



Organization for an International  
Geographical Indications Network

**COMPARISON BETWEEN AREPO & ORIGIN AMENDMENT PROPOSALS TO THE CAP AND THE FINAL TEXT AGREED FOLLOWING INTERINSTITUTIONAL NEGOTIATIONS**

Brussels, 08/09/2021

REGULATION PROPOSAL ON CAP STRATEGIC PLANS

INTRODUCTION: WHEREAS

**Amendment 1 / Addition of GI producer groups as possible beneficiaries under type of measure “Cooperation”.**

Recital	Text proposed by the Commission	Amendment proposal	Text voted by COMAGRI	Text agreed during interinstitutional negotiations
45	(45) Support should enable the establishment and implementation of cooperation between at least two entities in view of achieving CAP objectives. Support can entail all aspects of such cooperation, such as the setting up of quality schemes; collective environmental and climate action; the promotion of short supply chain and local markets; pilot projects; Operational Group projects within the EIP for agricultural productivity and sustainability local development projects, Smart Villages, buyers' clubs and machinery rings; farm partnerships; forest management plans; networks and clusters; social farming; community supported agriculture; actions within the scope of LEADER; and the setting up of producer groups and producer organisations, as well as other forms of cooperation deemed necessary to achieve the specific objectives of the CAP.	(45) Support should enable the establishment and implementation of cooperation between at least two entities in view of achieving CAP objectives. Support can entail all aspects of such cooperation, such as the setting up, <b>certification costs and promotion of quality schemes</b> ; collective environmental and climate action; the promotion of short supply chain and local markets; pilot projects; Operational Group projects within the EIP for agricultural productivity and sustainability local development projects, Smart Villages, buyers' clubs and machinery rings; farm partnerships; forest management plans; networks and clusters; social farming; community supported agriculture; actions within the scope of LEADER; and the setting up of producer groups and producer organisations, <b>including producer groups recognised under Regulation (EU) No 1151/12</b> , as well as other forms of cooperation deemed necessary to achieve the specific objectives of the CAP.	<b>APPROVED Amendment 41</b>	(45) Support should enable the establishment and implementation of cooperation between at least two entities in view of achieving CAP objectives. Support can entail all aspects of such cooperation, such as the setting up, <b>information and promotion activities for quality schemes</b> ; collective environmental and climate action; the promotion of short supply chain and local markets; pilot projects; Operational Group projects within the EIP for agricultural productivity and sustainability local development projects, Smart Villages, buyers' clubs and machinery rings; farm partnerships; forest management plans; networks and clusters; social farming; community supported agriculture; actions within the scope of LEADER; <b>and the setting up of producer groups and producer organisations</b> , as well as other forms of cooperation deemed necessary to achieve the specific objectives of the CAP.
<b>Justification</b>				
Support for certification costs of EU quality schemes is a fundamental measure to promote such schemes, in line with the objectives of Article 71. Regulation (EU) No 1151/12 on quality schemes for agricultural products and foodstuffs highlights the importance of collective organisation and recognises the role of producer groups in ensuring adequate legal protection of PDO/PGI as well as, in general, any activity aimed at improving the value of the registered names and effectiveness of the quality schemes (art. 45). In order to				

assure the development of these prerogatives, GI producer groups should be included among the potential beneficiaries of cooperation.

## CHAPTER IV – TYPES OF INTERVENTIONS FOR RURAL DEVELOPMENT

### ARTICLE 71: COOPERATION

#### **Amendment 2 / Addition of GI producer groups as possible beneficiaries under type of measure “Cooperation”.**

Article	Text proposed by the Commission	Amendment proposal	Text voted by COMAGRI	Text agreed during interinstitutional negotiations
<b>71.1</b>	1. Member States may grant support for cooperation under the conditions set out in this Article and as further specified in their CAP Strategic Plans to prepare and to implement Operational Group projects of the European Innovation Partnership for agricultural productivity and sustainability as referred to in Article 114 and LEADER, referred to as community-led local development in Article 25 of Regulation (EU) [CPR], and to promote quality schemes, producer organisations or producer groups or other forms of cooperation.	1. Member States may grant support for cooperation under the conditions set out in this Article and as further specified in their CAP Strategic Plans to prepare and to implement Operational Group projects of the European Innovation Partnership for agricultural productivity and sustainability as referred to in Article 114 and LEADER, referred to as community-led local development in Article 25 of Regulation (EU) [CPR], and to promote quality schemes, producer organisations or producer groups, <b>including producer groups recognised under Regulation (EU) No 1151/12</b> , or other forms of cooperation	<b>APPROVED Amendment 496</b>  [...] and to promote quality schemes, producer organisations or producer groups, <b>or other forms of cooperation including those whose products are covered by Regulation (EU) No 1151/2012.</b>	(c) <b>promote and support EU and national recognised quality schemes</b> and their use by farmers; (d) <b>support producer groups, producer organisations or interbranch organisations;</b> (da) prepare and implement Smart Villages strategies as determined by Member States; (f) <b>support other forms of cooperation.</b>
<b>Justification</b>				
Regulation 1151/12 on quality schemes for agricultural products and foodstuffs highlights the importance of collective organisation and recognises the role of producer groups in ensuring adequate legal protection of PDO/PGI as well as, in general, any activity aimed at improving the value of the registered names and effectiveness of the quality schemes (art. 45). In order to assure the development of these prerogatives, GI producer groups should be included among the potential beneficiaries of cooperation.				

**Amendment 3 / Addition of support for certification costs of EU quality schemes as possible intervention under type of measure “Cooperation”.**

Article	Text proposed by the Commission	Amendment proposal	Text voted by COMAGRI	Text agreed during interinstitutional negotiations
71.3	3. Member States may cover under this type of interventions the costs related to all aspects of the cooperation.	3. Member States may cover under this type of interventions the costs related to all <i>necessary</i> aspects of the cooperation, <i>including certification costs relating to participation in an EU quality scheme.</i>	<b>APPROVED</b> <i>Amendment 499</i>  [...] <i>including certification costs relating to participation in a Union quality scheme.</i>	3. Member States may cover under this Article the costs related to all aspects of the cooperation.
<b>Justification</b>				
Support for certification costs of EU quality schemes is a fundamental measure to promote such schemes, in line with the objectives of Article 71.				

*ARTICLE 72 bis (NEW)*

**Amendment 5 / Addition of a thematic sub-programme for quality schemes for agricultural products and foodstuffs.**

Article	Text proposed by the Commission	Amendment proposal	Text voted by COMAGRI	Text agreed during interinstitutional negotiations
72 bis		<i>Article 72 bis</i>  <i>Thematic sub-programme for quality schemes for agricultural products and foodstuffs</i>  <i>Member States may establish a thematic subprogramme for quality schemes for agricultural products and foodstuffs within their strategic plans. This subprogramme shall meet the objectives referred to in Article 6(1).</i>	<b>APPROVED</b> <i>Amendment 504</i> <i>Article 71a</i>  <i>Thematic sub-programmes for quality schemes for agricultural products and foodstuffs</i>  <i>Member States may establish a thematic sub-programme for the quality schemes for agricultural products and foodstuffs provided for in Regulation (EU) No 1151/2012 that achieves the specific objectives set out in Article 6(1).</i>	<b>Not included</b>
<b>Justification</b>				

The EU recognises that quality schemes can benefit the rural economy, particularly less favoured areas like mountain areas and most remote regions. In particular, Geographical Indications (GIs) can contribute to deliver important socio-economic and environmental public goods in line with European Union (EU) priorities and objectives. A horizontal programme using different measures to support quality schemes for agricultural products and foodstuffs would be of paramount importance to address simultaneously specific local needs and to boost GIs impact in term of rural development.

**AMENDING REGULATION - SINGLE CMO AND QUALITY SCHEMES FOR AGRICULTURAL PRODUCTS AND FOODSTUFFS**

*RECITAL 14*

**Amendment 8 / Cancellation of the separation of the assessment of compliance with intellectual property rules from the assessment of compliance of the product specifications**

Article	Text proposed by the Commission	Amendment proposal	Text voted by COMAGRI	Text agreed during interinstitutional negotiations
Recital 14	(14) Registration of geographical indications should be made simpler and faster by separating the assessment of compliance with intellectual property rules from the assessment of compliance of the product specifications with the requirements laid down in the marketing standards and labelling rules.	<b>Deletion</b>	<b>APPROVED</b> <b>Amendment 14</b>	(14) Registration of geographical indications should be made simpler and faster by separating the assessment of compliance with intellectual property rules from the assessment of compliance of the product specifications with the requirements laid down in the marketing standards and labelling rules.
<b>Justification</b>				
EU quality policy is more than a simple GI protection mechanism as they constitute an important tool for rural development. Product specifications include essential elements which do not concern exclusively IPRs, but also production processes, labelling, oenological practices etc. Limiting the examination to IPRs could eventually lead the EC to transform PDO and PGI schemes into a simple IP protection mechanism.				

*ARTICLE 2: AMENDMENTS TO REGULATION (EU) 1151/2012*

**Amendment 11 / Assuring a more efficient approval of amendments to product specifications.**

Article	Text proposed by the Commission	Amendment proposal	Text voted by COMAGRI	Text agreed during interinstitutional negotiations
Proposal for a regulation Article 2 – paragraph 14 Regulation (EU) No 1151/2012	Amendments shall be scrutinised taking into account other elements of the product specifications. Where appropriate, the Commission or the Member State concerned	<i>In Article 53, paragraph 2, the last paragraph is replaced by the following:</i> <b>The scrutiny of the application shall focus on the proposed amendment.</b>	<b>APPROVED</b>	<b>Union amendments and Standard amendments</b>  The scrutiny of the application shall focus on the proposed amendment. Where

Article 53 – paragraph 2 (last paragraph)	may invite the applicant to modify other elements of the product specifications.			appropriate, the Commission or the Member State concerned may invite the applicant to modify other elements of the product specifications.
<b>Justification</b>				
The scrutiny of the application shall focus on the proposed amendment in order to assure a faster and more efficient approval of amendments to product specifications.				

**Amendment 12 / Maintenance of the European and common nature of the Geographical Indication system**

Article	<i>Text proposed by the Commission</i>	Amendment proposal	Text voted by COMAGRI	Text agreed during interinstitutional negotiations
Proposal for a regulation Article 2 – paragraph 14 Regulation (EU) No 1151/2012 Article 53 – paragraph 4 new		<b>4. The Commission shall adopt guidelines setting out criteria and a common methodology for the implementation and enforcement of the administrative process of Union and standard amendments to product specifications, in order to assure coherence in the implementation of standard amendments at national level.</b> <b>Within 3 years of entry into force of the reform, the Commission shall carry out a first evaluation of the effectiveness of the administrative process of Union and standard amendments to product specification, in order to assess the impact and coherence of the reform implementation at national level. Following the evaluation, the Commission shall present a report of the main findings to the European Parliament and to the Council.</b>	<b>APPROVED Amendment 199</b>  <b>Article 2 – paragraph 1 – point 14 a 3a.</b>	<b>Not included</b>
<b>Justification</b>				
If the EU PDO/PGI schemes were implemented differently throughout the EU, the whole concept of EU GIs would be weakened. The adoption of guidelines setting out criteria and a common methodology for the implementation and enforcement of the administrative process of Union and standard amendments to product specifications will allow a the PDO/PGI concept to be applied in a consistent manner throughout the EU and that a level playing field between the different Member States is ensured.				

**Amendment 13/ Alignment of the Designation of Origin definition with the one provided for at international level in the Lisbon Agreement**

Article	Text proposed by the Commission	Amendment proposal	Text voted by COMAGRI	Text agreed during interinstitutional negotiations
Proposal for a regulation Article 2 – paragraph 2 – (a)(new) Regulation (EU) No 1151/2012 – Article 5 – paragraph 1		Paragraph 1 of Article 5 shall be replaced by the following: 1. For the purpose of this Regulation, ‘designation of origin’ is a name <b>traditionally used in a specific place</b> which identifies a product:	<b>REJECTED</b>  <b>Article 2 – paragraph 1 – point 2 a (new)</b> 1. For the purpose of this Regulation, ‘designation of origin’ is a name which identifies a product:	For the purpose of this Regulation, ‘designation of origin’ is a name, <b>including a name traditionally used</b> , which identifies a product:
<b>Justification</b>				
The definition of designation of origin in the amendment takes over the definition provided for at international level in the Lisbon Agreement.				

**Amendment 14/ Alignment of the Geographical Indication definition with the one provided for at international level in the Lisbon Agreement**

Article	Text proposed by the Commission	Amendment proposal	Text voted by COMAGRI	Text agreed during interinstitutional negotiations
Proposal for a regulation Article 2 – paragraph 2 - (c) (new) Regulation (EU) No 1151/2012 - Article 5 - paragraph 2		Paragraph 2 of Article 5 shall be replaced by the following: 1. For the purpose of this Regulation, ‘geographical indication’ is a name <b>traditionally used in a specific place</b> which identifies a product:	<b>REJECTED</b>  <b>Article 2 – paragraph 1 – point 2 a (new)</b> 2. For the purpose of this Regulation, ‘geographical indication’ is a name which identifies a product:	For the purpose of this Regulation, ‘geographical indication’ is a name, <b>including a name traditionally used</b> , which identifies a product:
<b>Justification</b>				
The definition of geographical indication is harmonised with the definition of designation of origin. It will clarify the position of PGI whose name is not linked to the name of the region.				



**Amendment 15/ Improvement of PDO/PGI protection against the abuse of their reputation**

Article	<i>Text proposed by the Commission</i>	Amendment proposal	Text voted by COMAGRI	Text agreed during interinstitutional negotiations
Proposal for a regulation Article 2 – paragraph 5 - (a) (new) Regulation (EU) No 1151/2012 - Article 13 - paragraph 1 - a		(5 a) In point (a) of Article 13(1), point a) is replaced by the following: (a) any direct or indirect commercial use of a registered name in respect of products not covered by the registration where those products are comparable to the products registered under that name or where using the name exploits, <b><i>weakens or dilutes</i></b> , the reputation of the protected name, including when those products are used as an ingredient;	<p style="text-align: center;"><b>WRONG WORDING</b></p> <p><b>Article 2 – paragraph 1 – point 5 a (new)</b>            (5a) Article 13 is replaced by the following:            (a) any direct or indirect commercial use of a registered name in respect of products not covered by the registration where those products are comparable to the products registered under that name or where using <b><i>the name exploits the reputation, weakens or dilutes the protected name</i></b>, including when those products are used as an ingredient;</p>	(a) any direct or indirect commercial use of a registered name in respect of products not covered by the registration where those products are comparable to the products registered under that name or where using the name exploits, <b><i>weakens or dilutes</i></b> , the reputation of the protected name, including when those products are used as an ingredient;
<b>Justification</b>				
This amendment aims to reinforce the system that protects any protected designation of origin or protected geographical indication. The same modifications have been included for the GI wine sector by MEP Andrieu in his report and for the sake of consistency the provisions should be harmonised.				

**Amendment 16/ Improvement of PDO/PGI protection against any second level bad faith registration in the domain name space (website name)**

Article	<i>Text proposed by the Commission</i>	Amendment proposal	Text voted by COMAGRI	Text agreed during interinstitutional negotiations
Proposal for a regulation Article 2 – paragraph 5 - (b) (new) Regulation (EU) No 1151/2012 - Article 13 - paragraph 1 - e (new)		In Article 13, paragraph 1, the following point shall be inserted: (e) any registration, in bad faith, of a domain name that is similar or liable to cause confusion, in full or in part, with a protected name.	<p style="text-align: center;"><b>APPROVED</b> <b>Amendment 188</b></p> <p><b>Article 2 – paragraph 1 – point 5 a (new)</b></p> <p><b><i>(da) any registration, in bad faith, of a domain name that is similar or that may be confused, in full or in part, with a protected name.</i></b></p>	<p><b>Not included</b></p>
<p><b>Justification</b></p>				
<p>It is important to reinforce the protection system for geographical indications on the Internet in addition to existing legislation. This applies in particular to the protection of domain names. The same modifications have been included for the GI wine sector by MEP Andrieu in his report and for the sake of consistency the provisions should be harmonised.</p>				