

Revision of the EU geographical indications scheme

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Proposed revision of EU geographical indications scheme protecting product names

[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

Update

On 31 March 2022 the European Commission published its proposal for a Regulation on EU geographical indications (GIs) for wine, spirit drinks and agricultural products. The proposal will not make fundamental changes to the current system for registering GIs, but aims to improve certain aspects of its operation. The [European Parliament](#) and [Council](#) of the EU have made recommendations on the Commission's proposal. An agreement between the institutions now has to be negotiated.

What is changing?

The European Commission proposes the following improvements to the existing scheme for GIs.

Increasing efficiency

When the European Commission receives an application for a Protected Geographical Indication (PGI) or Protected Designation of Origin (PDO), it has 6 months (which can be extended) to scrutinise the application to check that it fulfils the criteria of Regulation (EU) [1151/2012](#). In practice, in 2018 this process took an average 18 months ([European Commission 2021](#)). The Commission intends to entrust the EU Intellectual Property Office (EUIPO) with the work of scrutinising third country geographical indications (Art. 46 of the proposal).

Improving online protection of GIs

The misuse of GIs is particularly prevalent in online marketplaces, with around double the average number of infringements as in traditional marketplaces ([European Commission 2021](#)). The establishment of domain names similar or identical to GIs is not currently illegal. The Commission proposes to extend GI protection to information provided on websites (Art. 27.1(c)), and to permit producer groups to request the removal or transfer of domain names that infringe on their GI rights (Art. 27(3)).

Pursuing sustainability goals

The current GI regulation (1151/2012) was amended in 2021 to allow producer groups to include the contribution of a product to sustainable development within a GI application. The current proposal expands on this, allowing producer groups to “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” (Art. 32(c)). The intention is that such undertakings “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”. There is no obligation on producer groups to develop sustainability undertakings. However, where these are established, they must be included in the GI product specification (Art. 12).

Improving recognition of EU GI symbols

There is limited public awareness of EU quality logos (e.g. only 20% of consumers surveyed recognised the Protection of Geographical Indication logo), and there is confusion between the different labelling schemes ([European Commission 2021](#)).

Under the Commission proposal, EU origin products marketed under a GI must include the Union symbol on the labelling and advertising material, with the GI in the same field of vision as the Union symbol. The Union symbol may also be used in the labelling and advertising of processed products when the GI is relevant to an ingredient. Union symbols may be used with GIs of products originating in third countries, but there is no obligation on third country producers to use Union symbols (Art. 37(11)). There is also an exception for producers of wine and spirit drinks, who do not have to use Union symbols on labelling or advertising materials of wine and spirit drinks.

Timeline

The European Parliament and Council of the EU are currently negotiating the Commission proposal. These negotiations are expected to end in October 2023, and the law is expected to be published by the end of 2023.

What are the major implications for exporting countries?

The new rules do not place a significant additional burden on third country applicants seeking to register a GI with legal protection in their own country. As before, applicants seeking protection of a GI have to provide, in one of the official languages of the EU (Art. 15(2, 5)):

- a detailed product specification
- a single document summarising the application (Art. 52)

- accompanying administrative information.

In addition, the new rules explicitly mention the need to provide “legal proof of protection of geographical indication in its country of origin” (Art.15(2)(b)).

Applications should be submitted to the Commission electronically through a digital system (Art. 16 (1, 2)).

For third countries, a joint application for registration should be submitted “by an applicant producer group in a third country, directly or through the authorities of that third country” (Arts. 15(3), 16(2)). Verification of compliance with the product specification will be done either by a public competent authority designated by the third country, or by one or more product certification bodies (Art. 39(4)).

Background

The proposed Regulation updates the current EU legal framework (Regulation [1151/2012](#)) protecting product names that demonstrate a connection between a product and its place of origin.

Resources

European Commission (2021) [Evaluation of geographical indications and traditional specialities guaranteed protected in the EU](#)

European Parliament (2023) [Amendments adopted on 1 June 2023 on the proposal for a regulation of the European Parliament and of the Council on European Union geographical indications](#)

Council of the European Union (2023) [Regulation on geographical indications and quality schemes - Mandate for negotiations with the European Parliament](#)

Sources

Proposal [COM/2022/134](#) final

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