

EUROPEAN CHAPTER**Position Paper on the Modification of EC Regulation 2081/92**

The European Commission has recently tabled a proposal to modify EC Regulation 2081/92 relating to geographical indications (GIs). European Members of OriGIn – the International Network of Geographical Indications (www.origin-gi.com) – submit the following comments on this proposal.

1. Full support to the opening of the EC system to third country producers of GIs

European Members of OriGIn fully support the opening of the European system for protection of geographical indications to third country producers. This decision will greatly contribute to the promotion of GIs throughout the world. It will allow producers of GIs from third country to benefit from this unique protection that brings important added value to the local economy, prevent the relocation of production and help preserve the biodiversity. GIs are an intellectual property tool; they are different from trademarks and some of their characteristics make them a unique local development tool.

2. The need to establish a more transparent and efficient European GI system

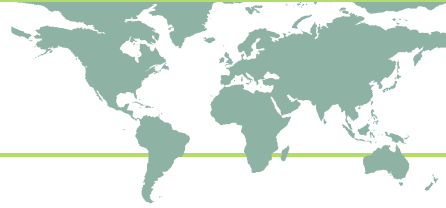
European Members of OriGIn consider that a coherent European approach on GIs is extremely important for both producers and consumers. This is also a prerequisite if the EC wants to secure better protection of its GIs at the International level, in particular, in the context of the WTO Doha Round. OriGIn is not convinced that the Commission's proposal – as it stands - will provide the credibility, transparency and efficiency that is required.

2.1 The need for a coherent European GI system

The European Commission claims that its proposal will streamline the registration and opposition procedures of European products. This is very important as the actual procedure is unacceptably long.

The proposed new procedure will transfer significant tasks and responsibilities to the Member States. The Commission will rely much more on the Member States' examinations of application and opposition procedure than today. OriGIn members believe that this will not help to create a coherent and efficient system as it will leave room for very different treatments of the requests throughout the EC.

- OriGIn considers that the powers to examine GI requests and oppositions should be reinforced at the European level to ensure that they fully comply with the EC Regulation. OriGIn members doubt that it will be possible for the Commission to accurately decide whether or not a name can be registered as a GI, based solely on the "single document" to be transmitted by the Member States. A more thorough



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analysis must be conducted at EU level, in particular to verify the content of the specifications vis-à-vis the single document.

- An easily identifiable European body should look after registration and opposition requests. OriGIn considers that a single GI register for all GI products (food, wines, spirits and non food products) should be created and its management transferred to a new or an existing European agency, such as the OHIM.

2.2 The need for legal certainty, transparency and good information of consumers

OriGIn Members call on the European institutions to establish a framework that provides for legal certainty for stakeholders as well as good means of communication towards consumers. To that end, the Commission's proposal should be modified to ensure that:

- The proposed control system goes beyond the food safety aspect. OriGIn members consider that the Commission's proposal - which relies on Regulation (EC) No 882/2004 - will not satisfy the specific requirements relating to the quality control of the GI production process.
- Controls on the use of GI names in the EC are reinforced throughout the European Community.
- Sufficient publicity is given to GI specifications. This is a fundamental point to prevent third parties from claiming ignorance. Based on the jurisprudence of the Court of Justice, OriGIn members consider that the specifications should be published and available not only in the national language but also in a language that is commonly understood. The publicity requirements should also apply to third countries' GIs registered in the EU.
- In food preparation, the GI name may only appear in the list of ingredients. GI producers should be allowed to define the conditions in which their GI name can be used on the main label of food preparations, if they so wish.
- The European logos that will have to appear on the labelling of European GI products are differentiated through a system of colour coding. This would allow for improved consumer information. The European logos also need to be duly protected at the International level to prevent abuse.
- If the original applicant group requests cancellation of the GI registration, a public consultation is organized at the national level.

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