

COMPARISON BETWEEN ORIGIN & AREPO AMENDMENT PROPOSALS TO THE CAP REFORM AND THE AMENDMENTS PRESENTED BY THE MEPS AND THE AMENDMENTS APPROVED BY AGRI COMMITTEE

Brussels, 04/10/2019

NB/ You will find in the second column the text proposed by the European Commission (1st June 2018), in the third one the amendment proposed by oriGIn EU together with AREPO (autumn 2018) and in the fourth one if the text was adopted or not by the COMAGRI of the European Parliament (April 2019). The “justification” is the one from oriGIn/Arepo to explain why we asked for the amendments.

REGULATION PROPOSAL ON CAP STRATEGIC PLANS

INTRODUCTION: WHEREAS

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

Recital	<i>Text proposed by the Commission</i>	oriGIn/Arepo Amendment proposal	Text voted by COMAGRI
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, <i>certification costs and promotion</i> 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, <i>including producer groups recognised under Regulation (EU) No 1151/12</i> , as well as other forms of cooperation deemed necessary to achieve	APPROVED

the specific objectives of the CAP.

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 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
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, including producer groups recognised under Regulation (EU) No 1151/12 , or other forms of cooperation	APPROVED and to promote quality schemes, producer organisations or producer groups, or other forms of cooperation including those whose products are covered by Regulation (EU) No 1151/2012.

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 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
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 necessary aspects of the cooperation, including certification costs relating to participation in an EU quality scheme.	APPROVED including certification costs relating to participation in a Union quality scheme.

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.

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	Text voted by COMAGRI
64.1.h(a)		<i>h bis) thematic sub-programme for quality schemes for agricultural products and foodstuffs.</i>	NOT APPROVED
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.			

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
72 bis		<p style="text-align: center;">Article 72 bis</p> <p style="text-align: center;"><i>Thematic sub-programme for quality schemes for agricultural products and foodstuffs</i></p> <p><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></p>	<p style="text-align: center;">APPROVED</p> <p style="text-align: center;">Article 71a</p> <p style="text-align: center;"><i>Thematic sub-programmes for quality schemes for agricultural products and foodstuffs</i></p> <p><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></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.

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	Text voted by COMAGRI
60.1.g	(g) implementation of Union and national quality schemes;	(g) implementation and control of Union and national quality schemes;	(g) implementation of Union and national quality schemes
Justification			
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	Text voted by COMAGRI
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 and producer groups recognised under Regulation (EU) No 1151/12 , under the conditions laid down in this Article.	
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 and producer groups recognised under Regulation (EU) No 1151/12 to the Member States for their approval.	

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 and by producer groups recognised under Regulation (EU) No 1151/12.	
-------------	---	---	--

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.

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

- [Amendments 110 - 349](#)
- [Amendments 350 - 575](#)
- [Amendments 576 - 796](#)

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
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.	Deletion	APPROVED

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 1: AMENDMENTS TO REGULATION (EU) 1308/2013

Amendment 9 / Cancellation of the separation of the assessment of compliance with intellectual property rules from the assessment of compliance of the product specifications for wine GIs

Article	Text proposed by the Commission	Amendment proposal	Text voted by COMAGRI
Proposal for a regulation Article 1 – paragraph 13 – point 3 b (new) Regulation (EU) No 1308/2013 Article 99 – paragraph 3	3. Protection conferred pursuant to this Article shall be without prejudice to compliance of products concerned with other Union rules relating in particular to the placing of products on the market, marketing and to food labelling.	Deletion	3. Protection conferred pursuant to this Article shall be without prejudice to compliance of products concerned with other Union rules relating in particular to the placing of products on the market, marketing and to food labelling.
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 10 / Sustainability

Article	Text proposed by the Commission	Amendment proposal	Text voted by COMAGRI
Proposal for a regulation Article 2 – <i>New paragraph</i> Regulation (EU) No 1151/2012 - Article 1, paragraph 2		2. This Regulation establishes quality schemes which provide the basis for the identification and, where appropriate, protection of names and terms that, in particular, indicate or describe agricultural products with: (a) value-adding characteristics; or (b) value-adding attributes as a result of the farming or processing methods used in their production, or of the place of their production or marketing or, where appropriate, of their contribution to sustainable development.	APPROVED
Justification			
In order to meet the requirements of consumers and citizens of the Union, it is important that GI products take into account sustainable development			

Amendment 11 / Cancellation of the separation of the assessment of compliance with intellectual property rules from the assessment of compliance of the product specifications for agricultural products and foodstuffs

Article	Text proposed by the Commission	Amendment proposal	Text voted by COMAGRI
Proposal for a regulation Article 2 –	3. This Regulation, and in particular the	Deletion	3. This Regulation, and in particular the registrations made

paragraph 1 Regulation (EU) No 1151/2012 Article 2 – paragraph 3	registrations made pursuant to Article 52, shall be without prejudice to compliance of products concerned with other Union rules relating in particular to the placing of products on the market, marketing and to food labelling.		pursuant to Article 52, shall be without prejudice to compliance of products concerned with other Union rules relating in particular to the placing of products on the market, marketing and to food labelling.
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.			

Amendment 12/ Maintenance of the human factor

Article	Text proposed by the Commission	Amendment proposal	Text voted by COMAGRI
Proposal for a regulation Article 2 – paragraph 1 – point 2 Regulation (EU) No 1151/2012 Article 5 – paragraph 1	(2) in paragraph 1 of Article 5, point (b) is replaced by the following: b) whose quality or characteristics are essentially or exclusively due to a particular geographical environment, with its inherent natural factors and where relevant human factors;	Delete	DELETED
Justification			
The human factor is inherent to the definition of a PDO			

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
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 traditionally used in a specific place which identifies a product:	Article 2 – paragraph 1 – point 2 a (new) 1. For the purpose of this Regulation, ‘designation of origin’ is a name which identifies a product:
Justification			
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
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 traditionally used in a specific place which identifies a product:	Article 2 – paragraph 1 – point 2 a (new) 2. For the purpose of this Regulation, ‘geographical indication’ is a name which identifies a product:
Justification			
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 / Sustainability

Article	Text proposed by the Commission	Amendment proposal	Text voted by COMAGRI
Proposal for a regulation Article 2 – paragraph 3 – <i>new point</i> Regulation (EU) No 1151/2012 - Article 7, paragraph 1, e)	1. A protected designation of origin or a protected geographical indication shall comply with a specification which shall include at least: (a) the name to be protected as a designation of origin or geographical indication, as it is used, whether in trade or in common language, and only in the languages which are or were historically used to describe the specific product in the defined geographical area; (b) a description of the product, including the raw materials, if appropriate, as well as the principal physical, chemical, microbiological or organoleptic characteristics of the product; (c) the definition of the geographical area delimited with regard to the link referred to in point (f)(i) or (ii) of this paragraph, and, where appropriate, details indicating compliance with the requirements of Article 5(3); (d) evidence that the product originates in the defined geographical area referred to in Article 5(1) or (2); (e) a description of the method of obtaining the product and, where appropriate, the authentic and unvarying local methods as well as information concerning packaging, if the applicant group so determines and gives sufficient product-specific justification as to why the packaging must take place in the	1. A protected designation of origin or a protected geographical indication shall comply with a specification which shall include at least: (a) the name to be protected as a designation of origin or geographical indication, as it is used, whether in trade or in common language, and only in the languages which are or were historically used to describe the specific product in the defined geographical area; (b) a description of the product, including the raw materials, if appropriate, as well as the principal physical, chemical, microbiological or organoleptic characteristics of the product; (c) the definition of the geographical area delimited with regard to the link referred to in point (f)(i) or (ii) of this paragraph, and, where appropriate, details indicating compliance with the requirements of Article 5(3); (d) evidence that the product originates in the defined geographical area referred to in Article 5(1) or (2); (e) a description of the method of obtaining the product and, where appropriate, the contribution to sustainable development , the authentic and unvarying local methods as well as information concerning packaging, if the applicant group so determines and gives sufficient product-specific justification as to why the	APPROVED [...] (d) evidence of traceability proving that the product originates in the defined geographical area referred to in Article 5(1) and (2); (e) a description of the method of obtaining the product and, where appropriate, its contribution to sustainable development , the authentic and unvarying local methods as well as information concerning packaging, if the applicant group so determines and gives sufficient product-specific justification as to why the packaging must take place in the defined geographical area to safeguard quality, to ensure the origin or to ensure control, taking into account Union law,

defined geographical area to safeguard quality, to ensure the origin or to ensure control, taking into account Union law, in particular that on the free movement of goods and the free provision of services;	packaging must take place in the defined geographical area to safeguard quality, to ensure the origin or to ensure control, taking into account Union law, in particular that on the free movement of goods and the free provision of services;	in particular that on the free movement of goods and the free provision of services;
Justification		
In order to meet the requirements of consumers and citizens of the Union, it is important that the specifications of GI products can include elements relating to sustainable development.		

Amendment 16/ Improvement of PDO/PGI protection against the abuse of their reputation

Article	Text proposed by the Commission	Amendment proposal	Text voted by COMAGRI
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, weakens or dilutes , the reputation of the protected name, including when those products are used as an ingredient;	APPROVED Article 2 – paragraph 1 – point 5 a (new) (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 the name exploits the reputation, weakens or dilutes the protected name , including when those products are used as an ingredient;
Justification			
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 17/ Improvement of PDO/PGI protection against any second level bad faith registration in the domain name space (second level domain: website name)

Article	Text proposed by the Commission	Amendment proposal	Text voted by COMAGRI
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.	APPROVED Article 2 – paragraph 1 – point 5 a (new) (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.
Justification			
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.			

Mathilde Chareyron 9.10.y 13:01

Commenta [1]: There was a mistake made by the EP when copying our amendment, therefore the wording in the COMAGRI report differs from ours. However, we have been in touch with MEPs and this will be modified.

Amendment 18 / Assuring a more efficient approval of amendments to product specifications.

Article	Text proposed by the Commission	Amendment proposal	Text voted by COMAGRI
Proposal for a regulation Article 2 – paragraph 14 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: The scrutiny of the application shall focus on the proposed amendment.</i>	Amendment 198 Proposal for a regulation Article 2 – paragraph 1 – point 14 Regulation (EU) No 1151/2012 Article 53 – paragraphs 2 and 3 Text proposed by the Commission Amendment [...] deleted
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.			

Mathilde Chareyron 9.10.y 12:15
Commenta [2] : It is different than what we proposed but, by deleting the text proposed by the Commission, the Parliament removes the provisions we wanted to delete.

Amendment 19 / Maintenance of the European and common nature of the Geographical Indication system

Article	Text proposed by the Commission	Amendment proposal	Text voted by COMAGRI
Proposal for a regulation Article 2 – paragraph 14 Regulation (EU) No 1151/2012 Article 53 – paragraph 4 new		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. 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.	Article 2 – paragraph 1 – point 14 a 3a. APPROVED
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 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.			