and also documentation proving the specification, but she is convinced that to provide, in addition, a single document, which is a short version of the product certification can be burdensome for the applicants. But instead of deleting the single document completely, the rapporteur proposes that very small enterprises and small and medium-sized enterprises do not have to draft their single document themselves. The competent authority has to create this (summary) single document on the basis of the product specifications. They have to examine the specifications in any event, so this would even help them in the process. After drafting the single document, the applicant should receive a version to verify it before this document becomes the basis of further procedures. Large enterprises would still have to draft a single document and attach it to their application.

Without prejudice to the two-stage procedure the Commission foresees a “direct registration”, in which the registration procedure is directly managed by the Office. In those cases, the relevant Member States have only the obligation to designate a competent authority for the controls and enforcement and to take the necessary actions to enforce rights under the Regulation, but they do not have to do the first stage of the registration. This is seen as an opt out of the Member States and the proposal limits the use of it to those Member States that do not have a national system to protect GIs and the local interest for protecting CI GI is low. Taking into consideration that the European trade mark is dealt with only by the Office and also other European intellectual property rights that are granted at European level are dealt

with by the European agencies and taking into consideration that according to the Commission there are only a few eligible CI GI products (between 300 and 800 in the EU in total), the rapporteur is convinced that Member States should have the possibility to opt out without any conditions. This makes sense also because their important national expertise is still part of the process based on the GI Advisory Board and the national single contact point that has to provide the Office with information. The link to the national expertise is rudimental and should play a key role in this proposal.

Within the first stage the Commission leaves a lot of room for the Member States on how to design the registration and the opposition procedure. The rapporteur is of the opinion that the national stage of the registration should also be efficient and therefore proposes to add some deadlines reflecting the ones at the Union stage.

Additionally when creating a harmonised approach it is not reasonable to define the cases in which the opposition is admissible at the second stage but not at the first stage. The rapporteur proposed amendments accordingly in order to ensure that different approaches in the Member States leading to legal uncertainty can be avoided.

In addition, the rapporteur believes that digital applications should also be possible at national level. In case the national authorities do not want to create a digital tool to allow this, they should be able to make use of the IT system of the Office.

#### **b) Examination of application**

Some improvement of details like the definitions and in order to clarify the relationship with other intellectual property rights, in particular with the EU trade mark law are necessary.

The rapporteur believes that the introduction of the CI GI urge for a clear distinction from the existing EU trade mark legislation. In particular because producers can certify the origin of their products using a collective or individual trade mark at EU level, but this does not protect the link between quality and geographical origin as would be granted by a CI GI. Grey zones and ambiguous terms should be avoided.

Since also a parallel protection of on the one hand trade mark and on the other hand a CI GI is foreseen, it has to be made clear that the fact that national CI GI protection systems cease to exist does not have any influence on the existing trade marks.

#### **4. Enforcement**

With respect to the fact that a new regime is being created, the Member States and the Commission have to work on an efficient enforcement system, in order to avoid fraudulent practices.

But even efficient enforcement can be less of an administrative burden. The rapporteur therefore welcomes the concept of self-declaration. It is an important way to reduce administrative burden and costs. She is therefore convinced that it should not be up to the Member States to decide if they want to give this option to producer groups. Producer groups should be able to benefit from administrative arrangements to facilitate the CI GI protection in all Member States.

The establishment of a digital portal should not be an option either, in particular in the spirit

of the digitalisation of the administration in the Member States.

Taking into consideration the importance of the online markets, the inspection have also to take place in the online world.

It is high time to create an efficient, easily applicable and clear sui generis protection for CI GI in order to help consumers to benefit from traceable locally produced products and to allow producers to benefit from fair competition and an additional tool to fight counterfeiting.

Entire regions can benefit from this protection of traditional products, since it helps the products to become known and attract European tourists and tourists from all over the world. And it has the potential to create sustainable jobs. It enhances regional cohesion also in less-developed regions. It is therefore a unique opportunity which we have to use carefully.

**ANNEX: LIST OF ENTITIES OR PERSONS  
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

EU Commission DG GROW Intangible Economy (Unit C4)

Permanent Representation Czech Republic

Permanent Representation Germany

European Union Intellectual Property Office (EUIPO)

World Intellectual Property Organisation (WIPO)

French federation of craft and industrial GIS (AFGIA)

World Craft Council

Origin PT

SME United

Council of European National Top Level Domain Registries (CENTR)

Centro de Formacao Profissional para o Artesanato e Patrimonio (CEARTE)

Bergische Industrie- und Handelskammer Wuppertal-Solingen-Remscheid

German Confederation of Skilled Crafts and Small Businesses (ZDH)

Faculty of Law Department, Commercial Law, Intellectual Property Law of University of Alicante