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**Simplification and Streamlining of European
Legislation for the Protection of Geographical
Indications**

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Paper Structure

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EU agricultural product quality policy

The "Quality Package" 2010 sets up a comprehensive policy on certification schemes, value-adding terms for agricultural product qualities, and product standards. It comprises:

- A proposal for a new 'Agricultural Product Quality Schemes Regulation', with the aim of **bringing coherence and clarity** to the EU schemes:
 - reinforcing the scheme for PDOs and PGIs;
 - overhauling the traditional specialities guaranteed scheme (TSGs), and
 - laying down a new framework for the development of Optional Quality Terms to provide consumers with information, such as 'free range' and 'first cold pressing'.
- A proposal to streamline adoption of marketing standards by the Commission, including the power to extend place of farming labelling in accordance with the specificity of each agricultural sector.
- New Guidelines on best practices for voluntary certification schemes and on the labelling of products using geographical indications as ingredients.

Summary of proposed legislative changes

The Single Regulation for Agricultural Product Quality Schemes includes three schemes (PDO and GI; traditional specialities guaranteed (TSG); and optional quality terms) in a single regulatory structure, overseen by a single quality policy committee. The main elements are:

- Recognition of the roles and responsibilities of groups applying for registration of names with regard to monitoring, promotion and communication (Article 42: Role of groups)
- The reinforcement and clarification of the level of protection of registered names and the common Union symbols; (See especially Arts. 13 – 15).
- The procedure to register names is shortened;
- The respective roles of Member States and groups applying for registration have been clarified with regard to the enforcement of protection of the registered names throughout the European Union, and
- The definitions of designations of origin and geographical indications are more closely aligned to international usage.
- The proposal streamlines the current process of registration of designations of origin and geographical indications by shortening time delays.
- Minimum common rules on official controls to ensure product follows the specification and to ensure correct labelling in the marketplace are also laid down.
- The scope of the Regulation is maintained (agricultural products for human consumption and certain other products), while dark chocolate is added.

Definition: Designation of origin (PDO)

Article 2(1) (a) defines *a protected designation of origin* to mean:

- The name of a region, a specific place or, in exceptional cases, a country, used to describe an agricultural product or a foodstuff:
- originating in that region, specific place or country, and
- the quality or characteristics of which are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors, and the production, processing and preparation of which take place in the defined geographical area

PROPOSED: Article 5(1):

(a) 'designation of origin' is a name which identifies a product:

- (i) originating in a specific place, region or, in exceptional cases, a country,
- (ii) where the quality or characteristics of the product are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors, **and**
- (iii) the production steps of which all take place in the same defined geographical area;

Definition: GI Regulation (PGI)

- Article 2(1) (b) defines *a protected geographic indication* to mean:
 - the name of a region, a specific place or, in exceptional cases, a country, used to describe an agricultural product or a foodstuff:
 - originating in that region, specific place or country, and
 - which possesses a specific quality, reputation or other characteristics attributable to that geographical origin and the production and/or processing and/or preparation of which take place in the defined geographical area.

PROPOSED: Article 5(1)(b)

‘geographical indication’ is a name which identifies a product:

- (i) originating in a specific place, region or country,
- (ii) where a given quality, reputation or other characteristic of the product is essentially attributable to its geographical origin, and
- (iii) **at least one of the production steps of which take place in the defined geographical area.**

Proposed Art. 7(3): Additional control over specifications

- **Draft Arts. 5 and 7 contain new provisions concerning additional controls on production.**
- **Art. 5(3) would allow the legislature to provide “restrictions and derogations regarding the steps of production which shall take place in the defined geographical area or regarding the sourcing of raw materials.**
- **Art. 7(3) is drafted to allow the EC to “lay down further rules as to the content of a product specification.**

Enforcement

Proposed Art. 13(3):

3. **Member States shall take the appropriate administrative and judicial steps** to prevent or stop the unlawful use of protected designations of origin and protected geographical indications as referred to in paragraph 1, in particular at the request of a producer group as provided for in point (a) of Article 42.
- **Articles 33 to 35 mandate Member States designate the details of competent authorities responsible for official controls carried out to verify compliance with product specifications for the purpose of establishing a public record. Article 36 provides that where competent authorities delegate specific tasks, such delegated bodies must be duly accredited according to EU standards.**
- **Article 42 is concerned with the role of producer groups in ensuring monitoring the use of the name in trade and, if necessary, informing competent authorities to prevent the unlawful use of protected designations of origin and protected geographical indications as stipulated in Article 13(3).**

Relations between trade marks, PDOs and GIs: Principle of Coexistence

Proposed Article 14(2):

Without prejudice to Article 6(4), **a trade mark** the use of which contravenes Article 13 which has been applied for, registered, or established by use, if that possibility is provided for by the legislation concerned, in good faith within the territory of the EU, before the date on which the application for protection of the designation of origin or geographical indication is submitted to the Commission, **may continue to be used** and renewed for that product **notwithstanding the registration of a designation of origin or geographical indication**, provided that no grounds for its invalidity or revocation exist under Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark³⁸ or under Directive 2008/95/EC. **In such cases, the use of the protected designation of origin or protected geographical indication shall be permitted as well as use of the relevant trade marks.**

Further information

- http://ec.europa.eu/agriculture/quality/schemes/index_en.htm
- http://ec.europa.eu/agriculture/quality/policy/quality-package-2010/index_en.htm
- http://ec.europa.eu/agriculture/quality/policy/index_en.htm
- <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/1692&format=HTML&aged=0&language=EN&guiLanguage=en>