

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2022/0115(COD) Procedure completed
Geographical indication protection for craft and industrial products Amending Regulation 2017/1001 2016/0345(COD) Amending Regulation 2019/1753 2018/0189(COD) Amending Decision 2019/1754 2018/0214(NLE) Subject 3.45.02 Small and medium-sized enterprises (SME), craft industries 3.50.15 Intellectual property, copyright 6.20.04 Union Customs Code, tariffs, preferential arrangements, rules of origin	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Legal Affairs	 WALSMANN Marion	17/05/2022
		Shadow rapporteur	
		 GARCÍA DEL BLANCO Ibán  VÁZQUEZ LÁZARA Adrián  LAGODINSKY Sergey  BASSO Alessandra  STANCANELLI Raffaele  MAUREL Emmanuel	
	Committee for opinion	Rapporteur for opinion	Appointed
	 International Trade	 BELKA Marek	16/05/2022
	 Industry, Research and Energy	The committee decided not to give an opinion.	
	 Internal Market and Consumer Protection		19/07/2022
		 CHARANZOVÁ Dita	

Key events

13/04/2022	Legislative proposal published	COM(2022)0174	Summary
18/05/2022	Committee referral announced in Parliament, 1st reading		
28/02/2023	Vote in committee, 1st reading		
28/02/2023	Committee decision to open interinstitutional negotiations with report adopted in committee		
07/03/2023	Committee report tabled for plenary, 1st reading	A9-0049/2023	Summary
13/03/2023	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
15/03/2023	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
30/05/2023	Approval in committee of the text agreed at 1st reading interinstitutional negotiations		
11/09/2023	Debate in Parliament		
12/09/2023	Results of vote in Parliament		
12/09/2023	Decision by Parliament, 1st reading	T9-0305/2023	Summary
09/10/2023	Act adopted by Council after Parliament's 1st reading		
18/10/2023	Final act signed		
27/10/2023	Final act published in Official Journal		

Technical information

Procedure reference	2022/0115(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation 2017/1001 2016/0345(COD) Amending Regulation 2019/1753 2018/0189(COD) Amending Decision 2019/1754 2018/0214(NLE)
Legal basis	Treaty on the Functioning of the EU TFEU 118-p1
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed

Documentation gateway

Legislative proposal		COM(2022)0174	13/04/2022	EC	Summary
Document attached to the procedure		SEC(2022)0193	13/04/2022	EC	
Document attached to the procedure		SWD(2022)0114	13/04/2022	EC	
Document attached to the procedure		SWD(2022)0115	13/04/2022	EC	
Document attached to the procedure		SWD(2022)0116	13/04/2022	EC	
Document attached to the procedure		N9-0037/2022 OJ C 258 05.07.2022, p. 0005	02/06/2022	EDPS	
Economic and Social Committee: opinion, report		CES3163/2022	21/09/2022	ESC	
Committee draft report		PE736.692	05/10/2022	EP	
Committee of the Regions: opinion		CDR2982/2022	11/10/2022	CofR	
Amendments tabled in committee		PE738.505	09/11/2022	EP	
Amendments tabled in committee		PE738.557	09/11/2022	EP	
Committee opinion	IMCO	PE736.371	26/01/2023	EP	
Committee opinion	INTA	PE732.760	01/02/2023	EP	
Committee report tabled for plenary, 1st reading/single reading		A9-0049/2023	07/03/2023	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T9-0305/2023	12/09/2023	EP	Summary
Draft final act		00031/2023/LEX	18/10/2023	CSL	
Commission response to text adopted in plenary		SP(2023)525	19/12/2023	EC	

Final act

[Regulation 2023/2411](#)
[OJ L 000 27.10.2023, p. 0000](#)

Geographical indication protection for craft and industrial products

PURPOSE: to provide a common legal framework for geographical indication (GI) protection for craft and industrial products.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: for many years, geographical indication protection has been established at EU level for wines, spirit drinks, aromatised wines, as defined at EU level, and for agricultural products and foodstuffs, as protected at EU level. However, at present there is no EU-wide mechanism to protect the names of non-agricultural products such as natural stones, jewellery, textiles, lace, cutlery, glass and porcelain.

Several Member States have national regimes for the protection of national geographical indications for craft and industrial products. These regimes differ in terms of protection, administration and fees, and do not offer protection beyond the national territory. Other Member States do not provide for geographical indication protection at national level for such products.

Due to the legal uncertainty resulting from fragmentation, producers face challenges protecting craft and industrial products linked to a geographical area.

CONTENT: the proposal aims to establish a directly applicable GI protection for craft and industrial products at EU level. It aims to strengthen the position of producers to protect their craft and industrial products throughout the EU against counterfeiting and to encourage them to invest in these products, to cooperate in creating niche markets and to preserve specific local skills and traditions. The proposal also aims to improve the visibility of authentic craft and industrial products on the markets.

The main elements of the proposal are as follows:

Registration of geographical indications

The proposal would allow for the simple and inexpensive registration of GIs for craft and industrial products through a two-stage application procedure. The first stage would take place at Member State level, where national and local authorities would carry out an initial examination of the specifications agreed by local producers and their GI applications. The second stage would take place at EU level, where the European Union Intellectual Property Office (EUIPO) would take a decision on registration, on which no fee would be charged.

The proposal establishes an exceptional scheme for direct procedures before the Office for applicants from a Member State that meets certain conditions on the date of adoption of this Regulation, and do not therefore designate a national authority for the management of the procedures for registration, amendments to the product specification and cancellation of the registration in respect of GIs. Member States that opt for this exceptional registration scheme must designate a contact point for the registration procedure under EUIPO, and a competent authority for the controls and enforcement.

Protection of geographical indications

The level of GI protection for craft and industrial products is defined in the proposal. It also sets out rules for GIs when used as parts or components in manufactured products, clarifies generic terms and registration of homonymous GIs, as well as the relationship with trademarks. It provides rules for producer groups. The relationship with the use of protected terms in internet domain names is defined. The proposal includes the rules for the use of Union symbols, indications and abbreviations on the labelling and advertising material of the product concerned.

Controls and enforcement

Controls would include verification that a product designated with a GI has been produced in accordance with the relevant product specification and control of the use of GIs on the market. With regard to verification and control, the proposal provides for two procedures concerning the control of producers.

While Member States are required to designate the competent authority responsible for the official controls to verify compliance with this Regulation, they are free to introduce a third-party certification procedure operated by competent authorities or delegated product certification bodies, or a procedure based on the producers self-declaration. Besides producer controls, the proposal also sets out rules for Member States on how to prevent or stop any other misuse of GIs in their territory. In addition, it aims to prevent the misuse of GIs on online platforms.

International protection of GIs

The proposal aims to ensure that producers can fully benefit from the international framework for the registration and protection of GIs (Lisbon system). In November 2019, the EU acceded to the Geneva Act of the Lisbon Agreement on Appellations of Origins and Geographical Indications, a treaty administered by the World Intellectual Property Organization (WIPO). EU producers of GI products cannot currently claim protection under the Geneva Act and the EU has to reject requests for such protection from members of the Geneva Act. In the same vein, EU producers cannot benefit from the protection granted by EU trade agreements that currently only cover agricultural GI products. The proposal aims to close this gap.

BUDGETARY IMPLICATIONS: the proposal has no implications on the EU budget. The EUIPO, which is entirely self-financing, will manage and fund the registration process at the EU and international level out of its budget.

As far as national administrations are concerned, 16 Member States (Belgium, Bulgaria, Croatia, Czech Republic, Estonia, France, Germany, Hungary, Italy, Latvia, Poland, Portugal, Romania, Slovakia, Slovenia and Spain), where national GI schemes for craft and industrial products are already in place, are not expected to incur additional administrative costs.

Due to the small number of potential applicants for GI protection for craft and industrial products in the EU (around 300 registrations are expected over 10 years), the costs at national and EUIPO level do not appear to be substantial. They are estimated at around EUR 860 000 annually for the EU as a whole.

Geographical indication protection for craft and industrial products

The Committee on Legal Affairs adopted the report by Marion WALSMANN (EPP, DE) on the proposal for a regulation of the European Parliament and of the Council on geographical indication protection for craft and industrial products and amending Regulations (EU) 2017/1001 and (EU) 2019/1753 of the European Parliament and of the Council and Council Decision (EU) 2019/1754.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Objectives

This Regulation creates unitary and exclusive protection for the geographical indication of craft and industrial products, ensuring the following:

- necessary powers and responsibilities for the producers acting collectively to manage their geographical indication, including to respond to societal demands for products resulting from sustainable production;
- fair competition for producers in the commercial chain;
- reliable information and a guarantee of authenticity of such products for the consumer;
- simple and efficient registration of geographical indications, taking into account the appropriate protection of intellectual property rights;

- effective enforcement and marketing throughout the Union and in electronic commerce, ensuring the integrity of the internal market;
- local economic development, which guarantees the protection of knowhow and of common heritage.

Definitions

Members clarified the definition of geographical indication to mean an indication consisting of or containing the name of a geographical area, or another indication known as referring to such area, which identifies a good as originating in that geographical area, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.

The report also includes the definition of national specific protection for geographical indications for craft and industrial products to mean an intellectual property title under national, regional or local law specifically protecting names that identify craft and industrial products with a given quality, reputation or other characteristics linked to their geographical origin, with the exception of trade marks.

On the other hand, the report deleted the definition of combined nomenclature as Members considered this to be unclear.

Registration procedure

Members considered that the registration procedure should comprise two stages: (i) the first stage should take place at national level; (ii) the second stage shall take place at the level of the Office.

By way of derogation, Member States may opt out of the national stage of the procedure and choose a direct registration in which only the European Union Intellectual Property Office is responsible for the registration. Member States and the Office should ensure that the administrative burden associated with the procedures for registering geographical indications is kept to a minimum in order to facilitate the registration.

Single document

Micro, small and medium-sized enterprises (MSMEs) often have limited resources to deal with administrative tasks. The competent authorities should, therefore, upon request draw up the single document for them on the basis of their product specifications and send it for their approval and the competent authority should also provide all necessary support tools, including financial support and assist MSMEs during the registration procedure.

Registration fees

Moreover, where a Member State charges a fee covering administrative costs, the level of the fees should be reasonable and proportionate to the means of the businesses in order to foster the competitiveness of the producers of the geographical indications. The competent authority should ensure that applicants can submit their applications electronically.

Checks and enforcement

The Member States and the Commission should work on an efficient enforcement system, in order to avoid fraudulent practices.

Citizens and consumers should expect that any geographical indication is covered by robust verification and control systems, regardless of whether the products originate from the Union or a third country. In this regard, EU countries would be required to designate a competent authority in charge of checking that a GI has been placed on the market in accordance with the product specification. Members wanted to make sure that the rules effectively apply also to goods placed on the electronic market and make obligatory the proposed establishment of a digital portal with details of certification bodies accessible to the public.

The digital portal should include the names and contact details of the competent authorities and delegated product certification bodies including natural persons. Taking into consideration the importance of the online markets, the inspection have also to take place in the online world.

Geographical indication protection for craft and industrial products

The European Parliament adopted by 616 votes to 9, with 7 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on geographical indication protection for craft and industrial products and amending Regulations (EU) 2017/1001 and (EU) 2019/1753 of the European Parliament and of the Council and Council Decision (EU) 2019/175.

Parliament's position adopted at first reading following the ordinary legislative procedure amended the Commission proposal as follows:

Protection of geographical indications for craft and industrial products

The regulation provides Union protection for geographical indications for products falling outside the scope of existing Union law, while ensuring convergence. That protection should be aimed at encompassing a large variety of craft and industrial products, such as natural stones, woodwork, jewellery, textiles, lace, cutlery, glass, porcelain, and hides and skins.

The introduction of such a system for the protection of geographical indications for craft and industrial products would bring benefits for consumers, by improving awareness in relation to the authenticity of products. It would also have a positive economic impact on micro- and small and medium-sized enterprises (MSMEs) by strengthening competitiveness, and it would have a general positive impact on employment, development and tourism in rural and less developed regions. Furthermore, such a system would also facilitate access to third-country markets through trade agreements with the Union and would achieve the full potential of geographical indications for craft and industrial products.

Objectives

The amended Regulation lays down provisions relating to:

- the necessary tasks, rights and responsibilities for producers to manage geographical indications, including in response to societal demands for sustainable products;
- simple and efficient registration of geographical indications, taking into account the appropriate protection of intellectual property rights;

- the generation of added value by contributing to fair competition in the market;
- reliable information and a guarantee of authenticity of products designated by a geographical indication for the consumer;
- effective controls and enforcement in relation to geographical indications for craft and industrial products and the marketing of craft and industrial products throughout the Union, including in electronic commerce, whilst ensuring the integrity of the internal market;
- local economic development that contributes to the protection of know-how and of common heritage.

Registration procedure

To obtain protection as geographical indications, names should be registered at Union level only. The standard procedure for the registration of a geographical indication under this Regulation should comprise two phases: (i) the first phase should take place at national level; (ii) the second phase should take place at Union level (European Union Intellectual Property Office). Where a Member State has been granted a derogation from that standard procedure, it should be possible for an applicant from that Member State to submit an application directly to the Office through the direct registration procedure. Any administrative burden associated with the registration procedure shall be kept to a minimum.

Member States should provide for efficient, predictable and expeditious administrative procedures. Information about those procedures, including any applicable deadlines and the overall length of the procedures, should be publicly available. The procedures for registration, including opposition, amendment of the product specification, cancellation of the registration and appeal in respect of geographical indications originating in the Union should be carried out by the Member States and the Office and those procedures should fulfil transparency requirements.

Member States should establish the detailed procedural arrangements for the national phase. Those arrangements should include consultations between the applicant and any national opponents, as well as the submission by the applicant of a report on the outcome of those consultations, and on any modifications made to the application.

Control and verification

To ensure consumer confidence in the specific characteristics of artisanal and industrial products designated with a geographical indication, producers should be subject to a system based on a self-declaration by the producer verifying that the product complies with the specifications before and after it is placed on the market. Once the product has been placed on the market, producers should submit a new self-declaration every three years to demonstrate that the product continues to comply with the specifications.

On receipt of the self-declaration, the competent authority should carry out an examination of the self-declaration, including at least a check for completeness and consistency. Where the competent authority is satisfied that the information provided in the self-declaration is complete and consistent and has no other reservations regarding conformity, the competent authority should issue or renew an official certificate of authorisation to manufacture the product designated by the geographical indication.

As an alternative to the verification procedure based on self-declaration, Member States should be allowed to provide for a verification procedure based on verification of compliance by a competent authority or a designated third party. Such verification procedure should include controls of compliance with the product specification both before and after the product has been placed on the market. The competent authority should be allowed to delegate, where necessary, to product certification bodies or natural persons certain control tasks related to checking the geographical origin, or the production process, of the product concerned.

Member States should have the possibility of charging a fee to cover the costs of managing the system for the protection of geographical indications for craft and industrial products. In that context, Member States should take into account the situation of MSMEs.

Protection of geographical indications in domain names

In order to strengthen the protection of geographical indications for craft and industrial products and to combat counterfeiting effectively, the protection under this Regulation should also apply to domain names on the internet.

Country-code top-level domain name registries established in the Union offering alternative dispute resolution procedures to settle disputes relating to the registration of domain names should ensure that such procedures also cover geographical indications.

Following an appropriate alternative dispute resolution procedure or judicial procedure, it should be possible for country-code top-level domain name registries established in the Union to revoke or transfer a domain name registered under a country-code top-level domain to the relevant producer group, where: (i) domain name registration contravenes the protection of a geographical indication, (ii) where the domain name is being used in bad faith, or (iii) where it has been registered by its holder without that holder having a right to or a legitimate interest in the geographical indication.

Transparency					
WALSMANN Marion	Rapporteur	JURI	27/10/2023	Bundesverband Herkunftsangaben	
WALSMANN Marion	Rapporteur	JURI	27/10/2022	German Confederation of Skilled Crafts and Small Businesses	
GARCÍA DEL BLANCO Ibán	Rapporteur	JURI	19/10/2022	oriGIn and EFOW	
TARABELLA Marc	Shadow rapporteur for opinion	IMCO	19/10/2022	AFIGIA	
WALSMANN	Rapporteur	JURI	20/09/2022	Origin Portugal	

Marion				
WALSMANN Marion	Rapporteur	JURI	19/09/2022	Bergische Industrie- und Handelskammer Wuppertal-Solingen-Remscheid
WALSMANN Marion	Rapporteur	JURI	13/09/2022	Council of European National Top Level Domain Registries
WALSMANN Marion	Rapporteur	JURI	08/09/2022	Centro de Formacao Professional para o Artesanato e Patrimonio
WALSMANN Marion	Rapporteur	JURI	06/09/2022	World Intellectual Property Organisation
WALSMANN Marion	Rapporteur	JURI	01/09/2022	SME Europe
GARCÍA DEL BLANCO Ibán	Member	12/07/2022	INTA	
GARCÍA DEL BLANCO Ibán	Member	06/04/2022	EUIPO	