Basic information

2015/2053(INI) INI - Own-initiative procedure	Procedure completed
Possible extension of geographical indication protection of the European Union to non-agricultural products **Subject** 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 3.50.15 Intellectual property, copyright 3.50.16 Industrial property, European patent, Community patent, design and pattern 4.45.06 Heritage and culture protection, movement of works of art 4.60.02 Consumer information, advertising, labelling	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	ROZIÈRE Virginie (S&D)	10/11/2014
	Shadow rapporteur ESTARÀS FERRAGUT Rosa (PPE) DZHAMBAZKI Angel (ECR) WIKSTRÖM Cecilia (ALDE) MAŠTÁLKA Jiří (GUE/NGL) ANDERSSON Max (Verts /ALE)	

Committee for opinion	Rapporteur for opinion	Appointed
INTA International Trade	MOSCA Alessia Maria (S&D)	24/02/2015
IMCO Internal Market and Consumer Protection (Associated committee)	DANTI Nicola (S&D)	24/09/2014
CULT Culture and Education	DIACONU Mircea (ALDE)	04/11/2014

European Commission

Commission DG	Commissioner
Internal Market, Industry, Entrepreneurship and SMEs	BIEŃKOWSKA Elżbieta

Key events

Date	Event	Reference	Summary
15/07/2014	Non-legislative basic document published	COM(2014)0469	Summary
12/03/2015	Committee referral announced in Parliament		
12/03/2015	Referral to associated committees announced in Parliament		
15/09/2015	Vote in committee		
22/09/2015	Committee report tabled for plenary	A8-0259/2015	Summary
05/10/2015	Debate in Parliament		
06/10/2015	Decision by Parliament	T8-0331/2015	Summary
06/10/2015	Results of vote in Parliament		
06/10/2015	End of procedure in Parliament		

Technical information

Procedure reference	2015/2053(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/02042

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE554.895	21/04/2015	
Amendments tabled in committee		PE557.320	28/05/2015	
Committee opinion	INTA	PE554.841	17/06/2015	
Committee opinion	CULT	PE551.753	18/06/2015	
Committee opinion	IMCO	PE554.925	24/06/2015	
Committee report tabled for plenary, single reading		A8-0259/2015	22/09/2015	Summary
Text adopted by Parliament, single reading		T8-0331/2015	06/10/2015	Summary

European Commission

Document type	Reference	Date	Summary
Commission document (COM)	COM(2014)0469	15/07/2014	Summary
Commission response to text adopted in plenary	SP(2015)774	25/02/2016	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	SE_PARLIAMENT	COM(2014)0469	06/11/2014	
Contribution	PT_PARLIAMENT	COM(2014)0469	07/01/2015	

Possible extension of geographical indication protection of the European Union to non-agricultural products

2015/2053(INI) - 22/09/2015 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the own-initiative report by Virginie ROZIÈRE (S&D, FR) on the possible extension of geographical indication (GI) protection of the European Union to non-agricultural products.

The Committee on the Internal Market and Consumer Protection, exercising its prerogatives as an associated committee in accordance with Rule 54 of the Parliament's Rules of Procedure, also gave an opinion on the report.

Legislative proposal: Members asked the Commission to propose a legislative proposal with the aim of establishing **a single European system of protection of geographical indications for non-agricultural products**, and of ensuring that the effects of the new system on producers, their competitors, consumers and Member States were fully considered. They stressed that such an instrument would need to be accompanied by **information and communication campaigns.**

Benefits of a uniform protection at EU level: the report stressed that it would be highly recommended for the EU to adopt legislation on non-agricultural GIs, in order to: (i) fully exploit the positive economic effects of protecting the distinctiveness and quality of such products, (ii) provide consumers with reliable information on their place and method of production, and (iii) preserve the know-how and jobs relating to them.

Members emphasised that the recognition of protection of non-agricultural GIs and traditional, high-quality know-how:

- was both a defensive and offensive interest in the framework of the **common commercial policy;**
- fostered **innovation and the creation of new start-ups,** in particular for small enterprises and micro-enterprises, which were the source of 80 % of typical locally-made products that could be protected under the geographical indications system;
- **combatted counterfeit or imitation products**;
- ensured a more socially, economically and environmentally **sustainable approach to economic development** inside and outside the EU;
- contributed to **fair competition** and **consumer protection**.

Members stressed that preserving traditional know-how and production could help **stop the depopulation and destruction of rural areas** and the flow of young people leaving these areas. They called on the Commission and Member States to promote trans regional and transnational **cooperation and the pooling of best practices** among non-agricultural product clusters and related sectors.

Relations with third countries: the committee considered that **open-ended lists** of all products, both agricultural and non-agricultural, that were protected by geographical indications should be **incorporated into future EU trade agreements** with non-member countries. Extending the scope of the GI protection system to cover non-agricultural products could: (i) help make the EU's position on GIs even stronger and more cogent, in multilateral forums; (ii) stimulate European exports and gain market share while achieving international recognition of the products in question; (iii) strengthen the Union's hand in the WTO; (iv) be an advantage in negotiating trade agreements with third countries.

The Commission was called upon to include in its upcoming communication on the EU's trade and investment strategy **a coherent and well-prepared strategy for all GIs**, which ensures that they are observed and recognised.

Principles and scope of geographical indication protection at EU level: the report asked the Commission to create a **system based on best practices and transparent and non-discriminatory principles,** which was effective, responsive and free of unnecessary administrative burdens and deterrent costs for producers who voluntarily decide to register a product under a geographical indication scheme.

Such a system should ensure **strict controls** and should include appropriate means of dealing with fraud. Furthermore, the system should:

- represent a **guarantee which is intuitively perceptible to consumers** who sought high-quality products in terms of authenticity and origin which have a strong link to the geographical area concerned and are supported by reliable and clear information;
- **have a broad definition** that would make it possible to recognise the link between a product and the area covered enabling the inclusion of names which, though not geographical, were unambiguously associated with a given place; Members recommend that the protection scheme should include non-verbal signs and symbols that were unmistakably associated with a particular region.

The label/distinguishing sign/mark/logo for non-agricultural GIs should be **simple and easily recognisable,** should reflect the regional/local identity of the goods, and should be expressed in at least the language of the product's place of origin and that of the country into which it is imported.

Registration process: the report recommended a **compulsory registration procedure**, as this would provide greater security, especially as regards the enforcement of rights in the event of a dispute. Registration should take place in **two stages**: firstly, on-the-spot checks should be made by national or regional authorities to ascertain that specific characteristics are not being interfered with; and secondly, there should be a single European registration system to ensure compliance with common criteria in all parts of the EU.

Members believed that **specifications** should include at least the following criteria: raw materials used, description of the production process, proof of the link with the territory, and elements of corporate social responsibility.

The system must be accompanied by the creation of a **single standardised and public European register** for non-agricultural products benefiting from geographical indication protection. The report stressed the relevance of **quality checks**, and advocated, in addition, that an inspection, infringement and penalty scheme be set up to monitor geographical indications on products marketed in Europe.

Possible extension of geographical indication protection of the European Union to non-agricultural products

2015/2053(INI) - 06/10/2015 - Text adopted by Parliament, single reading

The European Parliament adopted by 608 votes to 43, with 43 abstentions, a resolution on the possible extension of geographical indication (GI) protection of the European Union to non-agricultural products, in response to the Commission Green Paper on the same issue.

European legislative proposal: whilst welcoming the Commission's initiative of consulting stakeholders in order to determine whether EU geographical indication (GI) protection could be extended to cover non-agricultural products, as well as the outcome of the consultation which was concluded in October 2014, Parliament clearly favoured an **EU system of protection** based on geographical indications for non-agricultural products, as part of a broader strategy for promoting high-quality EU products. It asked the Commission to propose a legislative proposal with the aim of establishing **a single European system of protection of geographical indications for non-agricultural products**, and of ensuring that the effects of the new system on producers, their competitors, consumers and Member States were fully considered.

Members stressed that such an instrument would need to be accompanied by **information and communication campaigns.**

Benefits of a uniform protection at EU level: Parliament stressed that it would be highly recommended for the EU to adopt legislation on non-agricultural GIs, in order to: (i) fully exploit the positive economic effects of protecting the distinctiveness and quality of such products, (ii) provide consumers with reliable information on their place and method of production, and (iii) preserve the know-how and jobs relating to them.

The resolution emphasised that the recognition of protection of non-agricultural GIs and traditional, high-quality know-how:

- was both a defensive and offensive interest in the framework of the **common commercial policy;**
- fostered **innovation and the creation of new start-ups,** in particular for small enterprises and micro-enterprises, which were the source of 80 % of typical locally-made products that could be protected under the geographical indications system;
- **combatted counterfeit or imitation products**;
- ensured a more socially, economically and environmentally **sustainable approach to economic development** inside and outside the EU;
- contributed to **fair competition** and **consumer protection;**
- help **stop the depopulation and destruction of rural areas** and the flow of young people leaving these areas.

Parliament recognised the importance of investing in education and training in this field, and encouraged Member States to make optimal use of the available EU funding and programmes for the support of vocational training for specialists involved in the production and promotion of environment-friendly local and regional artisanal and industrial products. It also encouraged the Member States to exchange good practices in creating and supporting initiatives aimed at stimulating the traditional artisanal sector.

Relations with third countries: Members considered that **open-ended lists** of all products, both agricultural and non-agricultural, that were protected by geographical indications should be **incorporated into future EU trade agreements** with non-member countries.

Extending the scope of the GI protection system to cover non-agricultural products could: (i) help make the EU's position on GIs even stronger and more cogent, in multilateral forums; (ii) stimulate European exports and gain market share while achieving international recognition of the products in question; (iii) strengthen the Union's hand in the WTO; (iv) be an advantage in negotiating trade agreements with third countries.

The Commission was called upon to include in its upcoming communication on the EU's trade and investment strategy **a coherent and well-prepared strategy for all GIs**, which ensures that they are observed and recognised.

Protection at EU level: Parliament asked the Commission to create a **system based on best practices and transparent and non-discriminatory principles,** which was effective, responsive and free of unnecessary administrative burdens and deterrent costs for producers who voluntarily decide to register a product under a geographical indication scheme.

Such a system should ensure **strict controls** and should include appropriate means of dealing with fraud. Furthermore, the system should:

- represent a **guarantee which is intuitively perceptible to consumers** who sought high-quality products in terms of authenticity and origin which have a strong link to the geographical area concerned and are supported by reliable and clear information;
- **have a broad definition** that would make it possible to recognise the link between a product and the area covered enabling the inclusion of names which, though not geographical, were unambiguously associated with a given place. Members recommend that the protection scheme should include non-verbal signs and symbols that were unmistakably associated with a particular region.

The label/distinguishing sign/mark/logo for non-agricultural GIs should be **simple and easily recognisable,** should reflect the regional/local identity of the goods, and should be expressed in at least the language of the product's place of origin and that of the country into which it is imported.

Registration process: Parliament recommended a **compulsory registration procedure**, as this would provide greater security, especially as regards the enforcement of rights in the event of a dispute. Registration should take place in **two stages**:

- firstly, on-the-spot checks should be made by national or regional authorities to ascertain that specific characteristics are not being interfered with;
- secondly, there should be a **single European registration system** to ensure compliance with common criteria in all parts of the EU. In this regard, Members proposed that the system should be managed at EU level by the Office for Harmonization in the Internal Market (OHIM).

Specifications should include at least the following criteria: raw materials used, description of the production process, proof of the link with the territory, and elements of corporate social responsibility. The system must be accompanied by the creation of a **single standardised and public European register** for non-agricultural products benefiting from geographical indication protection.

Parliament also stressed the relevance of **quality checks**, and advocated, in addition, that an **inspection, infringement and penalty scheme** be set up to monitor geographical indications on products marketed in Europe.

Possible extension of geographical indication protection of the European Union to non-agricultural products

2015/2053(INI) - 15/07/2014 - Non-legislative basic document

PURPOSE: to launch a debate on the possible extension of geographical indication protection of the European Union to non-agricultural products (Commission Green Paper).

BACKGROUND: **geographical indications (GIs)** are indications that identify goods as originating in a country, region or locality where a particular quality, reputation or other characteristic of the product is essentially attributable to its geographical origin, for example Bordeaux (wine), Vetro di Murano (glass) or Prosciutto di Parma.

GIs are self-evidently relevant to agricultural products, foodstuff, wines and other alcoholic beverages. However, **the use of GIs is not limited to agricultural products**. A GI may also highlight specific qualities of a product that are due to human factors found in the product's place of origin, such as specific manufacturing skills and traditions. This is the case, for instance, for handicrafts, which are generally handmade using local natural resources and usually embedded in the traditions of local communities, e.g. Bohemian crystal, Scottish tartans, Carrara marble or Meissner porcelain.

The EU is bound by rules on protecting GIs under the agreement on trade related aspects of intellectual property rights (**TRIPS**), which applies to all 159 members of the World Trade Organisation (WTO), and covers both agricultural and non-agricultural products.

At EU level, unitary GI protection is currently provided for wines, spirit drinks, aromatised wines and for agricultural products and foodstuffs. There is currently **no harmonisation or unitary GI protection in place for non-agricultural products at EU level**.

According to a study published by the Commission in 2013, existing legal instruments available for producers at national and at European level are insufficient.

CONTENT: this Green Paper aims to consult with all stakeholders in the broadest possible manner on whether there is a need, in the EU, to increase GI protection for non-agricultural products, and if so what approach should be taken.

The document consists of two parts:

The first part concerns the current means of protection provided at national and EU level and the potential economic, social and cultural benefits that could be achieved by improved GI protection in the EU. The Commission considers that there seems to be potential benefits of a harmonised EU GI system for producers of non-agricultural products:

- increasing the distinctiveness and attractiveness of their products thanks to guaranteeing quality and origin throughout the EU could **boost sales** and there would be more **effective and uniform EU-wide protection** against losses caused by, counterfeiting and imitation;

- provide **consumers** with certainty that a product has a particular quality, characteristics, and/or reputation due to its particular place of origin, if this is something they value;
- create a positive impact on **negotiating trade agreements** with third countries interested in securing better protection for their non-agricultural GIs in the EU;
- preserve and value European traditions, know-how, the diversity of cultural expression and cultural heritage and help build social capital in a region.

The second part includes more technical questions to seek the views of interested parties on possible options for EU-level GI protection for non-agricultural products. These issues concern:

- the **label** (names and symbols) to be used to refer to a product eligible for a GI protection;
- the need to add any further **exceptions** to GI protection other than those already provided in TRIPS;
- the possibility to **differentiate between various protection schemes** depending on the categories of non-agricultural products involved (a sectoral approach would establish specific rules for different categories of products, or a cross-cutting approach would set out the core elements of the system generally, to apply to any category of product;
- the link be between non-agricultural products and their **place of origin**, in order to qualify for GI protection in any new system;
- the introduction of a **quality benchmark** for non-agricultural products and how the specific characteristics of the product should be defined to ensure quality and geographic origin meets the required standards;
- the need for **reputation** to be required in order to obtain GI protection for non-agricultural products.

The Green Paper also questions whether **harmonising** national legislation on GIs would be sufficient to effectively protect GIs for non-agricultural products across the internal market, or would a **single EU-level protection system** be more appropriate.

All interested parties are requested to send their responses to the Commission by 28 October 2014.