Possible extension of geographical indication protection of the European Union to non-agricultural products

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The Committee on Legal Affairs adopted the own-initiative report by Virginie ROZIÈRE (S&D, FR) on the possible extension of geographical indication (GI) protection of the European Union to non-agricultural products.

The Committee on the Internal Market and Consumer Protection, exercising its prerogatives as an associated committee in accordance with Rule 54 of the Parliaments Rules of Procedure, also gave an opinion on the report.

Legislative proposal: Members asked the Commission to propose a legislative proposal with the aim of establishing a single European system of protection of geographical indications for non-agricultural products, and of ensuring that the effects of the new system on producers, their competitors, consumers and Member States were fully considered. They stressed that such an instrument would need to be accompanied by information and communication campaigns.

Benefits of a uniform protection at EU level: the report stressed that it would be highly recommended for the EU to adopt legislation on non-agricultural GIs, in order to: (i) fully exploit the positive economic effects of protecting the distinctiveness and quality of such products, (ii) provide consumers with reliable information on their place and method of production, and (iii) preserve the know-how and jobs relating to them.

Members emphasised that the recognition of protection of non-agricultural GIs and traditional, high-quality know-how:

- was both a defensive and offensive interest in the framework of the common commercial policy;
- fostered innovation and the creation of new start-ups, in particular for small enterprises and micro-enterprises, which were the source of 80 % of typical locally-made products that could be protected under the geographical indications system;
- combatted counterfeit or imitation products;
- ensured a more socially, economically and environmentally sustainable approach to economic development inside and outside the EU;
- contributed to fair competition and consumer protection.

Members stressed that preserving traditional know-how and production could help stop the depopulation and destruction of rural areas and the flow of young people leaving these areas. They called on the Commission and Member States to promote trans regional and transnational cooperation and the pooling of best practices among non-agricultural product clusters and related sectors.

Relations with third countries: the committee considered that open-ended lists of all products, both agricultural and non-agricultural, that were protected by geographical indications should be incorporated into future EU trade agreements with non-member countries. Extending the scope of the GI protection system to cover non-agricultural products could: (i) help make the EUs position on GIs even stronger and more cogent, in multilateral forums; (ii) stimulate European exports and gain market share while achieving international recognition of the products in question; (iii) strengthen the Unions hand in the WTO; (iv) be an advantage in negotiating trade agreements with third countries.

The Commission was called upon to include in its upcoming communication on the EUs trade and investment strategy a coherent and well-prepared strategy for all GIs, which ensures that they are observed and recognised.

Principles and scope of geographical indication protection at EU level: the report asked the Commission to create a system based on best practices and transparent and non-discriminatory principles, which was effective, responsive and free of unnecessary administrative burdens and deterrent costs for producers who voluntarily decide to register a product under a geographical indication scheme.

Such a system should ensure strict controls and should include appropriate means of dealing with fraud. Furthermore, the system should:

- represent a guarantee which is intuitively perceptible to consumers who sought high-quality products in terms of authenticity and origin which have a strong link to the geographical area concerned and are supported by reliable and clear information;
- have a broad definition that would make it possible to recognise the link between a product and the area covered enabling the inclusion of names which, though not geographical, were unambiguously associated with a given place; Members recommend that the protection scheme should include non-verbal signs and symbols that were unmistakably associated with a particular region.

The label/distinguishing sign/mark/logo for non-agricultural GIs should be simple and easily recognisable, should reflect the regional/local identity of the goods, and should be expressed in at least the language of the products place of origin and that of the country into which it is imported.

Registration process: the report recommended a compulsory registration procedure, as this would provide greater security, especially as regards the enforcement of rights in the event of a dispute. Registration should take place in two stages: firstly, on-the-spot checks should be made by national or regional authorities to ascertain that specific characteristics are not being interfered with; and secondly, there should be a single European registration system to ensure compliance with common criteria in all parts of the EU.

Members believed that specifications should include at least the following criteria: raw materials used, description of the production process, proof of the link with the territory, and elements of corporate social responsibility.

The system must be accompanied by the creation of a single standardised and public European register for non-agricultural products benefiting from geographical indication protection. The report stressed the relevance of quality checks, and advocated, in addition, that an inspection, infringement and penalty scheme be set up to monitor geographical indications on products marketed in Europe.