



2022/0115(COD)

24.1.2023

OPINION

of the Committee on International Trade

for the Committee on Legal Affairs

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

Rapporteur for opinion: Marek Belka

PA_Legam

SHORT JUSTIFICATION

The Proposal aims at introducing an EU framework for the protection of geographical indications for craft and industrial products following the accession of the EU to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications. For this purpose the legislation introduces an EU-wide system of protection for craft and industrial geographical indications within the internal market and amends existing regulations pertaining to registration and protection of geographical indications within the Lisbon Treaty system and attributes the administrative role to perform such tasks to the European Union Intellectual Property Office.

The Rapporteur welcomes the current proposal as a measure, which should play a positive effect on trade, employment and rural development within the common market and have a positive influence on exports of EU geographically protected craft and industrial products to third markets. Harmonization of rules on protection of geographical indications and introduction of a uniform EU system will allow extending intellectual property rights protection to producers from all Member States and will create a framework for EU institutions to enforce protection in third markets more effectively. In this respect, the regulation will not only support the development of EU craft and industrial products within the common market, but will also positively influence their promotion and sales in third markets and better protect the rights of producers and consumers.

However, the Rapporteur would like to point out that only 10 non-EU countries are parties to the Geneva Act of the Lisbon Agreement for the Protection of Appellations of Origin and that further measures have to be taken to secure proper protection of intellectual property rights of EU producers of geographically protected craft and industrial products in third markets, which remain outside the Lisbon Treaty System.

It is the Rapporteur's opinion that the European Commission should use the framework proposed in this regulation and its negotiating function to extend protection of said rights by means of bilateral and multilateral trade agreements with key trading partners remaining outside the Lisbon Treaty System, in conformity with the Agreement on the Trade-Related Aspects of Intellectual Property Rights of the World Trade Organization.

AMENDMENTS

The Committee on International Trade calls on the Committee on Legal Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Recital 5

Text proposed by the Commission

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

Amendment

(5) Unitary protection throughout the Union for the intellectual property rights related to geographical indications can ***maintain value added and*** contribute to incentives for the production of quality products, the wide availability of such products for consumers and the creation of valuable and sustainable jobs ***with decent work conditions, including better employment opportunities for women and young people, that can hardly be outsourced, especially*** in rural and less-developed regions. In particular, in view of the potential of geographical indications to contribute to sustainable and highly skilled jobs in rural and less developed regions, producers should aim at creating a substantial proportion of the value of the product designated by a geographical indication within the defined geographical area. Such trend should directly contribute to the economic development of less developed regions by reviving local industry and promoting tourism.

Amendment 2

Proposal for a regulation

Recital 7

Text proposed by the Commission

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

Amendment

(7) Making geographically linked products is often based on local know-how ***and materials*** and follows local production methods rooted in the cultural, social,

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

religious heritage of the home region of such products. Efficient intellectual property protection has the potential to contribute to increased profitability, attractiveness, **preservation and promotion** of the traditional craft professions. Specific geographical indication protection is acknowledged to safeguard and develop cultural heritage both in the agricultural and craft and industrial areas. **Establishing** efficient procedures for the registration of Union geographical indications **within the internal market and in the international intellectual property registries and global databases is essential, to protect** the names of craft and industrial products, which account **for** regional and local specificities. The geographical indication system for craft and industrial products should ensure that the production and marketing traditions are maintained and enhanced.

Amendment 3

Proposal for a regulation Recital 8

Text proposed by the Commission

(8) It is therefore necessary to firstly, ensure **fair** competition for producers of craft and industrial products in the internal market; secondly, guarantee the availability to consumers of reliable information pertaining to such products; thirdly, safeguard and develop cultural heritage and traditional know-how; fourthly ensure an efficient registration of geographical indications for craft and industrial products both for the Union and at international level; fifthly provide for an effective enforcement of intellectual property rights throughout the Union and in **electronic commerce** within the internal market, and lastly, ensure the link with the international registration and protection system based on the Geneva Act.

Amendment

(8) It is therefore, necessary to firstly, ensure **equal treatment and fair and open** competition for producers of craft and industrial products in the internal market **and in foreign markets**; secondly, guarantee the availability and allow for full transparency and traceability to consumers of reliable information pertaining to such products; thirdly, safeguard and develop cultural, **artistic, social, religious** heritage, **foster local, national and European** identity and traditional know-how; fourthly ensure an efficient registration of geographical indications for craft and industrial products both for the Union and at international level; fifthly provide for an effective enforcement of intellectual property rights throughout the Union and in **e-commerce services, within the**

meaning of the Digital Services Act (DSA), within the internal market *and by means of trade agreements negotiated by the Union with third countries*, and lastly, ensure the link with the international registration and protection system based on the Geneva Act.

Amendment 4

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 of this Regulation needs to be determined in line with the relevant international framework, namely, the World Trade Organization. Hence, the use of the Combined Nomenclature should be established through direct reference to Annex I to Council Regulation No 2658/87¹⁰. This approach ensures coherence with the scope of the revised GI Regulation for agricultural products, foodstuff, wine and spirits.

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

Amendment

(9) To provide for a full coverage of craft and industrial products eligible for GI protection (i.e. those having *processing methods* 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, *in particular the Agreement on the Trade-Related Aspects of Intellectual Property Rights (TRIPS)*. Hence, the use of the Combined Nomenclature should be established through direct reference to Annex I to Council Regulation No 2658/87¹⁰. This approach ensures coherence with the scope of the revised GI Regulation for agricultural products, foodstuff, wine and spirits.

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

Amendment 5

Proposal for a regulation

Recital 13

Text proposed by the Commission

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

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

Amendment 6

Proposal for a regulation Recital 13 a (new)

Text proposed by the Commission

Amendment

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

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

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

Amendment 7

Proposal for a regulation Recital 14

Text proposed by the Commission

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

Amendment

(14) To qualify for protection in the Member States, geographical indications should be registered only at Union level. However, with effect from the date of application for such registration at Union level, Member States should be able to grant temporary protection at national level without affecting the internal market of the Union or international trade. The protection afforded by this Regulation upon registration should be equally available to geographical indications of third countries that meet the corresponding criteria and that are ***already*** protected in their country of origin, ***as no producer should be excluded from the GI system whether or not their country of origin recognizes the importance of investing in this instrument.*** The Office should carry out the corresponding procedures for geographical indications originating in third countries.

Amendment 8

Proposal for a regulation Recital 23

Text proposed by the Commission

(23) The Union negotiates international agreements, including those concerning the protection geographical indications, with its trade partners. Protection of geographical indications for craft and industrial products throughout the Union can also stem from those agreements, irrespective of the international registrations provided under the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical

Amendment

(23) The Union negotiates international agreements, including those concerning the protection ***of*** geographical indications, with its trade partners. Protection of geographical indications for craft and industrial products throughout the Union can also stem from those agreements, irrespective of the international registrations provided under the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical

Indications or the application and registration system set out in this Regulation. In order to facilitate the provision to the public of information about the geographical indications protected in the Union either by virtue of the international registrations provided under the Geneva Act or by virtue of the international agreements with the Union trade partners, and in particular to ensure protection and control of the use to which those geographical indications are put, those geographical indications should be entered in the Union register of geographical indications for craft and industrial products.

Indications or the application and registration system set out in this Regulation. ***In its negotiating capacity the Commission should make every effort to extend, update and improve protection of geographical indications pertaining to craft and industrial products with trade partners which are not signatories to the Geneva Act of the Lisbon Agreement by means of agreements with third countries and ensure reciprocal protection of craft and industrial GI products between the Union and its trade partners.*** In order to facilitate the provision to the public of information about the geographical indications protected in the Union either by virtue of the international registrations provided under the Geneva Act or by virtue of the international agreements with the Union trade partners, and in particular to ensure protection and control of the use to which those geographical indications are put, those geographical indications should be entered in the Union register of geographical indications for craft and industrial products. ***Union consumers should have equal access to the specifications of both Union and non-Union products.***

Amendment 9

Proposal for a regulation

Recital 24

Text proposed by the Commission

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

Amendment

(24) For the optimal functioning of the internal market, it is important that producers and other operators concerned, authorities and consumers may quickly and easily have access to the relevant information concerning a registered protected geographical indication. ***Information should be reliable, free of charge and equally granted to all stakeholders interested. Union institutions should promote the knowledge about the***

Union geographical indication protection system by means of information and promotion campaigns targeted at Union producers and consumers.

Amendment 10

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) The Office should establish an information and alert system against the abusive use of craft and industrial geographical indications in the domain name system. This system should inform applicants, on the one hand, about the availability of the geographical indication as a domain name and, on the other hand, provide them with information once a domain name that is conflicting with their geographical indication is registered. Receiving such alerts would allow producers to take appropriate action more quickly and effectively. Registries of country-code top-level domain names, established in the Union, should provide the Office with all the information and data in their possession necessary to run the system as a task carried out in public interest, namely information on the availability of the geographical indication as a domain name and, as far as the alerts are concerned, the particulars of conflicting domain names, the dates of its application and registration. The information and data should be provided in a machine readable format. Making the information and data available to the Office is proportionate as it serves the legitimate purpose of ensuring better protection and enforcement of geographical indications as intellectual property in the online environment. This is even more so as regarding the alerts the transfer of domain name registration data is explicitly limited to those domain names that are identical or similar and therefore

Amendment

(26) ***To tackle the online sale of counterfeits and protect rights-holders and consumers,*** the Office should establish an information and alert system against the abusive use of craft and industrial geographical indications in the domain name system. This system should inform applicants, on the one hand, about the availability of the geographical indication as a domain name and, on the other hand, provide them with information once a domain name that is conflicting with their geographical indication is registered. Receiving such alerts would allow producers to take appropriate action more quickly and effectively. Registries of country-code top-level domain names, established in the Union, should provide the Office with all the information and data in their possession necessary to run the system as a task carried out in public interest, namely information on the availability of the geographical indication as a domain name and, as far as the alerts are concerned, the particulars of conflicting domain names, the dates of its application and registration. The information and data should be provided in a machine readable format. Making the information and data available to the Office is proportionate as it serves the legitimate purpose of ensuring better protection and enforcement of geographical indications as intellectual property in the online environment. This is even more so as regarding the alerts the transfer of domain name registration data is

potentially capable of infringing the geographical indication concerned.

explicitly limited to those domain names that are identical or similar and therefore potentially capable of infringing the geographical indication concerned.

Amendment 11

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) Protection should be granted to names included in the Union register of geographical indications for craft and industrial products to ensure that they are used fairly and in order to prevent practices liable to mislead consumers. In order to strengthen geographical indication protection and to combat more effectively counterfeiting, the protection of geographical indications should also apply to domain names on the internet. Concerning the protection of geographical indications, it is also important to have due regard to the Agreement on Trade-Related Aspects of Intellectual Property Rights, and in particular Articles 22 and 23 thereof, and to the General Agreement on Tariffs and Trade including Article V thereof on freedom of transit, which were approved by Council Decision 94/800/EC¹⁵. Within such legal framework, in order to strengthen geographical indication protection and to combat counterfeiting more effectively, such protection should also apply with regard to goods entering the customs territory of the Union without being released for free circulation, and placed under special customs procedures such as those relating to transit, storage, specific use or processing.

Amendment

(28) Protection should be granted to names included in the Union register of geographical indications for craft and industrial products to ensure that they are used fairly and in order to prevent practices liable to mislead consumers. In order to strengthen geographical indication protection and to combat more effectively counterfeiting, ***both in online and offline environments***, the protection of geographical indications should also apply to domain names on the internet, ***thus the establishment of an information and alert system at the European Union Intellectual Property Office (EUIPO) on the availability of GIs as domain name and on potential infringing domain registrations, requiring Union country code top-level domain (ccTLD) registries to provide EUIPO with relevant information and data, is essential. This will boost the already existing information and alert system set up by EUIPO in collaboration with the Union registry manager (EURid) for European Union trade marks and .eu domain names.*** Concerning the protection of geographical indications, it is also important to have due regard to the Agreement on Trade-Related Aspects of Intellectual Property Rights, and in particular Articles 22 and 23 thereof, and to the General Agreement on Tariffs and Trade including Article V thereof on freedom of transit, which were approved by Council Decision 94/800/EC¹⁵. Within such legal framework,

in order to strengthen geographical indication protection and to combat counterfeiting more effectively, such protection should also apply with regard to goods entering the customs territory of the Union without being released for free circulation, and placed under special customs procedures such as those relating to transit, storage, specific use or processing. ***This should be achieved in full conformity with Regulation (EU) No 608/2013 of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003.***

¹⁵ Council Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986-1994) (OJ L 336, 23.12.1994, p. 1).

¹⁵ Council Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986-1994) (OJ L 336, 23.12.1994, p. 1).

Amendment 12

Proposal for a regulation Recital 32

Text proposed by the Commission

(32) Producer groups play an essential role in the application process for the registration of geographical indications, as well as in the amendment of specifications and cancellation requests. They should be equipped with the necessary means to better identify and market the specific characteristics of their products. The role of the producer group should therefore be clarified.

Amendment

(32) Producer groups play an essential role in the application process for the registration of geographical indications, as well as in the amendment of specifications and cancellation requests. They should be equipped with the necessary means to better identify and market the specific characteristics of their products. The role of the producer group should therefore be clarified. ***This clarification should include the right to: participate in consultative bodies, exchanging information with public authorities on geographical indication policy-related topics, making recommendations to improve the development of geographical indication***

policies in particular with regard to sustainability, the fight against fraud and counterfeiting and the right to participate in consultations with the Commission in the run-up to trade negotiations concerning geographical indications of craft and industrial products with third countries.

Amendment 13

Proposal for a regulation Recital 35

Text proposed by the Commission

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

Amendment

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

Amendment 14

Proposal for a regulation Recital 38

Text proposed by the Commission

(38) The use of Union symbols and indications on the packaging of craft and industrial products designated by a geographical indication *should be* recommended in order to make this category of products, and the guarantees

Amendment

(38) The use of Union symbols and indications on the packaging of craft and industrial products designated by a geographical indication *is* recommended in order to make this category of products, and the guarantees attached to them, better

attached to them, better known to consumers and to permit easier identification of these products on the market, thereby facilitating checks. The use of such symbols or indications should remain voluntary for third-country geographical indications.

known to consumers and to permit easier identification of these products on the market, thereby facilitating checks. The use of such symbols or indications should remain voluntary for third-country geographical indications.

Amendment 15

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, ***for both products originating in the Union and in third countries***, is accompanied by effective verification and controls, including the producer's due diligence. ***The controls and checks should not only relate to the end product but also associate with the entire process of product development, including the inputs used and the working methods. A summary of the controls and checks undertaken should be made publicly available as only transparent and traceable data and honest practices would contribute to the preservation of consumer trust.***

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

Amendment

(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/EC¹⁷ of the European Parliament and of the Council are available as they are applicable to any infringement of intellectual property rights.

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

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 ***or online***. For the purposes of enforcing geographical indications, measures, procedures and remedies set out in Directive 2004/48/EC¹⁷ of the European Parliament and of the Council are available as they are applicable to any infringement of intellectual property rights.

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

Amendment 17

Proposal for a regulation Recital 53

Text proposed by the Commission

(53) Taking into account that a product designated by the geographical indication produced in one Member State might be sold in another Member State, administrative assistance between Member States should be ensured to allow effective controls and its practicalities should be laid down.

Amendment

(53) Taking into account that a product designated by the geographical indication produced in one Member State might be sold in another Member State, administrative assistance between Member States should be ensured to allow effective controls and its practicalities should be laid down. ***A registry of all Member States competent authorities nominated for administrative assistance should be drafted and made easily accessible to each national or regional point of contact for better cooperation between Member States to effectively exploit the benefits of a***

Union-wide geographical indication scheme.

Amendment 18

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

Text proposed by the Commission

1. This Regulation applies to ***craft and industrial*** products listed under the combined nomenclature set out in Annex I to Council Regulation (EEC) No 2658/87²⁴

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

Amendment

This Regulation applies to ***non-agricultural*** products listed under the combined nomenclature set out in Annex I to Council Regulation (EEC) No 2658/87²⁴

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

Amendment 19

**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 ***mainly*** by hand or with the aid of manual tools or by mechanical means, ***with a*** direct ***and indirect*** manual contribution, ***where know-how*** is the most important component of the finished product;

Amendment 20

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

Text proposed by the Commission

(e) ‘production step’ means any stage of production, processing or preparation,

Amendment

(e) ‘production step’ means any stage of production, processing or preparation, ***as***

up to the point, where the product is in a form to be placed on the internal market;

outlined in the product specification, up to the point, where the product is in a form to be placed on the internal market;

Amendment 21

Proposal for a regulation

Article 3 – paragraph 1 – point g

Text proposed by the Commission

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

Amendment

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

Amendment 22

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The Commission shall put in place and maintain an on-line system to enable easy access by consumers to the product specifications behind each geographical indication originating in the Union or in third countries, including geographical indications recognised via trade agreements and under the Geneva Act.

Amendment 23

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 composed solely of such enterprises, the competent authorities at national level shall help draw up the

single document, relying in particular on the information provided in the product specification.

Amendment 24

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

Amendment 25

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 take into account the situation of micro, small and medium-sized enterprises *(MSMEs). Member States shall model the level of the fees and the payment procedures in order not to create registration barriers for MSMEs.*

Amendment 26

Proposal for a regulation Article 15 – paragraph 8

Text proposed by the Commission

Amendment

8. Upon request by the Office, within 60 days from such request, the Member

8. Upon request by the Office, within 60 days from such request, the Member

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

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

Amendment 27

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 ***applicant shall be informed and given a time limit within which to respond, after which the*** application shall be deemed not to be filed.

Amendment 28

Proposal for a regulation Article 16 – paragraph 2

Text proposed by the Commission

2. The temporary national protection shall cease on the date on which either a decision on the application for registration is adopted or ***the application is*** withdrawn.

Amendment

2. The temporary national protection shall cease on the date on which either a decision on the application for registration is adopted, ***rejected*** or withdrawn.

Amendment 29

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 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. ***The digital system shall be available in all official languages of the Union.***

Amendment 30

Proposal for a regulation Article 19 – paragraph 4

Text proposed by the Commission

4. ***The Office may seek supplementary information from the Member State concerned.*** If the application is lodged by a producer group from a third country or by the competent authority of a third country, such producer group or competent authority shall provide supplementary information where requested to do so by the Office.

Amendment

4. If the application is lodged by a producer group from a third country or by the competent authority of a third country, such producer group or competent authority shall provide supplementary information where requested to do so by the Office. ***The Office shall inform the Member State concerned thereof and may request further information from it.***

Amendment 31

Proposal for a regulation Article 19 – paragraph 4 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The Office may seek supplementary information from the Member State concerned if a change in a production

method, that does not call into question a product's quality, authenticity, reputation or characteristics attributable to its geographical origin, is due to innovation, whether technological or process-related, as openness to innovation and experimenting are crafts people's main drivers of digital and green transition. Such change shall not alter the registration process nor lead to withdrawal or to a new application process.

Amendment 32

Proposal for a regulation Article 23 – paragraph 4

Text proposed by the Commission

4. When using a designation referred to in paragraph 1, the indication of the country of origin shall clearly and visibly appear on the labelling.

Amendment

4. When using a designation referred to in paragraph 1, the indication of the country of origin shall clearly and visibly appear on the labelling ***and in the description of the product in the event it is offered for sale on an ecommerce website.***

Amendment 33

Proposal for a regulation Article 26 – paragraph 4

Text proposed by the Commission

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

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, ***which shall be regularly updated.*** 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

in Article 65(2).

examination procedure referred to in Article 65(2).

Amendment 34

Proposal for a regulation

Article 26 – paragraph 7

Text proposed by the Commission

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

Amendment

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

Amendment 35

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 download **free of charge** 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 36

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

Text proposed by the Commission

(a) where compliance with the requirements for the product specification can no longer be ensured;

Amendment

(a) where compliance with the requirements for the product specification **and proper controls and checks of conformity with the product specification** can no longer be ensured;

Amendment 37

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 and one representatives of the Commission and their respective alternates. ***The Board should also consider including hearings of recognized experts in the field of GIs on a case-by-case basis, and observers of representative business organizations.***

Amendment 38

Proposal for a regulation Article 33 – paragraph 8

Text proposed by the Commission

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

Amendment

8. Procedures concerning the appointment of the members of the Advisory Board and its operation shall be specified in its rules of procedures as approved by the Management Board, ***shall ensure that no members can find themselves in a conflict of interest,*** and shall be made public.

Amendment 39

Proposal for a regulation

Article 35 – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

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

Amendment 40

Proposal for a regulation

Article 36 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Article 35 is without prejudice to the use of a geographical indication by producers in conformity with Article 43 to indicate that a manufactured product contains, as a part or component, a product designated by that geographical indication provided that such use does not **violate the protection afforded by Article 35.**

Amendment 41

Proposal for a regulation

Article 40 – paragraph 2 – point e

Text proposed by the Commission

(e) combat counterfeiting and suspected fraudulent uses on the internal market of a geographical indication that is

Amendment

(e) combat counterfeiting and suspected fraudulent uses on the internal **and external** market of a geographical

not in compliance with the product specification by monitoring the use of the geographical indication across the internal market and on third countries' markets where the geographical indications are protected, including on the internet, and, as necessary, informing enforcement authorities using confidential systems available.

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

Amendment 42

Proposal for a regulation

Article 40 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) participate in consultative bodies established by the Commission for the purpose of formulating geographical indication policy and to assist trade negotiations with third countries with respect to geographical indications of craft and industrial products.

Amendment 43

Proposal for a regulation

Article 40 – paragraph 2 – point e b (new)

Text proposed by the Commission

Amendment

(eb) carry out analyses on sustainability undertakings including the environmental protection and working conditions in production of craft and industrial GIs by producers active in international trade; work towards industry agreements on sustainability undertakings of craft and industrial GIs producers, including decent work conditions; promote international best practices sharing and training in the areas of sustainability undertakings, proper working conditions, workers' rights and corporate social responsibility in the sector of craft and industrial GI

production worldwide;

Amendment 44

Proposal for a regulation

Article 44 – paragraph 2

Text proposed by the Commission

2. In the case of craft and industrial products originating in the Union that are marketed under a geographical indication, the Union symbol referred to in paragraph 1 **may** appear on the labelling **and** advertising material. The geographical indication shall be in the same field of vision as the Union symbol.

Amendment

2. In the case of craft and industrial products originating in the Union that are marketed under a geographical indication, the Union symbol referred to in paragraph 1 **shall** appear on the labelling, **on the ecommerce website concerned and on** advertising material. The geographical indication shall be in the same field of vision as the Union symbol.

Amendment 45

Proposal for a regulation

Article 44 – paragraph 5

Text proposed by the Commission

5. **After the submission of a Union application for the registration of a geographical indication, producers may indicate on the labelling, and in the presentation, of the product that an application has been filed in compliance with Union law.**

Amendment

deleted

Amendment 46

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

deleted

Amendment 47

Proposal for a regulation Article 44 – paragraph 8 – point b

Text proposed by the Commission

(b) text, graphics or symbols referring to the Member State or the region in which that geographical area of origin is located.

Amendment

(b) ***armorial bearings, flags or*** text, graphics or symbols referring to the Member State or the region in which that geographical area of origin is located.

Amendment 48

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 marketplace, ***including electronic commerce.***

Amendment 49

Proposal for a regulation Article 45 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) in case of any vulnerabilities identified whilst conducting verification and monitoring, these should be communicated to the Office as a matter of urgency.

Amendment 50

Proposal for a regulation Article 46 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Commission shall be empowered to adopt delegated acts to

ensure that the verification of compliance of products originating in a third country is equivalent to the verification of compliance of products originating in the Union.

Amendment 51

Proposal for a regulation Article 48 – paragraph 1

Text proposed by the Commission

1. Member States shall designate one or more enforcement authorities, which may be the same as the competent authorities referred to in Article 46(3) responsible for controls in the marketplace and enforcement of geographical indications after the craft and industrial product designated by a geographical indication has completed all production steps, whether it is in storage, transit, distribution, or offered for sale at wholesale or retail level, including in electronic commerce.

Amendment

1. Member States shall designate one or more enforcement authorities, which may be the same as the competent authorities referred to in Article 46(3) responsible for controls in the marketplace, ***including on websites and web applications***, and enforcement of geographical indications after the craft and industrial product designated by a geographical indication has completed all production steps, whether it is in storage, transit, distribution, or offered for sale at wholesale or retail level, including in electronic commerce.

Amendment 52

Proposal for a regulation Article 48 – paragraph 2

Text proposed by the Commission

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

Amendment

2. The enforcement authority shall carry out ***regular*** 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 53

Proposal for a regulation
Article 48 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Amendment 54

Proposal for a regulation
Article 48 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. In terms of enforcement of geographical indications rights protection in the marketplace and of combating counterfeiting more effectively, the relevant authorities shall respect the guidelines and good practices measures, procedures and remedies set out in Directive 2004/48/EC and in full conformity with Regulation (EU) No 608/2013 of the European Parliament and of the Council.

²⁵ ***Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003 (OJ L 181, 29.6.2013, p.15).***

Amendment 55

Proposal for a regulation
Article 48 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. *As provided in Article 47(c), applicant producer groups as referred to in Article 6, which have obtained registration, shall be entitled to make reports to the authorities specified under paragraph (1) so that they carry out controls provided for in this title. In this case, at the request of the producer group, the authorities are required to provide feedback on the development of the process that began with the report itself.*

Amendment 56

Proposal for a regulation Article 62 – paragraph 1

Text proposed by the Commission

The Commission shall be empowered to adopt delegated acts supplementing this Regulation by rules on entrusting the Office with the examination and other administrative tasks concerning third country geographical indications for craft and industrial products, ***other than*** geographical indications under the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications, proposed for protection pursuant to international negotiations or international agreements.

Amendment

The Commission shall be empowered to adopt delegated acts supplementing this Regulation by rules on entrusting the Office with the examination and other administrative tasks concerning third country geographical indications for craft and industrial products, ***with a view to ensuring that they are subject to an equivalent level of control and enforcement to those originating in the Union, including*** geographical indications under the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications, proposed for protection pursuant to international negotiations or international agreements.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Geographical indication protection for craft and industrial products and amending Regulations (EU) 2017/1001 and (EU) 2019/1753 of the European Parliament and of the Council and Council Decision (EU) 2019/1754
References	COM(2022)0174 – C9-0148/2022 – 2022/0115(COD)
Committee responsible Date announced in plenary	JURI 18.5.2022
Opinion by Date announced in plenary	INTA 18.5.2022
Rapporteur for the opinion Date appointed	Marek Belka 16.5.2022
Discussed in committee	25.10.2022
Members present for the final vote	Barry Andrews, Geert Bourgeois, Saskia Bricmont, Jordi Cañas, Daniel Caspary, Arnaud Danjean, Paolo De Castro, Raphaël Glucksmann, Roman Haider, Christophe Hansen, Danilo Oscar Lancini, Bernd Lange, Thierry Mariani, Margarida Marques, Gabriel Mato, Emmanuel Maurel, Javier Moreno Sánchez, Carles Puigdemont i Casamajó, Samira Rafaela, Catharina Rinzema, Inma Rodríguez-Piñero, Helmut Scholz, Sven Simon, Mihai Tudose, Kathleen Van Brempt, Marie-Pierre Vedrenne, Jörgen Warborn, Iuliu Winkler, Jan Zahradil, Juan Ignacio Zoido Álvarez
Substitutes present for the final vote	Mazaly Aguilar, Enikő Győri, Manuela Ripa, Angelika Winzig
Substitutes under Rule 209(7) present for the final vote	Karsten Lucke, Christian Sagartz, Simone Schmiedtbauer

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

36	+
ECR	Mazaly Aguilar, Jan Zahradil
ID	Roman Haider, Danilo Oscar Lancini, Thierry Mariani
NI	Enikő Győri, Carles Puigdemont i Casamajó
PPE	Daniel Caspary, Arnaud Danjean, Christophe Hansen, Gabriel Mato, Christian Sagartz, Simone Schmiedtbauer, Sven Simon, Jörgen Warborn, Iuliu Winkler, Angelika Winzig, Juan Ignacio Zoido Álvarez
Renew	Barry Andrews, Jordi Cañas, Samira Rafaela, Catharina Rinzema, Marie-Pierre Vedrenne
S&D	Paolo De Castro, Raphaël Glucksmann, Bernd Lange, Karsten Lucke, Margarida Marques, Javier Moreno Sánchez, Inma Rodríguez-Piñero, Mihai Tudose, Kathleen Van Brempt
The Left	Emmanuel Maurel, Helmut Scholz
Verts/ALE	Saskia Bricmont, Manuela Ripa

0	-

1	0
ECR	Geert Bourgeois

Key to symbols:

+ : in favour

- : against

0 : abstention