

Agricultural products and foodstuffs: designations of origin, geographical indications (repeal. Regulation (EEC) No 2081/92)

2005/0275(CNS) - 23/12/2005 - Legislative proposal

PURPOSE: the establishment of provisions on the protection of geographical indications and designations of origin for agricultural products and foodstuffs.

PROPOSED ACT: Council Regulation.

CONTENT: the presentation of this proposal is based on the 1992 (2081/92) Regulation on the protection of geographical indications and designations of origin for agricultural products and foodstuffs. A new Regulation is being proposed in response to two developments. Firstly, the need to simplify procedures relating to name registration. Secondly, Regulation 2081/92 is incompatible with WTO and GATT requirements. Following a complaint from both the United States and Australia to the WTO Dispute Settlement Body found that the EU's protection of trademark and geographical indications for agricultural products and foodstuffs breached various articles in both the TRIPS Agreement and the 1947 GATT Agreement. In presenting this proposal therefore, the Commission is not only seeking to simplify procedures it is also bringing the Regulation into line with the TRIPS Agreement.

Accordingly, the first amendment defines more clearly the kind of information, needed when applying to register a foodstuff. Information is to be contained in a single document and includes, *inter alia*, name, description of the product for verification, labelling and proof of a link between the product and its geographical origin. Such a standardised form will result in greater transparency as well as equal treatment for all applicants.

The second amendment to the 1992 Regulation lies in the distribution of responsibility between the Member States and the Commission. In addition, those who have names corresponding to geographical areas in third-countries will be able to access the Community scheme. In accordance with the TRIPS Agreement, however, the Community scheme will only be open to those third countries whose geographical indications are protected in their country of origin.

Existing provisions on equivalence and reciprocity, have been revoked. Nevertheless, certain operators established in third countries as well as certain governments may voluntarily transmit applications and/or objections to the Community. The proposed Regulation seeks to refine the definition of "geographical indication" in order to merge the two definitions set out in the TRIPS Agreement and Regulation 2081/92.

Lastly, the proposed measures have no impact on the general budget of the European Communities.