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PROPOSAL

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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on European Union geographical indications for wine, spirit drinks and agricultural products, and quality schemes for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2017/1001 and (EU) 2019/787 and repealing Regulation (EU) No 1151/2012

Delegations will find attached document COM(2022) 134 final.

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Brussels, 31.3.2022
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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on European Union geographical indications for wine, spirit drinks and agricultural products, and quality schemes for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2017/1001 and (EU) 2019/787 and repealing Regulation (EU) No 1151/2012

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• **Reasons for and objectives of the proposal**

Geographical indications (GIs) identify products having qualities, characteristics or reputation due to natural and human factors linked to their place of origin. They are an intellectual property right (IPR) designed to promote fair competition amongst producers by preventing bad-faith uses of a name and fraudulent and deceptive practices. GIs guarantee authenticity to consumers and distinguish a product in the market securing higher-value sales and exports. GIs have been recognised internationally since 1883¹, and protected in steps by the Union from the 1970s (wine) to 1992 (agricultural products and foodstuffs), including the completion of the registers² in 2020. Today, the EU register of geographical indications contains almost 3500 names of wines, spirit drinks, agricultural products and foodstuffs.

The Union system of GIs is sound, however, the evaluation of the policy as well as the impact assessment process have shown space for improvement, notably with a view to strengthening the system of GIs, as key to provision of high quality food and protecting cultural, gastronomic and local heritage across the Union. This concerns mainly:

- How best to give effect to the fundamental right of producers for the IPR in their GIs to be protected. Producers holding the intangible asset of a GI have a right to have it protected and the Union seeks to do that as efficiently and effectively as possible, also in time of increased use of the internet;
- How to prevent bad faith exploitation of product names by operators who have no rights or association with the authentic product. Enforcement, notably on the internet, and verification of compliance also need to be reviewed;
- How to increase sustainable production of products with GIs. As an instrument that valorises products intrinsically linked to the natural factors and know-how of producers in a local area, GIs are under-used for this purpose;
- How can consumers be better informed about authentic products to address asymmetric information. Consumer recognition of the dedicated Union symbols is very low, pointing to a difficulty of communication;
- How to ensure producers receive a fair return for their product with its qualities linked to its production, and can strengthen their position in the food supply chain.

The traditional specialities guaranteed (TSG) scheme has not after 30 years of existence delivered the expected benefits for producers and consumers. To better identify and promote traditional agricultural products in the Union, the TSG scheme should be simplified and clarified.

The proposal contributes to the objectives pursued by the Common Agricultural Policy (CAP), in particular to improve the response of Union agriculture to societal demands on economic, social and environmental sustainability outcomes of agricultural production. It will strengthen the current system of GIs as IPRs. The proposal will increase the economic, social and environmental outcomes of GI products, give producers more powers and responsibilities, reduce new forms of infringements (internet), improve the effectiveness of enforcement and

¹ <https://www.wipo.int/treaties/en/ip/paris/>

² <https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/geographical-indications-register/>

checks that guarantee the authenticity of the products, address legislative gaps, and make the registration procedures more efficient. Besides GIs, the proposal also addresses the rules for TSGs, notably in clarifying their definition. On the other hand, the proposal does not make changes to the rules for optional quality terms; these were introduced only in 2012 and their potential first needs to be fully explored by the Member States. Finally, the proposal does not address non-agricultural GIs; the intention of the Commission is to propose a separate legislative act for those.

The overall goal of the GI revision is to facilitate the take up of GIs across the Union, as IP instruments accessible to all farmers and producers of products, linked by characteristics or reputation, and to their place of production. No changes are proposed to the fundamental structure of the GI systems, thus maintaining the role of the Member States in the procedure for applications related to GIs and TSGs; the high level of protection of intellectual property rights; specificities for GIs in the wine and spirit drinks sectors; and national enforcement within the framework of both the Official Controls Regulation and IP tools.

While the production of quality agricultural products is a strength of European agriculture, there are geographical imbalances when it comes to the number of registered GIs across the Union. These reflect different ‘starting points’ and experiences in preserving the gastronomic and cultural heritage of the Member States. The GI revision should pay particular attention to encouraging take-up in those Member States where the use of GIs is under-exploited. GIs reward producers for their efforts to produce a diverse range of quality products, which in turn can benefit the rural economy. This is particularly the case in less-favoured areas, in mountain and in remote regions, where the farming sector accounts for a significant part of the economy and where production costs and handicaps are high. An objective is also to increase the number of registered GIs for each lower-user Member State to the Union average.

The proposal therefore addresses the following general objectives:

1. ensuring effective protection of IPR in the Union, including efficient registration processes, to fairly reward producers for their efforts;
2. increasing the uptake of GIs across the Union to benefit the rural economy.

These two general objectives are detailed in six specific objectives:

1. improve the enforcement of GI rules to better protect IPR and better protect GIs on the internet, including against bad faith registrations and fraudulent and deceptive practices, and uses in the domain name system, and combat counterfeiting;
2. streamline and clarify the legal framework to simplify and harmonise the procedures for application for registration of new names and amendments to product specifications;
3. contribute to making the Union food system more sustainable by integrating specific sustainability criteria;
4. empower producers and producer groups to better manage their GI assets and encourage the development of structures and partnerships within the food supply chain;
5. increase correct market perception and consumer awareness of the GI policy and Union symbols to enable consumers to make informed purchasing choices;
6. safeguard the protection of traditional food names to better valorise and preserve traditional products and production methods.

- **Consistency with existing policy provisions in the policy area**

Union legislation has provided for the protection of designations of origin and geographical indications in respect of wine since the early 1970s, spirit drinks since 1989 and agricultural products and foodstuffs since 1992. It allows for the registration of valuable product names produced according to a product specification in a given geographical area by producers with recognised know-how. The proposal is consistent with existing policy provisions in the area of GIs. Its aim is to improve the existing provisions and to provide for a simplified and streamlined set of rules while it strengthens certain elements of GI protection, notably by empowering producer groups and increasing the level of protection on the internet. It encourages GI producer groups to include in the product specification requirements of higher economic, social and environmental sustainability outcomes on a voluntary basis. To improve the quality of registrations and the treatment of applications, it provides powers for the Commission to use the technical assistance of an agency to examine the applications while keeping the GI registration and the overall responsibility for GI policy with the Commission.

- **Consistency with other Union policies**

The proposal is consistent with the overall legal framework established for the CAP. The proposal complements other measures aimed at ensuring the quality and diversity of the Union's agricultural, wine and spirit drinks production, rewarding producers fairly for their effort, protecting the producers' fundamental rights in the area of property, and informing citizens and consumers about identifiable specific characteristics of products of the above-mentioned sectors, in particular those linked to their geographical origin.

The Commission committed itself in the Farm to Fork Strategy³ to contribute to the transition to a sustainable food system to strengthen the legislative framework of GIs and, where appropriate, to include specific sustainability criteria. GIs are also mentioned in relation to improved rules for strengthening the position of farmers and producer groups in the value chain. The Farm to Fork Action Plan announces other initiatives that impact GI products, in particular a proposal for a legislative framework for sustainable food systems, to be tabled in 2023. The present initiative on GIs was included in the Commission Work Programme 2021⁴ under REFIT⁵ initiatives, linked to the European Green Deal⁶.

As regards the climate-neutrality objective and the Union's 2030 and 2040 climate targets, this proposal will not negatively affect the climate.

In addition, the Commission announced in the Communication on an IP Action Plan⁷ that it would strengthen the protection system for GIs to make it more effective, including to fight IPR infringements.

Council Conclusions on the Farm to Fork Strategy⁸ welcomed a better integration of sustainable development into European quality policy and invited the Commission to reaffirm the relevance and importance of European quality schemes and to strengthen the legislative framework on GIs.

³ https://ec.europa.eu/food/horizontal-topics/farm-fork-strategy_en

⁴ https://ec.europa.eu/info/sites/default/files/2021_commission_work_programme_annexes_en.pdf

⁵ https://ec.europa.eu/info/law/law-making-process/evaluating-and-improving-existing-laws/refit-making-eu-law-simpler-less-costly-and-future-proof_en

⁶ https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal_en

⁷ https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12510-Intellectual-property-action-plan_en

⁸ <https://data.consilium.europa.eu/doc/document/ST-12099-2020-INIT/en/pdf>

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Legal basis

The proposal falls within the scope of the CAP (Article 43 TFEU⁹) and IPRs (Article 118 TFEU).

As regards the CAP, requirements and rules for the placing of agricultural products, foodstuffs, wines, aromatised wine products and spirit drinks on the internal market and ensuring the integrity of the internal market are matters essentially of Union competence.

• Subsidiarity (for non-exclusive competence)

By Regulation (EU) No 1308/2013, Regulation (EU) 2019/787 and Regulation (EU) No 1151/2012, the Union has established an exhaustive system for the protection of the names of specific products to promote their unique characteristics, linked to their geographical origin as well as traditional know-how in the field of agricultural products, wine and spirit drinks. Member States may therefore not act individually to achieve this policy objective. Strengthening the current system of GIs can only be achieved by action at Union level, namely by a revision of these Regulations.

• Proportionality

The proposal comprises limited and targeted changes to the current legislative framework for GIs which do not go beyond what is necessary to achieve the objective of strengthening the GI system. It keeps in place the specificities of the sectors while it harmonises those rules that are common to all sectors, notably the procedures to register a name or amend the product specification, protection of the names, and checks and enforcement.

• Choice of the instrument

The policy on GIs requires its direct applicability in the Member States. A Regulation of the European Parliament and of the Council is the appropriate instrument for a revision of the GI system, taking into account that the legislation currently in force consists of:

- GIs for agricultural products and foodstuffs — Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs¹⁰;
- GIs for wine — Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007¹¹;
- GIs for spirit drinks — Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008¹².

The proposal will entail a repeal of the first above-mentioned Regulation and amendments to the latter two.

⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=EN>

¹⁰ OJ L 343, 14.12.2012, p. 1.

¹¹ OJ L 347, 20.12.2013, p. 671.

¹² OJ L 130, 17.5.2019, p. 1.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

Evaluation of Union policy on GIs and TSGs protected in the Union was carried out. Its findings were published on 21 December 2021 in the Commission Staff Working Document¹³. It covered altogether almost 3 400 GIs and 64 TSGs originating from the Member States. The purpose of the evaluation was to assess to what extent the GI and TSG policy has reached its objectives. The evaluation examined the effectiveness, efficiency, relevance, coherence and added value at Union level of the GI and TSG framework.

The objectives of GIs and TSGs are **overall effectively** achieved. A wide range of possible benefits for stakeholders is associated with the policy, like securing fair return and competition for producers. However, these are not systematic in all Member States. The main limits are the low awareness and understanding of the policy by consumers in some Member States and certain weaknesses of the controls at the downstream stages of the value chain. The other core policy objectives — ensuring the respect of GIs as IPR and the integrity of the internal market, and for TSGs to help producers of traditional products to safeguard traditional methods of production and recipes — are in general achieved.

The framework for GIs/TSGs is assessed to be **efficient**. GIs and TSGs provide several benefits for producers¹⁴, while the costs for public bodies (at Union and national levels) are low, estimated at 0.12 % of the total sales value under GI/TSG. However, there is room for simplification and reduction of administrative burden, notably as regards the lengthy registration and amendment procedures, both at national and Union level.

The policy is assessed to be **relevant** for both private stakeholders and public authorities. The objectives of GIs and TSGs are addressing the actual needs of the various stakeholders. GIs and TSGs are considered a strong asset for rural territories and an important tool for promoting regional identity. Strengthening GIs and TSGs through rural development support responds primarily to the need to enhance integration. Although environmental protection and animal welfare are not the main objectives for GI/TSG production, the surveyed producer groups declared that some product specifications consider environmental and animal welfare issues.

Considering **coherence**, no major incompatibility has been identified regarding the GIs and Union trade marks, GIs/TSGs and national/regional schemes, and GIs/TSGs and other Union policies.

In addition, there is a clear **Union added value** because GIs and TSGs contribute notably both to the integrity of the internal market and fair trade with third countries.

As regards the **lessons learned**, besides the above mentioned weaknesses in the field of control and enforcement (downstream market), and low awareness and understanding by consumers, the following points can be highlighted:

- Differences in implementation cause difficulties for enforcing producers' IPR outside the Member State of production. In addition, GIs cover a wide range of products and

¹³ https://ec.europa.eu/info/food-farming-fisheries/key-policies/common-agricultural-policy/cmef/products-and-markets/geographical-indications-and-traditional-specialities-guaranteed-protected-eu_en

¹⁴ The average price of GI/TSG products is twice as high than that of comparable non-GI/TSG products; relative lower price variability for GI products; fair competition for producers in the GI/TSG value chain; diversification of on-farm activities e.g. processing, new types of sales (direct sales, e-sales) and agri-tourism.

are sold through various outlets (including online sales) further hampering their effective enforcement.

- Another issue is closely linked to the Commission's new political objectives, in particular the European Green Deal and the Farm to Fork Strategy. As sustainability concerns have become more accentuated in recent years, GI and TSG production is not or not systematically taking them into consideration.
- Producer groups play a pivotal role in the implementation of GIs and TSGs. However, the evaluation found that the tasks they are entitled to conduct highly differ among the various sectors and between the Member States as they are only defined at Union level for the agri-food sector but not for wines and spirit drinks.
- Lengthy and complex procedures for registration and amendments, both at national and European level, are considered the main nuisance for producers and source of administrative burden.
- The limited number of products registered as TSGs, not constituting an IPR, points to a lack of interest in this scheme and the difficulty to protect traditional production methods across the Union.
- **Stakeholder consultations**

The consultation strategy elaborated for this initiative covered all aspects of the initiative aiming at strengthening the system of GIs. It addressed various stakeholder categories: public authorities, organisations from the farming sector, organisations from the processing sector, European, national and sectoral federations and private companies, consumers' organisations, organisations from the trade sector and retail sectors; third countries, academic and research institutes, general public and others.

All the activities announced in the communication strategy were performed as planned: Roadmap — Inception Impact Assessment feedback, stakeholder conference, Civil Dialogue Group meetings and questionnaire, Member States meetings and questionnaire, and targeted consultations of experts from the non-governmental sector.

Roadmap — Inception Impact Assessment feedback

Overall, stakeholders welcomed the orientations set out in the Roadmap – Inception Impact Assessment¹⁵ published for feedback on 28 October 2020. The Roadmap received 51 feedbacks.

The great majority of the respondents welcomed the Commission initiative to strengthen the Union system of GIs. The feedback mainly focused on sustainability aspects to make part of the product specification, and the need for improved protection and legislative clarifications. Those who commented on the future of the TSG scheme considered that it should be continued, clarified and simplified. A smaller number of respondents mentioned issues related to simplification, controls and enforcement, empowering GI producer groups and issues related to the use of the Union symbol on the label.

Conference on “Strengthening Geographical Indications”, 25-26 November 2020

A high-level conference was organised jointly by the Commission and the European Intellectual Property Office (EUIPO), and served as the focal point for stakeholders to make their views known on the range of issues dealt with in the GI revision process. A large audience composed of GI producers, stakeholders across the food value chain, Member State

¹⁵ file:///C:/Users/dufouva/Downloads/090166e5d5274a42%20(1).pdf

officials, international and civil society organisations, EU officials as well as students and interested public took part of the event.

Besides the plenary opening and closing sessions, fifteen panels to discuss different issues of the GI review took place. Sustainability issues and empowerment of producers were also discussed to address the Farm to Fork initiative as well as ways to increase attractiveness of GIs, and modernise and better enforce GIs in line with the IP action plan.

The recorded conference and all the material (ppt. / video / audio / gallery) is available on the EUROPA web-page until November 2022¹⁶.

Public consultation

From 15 January 2021 to 9 April 2021, the Commission conducted an open public consultation in all official EU languages via EU-SURVEY. Its aim was to gather the views of public authorities, stakeholders and the public. 302 contributions were received from respondents from 21 Member States.

The respondents identified the **main challenges** for the GI revision:

- Due to increased exploitation of reputation of GIs on the internet, there is a need to **prevent fraud** and the counterfeiting of GI products.
- GI producer groups should have **greater powers and responsibilities to manage, promote and enforce their GIs**. For the time being, they are not able to take decisions binding on their members.
- There is a **lack of awareness of the logo**, resulting from a lack of information and publicity about the benefits of GIs.

Consultation of the Civil Dialogue Group (CDG) on Quality and Promotion

The CDG members represent interests of producers, processors, retailers, consumers, environmentalists and others. The Commission consulted the CDG Quality and Promotion during meetings on:

- 5 November 2020: information on the process; first discussion on the GI revision;
- 9 March 2021: discussion on the main needs for the revision of the GIs, with a focus on some elements including sustainability;
- 1 July 2021: results of the public consultation and the targeted consultation of the CDG; discussion on objectives and options;
- 30 November 2021: presentation of the outcome of the impact assessment process.

Similarly, as detailed above, the Commission also consulted the CDG Wine during its meetings on 5 May and 8 November 2021, and the CDG Spirit Drinks on 9 March and 29 October 2021.

The Commission also consulted the members of the CDG Quality and Promotion through a written questionnaire on the sustainability of GIs, the labelling and the TSG.

- **Collection and use of expertise**

The Commission consulted experts from the Member States in the framework of the Expert Group for Quality and Sustainability of Agriculture and Rural Development. Meetings of this Expert Group took place on:

¹⁶ https://ec.europa.eu/info/events/strengthening-geographical-indications-digital-conference-2020-nov-25_en

- 23 February 2021: the context, challenges and objectives, and feedback on the Roadmap;
- 22 April 2021: results of the public consultation and the targeted consultation of the Expert group; overall approach;
- 23 September 2021: policy choices.

Prior to these meetings, the Commission also collected experience about implementation of the TSG scheme in the meeting of the Agricultural Policy Quality Committee on 19 October 2020, including in the form of a questionnaire.

The Commission also consulted the members of the Expert Group through a written questionnaire on the sustainability of GIs, simplification of the GI system with a focus on national process, relations with rural development policy and the TSG scheme.

As regards the **sustainability**, the driving opinion was that sustainability should not be imposed on the GI producers, but encouraged and accompanied. The existing practices in relation to sustainability are to be acknowledged and promoted. Member States' experts stressed particularly the importance of a gradual integration of sustainability requirements. There is a need for more support (e.g. for sustainability certification, relevant investments) and other forms of incentives (e.g. priority in funding) as well as information and promotion actions. With regard to concerns about nutritious food and healthy diet, the main opinion was that the focus on nutritional values and dietary needs should not dilute the concept of origin in GIs, i.e. of quality achieved through the correlation between human factors and natural factors in a given geographical area.

While the experts welcomed further **simplification of procedures** and reduction of administrative burden, they also indicated that a thorough and accurate examination of GI applications should precede over speed. Several experts favoured a better harmonisation of the procedural rules for all sectors and advocated for better guidelines and exchange of information to facilitate the circulation of best practices, in combination with a better performing IT application.

With regard to the main difficulties in the **national procedure**, two main elements stand out. First, bringing producers together in an active organisation appears to be difficult, because of limited time and resources. Producers show reluctance to cooperate at an early stage of a GI registration, and can disagree on the definition of the production process in a product specification. Drafting the product specification is the second difficulty encountered by producers: struggle in gathering evidence supporting that the product meets requirements for a GI, unclear description of the product specificities, lack of knowledge on which information is required, etc.

As regards the relation with **rural development interventions**, the majority of experts indicated the objective should not be only to raise consumers' awareness and promote the GI policy, but also to increase producers' competitiveness, encourage them to apply for the protection and improve sustainability.

Experts explained that the registration procedure for **TSGs** is considered complex and burdensome, hence clarification of criteria could be envisaged. They insisted on the fact that allowing TSGs to be freely produced outside their country of origin refrains producers from participating in the scheme, as they do not see the benefit of taking the registration burden.

- **Impact assessment**

The work on the Impact Assessment was carried out from October 2020 to September 2021, during which an inter-service steering group met four times. Representatives of twelve

Directorates General and Commission Services (ISSG), and of EUIPO participated in the group. The content of the impact assessment report has been developed and improved with the contributions and comments of the services that participated actively to this ISSG.

The Regulatory Scrutiny Board issued a negative opinion on the draft Impact Assessment Report following the meeting on 30 June 2021. The main observations of the Board included:

- The report does not provide a clear rationale and sufficient evidence to support the need for action in the areas of sustainability, healthy diets, use of logos and supply chain imbalances.
- The report does not bring out clearly enough the available policy choices. It does not explore sufficiently alternative combinations of policy actions that could offer a better mix or are politically most relevant.
- The report is not sufficiently clear on the involvement of an agency and the related costs.
- The report does not sufficiently differentiate the views of different stakeholders on key issues.

The ISSG was consulted in writing during the period 10-15 September 2021 on the revised version of the Impact Assessment Report, following the comments of the Regulatory Scrutiny Board. Comments were duly taken into account in the revised version.

The required clarifications and complements were added in the Impact Assessment Report and its Annexes and resubmitted to the Board on 25 September 2021. On this basis, the Board issued a positive opinion with reservations¹⁷ on 24 October 2021. While acknowledging improvements in the report, the Board requested further clarifications on the following issues:

- The selection of the preferred set of policy actions is not coherent with the rest of the report. The report does not provide a clear identification and consistent assessment and comparison of alternative policy action packages.
- The report does not sufficiently justify the preferred policy action regarding the involvement of an agency.
- The views of different categories of stakeholders are not sufficiently reflected in the main report.

All comments of the Board were addressed in the final version of the Impact Assessment Report and its executive summary¹⁸.

The impact assessment process tested three policy options for the revision of GIs.

The first option — Improve and support — aims at improving the instruments already in place and providing further support to producers, Member States' authorities and other stakeholders. Main focus is on guidance (e.g. linked to enforcement, the assessment of files and legal interpretation/clarification), re-enforced cooperation among Member States and capacity building activities, including on sustainability issues. Procedures will be improved by aligning them across the sectors. A more flexible approach towards the Union logos is targeting their increased use by producers.

The TSG scheme is replaced by an official recognition of traditional agricultural products and foodstuffs by Member States' authorities with a limited list of criteria to be set at the Union

¹⁷ Insert hyperlink when published

¹⁸ Insert hyperlink when published

level while Member States would notify the names of traditional products to the Commission in order to be made public.

The second option — Better define and reinforce — reinforces the protection of GIs and improves the level playing field amongst operators through a single set of control procedures for all sectors and the development of detailed rules on the respect of GIs in relation to internet sales. It also defines the role GI producer groups can play, on a voluntary basis, in contributing to addressing the societal concerns on sustainability through inclusion of sustainability criteria in product specifications, and in strengthening the management and enforcement of their GI assets. The specific roles of GI producer groups, recognised by Member States' authorities, would be extended to all sectors. The use of the logo on the product label is not obligatory and producers can decide on its size and place on the label. Legislation will benefit from clarifications of the legal terminology, built-in flexibilities regarding the production process and the creation of a single set of simplified procedural rules.

As part of this option, Union management structures for assessing GIs are to be reinforced through involvement of an existing agency in the registration procedure. While the national level assessment would remain with Member States, an agency would provide technical assistance to the Commission during the EU-level scrutiny of applications and oppositions. While the Impact Assessment Report implicitly foresees decisions also taken by an agency, for reasons of retaining close legislative control, the Commission shall take all legal decisions.

The third option — Harmonise and upgrade — ensures full harmonisation through the creation of a single Regulation containing unified enforcement and control rules. Similarly, provisions related to protection and procedural rules will be streamlined into one single basic act. Use of the prescribed logos is obligatory across all sectors. However, harmonisation will not affect GI definitions and will maintain the specificities of particular sectors. Sustainability criteria for GI production would be defined in the Union legislation and enforced via their integration in the product specification, making them subject to official controls. In addition to the actions provided under the previous policy option, specific guidelines on the functioning of the GI producer groups will strengthen their position in the GI value chains and allow for better management of their GI assets.

This option envisages to fully outsource the registration process to an existing agency, and provides the possibility of an appeal to an appellate body. It allows for various degrees of involvement of Member States: initial national level assessment as under current rules, consultation of Member States or no involvement of Member States.

The TSG scheme would be abandoned. Those traditional food names that are able to meet the criteria for a PDO or a PGI could be registered as such while other traditional names could be registered as a trade mark.

The impact assessment has concluded that **the second option has the most merits**. This option scores the highest as regards the comparison of costs and benefits for GI producers. While producers will benefit from a faster and better protection, the costs, notably related to the length of the registration procedure and resources needed, will decrease. Voluntary inclusion by the GI producer group of sustainability criteria in the product specification would entail additional compliance and certification costs that could be partly offset by support measures in the framework of the rural development policy; this would meet consumers' expectations for products with a higher ambition in sustainability aspects.

- **Regulatory fitness and simplification**

The proposal is based on a regulatory fitness check and the analysis of the simplification potential.

The proposed Regulation simplifies administration of GIs by providing for a single set of procedural and control rules for all sectors. It harmonises the protection provisions for all sectors as well. It thus ensures coherence and makes the system of GIs more easily understandable for stakeholders.

The main elements of simplification are:

- a single set of rules for application processes and controls, with benefits in terms of coherence of rules across sectors, ending current divergences in procedures;
- clarifications are introduced in particular in relation to IPR;
- simpler concepts are introduced, notably in the TSG scheme, to improve their understanding for producers and consumers

As regards the reduction of administrative burden, the proposal provides for technical assistance in the registration procedure by an existing EU agency and full exploitation of digital tools. The impact assessment shows that technical assistance will result in improvements in length of time, quality of applications (due to feedback cycle), quality of assessments and burden reduction on producers and Member States. This will require less public administration capacity and resources, and will shorten the registration time.

The new domain name information and alert system to be established by EUIPO shall provide GI applicants with an additional digital tool as part of the application process to better protect and enforce their GI rights.

- **Fundamental rights**

The Union is obliged under the EU Charter of Fundamental Rights¹⁹ (Article 17(2)) to protect intellectual property. The measures foreseen will create better conditions for the protection of GIs and decrease the risk of usurpation, imitation and evocation of GI names, thus contributing to securing producers' incomes. A more harmonised approach to procedural rules should result in a more efficient registration process, with shorter registration times, reduced burdens on producers and higher quality of registration processes, thereby respecting the Commission's obligation to handle GI applications impartially, fairly and within a reasonable time.

4. BUDGETARY IMPLICATIONS

The proposal does not have any budgetary implications.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The implementation of the measures will be monitored and reported upon, based on the core monitoring indicators for the main operational objectives, listed in the Impact Assessment Report.

¹⁹ https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights/your-rights-eu/eu-charter-fundamental-rights_en

To monitor contribution of GIs to sustainable development and ensure transparency, GIview includes a section for each registered geographical indication where Member States' authorities will include the sustainability statement.

The 2016 Interinstitutional Agreement on Better Law-Making provides that the three Institutions agree to systematically consider the use of review clauses in legislation, and that account is taken of the time needed for implementation and for gathering evidence on results and impacts. Based on this, the Commission shall carry out an evaluation no sooner than five years after the date of application of the Regulation. The evaluation will be conducted according to the Commission's Better Regulation Guidelines.

- **Detailed explanation of the specific provisions of the proposal**

The proposal consists of a set of rules designed to put in place a coherent system for GIs aimed at assisting producers to better communicate the qualities, characteristics and attributes of their GI products, and at ensuring appropriate consumer information. Moreover, the proposal clarifies and improves the TSG scheme while it makes no changes to the scheme for optional quality terms.

The proposal includes the following provisions:

Title I: General provisions

General provisions define the subject being the GIs, protecting the names of wines, spirit drinks and agricultural products. They also provide the definitions of terms specifically used in the Regulation, as well as data protection rules.

Title II: Geographical indications

Chapter 1: General provisions

The general provisions explain that the objective of the GI system is to provide a unitary and exclusive system protecting the names of wines, spirit drinks and agricultural products having characteristics, attributes and reputation linked to their place of production. [LS: They provide the classification of products covered. They also provide the definitions of terms specifically used in this Title.

Chapter 2: Registration of geographical indications

This Chapter provides notably for the uniform rules for registration, both at national and Union level including the opposition procedure; defines the applicant and lists requirements for the applicant; specifies the content of application documents, and defines the role of the register. It lays down the transitional protection and transitional measures. It also includes provisions on the amendments to the product specification and on the cancellation of the registered GI.

Chapter 3: Protection of geographical indications

The level of protection of GIs is laid down in this Chapter. The Chapter also lays down rules for GIs when used as ingredients, clarifies generic terms and registration of homonymous GIs, as well as the relationship with trade marks. It provides rules for the recognised producer groups. The relationship with the use of terms in internet domain names is defined. Finally, this Chapter includes the rules for the use of Union symbols, indications and abbreviations on the labelling and advertising material of the product concerned.

Chapter 4: Checks and enforcement

The rules on the checks are laid down in this Chapter, including both verification that a product designated by a GI has been produced in conformity with the corresponding product

specification; and monitoring of the use of GIs in the marketplace. It also prescribes mutual assistance between Member states' authorities. Finally, it requires that the proof of certification should be provided by the enforcement authorities on a request by a producer.

Chapter 5: Supplementary elements of the registration procedure

Under this Chapter, criteria are established for monitoring the performance of the European Union Intellectual Property Office (EUIPO) which will provide technical assistance to the Commission as regards the scrutiny of applications.

Chapter 6: Geographical indications of agricultural products

This Chapter provides for the definition of a Protected Designation of Origin and a Protected Geographical Indication for agricultural products. It prescribes the content of the product specification and of the single document for GIs of agricultural products. Besides this, it includes rules that are specific for this sector, notably on plant varieties and animal breeds, the sourcing of feed and of raw materials.

Chapter 7: Procedural provisions

This Chapter lays down that the Commission shall be assisted by the Geographical Indications Committee

Chapter 8: Transitional and final provisions (geographical indications)

This Chapter lays down that the Commission shall be assisted by the Geographical Indications Committee. It also provides for the continuity of the registers and clarifies the rules for applications submitted before the entry into force of this Regulation.

Title III: Quality schemes

Chapter 1: Traditional specialities guaranteed

This Chapter lays down the rules for the TSG scheme. In comparison to the existing rules, it clarifies the criteria for the registration of TSGs; notably, it no longer requires those to have a specific character. Procedural rules are also clarified and streamlined.

Chapter 2: Optional quality terms

This Chapter lays down the rules for optional quality terms. No changes have been done to the existing legislation in this area.

Chapter 3: Procedural provisions

This Chapter lays down that the Commission shall be assisted by the Agricultural Quality Committee.

Title IV: Amendments to Regulations (EU) No 1308/2013, (EU) 2019/787 and (EU) 2017/1001 [BT: order of Regulations]

This Title includes the provisions amending Regulation (EU) No 1308/2013 and Regulation (EU) 2019/787, notably due to a new harmonised set of rules for protection, registration procedure and control and enforcement, laid down in the previous chapters of this Regulation. It amends Regulation (EU) 2017/1001 to give to EUIPO the tasks of administration of geographical indications.

Title V: Transitional and final provisions

The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in the Regulation. This Chapter also clarifies the transitional rules, notably that the applications submitted before the entry into force of this Regulation have to respect the rules

applicable before its entry into force. The entry into force of the Regulation is defined on the [...] day following that of its publication in the *Official Journal of the European Union*.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on European Union geographical indications for wine, spirit drinks and agricultural products, and quality schemes for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2017/1001 and (EU) 2019/787 and repealing Regulation (EU) No 1151/2012

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) and the first paragraph of Article 118 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee²⁰,

Having regard to the opinion of the Committee of the Regions²¹,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The European Green Deal²² included the design of a fair, healthy and environmentally-friendly food system (“farm to fork”) among the policies to transform the Union's economy for a sustainable future.
- (2) Commission Communication of 20 May 2020 on 'A Farm to Fork Strategy - for a fair, healthy and environmentally-friendly food system' which called for a transition to sustainable food systems, also calls to strengthen the legislative framework on geographical indications and, where appropriate, include specific sustainability criteria. In the Communication, the Commission committed to strengthen, among other players, the position of producers of products with geographical indications, their cooperatives and producer organisations in the food supply chain.
- (3) In its Communication of 25 November 2020 titled ‘Making the most of the EU’s innovative potential – An intellectual property action plan to support the EU’s recovery and resilience’, the Commission undertook to look at ways to strengthen, modernise, streamline and better enforce geographical indications for agricultural products, wine and spirit drinks.
- (4) The quality and diversity of the Union’s wine, spirit drinks and agricultural production is one of its important strengths, giving a competitive advantage to the Union’s producers and making a major contribution to its living cultural and gastronomic heritage. This is due to the skills and determination of Union producers who have kept

²⁰ OJ C XX, XX.X.2022, p. XX.

²¹ OJ C XX, XX.X.2022, p. XX.

²² https://ec.europa.eu/info/publications/communication-european-green-deal_en

traditions alive while taking into account the developments of new production methods and material.

- (5) Citizens and consumers in the Union increasingly demand quality as well as traditional products. They are also concerned to maintain the diversity of agricultural production in the Union. This generates a demand for wine, spirit drinks and agricultural products with identifiable specific characteristics, in particular those linked to their geographical origin.
- (6) The protection of natural persons in relation to the processing of personal data is a fundamental right. Regulation (EU) 2018/1725 of the European Parliament and of the Council²³ provides rules 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. The roles of the Commission and of the Member States in relation to the processing of personal data in the procedures they are competent for need to be clearly defined in order to ensure a high level of protection. Processing of personal data is lawful when it is necessary for the performance of tasks carried out in the public interests. Procedures for registration, amendment or cancellation of geographical indications and traditional specialities guaranteed carried out in the framework of this Regulation, Regulation (EU) No 1308/2013 of the European Parliament and of the Council²⁴ and Regulation (EU) 2019/787 of the European Parliament and of the Council²⁵ should be properly carried out. Processing references concerning applicants in a registration, amendment or cancellation procedure, opponents, beneficiaries of transitional periods and bodies and natural persons delegated for certain official control tasks, in the context of the procedures of registration, amendment or cancellation of geographical indications and traditional specialities guaranteed, is necessary for the correct management of these procedures. In addition, those procedures have a public nature. Transparency is necessary to allow fair competition between the operators and to publicly identify the private and public economic interests linked to these procedures. With a view to minimising the exposure of personal data, the documents to be submitted in the course of the relevant procedures should as far as possible avoid requirements for submission of personal data. Nonetheless, the Commission and the Member States may need to process information that contain personal data, such as personal names and contact details. Within this framework, for reasons of public interest and in accordance with Regulation (EU) 2018/1725, the Commission and the Member States should be allowed to process such personal data and to disclose or make it public when this is needed to identify applicants in a registration, amendment or cancellation procedure, opponents in an opposition procedure, beneficiaries of a transitional period granted to

²³ 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. 39–98.

²⁴ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007, OJ L 347, 20.12.2013, p. 671–854.

²⁵ Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008, OJ L 130, 17.5.2019, p. 1–54.

derogate to the protection of a registered name and bodies delegated to carry out the verification on compliance with product specification.

- (7) For the purpose of applying Regulation (EU) 2018/1725 the Commission is the authority with whom the owners of personal data may exercise the related rights, by sending comments, raising questions or concerns, or submitting a complaint regarding the collection and use of the personal data. It should, therefore, be clarified that the Commission is considered the controller within the meaning of Regulation (EU) 2018/1725 in relation to the processing of personal data in the procedures for which it is responsible under this Regulation, Regulation (EU) No 1308/2013, Regulation (EU) 2019/787 and the provisions adopted pursuant thereto.
- (8) Regulation (EU) 2016/679²⁶ of the European Parliament and of the Council applies to the processing of personal data carried out by Member States in the course of the relevant procedures. For the purpose of applying that Regulation the competent authorities of the Member States are the authorities with whom the owners of personal data may exercise the related rights, by sending comments, raising questions or concerns, or submitting a complaint regarding the collection and use of the personal data. It should, therefore, be clarified that the Member States are considered controllers within the meaning of Regulation (EU) 2016/679 in relation to the processing of personal data in the procedures for which they are responsible under this Regulation, Regulation (EU) No 1308/2013, Regulation (EU) 2019/787 and the provisions adopted pursuant thereto.
- (9) Ensuring uniform recognition and protection throughout the Union for the intellectual property rights related to names protected in the Union is a priority that can be effectively achieved only at Union level. Geographical indications protecting the names of wines, spirit drinks and agricultural products having characteristics, attributes or reputation linked to their place of production are an exclusive Union's competence. A unitary and exclusive system of geographical indications therefore needs to be provided. Geographical indications are a collective right held by all eligible producers in a designated area willing to adhere to a product specification. Producers acting collectively have more powers than individual producers and take collective responsibilities to manage their geographical indications, including responding to societal demands for products resulting from sustainable production. Operating geographical indications reward producers fairly for their efforts to produce a diverse range of quality products. At the same time, this can benefit the rural economy, which is particularly the case in areas with natural or other specific constraints, such as mountain areas and the most remote regions, where the farming sector accounts for a significant part of the economy and production costs are high. In this way, quality schemes are able to contribute to and complement rural development policy as well as market and income support policies of the CAP. In particular, they may contribute to the developments in the farming sector and, especially, disadvantaged areas. A Union framework that protects geographical indications by providing for their inclusion in a register at Union level facilitates the development of the agricultural sector, since the resulting, more uniform approach ensures fair competition between the producers of products bearing such indications and enhances the credibility of the products in the consumers' eyes. The system of geographical indications aims at enabling consumers to make more informed purchasing choices and, through labelling and advertising, helping them to correctly

²⁶ reference

identify their products on the market. Geographical indications, being a type of intellectual property right, help operators and companies valorise their intangible assets. To avoid creating unfair conditions of competition and to sustain the internal market, any producer, including a third country producer, should be able to use a registered name and market products designated as geographical indications throughout the Union and in electronic commerce, provided that the product concerned complies with the requirements of the relevant specification and that the producer is covered by a system of controls. In light of the experience gained from the implementation of Regulations (EU) No 1308/2013, (EU) 2019/787 and (EU) No 1151/2012 of the European Parliament and of the Council²⁷, there is a need to address certain legal issues, to clarify and simplify some rules and to streamline the procedures.

- (10) In order to comply with the definition of agricultural products in the international framework, i.e. World Trade Organisation, the use of the combined nomenclature should be provided for geographical indications.
- (11) The Union has for some time been aiming at simplifying the regulatory framework of the Common Agricultural Policy. This approach should also apply to regulations in the field of geographical indications, without calling into question the specific characteristics of each sector. In order to simplify the lengthy registration and amendment procedures, harmonised procedural rules for geographical indications for wine, spirit drinks and agricultural products should be laid down in a single legal instrument, while maintaining product specific provisions for wine in Regulation (EU) No 1308/2013, for spirit drinks in Regulation (EU) 2019/787 and for agricultural products in this Regulation. The procedures for the registration, amendments to the product specification and cancellation of the registration in respect of geographical indications originating in the Union, including opposition procedures, should be carried out by the Member States and the Commission. The Member States and the Commission should be responsible for distinct stages of each procedure. Member States should be responsible for the first stage of the procedure, which consists of receiving the application from the producer group, assessing it, including running a national opposition procedure, and, following the results of the assessment, submitting the application to the Commission. The Commission should be responsible for scrutinising the application in the second stage of the procedure, including running a worldwide opposition procedure, and taking a decision on granting the protection to the geographical indication or not. Geographical indications should be registered only at Union level. However, with effect from the date of application with the Commission for registration at Union level, Member States should be able to grant transitional protection at national level without affecting the internal market 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 Commission should carry out the corresponding procedures for geographical indications originating in third countries.
- (12) To contribute to the transition to a sustainable food system and respond to societal demands for sustainable, environmentally and climate friendly, animal welfare ensuring, resource efficient, socially and ethically responsible production methods, producers of geographical indications should be encouraged to adhere to sustainability

²⁷ Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

standards that are more stringent than the mandatory ones and go beyond good practice. Such specific requirements could be set out in the product specification.

- (13) To ensure coherent decision-making as regards applications for protection and judicial challenges against them, submitted in the national procedure, the Commission should be informed in a timely and regular manner when procedures are launched before national courts or other bodies concerning an application for registration forwarded by the Member State to the Commission and of their final results. For the same reason, where a Member State considers that a national decision on which the application for protection is based is likely to be invalidated as a result of national judicial proceedings, it should inform the Commission of that assessment. If the Member State requests the suspension of the scrutiny of an application at Union level, the Commission should be exempted from the obligation to meet the deadline for scrutiny established therein. In order to protect the applicant from vexatious legal actions and to preserve the applicant's right to secure the protection of a name within a reasonable time, the exemption should be limited to cases in which the application for registration has been invalidated at national level by an immediately applicable but not final judicial decision or in which the Member State considers that the action to challenge the validity of the application is based on valid grounds.
- (14) To allow operators, whose interests are affected by the registration of a name, to continue to use that name for a limited period of time, while contravening the protection regime established in Article [27](#), specific derogations for the use of the names in the form of transitional periods should be granted. Such periods can also be allowed to overcome temporary difficulties and with the long-term objective of ensuring that all producers comply with the product specification.
- (15) To ensure transparency and uniformity across Member States, it is necessary to establish and maintain an electronic Union register of geographical indications, registered as protected designations of origin or protected geographical indications. The register should provide information to consumers and to those involved in trade. The register should be an electronic database stored within an information system, and should be accessible to the public.
- (16) The Union negotiates international agreements, including those concerning the protection of designations of origin and geographical indications, with its trade partners. In order to facilitate the provision to the public of information about the names protected by those international agreements, and in particular to ensure protection and control of the use to which those names are put, those names may be entered in the Union register of geographical indications. Unless specifically identified as designations of origin in such international agreements, the names should be entered in the register as protected geographical indications.
- (17) 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 designation of origin or protected geographical indication. This information should include, where applicable, the information on the identity of the producer group recognised at national level.
- (18) Protection should be granted to names entered in the Union register of geographical indications with the aim of ensuring that they are used fairly and in order to prevent practices liable to mislead consumers. In order to strengthen the protection of geographical indications and to combat counterfeiting more effectively, the protection

of designations of origin and geographical indications should also apply to domain names on the internet.

- (19) To establish whether products are comparable to the products registered as a geographical indication, account should be taken of all relevant factors. Those should include whether the products have common objective characteristics, such as method of production, physical appearance or use of the same raw material; under which circumstances the products are utilised from the point of view of the relevant public; whether they are frequently distributed through the same channels; and whether they are subject to similar marketing rules.
- (20) In light of commercial practices and Union jurisprudence clarity is required on the use of a geographical indication in the sale name of a processed product of which the product designated by the geographical indication is an ingredient. It should be ensured that such use is made in accordance with fair commercial practices and does not weaken, dilute or is not detrimental to the reputation of the product bearing the geographical indication. A consent of a large majority of the producers of geographical indications concerned should be required to allow such a use.
- (21) Rules concerning the continued use of generic names should be clarified so that generic terms that are similar to or form part of a name or term that is protected should retain their generic status.
- (22) The scope of the protection granted under this Regulation should be clarified, in particular with regard to those limitations on registration of new trade marks set out in Directive (EU) 2015/2436 of the European Parliament and of the Council²⁸ that conflict with the registration of geographical indications. Such clarification is also necessary with regard to the holders of prior intellectual property rights, in particular those concerning trade marks and homonymous names registered as geographical indications.
- (23) 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 means to better identify and market the specific characteristics of their products. The role of the producer group should hence be clarified.
- (24) As producers of products bearing geographical indications are mostly small or medium size enterprises, they face competition from other operators along the food supply chain which can create unfair competition between local producers and those operating on a more extended scale. In this context, in the interest of all the producers concerned, it is necessary to allow one single producer group to perform specific actions in the name of the producers. To that purpose, the category of the recognised producer group should be established, together with the criteria necessary to qualify as a recognised producer group and the related specific additional rights, in particular in order to provide recognised producer groups with the right tools to better enforce their intellectual property rights against unfair practices.
- (25) The relationship between internet domain names and protection of geographical indications should be clarified as regards the scope of the application of the remedy measures, the recognition of geographical indications in dispute resolution, and the fair use of domain names. Persons having a legitimate interest on a geographical indication applied for registration before the registration of the domain name should be

²⁸ OJ L 336, 23.12.2015, p.1.

empowered to request for the revocation or the transfer of the domain name in case of conflict.

- (26) The relationship between trademarks and geographical indications should be clarified in relation to criteria for the rejection of trademark applications, the invalidation of trademarks and the coexistence between trademarks and geographical indications.
- (27) In order to avoid creating unfair conditions 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 an 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 entitled to be covered by the verification of compliance of the product specification.
- (28) The symbols, indications and abbreviations identifying a registered geographical indication, and the rights therein pertaining to the Union, should be protected in the Union as well as in third countries with the aim of ensuring that they are used on genuine products and that consumers are not misled as to the qualities of products.
- (29) The labelling of wine, spirit drinks and agricultural products should be subject to the general rules laid down in Regulation (EU) No 1169/2011 of the European Parliament and of the Council²⁹, and in particular the provisions aimed at preventing labelling that may confuse or mislead consumers.
- (30) The use of Union symbols or indications on the packaging of products designated by a geographical indication should be made obligatory in order to make this category of products, and the guarantees attached to them, better known to consumers and to permit easier identification of these products on the market, thereby facilitating checks. However, in view of the specific nature of products covered by this Regulation, special provisions concerning labelling should be maintained for wine and spirit drinks. The use of such symbols or indications should remain voluntary for third country geographical indications and designations of origin.
- (31) The added value of the geographical indications is based on consumer trust. The system of geographical indications significantly relies on self-control, due diligence and individual responsibility of producers, while it is the role of the competent authorities of the Member States to take the necessary steps to prevent or stop the use of names of products, which are in breach of the rules governing geographical indications. The role of the Commission is to intervene in case of a systemic failure to apply Union law. Geographical indications should be subject to the system of official controls, in line with the principles set out in Regulation (EU) 2017/625 of the European Parliament and of the Council³⁰, which should include a system of controls at all stages of production, processing and distribution. Each operator should be subject to a control system that verifies compliance with the product specification. Taking into account that wine is subject to specific controls defined in the sectoral legislation, this Regulation should lay down controls for spirit drinks and agricultural products only.
- (32) In order to ensure that they are impartial and effective, the competent authorities designated to perform the verification of the compliance with the product specification should meet a number of operational criteria. Provisions on delegating

²⁹ OJ L 304, 22.11.2011, p. 18.

³⁰ OJ L 95, 7.4.2017, p. 1.

some competences of performing specific control tasks to product certification bodies should be envisaged to facilitate the task of the control authorities and make the system more effective.

- (33) Information on the competent authorities and product certification bodies should be made public to ensure the transparency and allow interested parties to contact them.
- (34) European standards developed by the European Committee for Standardisation and international standards developed by the International Organisation for Standardisation should be used for the accreditation of the control bodies as well as by those bodies for their operations. The accreditation of those bodies should take place in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council³¹.
- (35) Enforcement of geographical indications in the marketplace is important to prevent fraudulent and deceptive practices thus ensuring that producers 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. Controls should be carried out based on risk assessment or notifications from operators, and appropriate administrative and judicial steps should be taken to prevent or stop the use of names on products or services that contravene the protected geographical indications.
- (36) Online platforms have become increasingly used for sales of products, including of those designated as geographical indications, and in some cases they might represent an important space as regards preventing fraud. In this regard, this Regulation should establish rules to ensure appropriate labelling of products sold via online platforms, and to provide powers to Member States to disable access to the content that contravenes the rules. These rules should be without prejudice to Regulation (EU) No 2022/XX of the European Parliament and of the Council³².
- (37) 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.
- (38) For the optimal functioning of the internal market, it is important that producers quickly and easily demonstrate in several contexts that they are authorised to use a protected name, such as at customs controls, market inspections or on demand by trade operators. For this purpose, an official certificate, or other proof of certification, of entitlement to produce the product designated by a geographical indication should be put at the disposal of the producer.
- (39) The procedures for registration, amendment and cancellation of geographical indications, including the scrutiny and the opposition procedure, should be carried out in the most efficient way. This can be achieved by using the assistance for the scrutiny of the applications provided by the European Union Intellectual Property Office (EUIPO). While a partial outsourcing to EUIPO has been considered, the Commission would remain responsible for registration, amendment and cancellation, due to a strong relation with the Common Agricultural Policy and to the expertise needed to

³¹ OJ L 218, 13.8.2008, p. 30.

³² Regulation (EU) [...] of the European Parliament and of the Council of [...] on a Single Market For Digital Services (DSA) and amending Directive 2000/31/EC (OJ L ..., XXX, dd/mm/yyyy, p. X).

ensure that specificities of wine, spirit drinks and agricultural products are adequately assessed.

- (40) Criteria should be set to assess the performance of the EUIPO. These criteria should ensure quality, coherence and efficiency of the assistance provided. The Commission should prepare a report to the Parliament and to the Council on the results and experience of the execution of these tasks by the EUIPO.
- (41) In the light of existing practice, the two different instruments for identifying the link between the product and its geographical origin, namely the designation of origin and the geographical indication, should be maintained. Rules for and definitions of plant varieties and animal breeds should be clarified to better understand their articulation with geographical indications in case of conflict. Rules on sourcing of feed and of raw materials should remain unchanged.
- (42) A product bearing a geographical indication should meet certain conditions set out in the product specification. For such information to be easily understandable also to interested parties, the product specification should be summarised in a single document.
- (43) To implement the rules related to geographical indications, the Commission should be assisted by a committee, composed by the delegates of the Member States.
- (44) The specific objective of the scheme for traditional specialities guaranteed is to help the producers of traditional products to communicate to consumers the value-adding attributes of their product. In order to avoid creating unfair conditions of competition, any producer, including a producer from a third country, should be able to use a registered name of a traditional speciality guaranteed, provided that the product concerned complies with the requirements of the relevant specification and the producer is covered by a system of controls.
- (45) As only a few names have been registered, the current scheme for traditional specialities guaranteed has failed to realise its potential. Current provisions should therefore be improved, clarified and sharpened in order to make the scheme more understandable, operational and attractive to potential applicants. To ensure that names of genuine traditional products are registered, the criteria and conditions for registration of a name should be adapted, in particular by removing the condition that traditional specialities guaranteed have a specific character.
- (46) To ensure that traditional specialities guaranteed comply with their specification and are consistent, producers organised into groups should themselves define the product in a specification. The option of registering a name as a traditional speciality guaranteed should be open to third country producers.
- (47) To ensure transparency, the traditional specialities guaranteed should be entered in the register.
- (48) In order to avoid creating unfair conditions of competition, any producer, including a producer from a third country, should be able to use a registered name of a traditional speciality guaranteed, provided that the product concerned complies with the requirements of the relevant specification and the producer is covered by a system of controls. For traditional specialities guaranteed produced within the Union, the Union symbol should be indicated on the labelling and it should be possible to associate it with the indication 'traditional speciality guaranteed'. The use of the names, the Union symbol and the indication should be regulated to ensure a uniform approach across the internal market.

- (49) Traditional specialities guaranteed should be effectively protected on the market so that their producers are properly rewarded for their added value and that illegal users of traditional specialities guaranteed are prevented from selling their products.
- (50) In order not to mislead the consumers, registered traditional specialities guaranteed should be protected against any misuse or imitation, including as regards products used as ingredients, or against any other practice liable to mislead the consumer. Pursuing the same objective, rules should be laid down for specific uses of traditional specialities guaranteed, notably as regards the use of terms that are generic in the Union, labelling which contains or comprises the denomination of a plant variety or animal breed and trade marks.
- (51) Participation in the traditional speciality guaranteed scheme should ensure that any operator complying with the rules of this scheme is entitled to be covered by the verification of compliance with the product specification.
- (52) The procedures for the registration, amendments to the product specification and the cancellation of the registration in respect of traditional specialities guaranteed originating in the Union, including opposition procedures, should be carried out by the Member States and the Commission. The Member States and the Commission should be responsible for distinct stages of each procedure. Member States should be responsible for the first stage of the procedure, which consists of receiving the application from the producer group, assessing it, including running a national opposition procedure, and, following the results of the assessment, submitting the Union application to the Commission. The Commission should be responsible for scrutinising the application, including running a worldwide opposition procedure, and taking a decision on granting the traditional specialities guaranteed protection or not. The protection afforded by this Regulation upon registration should be equally available to traditional specialities guaranteed of third countries that meet the corresponding criteria and that are protected in their country of origin. The Commission should also carry out the corresponding procedures for traditional specialities guaranteed originating in third countries.
- (53) The optional quality terms scheme was introduced by Regulation (EU) No 1151/2012. It refers to specific horizontal characteristics, of one or more categories of products, farming methods or processing attributes which apply in specific areas. The optional quality term ‘mountain product’ has met the conditions laid down for optional quality terms and was established by that Regulation. It has provided mountain producers with an effective tool to better market their product and to reduce the actual risks of consumer confusion as to the mountain provenance of products on the market. The possibility for producers to use optional quality terms should be maintained, as the scheme has not yet fully met its potential in the Member States due to a short time of its application.
- (54) To implement the rules related to traditional specialities guaranteed and optional quality terms, laid down in this Regulation, the Commission should be assisted by a committee, composed of the delegates of the Member States.
- (55) Provisions concerning geographical indications in Regulations (EU) No 1308/2013, concerning the wine sector, and (EU) 2019/787, concerning the spirit drinks sector, need to be amended in order to align them to the common rules on registration, amendment, opposition, cancellation, protection and controls of the geographical indications set out in this Regulation. In particular for wine, additional changes are needed to the definition of protected geographical indications in line with the Trade

Related Agreement on Intellectual Property. For reasons of consistency with this Regulation, the provision on the tasks of the EUIPO laid down in Regulation (EU) 2017/1001 of the European Parliament and of the Council³³ should also be amended.

- (56) In order to supplement or amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of defining sustainability standards and laying down criteria for the recognition of existing sustainability standards; clarifying or adding items to be supplied as part of accompanying information; entrusting the EUIPO with the tasks related to scrutiny for opposition and the opposition procedure, operation of the register, publication of standard amendments to a product specification, consultation in the context of cancellation procedure, establishment and management of an alert system informing applicants about the availability of their geographical indication as a domain name, scrutiny of third country geographical indications other than geographical indications under the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications³⁴, proposed for protection pursuant to international negotiations or international agreements; establishing appropriate criteria for monitoring performance of the EUIPO in the execution of the tasks entrusted to it; laying down additional rules on the use of geographical indications to identify ingredients in processed products; laying down additional rules for determining the generic status of terms; establishing the restrictions and derogations with regard to the sourcing of feed in the case of a designation of origin; establishing restrictions and derogations with regard to the slaughtering of live animals or with regard to the sourcing of raw materials; laying down rules for determining the use of the denomination of a plant variety or of an animal breed; laying down rules which limit the information contained in the product specification for geographical indications and traditional specialities guaranteed; laying down further details of the eligibility criteria for traditional specialities guaranteed; laying down additional rules to provide for appropriate certification and accreditation procedures to apply in respect of product certification bodies; laying down additional rules to further detail protection of traditional specialities guaranteed; laying down for traditional specialities guaranteed additional rules for determining the generic status of terms, conditions for use of plant variety and animal breed denominations, and relation to intellectual property rights; defining additional rules for joint applications concerning more than one national territory and complementing the rules of the application process for traditional specialities guaranteed; complementing the rules for the opposition procedure for traditional specialities guaranteed to establish detailed procedures and deadlines; supplementing the rules regarding the amendment application process for traditional specialities guaranteed; supplementing the rules regarding the cancellation process for traditional specialities guaranteed; laying down detailed rules relating to the criteria for optional quality terms; reserving an additional optional quality term, laying down its conditions of use; laying down derogations to the use of the term ‘mountain product’ and establishing the methods of production, and other criteria relevant for the application of that optional quality term, in particular, laying down the conditions under which raw materials or feedstuffs are permitted to come from outside the mountain areas. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert

³³ Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (OJ L 154, 16.6.2017, p. 1).

³⁴ <https://www.wipo.int/publications/en/details.jsp?id=3983>

level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making³⁵. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

- (57) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards defining the technical presentation of, and online access to, the classification of the products designated by geographical indications according to the combined nomenclature; defining a harmonised presentation of sustainability undertakings; defining the format and online presentation of the accompanying documentation and providing for the exclusion or anonymisation of protected personal data; laying down detailed rules on procedures, the form and presentation of Union applications for registration, including for applications concerning more than one national territory; defining the format and online presentation of oppositions and official comments and providing for the exclusion or anonymisation of protected personal data; granting a transitional period to allow the use of a registered name alongside other names that would otherwise contravene with a registered name and extending such transitional period; rejecting the application; deciding on the registration of a geographical indication if an agreement has not been reached; registering of geographical indications pertaining to products of third countries that are protected in the Union under an international agreement, to which the Union is a contracting party; defining the content and presentation of the Union register of geographical indications; defining the format and online presentation of extracts from the Union register of geographical indications, and providing for the exclusion or anonymisation of protected personal data; laying down detailed rules on procedures, form and presentation of applications for a Union amendment and on procedures, the form and communication to the Commission of a standard amendment; cancelling the registration of a geographical indication; laying down detailed rules on procedures and form of the cancellation of a registration and on the presentation of the cancellation requests; establishing the Union symbols for geographical indications, defining the technical characteristics of the Union symbols and indications as well as the rules of their use on products marketed under a registered geographical indication, including rules concerning the appropriate linguistic versions to be used; detailing the nature and the type of the information to be exchanged and the methods for exchanging information under mutual assistance for the purpose of controls and enforcement; laying down rules on the form of the product specification of geographical indications of agricultural products; defining the format and online presentation of the single document of geographical indications of agricultural products and providing for the exclusion or anonymisation of protected personal data; for traditional specialities guaranteed: laying down rules on the form of the product specification; laying down detailed rules on the form and content of the Union register of traditional specialities guaranteed; establishing the Union symbol of traditional specialities guaranteed; laying down rules for the uniform protection of the indications, abbreviations and the Union symbol, rules on their use and on the technical characteristics of the Union symbol; laying down procedural and formal requirements for the protection of traditional specialities guaranteed; laying down detailed rules on procedures, the form and presentation of applications for registration,

³⁵ OJ L 123, 12.5.2016, p. 1.

including for applications concerning more than one national territory, of oppositions and of applications for amendments of a product specification and applications for cancellation of a registration; transitional periods for use of traditional specialities guaranteed; rejecting an application for registration; deciding on the registration of a traditional speciality guaranteed if an agreement has not been reached; cancelling the registration of a traditional speciality guaranteed; for optional quality terms and schemes: laying down technical details necessary for the notification of the optional quality terms and schemes; laying down rules related to forms, procedures or other technical details; laying down rules for the use of optional quality terms. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council³⁶.

- (58) The Commission should be empowered to adopt implementing acts without applying Regulation (EU) No 182/2011 in respect of: registering a name if there is no admissible opposition or in case of an admissible opposition, where the agreement has been reached for geographical indications and traditional specialities guaranteed and if necessary amending the information published, provided that these amendments are not substantial; establishing and maintaining a publicly accessible electronic register of geographical indications and electronic register of traditional specialities guaranteed; granting a transitional period for use of geographical indications following an opposition lodged in the national procedure; cancelling the geographical indications registered in breach with a wholly or partly homonymous geographical indication already applied for or registered; defining the means by which the name and address of competent authorities and product certification bodies are to be made public for traditional specialities guaranteed.
- (59) Regulations (EU) No 1308/2013, (EU) 2017/1001 and (EU) 2019/787 should therefore be amended accordingly and Regulation (EU) No 1151/2012 should be repealed.
- (60) The protected designations of origin, protected geographical indications and traditional specialities guaranteed already registered under Regulation (EU) No 1151/2012, the protected designations of origin and protected geographical indications already registered under Regulation (EU) No 1308/2013 and the geographical indications already registered under Regulation (EU) 2019/787 should continue to be protected under this Regulation, and they should be automatically included in the respective register.
- (61) Provisions should be made for appropriate arrangements to facilitate a smooth transition from the rules provided for in Regulations (EU) No 1151/2012, (EU) No 1308/2013 and (EU) 2019/787 to the rules laid down in this Regulation,

HAVE ADOPTED THIS REGULATION:

Title I

General provisions

Article 1

Subject matter

This Regulation lays down the rules on:

- (a) geographical indications for wine, spirit drinks and agricultural products.

³⁶ OJ L 55, 28.2.2011, p. 13.

(b) traditional specialities guaranteed and optional quality terms for agricultural products.

Article 2

Definitions

1. For the purposes of this Regulation the following definitions shall apply:
 - (a) ‘producer group’ means any association, irrespective of its legal form, mainly composed of producers or processors of the same product;
 - (b) ‘traditional’ and ‘tradition’, associated with a product originating in a geographical area, means proven historical usage by producers in a community for a period that allows transmission between generations; this period is to be at least 30 years and the said usage may embrace modifications necessitated by changing hygiene and safety practices;
 - (c) the definition of ‘labelling’ in Article 2(2), point (j), of Regulation (EU) No 1169/2011;
 - (d) ‘production step’ means any stage of production, processing, preparation or ageing, up to the point where the product is in a form to be placed on the internal market;
 - (e) ‘processed products’ means food resulting from the processing of unprocessed products within the meaning of Article 2 (m) and (o) of Regulation 852/2004;
 - (f) ‘product certification bodies’ means bodies within the meaning of Title II, Chapter III, of Regulation (EU) 2017/625 which certify that products designated by geographical indications or traditional specialities guaranteed comply with the product specification.
 - (g) ‘generic term’ means:
 - (i) the name of products which, although relating to the place, region or country where a product was originally produced or marketed, have become the common name of a product in the Union; and
 - (ii) a common term descriptive of types of products, product attributes or other terms that do not refer to specific product;
 - (h) ‘plant variety denomination’ means a designation of a given variety, that is in common use or officially registered pursuant to Council Directives 2002/53/EC³⁷, 2002/55/EC³⁸, 2008/90/EC³⁹ or Council Regulation (EU) No 2100/94⁴⁰, in the language or languages they are so used or listed, at the date of application for the registration of the geographical indication concerned;
 - (i) ‘animal breed denomination’ means the names of breeds in the meaning of Article 2 of Regulation (EU) 2016/1012 of the European Parliament and of the

³⁷ Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species (OJ L 193, 20.7.2002, p. 1).

³⁸ Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed (OJ L 193, 20.7.2002, p. 33).

³⁹ Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production (OJ L 267, 8.10.2008, p. 8).

⁴⁰ Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights (OJ L 227, 1.9.1994, p. 1)

Council⁴¹ that are listed in breeding books or breeding registers, in the language or languages they are so listed, at the date of application for the registration of the geographical indication concerned.

Article 3

Data protection

1. The Commission and the Member States shall process and make public the personal data received in the course of the procedures for registration, approval of amendments, cancellation, opposition, granting of transitional period and control pursuant to this Regulation, Regulation (EU) No 1308/2013 and Regulation (EU) 2019/787, in accordance with Regulations (EU) 2018/1725 and (EU) 2016/679.
2. The Commission shall be a controller within the meaning of Regulation (EU) 2018/1725 in relation to the processing of personal data in the procedure it is competent for in accordance with Regulation (EU) 2019/787, Commission Delegated Regulation (EU) 2021/1235⁴² and this Regulation.
3. The competent authorities of the Member States shall be controllers within the meaning of Regulation (EU) 2016/679 in relation to the processing of personal data in the procedures they are competent for in accordance with Regulation (EU) 2019/787, Delegated Regulation (EU) 2021/1235 and this Regulation.

Title II

Geographical indications

Chapter 1

General provisions

Article 4

Objectives

1. This Title provides for a unitary and exclusive system of geographical indications, protecting the names of wine, spirit drinks and agricultural products having characteristics, attributes or reputation linked to their place of production, thereby ensuring the following:
 - (a) producers acting collectively have the necessary powers and responsibilities to manage their geographical indication, including to respond to societal demands for products resulting from sustainable production in its three dimensions of economic, environmental and social value, and to operate in the market;
 - (b) fair competition for producers in the marketing chain;

⁴¹ Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof and amending Regulation (EU) No 652/2014, Council Directives 89/608/EEC and 90/425/EEC and repealing certain acts in the area of animal breeding ('Animal Breeding Regulation') (OJ L 171, 29.6.2016, p. 66).

⁴² Commission Delegated Regulation (EU) 2021/1235 of 12 May 2021 supplementing Regulation (EU) 2019/787 of the European Parliament and of the Council with rules concerning applications for registration of geographical indications of spirit drinks, amendments to product specifications, cancellation of the registration and the register (OJ L 270, 29.7.2021, p. 1).

- (c) consumers receive reliable information and a guarantee of authenticity of such products and can readily identify them in the marketplace including in electronic commerce;
- (d) efficient registration of geographical indications taking into account the appropriate protection of intellectual property rights; and
- (e) effective enforcement and marketing throughout the Union and in electronic commerce ensuring the integrity of the internal market.

Article 5

Scope

1. This Title covers wine, spirit drinks and agricultural products, including foodstuffs and fishery and aquaculture products, listed under Chapters 1 to 23 of the combined nomenclature set out in Annex I to Council Regulation (EEC) No 2658/87⁴³, and the additional agricultural products under the combined nomenclature headings and codes set out in Annex I to this Regulation.
2. The registration and the protection of geographical indications is without prejudice to the obligation of producers to comply with other Union rules, in particular those relating to the placing of products on the market, sanitary and phytosanitary rules, the common organisation of the markets, the competition rules and the provision of food information to consumers.
3. Directive (EU) 2015/1535 of the European Parliament and of the Council⁴⁴ shall not apply to the system of geographical indications laid down in this Regulation.

Article 6

Classification

1. Products designated by geographical indications shall be classified according to the combined nomenclature at two, four or six digit level. Where a geographical indication covers products of more than one category, each entry shall be specified. Product classification shall only be used for registration, statistical and record keeping purposes. The said classification shall not be used to determine comparable products for the purposes of protection against direct and indirect commercial use referred to in Article 27(1), point (a).
2. The Commission may adopt implementing acts defining the technical presentation of, and online access to, the classification referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2)

Article 7

Definitions

1. For the purposes of this Title the following definitions shall apply:

⁴³ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

⁴⁴ 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 standards and regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).

- (a) ‘geographical indication’, unless otherwise stated, means designations of origin and geographical indications of wine, as defined in Article 93 of Regulation (EU) No 1308/2013, designations of origin and geographical indications of agricultural products, as defined in Article 48 of this Regulation and geographical indications of spirit drinks, as defined in Article 3(4) of Regulation (EU) 2019/787, that are applied for or entered in the Union register of geographical indications referred to in Article 23;
- (b) ‘wine’ means the products referred to in Part II, points 1, 3 to 6, 8, 9, 11, 15 and 16 of Annex VII to Regulation (EU) No 1308/2013;
- (c) ‘spirit drinks’ as defined in Article 2 of Regulation (EU) 2019/787;
- (d) ‘agricultural products’ means products referred to in Article 5(1) excluding wine and spirit drinks;
- (e) ‘combined nomenclature’ means the goods nomenclature established by Article 1 of Regulation (EEC) No 2658/87;
- (f) ‘recognised producer group’ means a formal association having legal personality and recognised by the competent national authorities as the sole group to act on behalf of all producers;
- (g) ‘producer’ means an operator engaged in any production step of a product protected by a geographical indication, including processing activities, covered by the product specification;

Chapter 2

Registration of geographical indications

Article 8

Applicant

1. Applications for the registration of geographical indications may 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 bodies may help in the preparation of the application and in the related procedure.
2. An authority designated by a Member State may be deemed to be an applicant producer group for the purposes of this Title, with respect to geographical indications of a spirit drink, if it is not feasible for the producers concerned to form a group by reason of their number, geographical location or organisational characteristics. In such case, the application referred to in Article 9(2) shall state those reasons.
3. A single producer may be deemed to be an applicant producer group for the purposes of this Title where it is shown that both of the following conditions are fulfilled:
 - (a) the person concerned is the only producer willing to submit an application for the registration of a geographical indication; and
 - (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.

4. In the case of a geographical indication that designates a cross-border geographical area, several producer groups from different Member States or third countries may lodge a joint application for the registration of a geographical indication.

Article 9

National stage of the procedure of registration

1. An application for the registration of a geographical indication concerning a product originating in the Union shall be addressed to the competent authorities of the Member State in which the product originates.
2. The application referred to in paragraph (1) shall comprise:
 - (a) the product specification provided for in Article 11 ;
 - (b) the single document provided for in Article 13;
 - (c) the accompanying documents referred to in Article 14(1) points b), c) and d).
3. The Member State shall scrutinise the application for registration in order to check that it meets the conditions for registration of the respective provisions for wine, spirit drinks or agricultural products as appropriate.
4. As part of the scrutiny referred to in paragraph (3), the Member State shall conduct a national opposition procedure. The national opposition procedure shall ensure publication of the application for registration and provide for a period of at least 2 months from the date of publication within which any natural or legal person having a legitimate interest and established or resident on the territory of the Member State in which the product concerned originates may lodge an opposition to the application for registration with that Member State.
5. The Member State shall establish the modalities of the opposition procedure. These modalities may include criteria for the admissibility of an opposition, a period of consultation between the applicant producer group and each opponent, and submission of a report from the applicant producer group on the outcome of the consultations including any changes the applicant producer group has made to the application for registration.
6. If, after the scrutiny of the application for registration and the assessment of the results of any opposition received and any changes to the application agreed with the applicant producer group, the Member State considers that the requirements of this Regulation are met, it may take a favourable decision and lodge a Union application as referred to in Article 15.
7. The Member State shall ensure that its decision, be it favourable or not, is made public and that any natural or legal person having a legitimate interest has an opportunity to lodge an appeal. The Member State shall also ensure that the product specification on which its favourable decision is based is published, and shall provide electronic access to the product specification.

Article 10

Transitional national protection

1. A Member State may, on a temporary basis, grant transitional protection to a name at national level, with effect from the date on which a Union application for registration is lodged with the Commission.
2. Such national protection shall cease on the date on which either the implementing act deciding on the application for registration, adopted in accordance with Article [22](#), enters into force or the application for registration is withdrawn.
3. Where a name is not registered under this Regulation, the consequences of the transitional national protection shall be the sole responsibility of the Member State concerned.
4. The measures taken by Member States in accordance with this Article shall produce effects at national level only, and they shall have no effect on the internal market or in international trade.

Article 11

Product specification

For the purposes of this Title, the ‘product specification’ of a geographical indication shall be the document referred to in:

- (a) Article 94 of Regulation (EU) No 1308/2013 for wine;
- (b) Article 22 of Regulation (EU) 2019/787 for spirit drinks;
- (c) Article [51](#) of this Regulation for agricultural products.

Article 12

Sustainability undertakings

1. A producer group may agree on sustainability undertakings to be adhered to in the production of the product designated by a geographical indication. Such undertakings shall aim to apply a sustainability standard higher than mandated by Union or national law and go beyond good practice in significant respects in terms of social, environmental or economic undertakings. Such undertakings shall be specific, shall take account of existing sustainable practices employed for products designated by geographical indications, and may refer to existing sustainability schemes.
2. The sustainability undertakings referred to in paragraph [\(1\)](#) shall be included in the product specification.
3. The sustainability undertakings referred to in paragraph 1 shall be without prejudice to requirements for compliance with hygiene, safety standards and competition rules.
4. The Commission shall be empowered to adopt delegated acts in accordance with Article [84](#) defining sustainability standards in different sectors and laying down criteria for the recognition of existing sustainability standards to which producers of products designated by geographical indications may adhere.
5. The Commission may adopt implementing acts defining a harmonised presentation of sustainability undertakings. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53 [\(2\)](#).

Article 13

Single document

1. The 'single document' for a geographical indication refers to:
 - (a) the document summarising the product specification referred to in Article 94 of Regulation (EU) No 1308/2013 for wine;
 - (b) the document referred to in Article 23 of Regulation (EU) 2019/787 for spirit drinks;
 - (c) the document referred to in Article [52](#) of this Regulation for agricultural products.

Article 14

Accompanying documentation

1. The documentation accompanying the application for registration shall comprise:
 - (a) information concerning any proposed limitations on the use or on the protection of the geographical indication, and, where relevant, any transitional measures, proposed by the applicant producer group or by the national authorities notably following the national scrutiny and opposition procedure;
 - (b) the name and contact details of the applicant producer group;
 - (c) the name and contact details of the competent authority and/or product certification body verifying compliance with the provisions of the product specification pursuant to:
 - (i) Article 116a of Regulation (EU) No 1308/2013 as regards wine;
 - (ii) Article [39](#) of this Regulation as regards agricultural products and spirit drinks;
 - (d) any other information deemed appropriate by the Member State, or by the applicant producer group where applicable.
2. The Commission shall be empowered to adopt delegated acts in accordance with Article [84](#) supplementing this Regulation by provisions clarifying the requirements or listing additional items of the accompanying documentation to be supplied.
3. The Commission may adopt implementing acts defining the format and online presentation of the accompanying documentation provided for in paragraph [\(1\)](#), and on the exclusion or anonymisation of protected personal data. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53[\(2\)](#).

Article 15

Union application for registration

1. For geographical indications concerning products originating in the Union, the Union application for registration shall comprise:
 - (a) the single document referred to in Article [13](#);
 - (b) the accompanying documentation referred to in Article [14](#);

- (c) a declaration by the Member State to which the application was initially addressed, confirming that the application meets the conditions for registration; and
 - (d) the electronic publication reference of the product specification which shall be maintained up to date.
- 2. For geographical indications concerning products originating outside the Union, the Union application for registration shall comprise:
 - (a) the product specification with its publication reference,
 - (b) the single document referred to in Article [13](#);
 - (c) the accompanying documentation referred to in Article [14](#);
 - (d) legal proof of protection of the geographical indication in its country of origin; and
 - (e) a power of attorney where the applicant is represented by an agent.
- 3. A joint application for registration referred to in Article [8\(4\)](#) shall be submitted by one of the Member States concerned or by an applicant producer group in a third country, directly or through the authorities of that third country.
- 4. The joint application for registration referred to in Article [8\(4\)](#) shall include, as relevant, the documents listed in paragraph (1) or (2) from all Member States or third countries concerned. The related national procedures, including the opposition stage, shall be carried out in all the Member States concerned.
- 5. The documents referred to in this Article shall be drafted in one of the official languages of the Union.
- 6. The Commission shall be empowered to adopt delegated acts in accordance with Article [84](#) defining procedures and conditions applicable to the preparation and submission of Union applications for registration.
- 7. The Commission may adopt implementing acts laying down detailed rules on procedures, the form and presentation of Union applications for registration, including for applications concerning more than one national territory. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article [53\(2\)](#).

Article 16

Submission of the Union application for registration

- 1. A Union application for the registration of a geographical indication shall be submitted to the Commission electronically, through a digital system. The digital system shall have the capacity to allow the submission of applications to national authorities of a Member State, and to be used by the Member State in its national procedure.
- 2. Where the application for registration relates to a geographical area outside the Union, the application shall be submitted to the Commission, either directly or via the authorities of the third country concerned. The digital system, referred to in paragraph 1, shall have the capacity to allow submission of applications by an applicant producer group established outside the Union and by national authorities in the third country concerned.

3. The Union application for registration shall be made public by the Commission through the digital system referred to in paragraph (1).

Article 17

Scrutiny by the Commission and publication for opposition

1. The Commission shall scrutinise any application for registration that it receives pursuant to Article 16(1). Such scrutiny shall consist of a check that there are no manifest errors, that the information provided in accordance with Article 15 is complete and that the single document referred to in Article 13 is precise and technical in nature. It shall take into account the outcome of the national procedure carried out by the Member State concerned. It shall focus in particular on the single document referred to in Article 13.
2. Scrutiny should not exceed a period of 6 months. In the event that the scrutiny period exceeds or is likely to exceed 6 months the Commission shall inform the applicant of the reasons for the delay in writing.
3. The Commission may seek supplementary information from the applicant.
4. Where, based on the scrutiny carried out pursuant to paragraph 1, the Commission considers that the conditions laid down in this Regulation and in Regulations (EU) No 1308/2013 and (EU) 2019/787, as appropriate, are fulfilled, it shall publish in the *Official Journal of the European Union* the single document and the reference to the publication of the product specification.
5. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by rules on entrusting EUIPO with the tasks set out in this Article.

Article 18

National challenge to an application for registration

1. Member States shall keep the Commission informed of any national administrative or judicial proceedings that may affect the registration of a geographical indication.
2. The Commission shall be exempted from the obligation to meet the deadline to perform the scrutiny referred to in Article 17(2) and to inform the applicant of the reasons for the delay where it receives a communication from a Member State, concerning an application for registration in accordance with Article 9(6), which:
 - (a) informs the Commission that the decision referred to in Article 9(6) has been invalidated at national level by an immediately applicable but not final judicial decision; or
 - (b) requests the Commission to suspend the scrutiny because national administrative or judicial proceedings have been initiated to challenge the validity of the application and the Member State considers that those proceedings are based on valid grounds.
3. The exemption shall have effect until the Commission is informed by the Member State that the original application has been restored or that the Member State withdraws its request for suspension.

4. If the application has been invalidated by a final decision taken by a national court, the Member State shall consider appropriate action such as withdrawal or modification of the Union application for registration, as necessary.

Article 19

Union opposition procedure

1. Within 3 months from the date of publication in the *Official Journal of the European Union* of the single document and the reference to the product specification pursuant to Article 17(4), the authorities of a Member State or of a third country, or a natural or legal person having a legitimate interest, established or resident in a third country, may lodge an opposition or a notice of comment with the Commission.
2. Any natural or legal person having a legitimate interest, established or resident in a Member State other than the one from which the Union application for registration was submitted, may lodge an opposition with the Member State, in which it is established or resident, within a time limit permitting an opposition or notice of comments to be lodged pursuant to paragraph (1).
3. An opposition shall claim that the application could infringe the conditions laid down in this Regulation, Regulations (EU) No 1308/2013 or (EU) 2019/787, as appropriate, and give reasons. An opposition that does not contain the said claim shall be void.
4. The Commission shall check the admissibility of the opposition. If the Commission considers that the opposition is admissible, it shall, within 5 months from the date of publication in the *Official Journal of the European Union* invite the authority or the person that lodged the opposition and the authority or the applicant producer group that lodged the application to engage in appropriate consultations for a reasonable period that shall not exceed 3 months. At any time during that period, the Commission may, at the request of the authority or the applicant producer group, extend the deadline for the consultations by a maximum of 3 months.
5. The authority or the person that lodged the opposition and the authority or applicant producer group that lodged the application shall start appropriate consultations without undue delay. They shall provide each other with the relevant information to assess whether the application for registration complies with this Regulation, Regulations (EU) No 1308/2013 or (EU) 2019/787, as appropriate.
6. Within 1 month from the end of the consultations referred to in paragraph (4), the applicant producer group established in the third country or the authorities of the Member State or of the third country from which the Union application for registration was lodged shall notify the Commission of the result of the consultations, including all the information exchanged, whether agreement was reached with one or all of the opponents, and of any consequent changes to the application for registration. The authority or person that lodged an opposition to the Commission may also notify the Commission of its position at the end of the consultations.
7. Where, following the end of the consultations referred to in paragraph (4), the data published in accordance with Article 17(4) have been modified, the Commission shall repeat its scrutiny of the application for registration as modified. Where the application for registration has been modified in a substantial manner, and the Commission considers that the modified application meets the conditions for

registration, it shall publish the application once more in accordance with that paragraph.

8. The documents referred to in this Article shall be drafted in one of the official languages of the Union.
9. After completion of the opposition procedure, the Commission shall finalise its assessment of the Union application for registration, taking into account any request for transitional periods, the outcome of the opposition procedure, any notice of comments received and any other matters arising subsequently to its scrutiny that may imply a change of the single document.
10. The Commission shall be empowered to adopt delegated acts, in accordance with Article [84](#) supplementing this Regulation by detailed procedures and deadlines for the opposition procedure, for the official submission of comments by national authorities and persons with a legitimate interest, which will not trigger the opposition procedure and by rules on entrusting its tasks set out in this Article to EUIPO.
11. The Commission may adopt implementing acts defining the format and online presentation of oppositions and official comments, if applicable, and providing for the exclusion or anonymisation of protected personal data. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article [53\(2\)](#).

Article 20

Grounds for opposition

1. An opposition lodged in accordance with Article [19](#) shall be admissible only if the opponent demonstrates that:
 - (a) the proposed geographical indication does not comply with the definition of the geographical indication or with the requirements referred to in this Regulation, Regulation (EU) No 1308/2013 or Regulation (EU) 2019/787 as the case may be;
 - (b) registration of the proposed geographical indication would be prevented by one or more of the circumstances referred to in Article [29](#), Article [30](#), Article [31](#) or Article [49\(1\)](#) ;
 - (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 [17\(4\)](#) .
2. The admissibility of an opposition shall be assessed by the Commission in relation to the territory of the Union.

Article 21

Transitional period for the use of geographical indications

1. The Commission may adopt implementing acts granting a transitional period of up to 5 years to enable, for products originating in a Member State or a third country the designation of which consists of or contains a name that contravenes Article [27\(1\)](#), the continued use of that designation, under which they were marketed, provided that

an admissible opposition, under Article 9(4) or Article 19, to the application for registration of the geographical indication whose protection is contravened shows that:

- (a) the registration of the concerned geographical indication would jeopardise the existence of an entirely or partly identical name in the product designation; or
 - (b) such products have been legally marketed with that name in the product designation in the territory concerned for at least 5 years preceding the publication provided for in Article 17(4), point (a).
2. The implementing acts referred to in paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article 53(2) except those where an admissible opposition is lodged under Article 9(4), which shall be adopted without applying that examination procedure.
3. The Commission may adopt implementing acts extending the transitional period granted under paragraph (1) up to 15 years, or allowing continued use for up to 15 years, provided it is additionally shown that:
 - (a) the name in the designation referred to in paragraph (1) of this Article has been in legal use consistently and fairly for at least 25 years before the application for registration of the concerned geographical indication was submitted to the Commission;
 - (b) the purpose of using the name in the designation referred to in paragraph (1) has not, at any time, been to profit from the reputation of the name of the product that has been registered as geographical indication; and
 - (c) the consumer has not been or could not have been misled as to the true origin of the product.
4. The implementing acts referred to in paragraph 3 shall be adopted in accordance with the examination procedure referred to in Article 53(2) except those where an admissible opposition is lodged under Article 9(4), which shall be adopted without applying that examination procedure.
5. When using a designation referred to in paragraphs 1 and 3, the indication of the country of origin shall clearly and visibly appear on the labelling.
6. To overcome temporary difficulties with the long-term objective of ensuring that all producers of a product designated under a geographical indication in the area concerned comply with the related product specification, a Member State may grant a transitional period for compliance, of up to 10 years, with effect from the date on which the application is lodged with the Commission, provided that the operators concerned have legally marketed the products in question, using the names concerned continuously for at least 5 years preceding the lodging of the application to the authorities of that Member State and have referred to that fact in the national opposition procedure referred to in Article 9(4).
7. paragraph (6) shall apply *mutatis mutandis* to a geographical indication referring to a geographical area situated in a third country, with the exception of the opposition procedure.

Article 22

Commission decision on the application for registration

1. Where, on the basis of the information available to the Commission from the scrutiny carried out pursuant to Article 17, the Commission considers that any of the requirements referred therein is not fulfilled, it shall adopt implementing acts rejecting the application for registration. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2).
2. Where it receives no admissible opposition, the Commission shall adopt implementing acts, without applying the procedure referred to in Article 53(2), registering the geographical indication. The Commission may take in to account the notices of comments received in accordance with Article 19(1).
3. Where it receives an admissible opposition, the Commission shall, following the consultations referred to in Article 19(4) and taking into account the results thereof,
 - (a) adopt implementing act registering the geographical indication without applying the procedure referred to in Article 53(2), if an agreement has been reached, after checking that the agreement complies with Union law, and, if necessary, amend the information published pursuant to Article 17(4) provided that such amendments are not substantial; or
 - (b) adopt implementing acts deciding on the application for registration, if an agreement has not been reached. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2).
4. The acts registering a geographical indication shall provide for any condition applicable to the registration and for the republication for information of the single document published for opposition in the *Official Journal of the European Union* in case of any necessary amendments that are not substantial.
5. Regulations of registration and decisions on rejection shall be published in the Official Journal of the European Union, L series.

Article 23

Union register of geographical indications

1. The Commission shall adopt implementing acts, without applying the procedure referred to in Article 53(2), containing provisions on establishing and maintaining a publicly accessible electronic register of geographical indications protected under this Regulation (the ‘Union register of geographical indications’). The register shall have three parts corresponding to geographical indications of wine, of spirit drinks and of agricultural products respectively.
2. Each geographical indication of wine and of agricultural products shall be identified in the Union register of geographical indications as a ‘protected designation of origin’ or a ‘protected geographical indication’ as the case may be, and each geographical indication of spirit drinks shall be identified as a ‘geographical indication’.
3. 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 may be entered in the Union register of geographical indications. The Commission shall register such geographical indications by means of implementing acts adopted in accordance with the examination procedure referred to in Article 53(2). As regards wine and agricultural products, unless specifically identified in those agreements as protected designations of origin, the names of such products

shall be entered in the Union register of geographical indications as protected geographical indications.

4. Each geographical indication shall be entered in the Union register of geographical indications in its original script. Where the original script is not in Latin characters, the geographical indication shall be transcribed in Latin characters and both versions of the geographical indication shall be entered in the Union register of geographical indications and shall have equal status.
5. The Commission shall make public and regularly update the list of the international agreements referred to in paragraph (3) as well as the list of geographical indications protected under those agreements.
6. The Commission 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.
7. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by rules on entrusting EUIPO to operate the Union register of geographical indications.
8. The Commission may adopt implementing acts defining the content and presentation of the Union register of geographical indications. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2).

Article 24

Extracts from the Union register of geographical indications

1. Any person shall be able to download an official extract from the Union register of geographical indications 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. This official extract may be used as an authentic certificate in legal proceedings, in a court of law, court of arbitration or similar body.
2. Where a producer group has been recognised by the national authorities in accordance with Article 33, that group shall be identified as the rights' holder of the geographical indication in the Union register of geographical indications and in the official extract referred to in paragraph (1).
3. The Commission may adopt implementing acts defining the format and online presentation of extracts from the Union register of geographical indications, and providing for the exclusion or anonymisation of protected personal data. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2).

Article 25

Amendments to a product specification

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.
2. Amendments to a product specification shall be classified into two categories:
 - (a) Union amendments, requiring an opposition procedure at Union level; and

- (b) standard amendments to be dealt with at Member State or third country level.
3. An amendment shall be a Union amendment if it entails a change of the single document and:
 - (a) includes a change in the name, or in the use of the name, or, for wine and spirit drinks, in the category of product or products designated by the geographical indication, or, for spirit drinks, in the legal name; or
 - (b) risks voiding the link to the geographical area referred to in the single document; or
 - (c) entails further restrictions on the marketing of the product.
 4. Any other amendment to a product specification of a registered geographical indication, that is not a Union amendment in accordance with paragraph 3, shall be considered as a standard amendment.
 5. A standard amendment shall be considered as a temporary amendment when it concerns a temporary change in the product specification resulting from the imposition of obligatory sanitary and phytosanitary measures by the public authorities or a temporary amendment necessary because of a natural disaster or adverse weather conditions formally recognised by the competent authorities.
 6. Union amendments shall be approved by the Commission. The approval procedure shall follow, *mutatis mutandis*, the procedure laid down from Article 8 to Article 22.
 7. Applications for Union amendments submitted by a third country or by producers in a third country shall contain proof that the requested amendment complies with the laws on the protection of geographical indications in force in that third country.
 8. If an application for a Union amendment to the product specification of a registered geographical indication also includes standard amendments or temporary amendments, the Commission shall scrutinise the Union amendment only. Any standard amendments or temporary amendments shall be deemed as not having been submitted. The scrutiny of such applications shall focus on the proposed Union amendments. Where appropriate, the Commission or the Member State concerned may invite the applicant to modify other elements of the product specifications.
 9. Standard amendments shall be approved by Member States or third countries in whose territory the geographical area of the product concerned is located and communicated to the Commission. The Commission shall make those amendments public.
 10. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by provisions entrusting EUIPO with the publication of standard amendments referred to in paragraph (9).
 11. The Commission may adopt implementing acts laying down detailed rules on procedures, the form and presentation of an application for a Union amendment and on procedures, the form and communication of standard amendments to the Commission. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2).

Article 26

Cancellation of the registration

1. The Commission may, on its own initiative or on a duly substantiated request by a Member State, a third country or any natural or legal person having a legitimate interest, adopt implementing acts to cancel the registration of a geographical indication in the following cases:
 - (a) where compliance with the requirements for the product specification can no longer be ensured; or
 - (b) where no product has been placed on the market under the geographical indication for at least seven consecutive years.
2. The Commission may also adopt implementing acts cancelling the registration at the request of the producers of the product marketed under the registered name.
3. The implementing acts referred to in paragraphs 1 and 2 shall be adopted in accordance with the examination procedure referred to in Article 53(2).
4. Article 9, Articles from Article 15 to Article 20 and Article 22 shall apply *mutatis mutandis* to the cancellation procedure.
5. Before adopting the implementing acts referred to in paragraphs 1 and 2, the Commission shall consult the authorities of the Member State, the authorities of the third country or, where possible, the third country producer which had originally applied for the registration of the geographical indication concerned, unless the cancellation is directly requested by those original applicants.
6. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by rules entrusting EUIPO with the tasks set out in paragraph (5).
7. The Commission may adopt implementing acts laying down detailed rules on procedures and the form of the cancellation of registrations, as well as on the presentation of the requests referred to in paragraphs 1 and 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2).

Chapter 3

Protection of geographical indications

Article 27

Protection of geographical indications

1. Geographical indications entered in the Union register of geographical indications shall be protected against:
 - (a) any direct or indirect commercial use of the geographical indication in respect of products not covered by the registration, where those products are comparable to the products registered under that name or where use of a name exploits, weakens, dilutes, or is detrimental to the reputation of, the protected name;
 - (b) any misuse, imitation or evocation, even if the true origin of the products or services is indicated or if the protected name is translated or accompanied by an expression such as ‘style’, ‘type’, ‘method’, ‘as produced in’, ‘imitation’, ‘flavour’, ‘like’ or similar.

- (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 product concerned, and the packing of the product in a container liable to convey a false impression as to its origin;
 - (d) any other practice liable to mislead the consumer as to the true origin of the product.
- 2. For the purposes of paragraph (1), point (b), the evocation of a geographical indication shall arise, in particular, where a term, sign, or other labelling or packaging device presents a direct and clear link with the product covered by the registered geographical indication in the mind of the reasonably circumspect consumer, thereby exploiting, weakening, diluting or being detrimental to the reputation of the registered name.
- 3. paragraph (1) shall also apply to a domain name containing or consisting of the registered geographical indication.
- 4. The protection referred to in paragraph (1) also applies to:
 - (a) goods entering the customs territory of the Union without being released for free circulation within that territory; and
 - (b) goods sold by means of distance selling, such as electronic commerce.
- 5. The recognised group of producers or any operator that is entitled to use the protected designation of origin or protected geographical indication shall be entitled to prevent all third parties from bringing goods, in the course of trade, into the Union without being released for free circulation there, where such goods, including packaging, come from third countries and are in breach of paragraph (1).
- 6. Geographical indications protected under this Regulation shall not become generic in the Union.
- 7. Where a geographical indication is a compound name which contains a term which is considered to be generic, the use of that term shall not constitute a conduct referred to in paragraph (1), point (a) and (b).

Article 28

Ingredients in processed products

- 1. Article 27 is without prejudice to the use of a geographical indication by operators in conformity with Article 36 to indicate that a processed product contains, as an ingredient, 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.
- 2. The geographical indication designating a product ingredient shall not be used in the food name of the related processed product, except in cases of an agreement with a producer group representing two thirds of the producers.
- 3. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by additional rules on the use of geographical indications to identify ingredients in processed products referred to in paragraph (1) of this Article.

Article 29

Generic terms

1. Generic terms shall not be registered as geographical indications.
2. To establish whether or not a term has become generic, account shall be taken of all relevant factors, in particular:
 - (a) the existing situation in the areas of consumption;
 - (b) the relevant national or Union legal acts.
3. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by additional rules for determining the generic status of terms referred to in paragraph (1) of this Article.

Article 30

Homonymous geographical indications

1. A geographical indication that has been applied for after a wholly or partly homonymous geographical indication had been applied for or protected in the Union, shall not be registered unless there is sufficient distinction in practice between the conditions of local and traditional usage and the presentation of the two homonymous indications, taking into account the need to ensure equitable treatment of the producers concerned and that consumers are not misled as to the true identity or geographical origin of the products.
2. A wholly or partly homonymous name which misleads the consumer into believing that products come from another territory shall not be registered even if the name for the actual territory, region or place of origin of the products in question is accurate.
3. For the purposes of this Article, a homonymous geographical indication applied for or protected in the Union refers to:
 - (a) geographical indications that are entered in the Union register of geographical indications;
 - (b) geographical indications that have been applied for provided that they are subsequently entered in the Union register of geographical indications;
 - (c) appellations of origin and geographical indications protected in the Union pursuant to Regulation (EU) 2019/1753 of the European Parliament and of the Council⁴⁵; and
 - (d) geographical indications, names of origin and equivalent terms protected pursuant to an international agreement between the Union and one or more third countries.
4. The Commission shall cancel the geographical indications registered in breach of paragraph (1) and (2).
5. The implementing acts referred to in paragraph (4) shall be adopted without applying the procedure referred to in Article 53(2).

⁴⁵ 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 (OJ L 271, 24.10.2019, p. 1).

Article 31

Trade marks

A name shall not be registered as a geographical indication where, in the light of a trade mark's reputation and renown, registration of the name proposed as a geographical indication could mislead the consumer as to the true identity of the product.

Article 32

Producer groups

1. A producer group shall be set up on the initiative of interested stakeholders, including farmers, farm suppliers, intermediate processors and final processors, as specified by the national authorities and according to the nature of the product concerned. 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 works of the producer group.
2. A producer group may exercise in particular the following powers and responsibilities:
 - (a) develop the product specification and manage internal controls that ensure compliance of production steps of the product designated by the geographical indication with the said specification;
 - (b) take legal action to ensure protection of the geographical indication and of the intellectual property rights that are directly connected with it;
 - (c) agree sustainability undertakings, whether or not included in the product specification or as a separate initiative, including arrangements for verification of compliance with those undertakings and assuring adequate publicity for them notably in an information system provided by the Commission;
 - (d) take action to improve the performance of the geographical indication, including:
 - (i) development, organisation and conduct of collective marketing and advertising campaigns;
 - (ii) dissemination of information and promotion activities aiming at communicating the attributes of the product designated by a geographical indication to consumers;
 - (iii) carrying out analyses into the economic performance, sustainability of production, nutritional profile, and organoleptic profile, of the product designated by the geographical indication;
 - (iv) dissemination of information on the geographical indication and the relevant Union symbol; and
 - (v) providing advice and training to current and future producers, including on gender mainstreaming and equality.
 - (e) combat counterfeiting and suspected fraudulent uses on the internal market of a geographical indication designating products that are 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, inform enforcement authorities using confidential systems available.

Article 33

Recognised producer groups

1. Upon a request of producer groups fulfilling the conditions of paragraph 3, Member States shall designate, in accordance with their national law, one producer group as recognised producer group for each geographical indication originating in their territory that is registered or is subject to an application for registration or for product names that are a potential subject for application for registration.
2. A producer group may be designated as recognised producer group subject to a prior agreement concluded between at least two-thirds of the producers of the product bearing a geographical indication, accounting for at least two-thirds of the production of that product in the geographical area referred to in the product specification. As an exception, an authority, as referred to in Article 8(2), and a single producer, as referred to in Article 8(3), shall be deemed to be a recognised producer group.
3. In addition to the powers and responsibilities referred to in Article 32(2), a recognised producer group may exercise the following powers and responsibilities:
 - (a) to liaise with intellectual property enforcement and anti-counterfeit bodies and participate in intellectual property enforcement networks as the geographical indication right holder;
 - (b) to take enforcement actions, including filing applications for actions with custom authorities, to prevent or counter any measures which are, or risk being, detrimental to the image of their products;
 - (c) to recommend to the national authorities binding rules to be adopted in accordance with Article 166a of Regulation (EU) No 1308/2013 for the regulation of the supply of products designated by a geographical indication;
 - (d) with a view to protecting the geographical indication in the internet domain name systems outside the jurisdiction of the Union, to register an individual, collective or certification trade mark depending on the trade mark system concerned, containing, as one of its prominent elements, a geographical indication and restricted to product conforming to the corresponding product specification.
4. The powers and responsibilities referred to in paragraph 2 shall be subject to a prior agreement concluded between at least two-thirds of the producers of the product designated by a geographical indication, accounting for at least two-thirds of the production of that product in the geographical area referred to in the product specification.
5. Member States shall carry out checks in order to ensure that the conditions laid down in paragraph 2 are complied with. Where the competent national authorities find that such conditions have not been complied with, Member States shall annul the decision on the recognition of the producer group.

Article 34

Protection of geographical indication rights in domain names

1. Country-code top-level domain name registries established in the Union may, upon the request of a natural or legal person having a legitimate interest or rights, revoke or transfer a domain name registered under such country-code top-level domain to the recognised producer group of the products with the geographical indication concerned, following an appropriate alternative dispute resolution procedure or judicial procedure, if such domain name has been registered by its holder without rights or legitimate interest in the geographical indication or if it has been registered or is being used in bad faith and its use contravenes Article [27](#).
2. Country-code top-level domain name registries established in the Union shall ensure that any alternative dispute resolution procedure established to solve disputes relating to the registration of domain names referred to in paragraph [\(1\)](#), shall recognise geographical indications as rights that may prevent a domain name from being registered or used in bad faith.
3. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by provisions entrusting EUIPO to establish and manage a domain name information and alert system that would provide the applicant, upon the submission of an application for a geographical indication, with information about the availability of the geographical indication as a domain name and, on optional basis, the registration of a domain name identical to their geographical indication. That delegated act shall also include the obligation for registries of country-code top-level domain names, established in the Union, to provide EUIPO with the relevant information and data.

Article 35

Conflicting trade marks

1. The registration of a trade mark the use of which would contravene Article [27](#) shall be rejected if the application for registration of the trade mark is submitted after the date of submission to the Commission of the application for the registration of the geographical indication.
2. Trade marks registered in breach of paragraph [\(1\)](#) shall be invalidated by EUIPO and, when applicable, the competent national authorities.
3. A trade mark the use of which contravenes Article [27](#), 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 Commission, 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 or Regulation (EU) 2017/1001. In such cases, the use of the geographical indication, if then registered, and that of the relevant trade mark shall be permitted.
4. For geographical indications registered in the Union without the submission of a Union application for registration, the date of the first day of protection shall be deemed to be the date of submission to the Commission of the application for registration of the geographical indication for the purposes of paragraphs 1 and 3.

5. Without prejudice to Regulation (EU) No 1169/2011, 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.

Article 36

Right of use

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

Member States shall ensure that any operator complying with the rules set out in this Title is covered by the verification of compliance of the product specification established pursuant to Article 39. Member States may charge a fee to cover their costs of managing the controls system.

The circumstance by which a geographical indication consists of or contains the name of the estate of a single applicant producer shall not prevent other producers and operators from using the registered geographical indication provided that it is used to designate a product that is in conformity with the product specification.

Article 37

Union symbols, indications and abbreviations

1. The following Union symbols designed to mark and publicise geographical indications shall be established:
 - (a) a symbol identifying protected designations of origin of wine and of agricultural products; and
 - (b) a symbol identifying protected geographical indications of wine and of agricultural products and geographical indications of spirit drinks.
2. In the case of products originating in the Union that are marketed under a geographical indication, the Union symbol associated with it shall appear on the labelling and advertising material. The geographical indication shall appear in the same field of vision as the Union symbol. The labelling requirements laid down in Article 13(1) of Regulation (EU) No 1169/2011 for the presentation of mandatory particulars shall apply to the geographical indication.
3. By way of derogation from paragraph (2), in the case of wine and spirit drinks originating in the Union that are marketed under a geographical indication, Union symbols may be omitted from the labelling and advertising material of the product concerned.
4. The Union symbol for protected geographical indications established pursuant to paragraph (1) may be used in the description, presentation and labelling of spirit drinks the names of which are geographical indications.
5. Where wine, agricultural products or spirit drinks are designated by a geographical indication the indications ‘protected designation of origin’ or ‘protected geographical indication’ shall appear on the labelling of wine, the indications ‘protected designation of origin’ or ‘protected geographical indication’ may appear on the

labelling of agricultural products and the indication ‘geographical indication’ may appear on the labelling of spirit drinks, respectively.

The abbreviations ‘PDO’ or ‘PGI’, corresponding to the indications ‘protected designation of origin’ or ‘protected geographical indication’, may appear on the labelling of wine and of agricultural products designated by a geographical indication.

6. Indications, abbreviations and Union symbols may be used in the labelling and advertising materials of processed products when the geographical indication refers to an ingredient thereof. In that case, the indication, abbreviation or Union symbol shall be placed next to the name of the ingredient that is clearly identified as an ingredient. The Union symbol shall not be placed in association with the name of the food within the meaning of Article 17 of Regulation (EU) No 1169/2011 or in a manner that suggests to the consumer that the processed product rather than the ingredient is the object of registration.
7. 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 for registration has been filed in compliance with Union law.
8. Union symbols indicating the protected designation of origin or protected geographical indication and the Union indications ‘protected designation of origin’, ‘protected geographical indication’ and ‘geographical indication’ and the abbreviations ‘PDO’ or ‘PGI’ as relevant, may appear on the labelling only after the publication of the act of registration of that geographical indication.
9. Where an application is rejected, any products labelled in accordance with paragraph [\(6\)](#) may be marketed until the stocks are exhausted.
10. The following may also appear on the labelling:
 - (a) depictions of the geographical area of origin referred to in the product specification; and
 - (b) text, graphics or symbols referring to the Member State and the region in which that geographical area of origin is located.
11. Union symbols associated with geographical indications entered in the Union register of geographical indications designating products originating in third countries, may appear on the product labelling and advertising material, in which case the symbols shall be used in conformity with paragraph [\(2\)](#) and [\(4\)](#).
12. The Commission may adopt implementing acts establishing the Union symbols for geographical indications, defining the technical characteristics of the Union symbols for geographical indications as well as the rules on their use and the use of the indications and abbreviations on products marketed under a registered geographical indication, including rules concerning the appropriate linguistic versions to be used. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53 [\(2\)](#).

Chapter 4

Controls and enforcement

Article 38

Scope

1. This Chapter covers controls and enforcement of geographical indications of spirit drinks and of agricultural products.
2. For the purposes of this Chapter, controls include:
 - (a) verification that a product designated by a geographical indication has been produced in compliance with the corresponding product specification; and
 - (b) monitoring of the use of geographical indications in the marketplace.
3. When performing the controls and enforcement activities provided for in this Title, the responsible competent authorities and product certification bodies shall comply with the requirements laid down in Regulation (EU) 2017/625. However, Title VI, Chapter 1, of Regulation (EU) 2017/625 shall not apply to controls of geographical indications.

Article 39

Verification of compliance with the product specification

1. Member States shall draw up and keep up to date a list of producers of products designated by a geographical indication entered in the Union register of geographical indications originating in their territory.
2. Producers are responsible for internal controls that ensure compliance with the product specification of products designated by geographical indications before the product is placed on the market.
3. In addition to internal controls referred to in paragraph 2, prior to placing on the market a product designated by a geographical indication and originating in the Union, third party verification of compliance with the product specification, shall be carried out by:
 - (a) one or more competent authorities within the meaning of Article 3, point (3), of Regulation (EU) 2017/625; or
 - (b) one or more product certification bodies to which responsibilities have been delegated as referred to in Regulation (EU) 2017/625, Title II, Chapter III.
4. In respect of geographical indications that designate products originating in a third country, verification of compliance with the product specification, before placing the product on the market, shall be carried out by:
 - (a) a public competent authority designated by the third country; or
 - (b) one or more product certification bodies.
5. Where, in accordance with the product specification, a production step is carried out by one or more producers in a country other than the country of the origin of the geographical indication, provisions for verification of compliance of those producers shall be set out in the product specification. If the relevant production step takes

place in the Union, the producers shall be notified to the competent authorities of the Member State where the production step takes place and be subject to verification as a producer of the product designated by the geographical indication.

6. Where a Member State applies Article 8(2), the verification of compliance with the product specification shall be ensured by an authority other than that deemed to be a producer group under that paragraph.
7. The costs of verification of compliance with the product specification may be borne by the operators which are subject to those controls. The Member States may also contribute to those costs.

Article 40

Public information on competent authorities and product certification bodies

1. Member States shall make public the names and addresses of the competent authorities and product certification bodies referred to in Article 39(3) and keep that information up-to-date.
2. The Commission shall make public the names and addresses of the competent authorities and product certification bodies referred to in Article 39(4) and update that information periodically.
3. The Commission may establish a digital portal where the names and addresses of the competent authorities and product certification bodies referred to in paragraphs 1 and 2 are made public.

Article 41

Accreditation of product certification bodies

1. The product certification bodies referred to in Article 39(3), point (b) and Article 39(4), point (b) shall comply with and be accredited in accordance with:
 - (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 types of bodies performing inspection’; or
 - (b) other suitable, internationally recognised standards, including any revisions or amended versions of the European standards referred to in point (a).
2. Accreditation referred to in paragraph 1 shall be performed by an accreditation body recognised in accordance with Regulation (EC) No 765/2008, that is a member of European Accreditation, or by an accreditation body outside the Union that is a member of International Accreditation Forum.

Article 42

Controls and enforcement of geographical indications in the marketplace

1. Member States shall designate one or more enforcement authorities, which may be the same as the competent authorities referred to in Article 39(3), responsible for controls in the marketplace and enforcement of geographical indications after the 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.

2. The enforcement authority shall carry out controls of products designated by geographical indications to ensure conformity with the product specification or the single document or an equivalent to the latter.
3. Member States shall take appropriate administrative and judicial steps to prevent or stop the use of names of products or services that are produced, operated or marketed in their territory and that contravenes the protection of geographical indications provided for in Article [27](#) and Article [28](#).
4. The authority designated in accordance with paragraph 1 shall coordinate enforcement of geographical indications among relevant departments, agencies and bodies, including police, anti-counterfeiting agencies, customs, intellectual property offices, food law authorities and retail inspectors.

Article 43

Obligations applicable to providers of intermediary services

1. Sale of goods to which persons established in the Union have access, that contravenes Article [27](#), shall be considered illegal content within the meaning of Article 2, point (g) of Regulation (EU) 2022/xxx of the European Parliament and of the Council⁴⁶.
2. Competent authorities of the Member States may issue an order to act in accordance with Article 8 of Regulation (EU) 2022/xxx against illegal content as referred to in paragraph 1 of this Article.
3. Pursuant to Article 14 of Regulation (EU) 2022/xxx, any individual or entity may notify providers of hosting services of the presence of a specific content that is in breach Article [27](#) of this Regulation.
4. This regulation is without prejudice to Regulation (EU) 2022/xxx.

Article 44

Mutual assistance and exchange of information

1. Member States shall assist each other for the purpose of carrying out the controls and enforcement provided for in this Chapter in accordance with Regulation (EU) 2017/625.
2. The Commission may adopt implementing acts detailing the nature and the type of the information to be exchanged and the methods for exchanging information for the purpose of controls and enforcement under this Chapter. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article [53\(2\)](#).
3. Administrative assistance may include, where appropriate, and, by agreement between the competent authorities concerned, participation by the competent authorities of a Member State in on-the-spot checks that the competent authorities of another Member State perform.

⁴⁶ Regulation (EU) [...] of the European Parliament and of the Council of [...] on a Single Market For Digital Services (DSA) and amending Directive 2000/31/EC (OJ L ..., XXX, dd/mm/yyyy, p. X).

4. In case of a possible violation of protection conferred to a geographical indication, Member States shall take measures to facilitate the transmission, from law enforcement authorities, public prosecutors and judicial authorities, to the competent authorities referred in Article 39(3) of information on such possible violation.
5. For the specific purpose of facilitating the exchange of information on non-compliance or fraud concerning registered geographical indications, Member States shall use the information management system established under Regulation (EU) 2017/625 or any other system that might be established in the future for that purpose.

Article 45

Certificates of authorisation to produce

1. A producer whose product, following the verification of compliance referred to in Article 39 is found to comply with the product specification of a geographical indication protected in accordance with this Regulation shall be entitled to an official certificate, or other proof of certification, of eligibility to produce the product designated by the geographical indication concerned in respect of the production steps performed by the said producer.
2. The proof of certification referred to in paragraph 1 shall be made available on request to enforcement authorities, customs or other authorities in the Union engaged in verifying the use of geographical indications on goods declared for free circulation or placed on the internal market. The producer may make the proof of certification available to the public or to any person who requests such proof in the course of business.

Chapter 5 Technical assistance

Article 46

Scrutiny of third country geographical indications

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

Article 47

Monitoring and reporting

1. Where the Commission exercises any of the empowerments provided for in this Regulation to entrust tasks to EUIPO, it shall also be empowered to adopt delegated acts in accordance with Article 84 to supplement this Regulation by criteria for monitoring performance in the execution of such tasks. Such criteria may include:
 - (a) the extent of integration of agricultural factors in the scrutiny process;
 - (b) quality of assessments;
 - (c) coherence of assessments of geographical indications from different sources;

- (d) efficiency of tasks; and
 - (e) user satisfaction.
2. No later than 5 years after the first delegation of any tasks to EUIPO, the Commission shall prepare and submit a report to the European Parliament and to the Council on the results and experience of the exercise of these tasks by EUIPO.

Chapter 6

Geographical indications of agricultural products

Article 48

Designations of origin and geographical indications

1. A ‘designation of origin’ of an agricultural product is a name which identifies a product:
- (a) originating in a specific place, region or, in exceptional cases, a country;
 - (b) whose quality or characteristics are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors; and
 - (c) the production steps of which all take place in the defined geographical area.
2. A ‘geographical indication’ of an agricultural product is a name which identifies a product:
- (a) originating in a specific place, region or country;
 - (b) whose given quality, reputation or other characteristic is essentially attributable to its geographical origin; and
 - (c) at least one of the production steps of which takes place in the defined geographical area.
3. The following agricultural products are excluded from being the subject of a protected designation of origin or a protected geographical indication:
- (a) products that by their nature cannot be traded within the internal market and can only be consumed in or near their place of manufacture, such as restaurants;
 - (b) products that, without prejudice to the rules referred to in Article 5(2), are contrary to public policy or to accepted principles of morality and may not be placed on the internal market.
4. Notwithstanding paragraph 1, certain names shall be registered as designations of origin even though the raw materials for the products concerned come from a geographical area larger than, or different from, the defined geographical area, provided that:
- (a) the production area of the raw materials is defined;
 - (b) special conditions for the production of the raw materials exist;
 - (c) there are control arrangements to ensure that the conditions referred to in point (b) are adhered to; and

- (d) the designations of origin in question were recognised as designations of origin in the country of origin before 1 May 2004.

Only live animals, meat and milk may be considered as raw materials for the purposes of this paragraph.

5. For the purposes of paragraph (2), point (b), ‘other characteristic’ may include traditional production practices, traditional product attributes and farming practices that protect environmental value including biodiversity, habitats, nationally recognised environmental zones and landscape.
6. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 concerning restrictions and derogations with regard to the sourcing of feed in the case of a designation of origin.
7. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 concerning restrictions and derogations with regard to the slaughtering of live animals or with regard to the sourcing of raw materials. These restrictions and derogations shall, based on objective criteria, take into account quality or usage and recognised know-how or natural factors.

Article 49

Plant varieties and animal breeds

1. A name may not be registered as a geographical indication where it conflicts with a denomination of a plant variety or animal breed and is likely to mislead the consumer as to the true identity or origin of the product designated by the geographical indication or cause confusion between products designated by the geographical indication and the variety or breed in question.
2. The conditions referred to in paragraph (1) shall be assessed in relation to the actual use of the names in conflict, including the use of the denomination of the plant variety or animal breed outside its area of origin and the use of the denomination of a plant variety protected by Community plant variety rights.
3. This Regulation shall not prevent the placing on the market of a product that does not conform with the product specification of a registered geographical indication, the labelling of which includes the name or part of the name of that geographical indication, that contains or comprises the denomination of a plant variety or animal breed, provided that the following conditions are met:
 - (a) the product in question comprises or is derived from the variety or breed indicated;
 - (b) consumers are not misled;
 - (c) the usage of the denomination of the variety or breed name constitutes fair competition;
 - (d) the usage does not exploit the reputation of the registered geographical indication; and
 - (e) the production and marketing of the product in question had spread beyond its area of origin prior to the date of application for registration of the geographical indication.

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 concerning rules for determining the use of denominations of plant varieties and animal breeds.

Article 50

Specific rules on sourcing of feed and of raw materials

1. For the purposes of Article 48, feed shall be sourced entirely from within the defined geographical area in respect of products of animal origin the name of which is registered as a designation of origin.
2. Insofar as sourcing entirely from within the defined geographical area is not technically practicable, feed sourced from outside that area can be added, provided that the product quality or characteristic essentially due to the geographical environment are not affected. Feed sourced from outside the defined geographical area shall not exceed 50 % of dry matter on an annual basis.
3. Any restrictions to the origin of raw materials provided in the product specification of a product the name of which is registered as a geographical indication shall be justified with respect to the link referred to in Article 51(1), point (f) .

Article 51

Product specification

1. Products the names of which are registered as a designation of origin or a geographical indication shall comply with a product specification which shall include at least:
 - (a) the name to be protected as a designation of origin or 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;
 - (b) a description of the product, including where relevant, the raw materials, plant varieties and animal breeds concerned, including the commercial designation of the species and its scientific name, as well as the principal physical, chemical, microbiological or organoleptic characteristics of the product;
 - (c) the definition of the delimited geographical area creating the link referred to in point (f)(i) or (ii), and, where appropriate, details indicating compliance with the requirements of Article 48(4) ;
 - (d) evidence that the product originates in the defined geographical area specified in accordance with Article 48(1), point (c), or Article 48(2), point (c);
 - (e) a description of the method of obtaining the product and, where appropriate, the traditional methods and specific practices used; as well as information concerning packaging, if the applicant 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, taking into account Union law, in particular that on the free movement of goods and the free provision of services;
 - (f) details establishing the following:

- (i) as regards a designation of origin, the link between the quality or characteristics of the product and the geographical environment referred to in Article 48(1), point (b). The details concerning human factors of that geographical environment may, where relevant, be limited to a description of the soil and landscape management, cultivation practices or any other relevant human contribution to the maintenance of the natural factors of the geographical environment referred to in that provision;
 - (ii) as regards a geographical indication, the link between a given quality, the reputation or other characteristic of the product and the geographical origin referred to in Article 48(2), point (b);
 - (g) any specific labelling rule for the product in question;
 - (h) other applicable requirements where provided for by Member States or by a producer group, if applicable, having regard to the fact that such requirements must be objective, non-discriminatory and compatible with national and Union law.
2. The product specification may also include sustainability undertakings.
 3. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 concerning rules which limit the information contained in the product specification referred to in paragraph 1 of this Article, where such a limitation is necessary to avoid excessively voluminous applications for registration.
 4. The Commission may adopt implementing acts laying down rules on the form of the product specification. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2).

Article 52

Single document

1. The single document shall comprise:
 - (a) the main points of the product specification, namely: the name, a description of the product, including, where appropriate, specific rules concerning packaging and labelling and a concise definition of the geographical area;
 - (b) a description of the link between the product and the geographical environment or geographical origin referred to in Article 51(1), point (f), including, where appropriate, the specific elements of the product description or production method justifying that link.
2. The Commission may adopt implementing acts defining the format and the online presentation of the single document provided for in paragraph 1 and providing for the exclusion or anonymisation of protected personal data. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2).

Chapter 7

Procedural provisions

Article 53

Committee procedure

1. The Commission shall be assisted by a committee, called the Geographical Indications Committee. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Title III

Quality schemes

Chapter 1

Traditional specialities guaranteed

Article 54

Objective and scope

1. A scheme for traditional specialities guaranteed is established to safeguard traditional methods of production and recipes by helping producers of traditional product in marketing and communicating the value-adding attributes of their traditional recipes and products to consumers.
2. This Chapter applies to agricultural products.

For the purposes of this Chapter, agricultural products means agricultural products intended for human consumption listed in Annex I to the Treaty on the Functioning of the European Union and other agricultural products and foodstuffs listed in Annex II to this Regulation.

This Chapter shall not apply to spirit drinks, aromatised wines or grapevine products as defined in Part II of Annex VII to Regulation (EU) No 1308/2013, with the exception of wine-vinegars.
3. The registration and the protection of traditional specialities guaranteed are without prejudice to the obligation of producers to comply with other Union rules, in particular relating to the placing of products on the market, to the single common organisation of the markets, and to food labelling.

Article 55

Eligibility criteria

1. A name shall be eligible for registration as a traditional speciality guaranteed where it describes a specific product that:
 - (a) results from a mode of production, processing or composition corresponding to traditional practice for that product or foodstuff; or

- (b) is produced from raw materials or ingredients traditionally used.
- 2. For a name to be registered as a traditional speciality guaranteed, it shall:
 - (a) have been traditionally used to refer to the product; or
 - (b) identify the traditional character or of the product.
- 3. Where in the opposition procedure under Article [62](#) it is demonstrated that the name is also used in another Member State or in a third country, in order to distinguish comparable products or products that share an identical or similar name, the decision on registration adopted in accordance with Article [65\(3\)](#) may provide that the name of the traditional speciality guaranteed is to be accompanied by the claim ‘made following the tradition of’ immediately followed by the name of a country or a region thereof.
- 4. A name may not be registered if it refers only to claims of a general nature used for a set of products, or to claims provided for by particular Union legislation.
- 5. The Commission shall be empowered to adopt delegated acts in accordance with Article [84](#) supplementing this Regulation with further details of the eligibility criteria laid down in this Article.

Article 56

Product specification

- 1. A traditional speciality guaranteed shall comply with a product specification which shall comprise:
 - (a) the product name proposed for registration, in the appropriate language versions;
 - (b) a description of the product including its main physical, chemical, microbiological or organoleptic characteristics;
 - (c) a description of the production method that the producers must follow, including, where appropriate, the nature and characteristics of the raw materials or ingredients used, if relevant including the commercial designation of the species involved and its scientific name, and the method by which the product is prepared; and
 - (d) the key elements establishing the product’s traditional character.
- 2. The Commission shall be empowered to adopt delegated acts in accordance with Article [84](#) laying down rules which limit the information contained in the specification referred to in paragraph 1 of this Article, where such a limitation is necessary to avoid excessively voluminous applications for registration.
- 3. The Commission may adopt implementing acts laying down rules on the form of the product specification. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article [80\(2\)](#).

Article 57

National stage of the procedure of registration

- 1. Applications for the registration of a traditional speciality guaranteed may only be submitted by groups of producers of products with the name to be protected. Several

groups from different Member States or third countries may lodge a joint application for registration.

2. An application for registration of a name as a traditional speciality guaranteed shall comprise:
 - (a) the name and address of the applicant group of producers;
 - (b) the product specification as provided for in Article [56](#).
3. Where the application is prepared by a group of producers established in a Member State, the application shall be addressed to the authorities of that Member State. The Member State shall scrutinise the application in order to check that it is justified and meets the conditions of the eligibility criteria referred to in Article [55](#). As part of the scrutiny, the Member State shall manage a national opposition procedure. If the Member State considers that the requirements of this Chapter are met, it may take a favourable decision and lodge a Union application for registration with the Commission.
4. The Member State shall ensure that its decision, be it favourable or not, is made public and that any natural or legal person having a legitimate interest has an opportunity to challenge that decision. The Member State shall also ensure that the product specification on which its favourable decision is based is published, and shall provide electronic access to the product specification.
5. Where the application, including a joint application, is prepared by a group or groups of producers established in a third country, the application shall be lodged either directly or via the authorities of the third country concerned.

Article 58

Union application for registration

1. A Union application for the registration of a traditional speciality guaranteed shall comprise:
 - (a) the elements referred to in Article [57\(2\)](#); and
 - (b) for Member States only, a declaration by the Member State that it considers that the application lodged by the applicant group meets the conditions of registration.
2. Where a joint application, referred to in Article [57\(1\)](#) is submitted, the application shall be submitted to the Commission by one of the Member States concerned. It shall include, as relevant, the elements referred to in Article [57\(2\)](#) as well as the declaration referred to in paragraph 1, point (b), of this Article from all Member States concerned. The related national procedures, including the opposition stage, shall be carried out in all the Member States concerned.
3. The Commission shall be empowered to adopt delegated acts in accordance with Article [84](#) supplementing this Regulation by additional rules for joint applications for the registration of a traditional speciality guaranteed concerning more than one national territory and the application process.
4. The Commission may adopt implementing acts laying down detailed rules on procedures, the form and presentation of applications for registration, including for applications for the registration of a traditional speciality guaranteed concerning more than one national territory. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article [80\(2\)](#).

Article 59

Submission of the Union application for registration

1. A Union application for the registration of a traditional speciality guaranteed shall be submitted to the Commission electronically, through a digital system. The digital system shall have capacity to allow submission of applications to national authorities of a Member State, and shall have capacity to be used by a Member State in its national procedure.
2. The digital system shall have capacity to allow submission of applications by applicants established outside the Union and by national authorities of third countries.
3. Information on Union applications for registration shall be made public by the Commission upon their submission through the digital system referred to in paragraph(1)

Article 60

Scrutiny by the Commission and publication for opposition

1. The Commission shall scrutinise any application that it receives pursuant to Article 65(1) in order to check that it contains no manifest errors, that the information provided in accordance with Article [58](#) is complete, that the product specification is precise and technical in nature and that the requirements laid down in Article 55 and Article 56 are fulfilled. Such a scrutiny shall take into account the outcome of the national stage of the procedure carried out by the Member State concerned.
2. The scrutiny should not exceed a period of 6 months. In the event that the scrutiny period exceeds or is likely to exceed 6 months the Commission shall inform the applicant of the reasons for the delay in writing.
3. The Commission may seek supplementary information from the applicant.
4. Where, based on the scrutiny carried out pursuant to paragraph 1, the Commission considers that the conditions laid down in this Chapter are fulfilled, it shall publish the product specification in the Official Journal of the European Union.

Article 61

National challenge to an application for registration

1. Member States shall keep the Commission informed of any national administrative or judicial proceedings that may affect the registration of a traditional speciality guaranteed. In such a case, Member States may request the Commission to suspend the examination procedure for a period of 12 months which can be renewed.
2. The Member State shall inform the Commission without delay if the application to the Commission has been invalidated at national level by an immediately applicable but not final judicial decision. In this case, the Commission shall be exempted from the obligation to meet the deadline to perform the scrutiny referred to in Article [60\(2\)](#) and to inform the applicant of the reasons for the delay.

3. If the application to the Commission has been invalidated by a final decision taken by a national court, the Member State shall consider appropriate action such as withdrawal or modification of the application, as necessary.

Article 62

Union opposition procedure

1. Within 3 months from the date of publication of the product specification in the Official Journal of the European Union pursuant to Article 60(4), the authorities of a Member State or of a third country, or a natural or legal person having a legitimate interest and established in a third country, may lodge an opposition with the Commission.
2. Any natural or legal person having a legitimate interest, established or resident in a Member State other than the one from which the Union application for registration was submitted, may lodge an opposition with the Member State in which it is established, within a time limit permitting an opposition to be lodged pursuant to the first paragraph.
3. An opposition shall claim that the application could infringe the conditions laid down in this Chapter and give reasons. An opposition that does not contain the said claim shall be void.
4. The Commission shall check the admissibility of the opposition. If the Commission considers that the opposition is admissible it shall, within 5 months from the date of publication of the product specification in the Official Journal of the European Union invite the authority or person that lodged the opposition and the authority or the applicant that lodged the application to engage in appropriate consultations for a reasonable period that shall not exceed 3 months. At any time during that period, the Commission may, at the request of the authority or the applicant, extend the deadline for the consultations by a maximum of 3 months.
5. The authority or person that lodged the opposition and the authority or applicant that lodged the application shall start consultations without undue delay. They shall provide each other with the relevant information to assess whether the application for registration complies with the conditions of this Regulation.
6. Within 1 month from the end of the consultations referred to in paragraph(4), the applicant established in the third country or the authorities of the Member State or of the third country from which the Union application for registration was lodged shall notify the Commission of the result of the consultations, including all the information exchanged, whether agreement was reached with one or all of the opponents, and of any consequent changes to the application. The authority or person that lodged an opposition to the Commission may also notify the Commission of its position at the end of the consultations.
7. Where, following the end of the consultations, the product specification published in accordance with Article 60(4) has been modified, the Commission shall repeat its scrutiny of the application for registration as modified. Where the application has been modified in a substantial manner, and the Commission considers the modified application meets the conditions for registration, it shall publish the application once more in accordance with that paragraph.

8. The documents referred to in this Article shall be drafted in one of the official languages of the Union.
9. After completion of the opposition procedure, the Commission shall finalise its assessment of the Union application for registration, taking into account any request for transitional periods, the outcome of the opposition procedure and any other matters arising subsequently to its scrutiny that may imply a change of the product specification.
10. The Commission shall be empowered to adopt delegated acts in accordance with Article [84](#) complementing the rules for the opposition procedure to establish detailed procedures and deadlines.
11. The Commission may adopt implementing acts laying down detailed rules on procedures, the form and presentation of oppositions. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article [80\(2\)](#) .

Article 63

Grounds for opposition

1. An opposition lodged in accordance with Article [62](#) shall be admissible only if the opponent:
 - (a) gives duly substantiated reasons for the incompatibility of the proposed registration with the provisions of this Chapter; or
 - (b) demonstrates that the use of the name is lawful, renowned and economically significant for similar agricultural products.
2. The criteria referred to in paragraph 1, point (b), shall be assessed in relation to the territory of the Union.

Article 64

Transitional periods for the use of traditional specialities guaranteed

1. The Commission may by means of implementing acts grant a transitional period of up to 5 years to enable, for products the designation of which consists of or contains a name that contravenes Article [69](#), the continued use of that designation, under which they were marketed, provided that an admissible opposition, under Article [57\(3\)](#) or Article [62](#), to the application for registration of the traditional speciality guaranteed whose protection is contravened, shows that such designation has been legally used on the internal market for at least 5 years preceding the date of the publication provided for in Article [60\(4\)](#) .
2. The implementing acts referred to in paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article [80\(2\)](#), except those where an admissible opposition is lodged under Article [57\(3\)](#), which shall be adopted without applying that examination procedure.

Article 65

Commission decision on the application for registration

1. Where, on the basis of the information available to the Commission from the scrutiny carried out pursuant to Article 58(3), the Commission considers that any of the requirements referred therein is not fulfilled, it shall adopt implementing acts rejecting the application. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 80(2).
2. Where it receives no admissible opposition, the Commission shall adopt implementing acts, without applying the procedure referred to in Article 80(2), registering the traditional speciality guaranteed.
3. Where an admissible opposition had been received, the Commission shall:
 - (a) register the name by means of implementing acts adopted without applying the procedure referred to in Article 80(2), if an agreement has been reached, after checking that the agreement complies with Union law, and, if necessary, amend the information published pursuant to Article 60(4) provided such amendments are not substantial; or
 - (b) adopt implementing acts deciding on the application for registration if an agreement has not been reached. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 80(2).
4. The acts registering a traditional speciality guaranteed shall provide for any condition applicable to the registration and for the republication for information of the single document published for opposition in the *Official Journal of the European Union* in case of any necessary amendments that are not substantial.
5. Regulations of registration and decisions on rejection shall be published in the Official Journal of the European Union, L series.

Article 66

Union register of traditional specialities guaranteed

1. The Commission shall adopt implementing acts, without applying the procedure referred to in Article 80(2), establishing and maintaining a publicly accessible electronic register of traditional specialities guaranteed recognised under this Regulation (the ‘Union register of traditional specialities guaranteed’).
2. The Commission may adopt implementing acts laying down detailed rules on the form and content of the Union register of traditional specialities guaranteed. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 80(2).

Article 67

Amendments to a product specification

1. A producer group having a legitimate interest may apply for the approval of an amendment to the product specification of a traditional speciality guaranteed. Applications shall describe and give reasons for the amendments requested.
2. The procedure for the amendment of a product specification shall follow, *mutatis mutandis*, the procedure laid down from Article 57 to Article 65.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article [84](#) supplementing the rules regarding the procedure for the amendment of a product specification.
4. The Commission may adopt implementing acts laying down detailed rules on procedures, the form and presentation of an application for the amendment of a product specification. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article [80\(2\)](#).

Article 68

Cancellation of the registration

1. The Commission may, on its own initiative or at the request of any natural or legal person having a legitimate interest, adopt implementing acts to cancel the registration of a traditional speciality guaranteed in the following cases:
 - (a) where compliance with the product specification is not ensured;
 - (b) where no product is placed on the market under the traditional speciality guaranteed for at least 7 years.
2. The Commission may also adopt implementing acts cancelling a registration at the request of the producers of the product marketed under the registered name.
3. The implementing acts referred to in paragraphs 1 and 2 shall be adopted in accordance with the examination procedure referred to in Article [80\(2\)](#).
4. Article [57](#) to Article [63](#) and Article [65](#) shall apply *mutatis mutandis* to the cancellation procedure.
5. Before adopting the implementing acts referred to in paragraphs 1 and 2, the Commission shall consult the authorities of the Member State concerned, the authorities of the third country concerned or, where possible, the third country producer which had originally applied for the registration of the traditional speciality guaranteed, unless the cancellation is directly requested by those original applicants.
6. The Commission shall be empowered to adopt delegated acts in accordance with Article [84](#) supplementing the rules regarding the cancellation procedure.
7. The Commission may adopt implementing acts laying down detailed rules on procedures, the form and presentation of an application for the cancellation of a registration. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article [80\(2\)](#).

Article 69

Restriction on the use of registered traditional specialities guaranteed

1. Registered traditional specialities guaranteed shall be protected against any misuse or imitation, including as regards products used as ingredients, or against any other practice liable to mislead the consumer.
2. Member States shall ensure that food names used at national level do not give rise to confusion with registered traditional specialities guaranteed.
3. The protection referred to in paragraph 1 shall also apply with regard to products sold through means of distance selling, such as electronic commerce.

4. The Commission shall be empowered to adopt delegated acts in accordance with Article [84](#) laying down additional rules to further detail the protection of traditional specialities guaranteed.
5. The Commission may adopt implementing acts laying down procedural and formal requirements for the protection of traditional specialities guaranteed. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article [80\(2\)](#).

Article 70

Exceptions for certain uses

1. The provisions of this Chapter shall be without prejudice to:
 - (a) the use of terms that are generic in the Union, even if the generic term is part of a name that is protected as a traditional speciality guaranteed;
 - (b) the placing on the market of products the labelling of which contains or comprises the denomination of a plant variety or animal breed used in good faith;
 - (c) the application of Union rules or those of Member States governing intellectual property, and in particular those concerning geographical indications and trade marks and rights granted under those rules.
2. The Commission shall be empowered to adopt delegated acts in accordance with Article [84](#) supplementing this Regulation by additional rules for determining the generic status of terms, conditions for use of plant variety and animal breed denominations for a traditional speciality guaranteed, and their relation to intellectual property rights referred to in this Article.

Article 71

Name, Union symbol and indication of a traditional speciality guaranteed

1. A name registered as a traditional speciality guaranteed may be used by any operator marketing a product that conforms to the corresponding product specification.
2. A Union symbol shall be established for use on the labelling of products designated as traditional speciality guaranteed. The indication ‘traditional speciality guaranteed’, the abbreviation ‘TSG’, and the Union symbol referring to the traditional speciality guaranteed may only be used in connection with products produced in conformity with the relevant product specification.
3. In the case of products originating in the Union that are marketed as traditional speciality guaranteed registered in accordance with this Regulation, the Union symbol referred to in paragraph 2 shall appear on the labelling and advertising materials. The labelling requirements set out in Article 13(1) of Regulation (EU) No 1169/2011 for the presentation of mandatory particulars shall apply to the registered traditional speciality guaranteed. The indication ‘traditional speciality guaranteed’ or the corresponding abbreviation ‘TSG’ may appear on the labelling.
4. The Union symbol shall be optional on the labelling of traditional specialities guaranteed which are produced outside the Union.

5. The Commission shall adopt implementing acts establishing the Union symbol and conditions for its obligatory use, laying down rules for the uniform protection of the indication, abbreviation and the Union symbol referred to in paragraph (2), its use and technical characteristics. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 80(2).

Article 72

Participation in the quality schemes

1. Member States shall ensure that any operator complying with the rules set out in this Chapter is covered by the verification of compliance with the product specification established pursuant to Article 73. Member States may charge a fee to cover their costs of the verification of compliance.
2. Operators who prepare and store a product marketed under the traditional speciality guaranteed or who place such products on the market shall also be subject to the controls and enforcement measures referred to in Article 73.

Article 73

Controls and enforcement

1. Controls of traditional specialities guaranteed include:
 - (a) verification that a product designated by a traditional speciality guaranteed has been produced in conformity with the corresponding product specification; and
 - (b) monitoring of the use of traditional speciality guaranteed in the marketplace, including on the internet.
2. In accordance with Regulation (EU) 2017/625, Member States shall designate:
 - (a) one or more competent authorities responsible for controls of traditional specialities guaranteed; and
 - (b) one or more enforcement authorities, which may be the same as the competent authorities referred to in point (a), responsible for the enforcement of rules on traditional specialities guaranteed.
3. Tasks referred to in paragraph (2), point (a), may be delegated to one or more product certification bodies in accordance with Regulation (EU) 2017/625.
4. Member States shall undertake controls, based on a risk analysis, to ensure compliance with the requirements of this Chapter and, in the event of breach, shall apply appropriate penalties.
5. When performing the controls and enforcement activities provided for in this Article, the competent authorities and product certification bodies shall comply with the respective requirements laid down in Regulation (EU) 2017/625. However, Title VI, Chapter I of Regulation (EU) 2017/625 shall not apply to controls of traditional specialities guaranteed.
6. In respect of traditional specialities guaranteed that designate products originating in a third country, the verification of compliance with the product specification before the placing on the market of the product shall be carried out by:
 - (a) one or more of the public authorities designated by the third country; and/or

- (b) one or more product certification bodies.
7. Member States shall make public the name and address of the competent authorities and product certification bodies referred to in paragraphs 2, point (a) and 3 respectively, and keep that information up-to-date.
 8. The Commission shall make public the name and address of the competent authorities and product certification bodies referred to in paragraph 6 and update that information periodically.
 9. The Commission may establish a digital portal where the name and the address of the competent authorities and product certification bodies referred to in paragraphs 2, point (a), 3 and 6 are made public.
 10. The Commission shall be empowered to adopt delegated acts in accordance with Article [84](#) supplementing this Regulation by additional rules to provide for appropriate certification and accreditation procedures to apply in respect of product certification bodies referred to in paragraphs 2 and 5.
 11. The Commission may adopt implementing acts, without applying the procedure referred to in Article [80\(2\)](#), defining the means by which the name and address of competent authorities and product certification bodies referred to in this Article shall be made public.

Chapter 2

Optional quality terms

Article 74

Objective and scope

1. A scheme for optional quality terms is established in order to facilitate the communication within the internal market on the value-adding characteristics or attributes of agricultural products by the producers thereof.
2. This Chapter covers agricultural products.

For the purposes of this Chapter, agricultural products means agricultural products intended for human consumption listed in Annex I to the Treaty and other agricultural products and foodstuffs listed in Annex II to this Regulation.

This Chapter shall not apply to spirit drinks, aromatised wines or grapevine products as defined in Part II of Annex VII to Regulation (EU) No 1308/2013, with the exception of wine-vinegars.

Article 75

National rules

1. Member States may maintain national rules on optional quality terms and schemes which are not covered by this Regulation, provided that such rules comply with Union law.
2. The Commission may establish a digital system for the inclusion of the terms and schemes referred to in paragraph 1 with a view to fostering knowledge of the products and schemes across the Union. The Commission may adopt implementing acts laying down technical details, necessary for the notification of the optional

quality terms. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 80(2).

Article 76

Optional quality terms

1. Optional quality terms shall satisfy the following criteria:
 - (a) they relate to a characteristic of one or more categories of products, or to a farming or processing attribute which applies in specific areas;
 - (b) their use adds value to the product as compared to products of a similar type; and
 - (c) they have a Union dimension.
2. Optional quality terms that describe technical product qualities with the purpose of putting into effect compulsory marketing standards and are not intended to inform consumers about those product qualities fall outside the scope of this Chapter.
3. Optional quality terms shall exclude optional reserved terms which support and complement specific marketing standards determined on a sectoral or product category basis.
4. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 supplementing this Regulation by detailed rules relating to the criteria referred to in paragraph 1.
5. The Commission may adopt implementing acts laying down rules related to forms, procedures or other technical details, necessary for the application of this Chapter. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 80(2).
6. When adopting delegated and implementing acts in accordance with paragraphs 4 and 5, the Commission shall take account of any relevant international standards.

Article 77

Reservation of additional optional quality terms

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 reserving additional optional quality terms and laying down their conditions of use.

Article 78

Mountain product

1. The term ‘mountain product’ is established as an optional quality term. This term shall only be used to describe products intended for human consumption listed in Annex I to the Treaty in respect of which:
 - (a) both the raw materials and the feedstuffs for farm animals come essentially from mountain areas;
 - (b) in the case of processed products, the processing also takes place in mountain areas.

2. For the purposes of this Article, mountain areas within the Union are those delimited pursuant to Article 32(2) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council⁴⁷. For third-country products, mountain areas include areas officially designated as mountain areas by the third country or that meet criteria equivalent to those set out in that paragraph.
3. In duly justified cases, the Commission shall be empowered to adopt delegated acts in accordance with Article 84 laying down derogations from the conditions of use referred to in paragraph 1 of this Article, in particular the conditions under which raw materials or feedstuffs are permitted to come from outside the mountain areas, the conditions under which the processing of products is permitted to take place outside the mountain areas in a geographical area to be defined, and the definition of that geographical area.
4. The Commission shall be empowered to adopt delegated acts in accordance with Article 84 concerning the establishment of the methods of production, and other criteria relevant for the application of the optional quality term established in paragraph 1 of this Article.

Article 79

Restrictions on use and monitoring

1. An optional quality term may only be used to describe products that comply with the corresponding conditions of use.
2. The Commission may adopt implementing acts laying down rules for the use of optional quality terms. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 80(2).
3. Member States shall undertake controls, based on a risk analysis, to ensure compliance with the requirements of this Chapter and, in the event of breach, shall apply appropriate administrative penalties.

Chapter 3 Procedural provisions

Article 80

Committee procedure

1. The Commission shall be assisted by a committee called the Agricultural Quality Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

⁴⁷ Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487).

Title IV

Amendments to Regulations (EU) No 1308/2013, (EU) 2017/1001 and (EU) 2019/787

Article 81

Amendments to Regulation (EU) No 1308/2013

Regulation (EU) No 1308/2013 is amended as follows:

(1) in Article 93(1), point (b) is replaced by the following

(b) “geographical indication” means a name, including a traditionally used name, which identifies a product referred to in Article 92(1):

(i) whose specific quality, reputation or other characteristics are attributable to its geographical origin;

(ii) as originating in a specific place, region or country;

(iii) as having at least 85 % of the grapes used for its production originating exclusively from that geographical area;

(iv) the production of which takes place in that geographical area; and

(v) which is obtained from vine varieties belonging to *Vitis vinifera* or a cross between the *Vitis vinifera* species and other species of the genus *Vitis*.’;

(2) Article 94 is replaced by the following:

‘Article 94

Product specification

1. The product specification shall enable interested parties to verify the relevant conditions of production relating to the designation of origin or geographical indication. The product specification shall comprise:

- (a) the name to be protected;
- (b) the type of geographical indication, being a protected designation of origin or a protected geographical indication;
- (c) a description of the wine or wines, including the principal analytical organoleptic characteristics;
- (d) where applicable, the specific oenological practices used to make the wine or wines, as well as relevant restrictions on making them;
- (e) the definition of the geographical area delimited with regard to the link referred to in point (h);
- (f) the maximum yields per hectare;
- (g) an indication of the wine grape variety or varieties the wine or wines are obtained from;
- (h) the details on the link referred to in Article 93(1), point (a)(i), or, as the case may be, point (b)(i):
 - (i) as regards a protected designation of origin, the link between the quality or characteristics of the product and the geographical environment

referred to in Article 93(1), point (a)(i); the details concerning the human factors of that geographical environment may, where relevant, be limited to a description of the soil, plant material and landscape management, cultivation practices or any other relevant human contribution to the maintenance of the natural factors of the geographical environment referred to in that point;

- (ii) as regards a protected geographical indication, the link between a specific quality, the reputation or other characteristic of the product, and the geographical origin referred to in Article 93(1), point (b)(i);
- (i) other applicable requirements where provided for by Member States or by a recognised producer group, if applicable, having regard to the fact that such requirements must be objective, non-discriminatory and compatible with national and Union law.

2. The product specification may contain sustainability undertakings pursuant to Article 12 of Regulation (EU) .../... of the European Parliament and of the Council [*Regulation on GI's*]*.

3. Where the wine or wines may be partially de-alcoholised, the product specification shall also contain a description of the partially de-alcoholised wine or wines in accordance with paragraph (2), point (c), *mutatis mutandis*, and, where applicable, the specific oenological practices used to make the partially de-alcoholised wine or wines, as well as the relevant restrictions on making them.

* Regulation (EU) .../... of the European Parliament and of the Council of [...] [...] (OJ L [..., p....]).’;

(3) Articles 95 to 99, Articles 101 to 106 and Article 107 are deleted.

Article 82

Amendments to Regulation (EU) 2017/1001

Regulation (EU) 2017/1001 is amended as follows:

(1) in Article 151(1), the following point is inserted:

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

* Regulation (EU) .../... of the European Parliament and of the Council of [...] [...] (OJ L [..., p....]).’.

Article 83

Amendments to Regulation (EU) 2019/787

Regulation (EU) 2019/787 is amended as follows:

(1) in Article 3, points 6 and 7 are deleted;

(2) Articles 16 and 21 are deleted;

(3) Article 23 is replaced by the following:

‘Article 23

Single document

The single document shall set out the following:

(a) the main points of the product specification, including the name to be protected, the category to which the spirit drink belongs or the term ‘spirit drink’, the production method, a description of the characteristics of the spirit drink, a concise definition of the geographical area, and, where appropriate, specific rules concerning packaging and labelling;

(b) a description of the link between the spirit drink and its geographical origin as referred to in Article 3, point (4), including, where appropriate, the specific elements of the product description or production method justifying that link.’;

(4) Articles 24 to 33 and Articles 35 to 40 are deleted.

Title V

Delegation of powers, transitional and final provisions

Article 84

Delegation of powers

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 12(4), Article 14(2), Article 15(6), Article 17(5), Article 19(10), Article 23(7), Article 25(10), Article 26(6), Article 28(3), Article 29(3), Article 34(3), Article 46(1), Article 46, Article 47(1), Article 48(6), Article 48(7), Article 49(4), Article 51(3), Article 55(5), Article 56(2), Article 73(10), Article 69(4), Article 70(2), Article 58(3), Article 62(10), Article 67(3), Article 68(6), Article 76(4), Article 77(1), Article 78(3), Article 78(4), shall be conferred on the Commission for a period of 7 years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than 9 months before the end of the seven-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than 3 months before the end of each period.
3. The delegation of power related to in the Articles referred to in paragraph 2 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to the Articles referred to in paragraph 2 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they

will not object. That period shall be extended by 2 months at the initiative of the European Parliament or of the Council.

Article 85

Transitional provision for the classification of geographical indications

The classification, referred to in Article 6(1), of geographical indications registered or applied for before the date of entry into force of this Regulation shall be made in accordance with the table set out in Annex III.

Article 86

Transitional provisions for pending applications

1. Rules applicable before the entry into force of this Regulation shall continue to apply to applications for registration, applications for approval of a Union amendment to the product specification and requests for cancellation of geographical indications received by the Commission before the date of entry into force of this Regulation.
2. However, Article 19 to Article 22 shall apply to those applications and requests for which the publication for opposition of the application for registration, of the application for approval of a Union amendment to the product specification or of the request for cancellation of a geographical indication in the EU Official Journal takes place after [date of the entry into force of this regulation].
3. Rules applicable before the entry into force of this Regulation shall continue to apply to applications for registration, applications for approval of a Union amendment to the product specification and requests for cancellation of traditional specialities guaranteed received by the Commission before the date of entry into force of this Regulation.
4. However, Article 62 to Article 65 shall apply to those applications and requests for which the publication for opposition of the application for registration, of the application for approval of a Union amendment to the product specification or of the request of cancellation of a traditional speciality guaranteed in the EU Official Journal takes place after [date of the entry into force of this regulation].

Article 87

Continuity of the registers

1. Each designation of origin and geographical indication of wine and of agricultural products, and each geographical indication of spirit drinks, with all relevant data, and data concerning pending applications for registration, amendment or cancellation, entered in the respective geographical indications registers shall be entered automatically into the Union register of geographical indications.
2. Each traditional speciality guaranteed entered in the traditional specialities guaranteed register, with all relevant data, and data concerning pending applications for registration amendment or cancellation, on the day before the entry into application of this Regulation, shall be entered automatically into the Union register of traditional specialities guaranteed.

Article 88

Repeal

Regulation (EU) No 1151/2012 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation.

Article 89

Entry into force

This Regulation shall enter into force on the [...] day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament
The President
[...]

For the Council
The President
[...]