



Organization for an International  
Geographical Indications Network

## COMPARISON BETWEEN AREPO & ORIGIN AMENDMENT PROPOSALS TO THE CAP AND THE AMENDMENTS APPROVED BY THE MEPs DURING THE EP PLENARY

Brussels, 23/10/2020

## REGULATION PROPOSAL ON CAP STRATEGIC PLANS

### INTRODUCTION: WHEREAS

#### **Amendment 41 and 796 / Addition of GI producer groups as possible beneficiaries under type of measure “Cooperation”.**

Recital	<i>Text proposed by the Commission</i>	<b>Amendment proposal</b>	<b>Text approved by EP</b>
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><i>certification costs, promotion and maintenance of quality schemes</i></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><i>including producer groups recognised under Regulation (EU) No 1151/12</i></b> , 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><i>certification costs, promotion and maintenance</i></b> 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, <b><i>including agroforestry</i></b> ; 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><i>including producer groups recognised under Regulation (EU) No 1151/2012</i></b> , as well as other forms of cooperation deemed necessary to achieve the specific objectives of the CAP. <b><i>As a way of promoting intergenerational renewal, consideration should be given to granting specific support to farmers who wish to stop farming before reaching the statutory retirement age and intend to hand over their farm to a cooperating younger farmer.</i></b>

#### **Justification**

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

Article	Text proposed by the Commission	Amendment proposal	Text approved by EP
71.1	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	[..] 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>

##### Justification

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 499 / 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 approved by EP
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 <b>necessary</b> aspects of the cooperation, <b>including certification costs relating to participation in an EU quality scheme.</b>	3. Member States may cover under this type of interventions the costs related to all <b>necessary</b> aspects of the cooperation, <b>including certification costs relating to participation in an EU quality</b>

		<i>scheme.</i>
<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 71 A (NEW)*

**Amendment 504 / Addition of a thematic sub-programme for quality schemes for agricultural products and foodstuffs.**

Article	Text proposed by the Commission	Amendment proposal	Text approved by EP
71 a (new)		<p style="text-align: center;"><b>Article 71 a (new)</b></p> <p style="text-align: center;"><b><i>Thematic sub-programme for quality schemes for agricultural products and foodstuffs</i></b></p> <p><b><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></p>	<p style="text-align: center;"><b>Article 71a (new)</b></p> <p style="text-align: center;"><b><i>Thematic sub-programmes for quality schemes for agricultural products and foodstuffs</i></b></p> <p><b><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></p>

**Justification**

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 14 / 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 approved by EP
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>

**Justification**

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

Article	Text proposed by the Commission	Amendment proposal	Text approved by EP
Proposal for a regulation <b>Article 2 – paragraph 1 -point 14a (new)</b> Regulation (EU) No 1151/2012 Article 53 – paragraph 2 (last paragraph)	Amendments shall be scrutinised taking into account other elements of the product specifications. Where appropriate, the Commission or the Member State concerned may invite the applicant to modify other elements of the product specifications.	<i>In Article 53, paragraph 2, the last paragraph is replaced by the following:</i> <b><i>The scrutiny of the application shall focus on the proposed amendment.</i></b>	<b>(14a) Article 53 is replaced by the following:</b> <b><i>[...]</i></b> <b><i>The scrutiny of the application shall focus on the proposed amendment.</i></b>

**Justification**

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

Article	Text proposed by the Commission	Amendment proposal	Text approved by EP
Proposal for a regulation <b>Article 2 – paragraph 1 -point 14a (new), 3a</b> Regulation (EU) No 1151/2012 Article 53 – paragraph 4 new		<p><b>3a. 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></p> <p><b>Within 3 year 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></p>	<p><b>The Commission shall adopt guidelines setting out criteria and a common methodology for the application of and compliance with the administrative processing of amendments to product specifications, both Union and normal, to ensure consistency in the application of normal amendments at national level.</b></p> <p><b>By... [three years after the date of entry into force of this Regulation], the Commission shall conduct an initial assessment of the effectiveness of the administrative processing of amendments to product specifications, both Union and normal, to assess the impact and consistency of the application of the reform at national level. After the assessment, the Commission shall present a report on the main conclusions to the European Parliament and to the Council.</b></p>

**Justification**

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 application of and compliance with the administrative processing of amendments to product specifications, both Union and normal, will allow 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 253/ Improvement of PDO/PGI protection against any second level bad faith registration in the domain name space (website name)**

Article	Text proposed by the Commission	Amendment proposal	Text approved by EP
Proposal for a regulation <b>Article 2 – paragraph 1 – point 5</b> Regulation (EU) No 1151/2012 - Article		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><b>Article 2 – paragraph 1 – point 5</b></p> <p><b>(5) Article 13 is replaced by the following: [...]</b> <b>(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</b></p>

13		<i>protected name.</i>
<b>Justification</b>		
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.		

**Amendment 253/ Improvement of PDO/PGI protection against the abuse of their reputation**

Article	Text proposed by the Commission	Amendment proposal	Text approved by EP
Proposal for a regulation <b>Article 2 – paragraph 1 – point 5 – 1 (a)</b> 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;	<b>Article 2 – paragraph 1 – point 5 – 1. (a)</b> <b>(5) Article 13 is replaced by the following: [...]</b> (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.			



## REGULATION PROPOSAL ON CAP STRATEGIC PLANS – AMENDMENTS PROPOSALS EXCLUDED FROM FINAL COMPROMISE AMENDMENTS

### CHAPTER IV – TYPES OF INTERVENTIONS FOR RURAL DEVELOPMENT

#### ARTICLE 64 – PARAGRAPH 1 – POINT *h bis* (NEW)

##### **Amendment 4 / Addition of a thematic sub-programme for quality schemes for agricultural products and foodstuffs.**

Article	Text proposed by the Commission	Amendment proposal	
64.1.h(a)		<i>h bis) thematic sub-programme for quality schemes for agricultural products and foodstuffs.</i>	REJECTED
<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.			

### CHAPTER III - SECTORAL TYPES OF INTERVENTIONS

#### ARTICLE 60 – TYPES OF INTERVENTION (OTHER SECTORS)

##### **Amendment 6 / Inclusion of control of Union and national quality schemes under the types of intervention for “other sectors”.**

Article	Text proposed by the Commission	Amendment proposal	
60.1.g	(g) implementation of Union and national quality schemes;	(g) implementation <b>and control</b> of Union and national quality schemes;	REJECTED
<b>Justification</b>			



It is important to ensure that both the implementation and the control of Union and national quality schemes are available as types of intervention for “other sectors”. Indeed, it is important that the strategic plans allow for the control of Union and national quality schemes to strengthen and harmonize their protection and reputation.

*ARTICLE 61 – PARAGRAPHS 1,4 AND 5 – OPERATIONAL PROGRAMS (OTHER SECTORS)*

**Amendment 7 / Inclusion of producer groups, as defined in Regulation 1151/12 on quality schemes, as beneficiaries of operational programs under “other sectors” sectoral interventions.**

Article	Text proposed by the Commission	Amendment proposal	
61.1	1. In each sector concerned, the objectives and the interventions set out by the Member States in their CAP Strategic Plans shall be implemented through approved operational programs of producer organisations and/or associations of producer organisations recognised under Regulation (EU) No 1308/2013, under the conditions laid down in this Article.	1. In each sector concerned, the objectives and the interventions set out by the Member States in their CAP Strategic Plans shall be implemented through approved operational programs of producer organisations and/or associations of producer organisations recognised under Regulation (EU) No 1308/2013 <b>and producer groups recognised under Regulation (EU) No 1151/12</b> , under the conditions laid down in this Article.	REJECTED
61.4	4. Operational programs shall be submitted by producer organisations and/or associations of producer organisations recognised under Regulation (EU) No 1308/2013 to the Member States for their approval.	4. Operational programs shall be submitted by producer organisations and/or associations of producer organisations recognised under Regulation (EU) No 1308/2013 <b>and producer groups recognised under Regulation (EU) No 1151/12</b> to the Member States for their approval.	REJECTED
61.5	5. Operational programs may be implemented only by producer organisations or by associations of producer organisations recognised under Regulation (EU) No 1308/2013.	5. Operational programs may be implemented only by producer organisations or by associations of producer organisations recognised under Regulation (EU) No 1308/2013 <b>and by producer groups recognised under Regulation (EU) No 1151/12</b> .	REJECTED

**Justification**

Producer groups as defined in Regulation 1151/12 on quality schemes should have the possibility to implement specific programmes to support coordinated activities along the supply chain under the single CMO. In particular, they should have access to the support for Producers Organisations (POs) to implement operational programmes aiming at promoting collective actions and strengthening the supply chain.