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IMPACT ASSESSMENT REPORT

Accompanying the document

**Proposal for a Regulation of the European Parliament and of the Council
on European Union geographical indications for wine, spirit drinks and agricultural
products, and quality schemes for agricultural products, amending Regulations (EU) No
1308/2013, (EU) 2017/1001 and (EU) 2019/787 and repealing Regulation (EU) No
1151/2012**

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Glossary

| <i>Term or acronym</i> | <i>Meaning or definition</i> |
|------------------------|---|
| AFA | Application for action (used by operators to request customs officials to seize and destroy counterfeit goods) |
| AKIS | Agriculture Knowledge and Innovation Systems |
| BTSF | Better Training for Safer Food |
| ccTLD | Country code Top-Level Domain |
| CAP | Common Agricultural Policy |
| CCP | Common Commercial Policy |
| CMO Regulation | Regulation (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products |
| DNS | Domain Names System |
| DSA | Digital Services Act |
| eAmbrosia | A legal register of the names of agricultural products and foodstuffs, wine, aromatised wine products and spirit drinks that are registered and protected across the EU |
| EIP | European Innovation Partnership |
| EU | European Union |
| EUIPO | European Union Intellectual Property Office |
| FTE | Full-time equivalent |
| GI | Geographical Indication, used specifically for Spirit Drinks and Aromatised Wine Products GIs, and generally to refer to all types of GIs (GIs, PGIs and PDOs) |
| GIview | A user interface portal on geographical indications (GIs), in the form of a public searchable database on internet, for all GIs registered within the EU and those protected under agreements |
| GFL | General Food Law |
| IP | Intellectual Property |
| IPR | Intellectual Property Rights |
| IPEP | Intellectual Property Enforcement Portal |
| OCR | Official Controls Regulation |
| PDO | Protected Designation of Origin (see GI) |
| PG | Producer group |
| PGI | Protected Geographical Indication (see GI) |
| REFIT | Regulatory fitness and performance programme |

| | |
|-----------------|--|
| SLD | Second-Level Domain |
| SMEs | Small and Medium-sized Enterprises |
| SWD | Staff Working Document on Evaluation of Geographical Indications and Traditional Specialities Guaranteed protected in the EU |
| TLD | Top-Level Domain |
| TRIPS Agreement | WTO Agreement on Trade-Related Aspects of Intellectual Property Rights |
| TSG | Traditional Speciality Guaranteed |
| UDRP | Uniform Domain-Name Dispute-Resolution Policy |
| WTO | World Trade Organisation |

1. INTRODUCTION: POLITICAL AND LEGAL CONTEXT

This impact assessment covers the Union domestic schemes for geographical indications and for traditional specialities guaranteed. It is limited to agricultural products that include foodstuffs, wines, aromatised wine products and spirit drinks. A separate impact assessment was undertaken on the opportunity to introduce a geographical indications scheme for [non-agricultural products](#).

Geographical Indications (GIs)

GIs are names that identify products having characteristics or reputation linked to their geographical origin and notably to the natural or human factors in that place of origin. GIs are protected as intellectual property rights (IPR) to promote fair competition by preventing unlawful uses. GIs guarantee authenticity to consumers, differentiate these products on the market, and are shown to designate products having higher-value [sales and exports](#)¹ (a premium-price that consumers are ready to pay).

GIs deliver social and economic benefits as they link valuable products as well as jobs to the territory, connect consumers and producers, and promote traditional production methods, thus contributing to the preservation of a living cultural and gastronomic heritage and ensuring a sustainable livelihood for many primary producers. Moreover, the local varieties and production techniques embedded in the product specifications of GIs are compatible with their environments and can deliver specific nutritional values, thus having the potential to become a part of healthy diets².

The Union GI system secures producers' rights and value added of their products, both in the internal market and through the conclusion of international protection agreements. GIs are intellectual property rights recognised internationally³ since 1883. They have been protected in steps in the Union from the 1970s (wine GIs) to 1989 (spirit drinks

1 GIs accounted in 2017 for 6.8 % of EU food and drink sales value, and 15.4 % of EU food and drink exports. Source: Study on economic value of EU quality schemes, geographical indications (GIs) and traditional specialities guaranteed (TSGs).

2 FAO, 2021, 'The nutrition and health potential of geographical indication foods', Rome.

<http://www.fao.org/3/cb3913en/cb3913en.pdf>, p.51

Contributions of GIs to sustainable healthy diets (webinar), oriGIn, 2021, https://www.origin-gi.com/images/events/origIn-FAO_Series_of_webinars_2020/05-finalreport-Webinar_Contributions_of_GIs_to_sustainable_healthy_diets.pdf

Webinar_Contributions_of_GIs_to_sustainable_healthy_diets.pdf

Monteiro, C.A., Cannon, G., Lawrence, M., Costa Louzada, M.L. & Pereira Machado, P. 2019. Ultra-processed foods, diet quality and human health. FAO. 44 pp. (also available at www.fao.org/3/ca5644en/ca5644en.pdf).

Srouf, B., Fezeu, L.K., Kesse-Guyot, E., Allès, B., Méjean, C., Andrianasolo, R.M., Chazelas, E. et al.

2019. Ultra-processed food intake and risk of cardiovascular disease: prospective cohort study (NutriNet-Santé). *BMJ*, 365: 11451. <https://doi.org/10/gf3v7m>

GBD 2017 Diet Collaborators. 2019. Health effects of dietary risks in 195 countries, 1990–2017: a systematic analysis for the Global Burden of Disease Study 2017. *The Lancet*, 393(10184): 1958–1972. <https://doi.org/10/gfxx67>

Environment, society, economy and health. A White Paper Priority 5 of Feeding Knowledge Programme, Expo Milan 2015. Bari, CIHEAM and Rome, FAO. 59 pp. (also available at www.fao.org/3/a-i4358e.pdf)

3 Paris Convention for the Protection of Industrial Property, <https://wipolex.wipo.int/en/text/288514>

GIs) to the early 1990s with aromatised wine products (1991) and agricultural products and foodstuffs GIs, including fishery and aquaculture products (1992).

The current legal framework is composed of the following four Regulations⁴:

- **GIs for agricultural products and foodstuffs** - Regulation (EU) No 1151/2012
- **GIs for wines** - Regulation (EU) No 1308/2013
- **GIs for spirit drinks** - Regulation (EU) 2019/787
- **GIs for aromatised wine products** - Regulation (EU) No 251/2014

There are several schemes for GIs implemented at Union level: Protected Designations of Origin (PDOs) and Protected Geographical Indications (PGIs) in the agri-food and wine sector, and Geographical Indications (GIs) in the spirit drinks and aromatised wine products sector. The definition of the link between the product characteristics and those of the production area is stronger for PDOs than for PGIs and GIs.

In 2020, all Union GIs were integrated under a single digital database, *eAmbrosia* – the EU geographical indications register. By 30 April 2021, the database recorded a total of 3424 registered GIs and 297 applications for new GI registrations.

eAmbrosia has recently been linked to the [Giview](#) database which shows, besides the information included in *eAmbrosia*, all the entries of GIs protected under 36 international agreements with non-EU countries, i.e. 1595 non-EU GIs and over 40 000 instances of EU GIs protected in the partner countries.

Traditional Specialities Guaranteed (TSG)

The TSG scheme was adopted in 1992 and is designed to valorise traditional products and production methods. The scheme protects the product name, however it does not give IPR protection nor limit the geographical area of production. The scheme was reformed in 2012, increasing the scope of protection to prevent ‘misuse, imitation or evocation’ and ‘any other practice liable to mislead consumers’. So far, 65 names were registered and 7 are currently applied for.

The current legal framework for TSGs is embedded in Regulation (EU) No 1151/2012 and is limited to agricultural products and foodstuffs only.

More detailed statistical information on GIs and TSGs can be found in Annex 9.

Policy bases for the current review

The Commission proposal⁵ of 1 June 2018 on amendments to Regulation (EU) No 1308/2013 on the Common Market Organisation has been discussed in trilogues between

4 See list of applicable Regulations in Annex 6.

5 Proposal amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products, (EU) No 228/2013 laying down specific measures

the Institutions. Political agreement was reached in June 2021 and the amended Regulation entered into force in December 2021. The main changes concern clarification of the definition of PDO/PGI wines, improved level of protection of GIs on online sales and against products in transit, simplification of procedural provisions, and incorporation of aromatised wine products into the GI scheme for agricultural products and foodstuffs.

The Commission has been concerned for many years by the length of time taken for treatment of GI applications at Union level, the need for better transparency especially for GIs protected in regional/bilateral trade agreements of the EU, and improved links between GI right holders and enforcement authorities throughout the single market. Against this background, DG AGRI established a partnership with the European Union Intellectual Property Office (EUIPO), an EU decentralised agency, under the 2019 Administrative Agreement concluded between both parties⁶. Main strands of cooperation cover a major database project (GIview) and GI dossier initial examination.

Moreover, the Commission committed in the [Farm to Fork Strategy](#) to strengthen the legislative framework of GI schemes and, where appropriate, to include specific sustainability criteria. GIs are also mentioned in relation to improved rules for strengthening the position of farmers and producer groups in the value chain. The Farm to Fork Action Plan announces other initiatives that impact GI products, in particular a proposal for a legislative framework for sustainable food systems, to be tabled in 2023. The present initiative on GIs was included in the [Commission Work Programme 2021](#) under [REFIT](#) initiatives, linked to the [European Green Deal](#). In addition, the Commission announced in the Communication on an [IP Action Plan](#) that it would strengthen the protection system for GIs to make it more effective, including to fight IPR infringements.

[Council Conclusions on the Farm to Fork Strategy](#) welcomed a better integration of sustainable development into European quality policy⁷, and invited the Commission to reaffirm the relevance and importance of European quality schemes and to strengthen the legislative framework on GIs.

2. PROBLEM DEFINITION

2.1. What is/are the problems?

2.1.1. Challenges and gaps in enforcement of GIs

‘Protecting GIs’ means guaranteeing consumers the authenticity of a product while securing producers’ exclusive rights over the use of their GIs. Such GI protection can only be ensured through an adequate and efficient system of GI right enforcement. The

for agriculture in the outermost regions of the Union and (EU) No 229/2013 laying down specific measures for agriculture in favour of the smaller Aegean islands.

⁶ Basis for the Administrative Agreement was the Memorandum of Understanding (MoU) - C(2009)2779 between DG GROW (acting for the Commission) and EUIPO, signed in April 2019. It provides a framework for the conclusion of detailed working arrangements with individual Commission departments and specifically envisages in Section 7 to deepen practical cooperation between EUIPO and DG AGRI.

⁷ Quality policy’ refers to ‘quality schemes’ in the title of Regulation (EU) No 1151/2012 on ‘quality schemes for agricultural products and foodstuffs’ covering GIs and TSGs, and some other protected terms.

evaluation report⁸ confirmed that the legal framework in place provides for a good level of protection against misuses of GIs, however the system is exposed to several challenges particularly in the downstream stages of the value chain. High heterogeneity in the approaches adopted by Member States to implement controls under the common EU legal framework also causes difficulties for enforcing producers' IPR outside the Member State of production. In the context of a [public consultation](#) related to the revision of GIs, preventing fraud and counterfeiting was identified by citizens as the most important challenge the schemes are currently facing.

GIs are targets of mis-selling, in physical and online market places. According to a [2016 study](#), the EU GI infringement market totalled approximately EUR 4.3 billion in 2014, accounting for 9% of the total EU GI product market for that year. EU consumers are directly impacted with a damage of EUR 2.3 billion per year. Based on this same report, data from French controls covering infractions per type of retailer indicate that infringement via the internet is double than average.

Another enforcement issue is linked to the registration of domain names. Such names, identical or similar to GIs, are mostly registered without any recognition of prior GI rights and can work to the detriment of both consumers and producers. No data to assess economic dimension of this issue has been identified. However, the non-recognition of GIs as IP rights is a breach of an EU fundamental right. Concerning top-level domain allocations, the threat derives from the ongoing and massive *expansion* of TLDs so the damage is not yet experienced and is speculative. While TLDs were limited to a few abbreviations (.com, .de), the issue did not arise. The economic dimension would only be apparent when it is too late. Concerning second level domain applications, GIs per se have been clearly rejected as prior rights in the main arbitration systems, preventing GI holders from any defence against bad faith registration and bad faith use of the SLDs. For example, the economic dimension of 'champagne.co'⁹ has not been evidenced – and indeed is not apparent while the owner continues to not use the site. GIs that have been also protected as trade marks have been accepted as prior rights, enabling the GI holder to challenge bad faith registration and bad faith use. Misuse of GIs on internet not only harms the interests of producers of GI goods, but also affects collective and public interests as it can be damaging to consumer trust and to the reputation of local communities (see Annex 5). In the context of a public consultation, the large majority of contributing citizens consider that improved protection and enforcement of GIs, including on internet would contribute to the strengthening of GIs.

GI producers are exposed to control and compliance costs. Case studies carried out in the context of the evaluation support study estimate that enforcement costs represent, on average, 34,2% of a producer group budget. Such costs may disincentive producers to apply for registration thereby not benefiting from the protection.

8 Evaluation of Geographical Indications and Traditional Specialities Guaranteed protected in the EU; [Geographical indications and traditional specialities guaranteed protected in the EU | European Commission \(europa.eu\)](#)

9 See CIVC v. Stephen Vickers, WIPO Arbitration and Mediation Center, Case No. DCO2011-0026 “geographical indications, as such, remain outside the scope of the Policy.” <https://www.wipo.int/amc/en/domains/search/text.jsp?case=dco2011-0026>

2.1.2. Sustainability

The definition of a geographical indication¹⁰ (GI) makes the intrinsic link between products, their natural environment and savoir-faire of local producers and secures value added to the upstream producer. The GI schemes aim is primarily to meet citizens' fundamental right to have their intellectual property in GIs protected (Article 17.2 of the EU Charter of Fundamental Rights¹¹). While GI protection does not require compliance with any sustainability criteria, GI agricultural/food products incorporate some sustainability characteristics in one or more of the three dimensions of the term:

- environmental, stemming from GI products intrinsic link to a specific area with its specific natural factors and resulting from production methods adapted to that area;
- social: due to exploitation of local producers know-how and traditional practices over time
- economic: as the value added in a GI product is secured for the local producers and cannot be delocalised. This property right interrupts the commodity trap, as downstream players cannot substitute cheaper product without losing the use of the GI name.

See examples of contributions to the dimensions of sustainable development in Annex 7.

As other operators, EU farmers and processing businesses producing GI products have to adhere to legal requirements to avoid pollution, observe employment standards and social protection for workers, and when benefitting from CAP support, apply related good practice standards. Further, GI producers, as non-GI producers, have scope to improve environmental and social outputs. Therefore, as indicated by the title of the corresponding section of the Farm to Fork Strategy, the aim is to “stimulate” sustainability outputs beyond the legal minimum and good practice. The argument for demanding higher sustainability outcomes or more visibility of these outcomes from GI producers more than from producers of non-GI products is not immediately evident but seems to rest on expectations inherent to quality products. The public consultation yielded replies from both citizens and companies/business organisations who considered this challenge important, very or most important which corresponds to stakeholder views regarding farming in general.

Many consumers are choosing to buy food produced in a sustainable way – environmentally friendly, resource efficient, socially and ethically responsible – but they often lack the necessary trust. Besides, information about sustainable production is often not conveyed in a way that enables informed choices¹². In order to address this issue, the Commission announced in its Farm to Fork Strategy that it will propose, in addition to the framework on sustainable food systems, a sustainable food labelling framework to empower consumers to make informed sustainable food choices, and will scale up its

10 Article 22 of TRIPS agreement: https://www.wto.org/english/docs_e/legal_e/27-trips_01_e.htm

11 https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights/your-rights-eu/eu-charter-fundamental-rights_en

12 https://www.eitfood.eu/media/news-pdf/EIT_Food_Trust_Report_2020.pdf, p. 4.

fight against food fraud. According to the public consultation, increasing societal concerns and consumer demand for sustainable products are considered as most or very important by citizen respondents. Consultation with stakeholders in the framework of the Civil Dialogue Group held on 9 March 2021 revealed that the major stakeholders would follow a voluntary approach on the inclusion of sustainability criteria in the GI policy as the more effective path. Moreover, stakeholders are generally not in favour of an additional logo linked to sustainability.

Traditional production methods have to adapt to evolving standards in many areas. The sustainability imperative may require preservation of a traditional practice that is under threat or changing one by adopting a more efficient technique. For GI (and non-GI) producers, to adopt more sustainable techniques relevant to agronomic conditions, (such as the state of the soil, appropriate use of fertilizers and pesticides, improved animal welfare), state-of-the-art knowledge and adequate entrepreneurial skills are needed – which are often lacking among the farming community¹³.

In addition, the evaluation study indicates that GI production has to meet the difficult challenge of supplying products contributing to healthier and more balanced diets, while keeping their traditional asset, even more considering the wide variety of registered GIs (see statistical information in Annex 9). The reliance of some GIs on salt and sugar as traditional preservation means, as well as some GIs' content of fat/saturated fat or alcohol, have come under scrutiny against the background of changing lifestyles and eating habits. More than individual products and ingredients, balanced and healthy diets matter. While health is part of sustainable development, “sustainable healthy diets”¹⁴ are tackled in broader initiatives, going beyond the remits of the present proposal on GIs. The Farm to Fork Strategy includes actions on reformulation of processed products and on nutrients profiles. In addition, addressing health risk factors, including unhealthy diets, is an objective of Europe's Beating Cancer Plan¹⁵. The share of GI cheeses (7%), meat products (5%), oils and fats (4%), bread, pastry, cakes, confectionary and biscuits (3%) within GI foodstuffs¹⁶ that normally include high levels of sugar, fat and salt is relatively low, while wines represent half of all registered GI products.

It is clear that producers of all GIs should be able to communicate the nutritional value of their products in the same way as producers of non-GI comparable products and that they will be under pressure to do so, whether from public policy initiatives or changes in consumer demand. GI producers groups have already started to address the objectives of the Cancer Plan, notably by proposing amendments to product specifications to decrease the levels of excessive/problematic ingredients. This process can be facilitated by the legislature, as recently shown in the CAP reform that introduced the possibility to produce de-alcoholised or partially de-alcoholised PGI wines.

13 Sustainability of European Food Quality Schemes (Multi-Performance, Structure, and Governance of PDO, PGI, and Organic Agri-Food Systems); Editors: Filippo Arfini, Valentin Bellassen, 2019.

14 FAO and WHO (2019), “sustainable healthy diets –guiding principles”

15 https://ec.europa.eu/health/non_communicable_diseases/cancer_en. An update to the European Code against Cancer <https://cancer-code-europe.iarc.fr/index.php/en> will be undertaken as part of the Plan.

16 See statistical information on GIs in Annex 9.

2.1.3. Imbalances in the food supply chain

GI producer groups play an essential role acting as the applicants to register a GI, propose amendments to the product specifications and submit cancellation requests. However, across the four sectors, not all GIs are systematically managed by structured producer groups. In practice, producers join forces as a group to submit the application to register a GI, but after registration, they often do not act together to manage the GI in terms of marketing the products or enforcing the GI right. While they are well established in some Member States¹⁷, few GIs are managed by such coherent and enduring groups in other Member States.

With 41% of GIs having a sales value of less than 1 million EUR¹⁸, members of GI producer groups are mostly SMEs, typically family enterprises, with limited access to services such as training, credit or information – for instance on the benefits for them to engage in GIs. Whereas the share of costs related to producer groups are estimated at 0.5% (on average), it increases considerably for the smallest GIs/TSGs (under EUR 1 million sales value) accounting for 5% of their sales value¹⁹.

Producer groups also face competition from other operators along the food supply chain, which may put the farmers' income under pressure²⁰. The results of the stakeholder consultation presented in the Staff Working Document for the evaluation of the Union quality policy²¹ confirm that there can be an unfair competition between local producers and bigger players because the latter manage production costs better and enjoy bigger promotion budgets. Well-managed GI producer groups, often present in case of more valuable GIs, constitute an innovative governance mechanism for adding value to the EU agri-food production, and thus for upgrading the competitiveness of the sector, which was confirmed by a review of studies in selected countries²². The benefits that result from democratic decision-making and trustful cooperation among GI producers under the

17 Evaluation support study included a producer group survey to which 469 producer groups replied. Therefore, it is not possible to provide exact information on how many of all GIs have an appropriately structured producer group. Formal structures as systematic approach exist in few Member States (Italy, France, Spain, Portugal) while in other Member States, existence of a producer group throughout the life of a GI is highly dependent on producers' engagement. Legislation requires that a producer group applies for protection but does not require its existence at a later stage. The existence of structured and lasting producer groups in the above-mentioned Member States demonstrates that the reason for lack in other Member States is not directly related to the small size of production under some GIs or the high administrative cost. It is rather the initiative and dynamics of the producer group and the willingness to contribute to the management of the group that plays a decisive role.

18 Study on economic value of EU quality schemes, geographical indications (GIs) and traditional specialities guaranteed (TSGs) (2020); Regarding the dimensions of production and the individual size of GIs, 137 GIs (4.3% of GIs) accounted for 73% of the total EU28 sales value in 2017; nine GIs with a sales value over EUR 1 billion represented 27% of the total sales value at EU28.

19 https://ec.europa.eu/info/food-farming-fisheries/key-policies/common-agricultural-policy/cmef/products-and-markets/gis-and-tsg-protected-eu_en

20 Sustainability of European Food Quality Schemes (Multi-Performance, Structure, and Governance of PDO, PGI, and Organic Agri-Food Systems); Editors: Filippo Arfini, Valentin Bellassen, 2019, p. 412 - 416.

21 Reference will be provided upon its publication in autumn 2021.

22 http://www.compete-project.eu/fileadmin/compete/files/working_paper/COMPETE_Working_Paper_16_Synthesis_of_findings.pdf, p. 7.

umbrella of a producer group could be managing supply, pooling resources, strengthening of members' bargaining position, thus providing added value to the GI member's (through marketing, promotion activities, enforcement, technical services, joint facilities, etc.). Central to effective management is for the representative producer group to hold legal title to the GI to the extent necessary to be able to take action, especially enforcement steps, on behalf of all producers.

Rural development funds are one of the resources GI producers could tap into, providing support for joining quality schemes as well as information and promotion activities. However, use of such support is quite limited in terms of scope and funds, and varies among the Member States. Application procedures for rural development support are in general perceived as being burdensome by GI and non-GI producers, but in case of GI producers this can be hampered by the weak organisational structure of some GI producer groups or their inexistence. Moreover, as rural development funds have to be disbursed according to priorities defined in the rural development programmes, not every Member State implements the measure supporting participation in quality schemes²³. The evaluation support study shows that during the programming period 2014-2020, only 56 Rural Development Programmes out of 118 have implemented this measure aimed at strengthening the quality schemes²⁴.

Therefore, cooperation between members of the GI producer groups is crucial in planning and coordinating activities for the implementation of the GI, the defence of the GI right and the promotion of the product. Lack thereof may negatively affect productivity, especially in areas where producers are scattered geographically, and transport and communications are difficult. According to the [public consultation](#), providing greater powers and responsibilities to GI producer groups is one of the main challenges the GI scheme is facing today, with respondents believing it is either a very important or the most important challenge. Trade unions consider that giving producer groups greater powers and responsibilities is the most important challenge for the revision of the GI scheme, while other respondents' groups considered that this is either important or very important.

2.1.4. *Low awareness and understanding of GI logos by consumers*

The GI scheme differs from schemes such as TSG, organic farming and Fair Trade. It celebrates *diversity* in production, not *commonality* of production standard. The only common factor is that the product has characteristics or reputation associated with its area of production. Information about the product's qualities is conveyed principally by the producers or producer groups. Often there is a *private logo* representing the specific GI, which is the vehicle to communicate that GI's specific qualities. This is particularly the case for wines, aromatised wine products and spirit drinks, where the use of the GI

23 During the programming period 2014-2020, eleven Member States did not provide for such support at all.

24 Regulation (EU) No 1305/2013, Article 16. The measure is covering not only GIs, but also other quality schemes, e.g. organics, national and voluntary certification schemes etc.

logo is not mandatory and barely used at all, exposing those consumers only to a limited extent to the presence of Union logos on the market²⁵.

Awareness, knowledge and trust are sufficient conditions for a label to serve as decision-aid, supporting consumers in their purchasing decisions. Union quality labels can reduce uncertainty associated with food purchases, by providing guarantees regarding the characteristics and attributes of the products such as production process and origin. The condition is that consumers are aware of these schemes, as the labels can indeed be overshadowed by more powerful quality cues like brand and origin information.

The recent [Special Eurobarometer Survey](#) shows that around 80% of Europeans agree that factors such as the respect of local traditions and know-how, quality labels or the geographical origin of a product play an important role in buying food products. The same survey indicates that only one in five respondents (20%) knows the PGI logo, and even fewer the PDO logo (14%), and 14% for TSG logo. For 81% of respondents “having a specific label ensuring the quality of the product” is one of the important factors in their decision to buy food products, i.e. +5 pp compared to 2017. For 41% of respondents, the label is even considered a “very important” factor.

According to the same survey, the organic farming logo, which is mandatory for all sectors, is more and more recognised by the EU citizens. The share of respondents who are aware of the organic farming logo has risen considerably (from 27% in 2017 to 56% in 2020). A longer-term trend since 2012 shows that awareness of organic farming (+32 pp), and to a lesser extent protected geographical indication (+6 pp) has gained ground. This gives an indication that the mandatory logo is one of the factors contributing to increasing awareness of consumers to understand and know the schemes.

Promotion activities may also contribute to increasing awareness of consumers as shown by the [evaluation of the impact of the EU agricultural promotion policy in internal and non-EU countries markets](#). According to the aforementioned evaluation, programmes co-funded by the EU agri-food promotion policy generate increased awareness, market share and sale price of the promoted products carrying logos of EU quality. As an example of effectiveness of public funding, the same evaluation support study reports that a campaign to promote GI cheeses on the internal market resulted in 28% awareness of these EU quality schemes.

Although the general level of awareness of the Union quality logos is low in all Member States, some differences are noticed among Member States, with a maximum of awareness of 31% in Spain for the PGI logo and as low as 3% awareness for the PDO logo in Estonia and Latvia. This suggests that the level of awareness could be linked to the number of registered names²⁶.

The [Strength2Food study](#) confirmed that most consumers have little knowledge about the European labels of geographical origin or tradition (PDO, PGI and TSG) and do not seem

25 Evaluation support study on Geographical Indications and Traditional Specialities Guaranteed protected in the EU (2021).

26 Literature review of impacts of quality schemes on consumers: Klaus G. Grunert, Kristina Aachmann, Consumer reactions to the use of EU quality labels on food products: a review of the literature, 2015.

familiar with their logos. Results from the same study suggest also a confusion in the understanding of the different types of schemes (PDO, PGI, TSG), which was confirmed by the evaluation support study (no distinction between PDO and PGI for 42% of consumers)²⁷, pointing to the limited effectiveness of the scheme to provide clear information to consumers. In contrast, recognition of famous GI names is very high as well as understanding of the ‘origin’ and ‘quality’ attributes that underpin the GI. This indicates that the GI concept is well understood by consumers, and the Union logos are only making a contribution to buying decisions in a few Member States. Recognition is a crucial step to product use as around 70% of consumers who recognise a quality label also indicate that they have sometimes trusted the same label when deciding to buy other products. This finding shows the market implications to improve consumer awareness towards EU logos.

More than half of the respondents to the [public consultation](#) related to the revision of GIs found the lack of awareness of the logos to be the most relevant challenge the schemes are facing. All the citizens who contributed to the public consultation considered the challenge of increasing consumer awareness of the GI logos as most important, very important or important. Consultation with stakeholders in the framework of the Civil Dialogue Group held on 9 March 2021 revealed mixed views on the extent to which Union logos help consumers make informed purchasing choices and on the use of obligatory logos for the GI wine sector.

2.1.5. Complex rules and procedures

The four EU Regulations contain similar, yet different wording concerning the scope of protection of GIs. Legal uncertainty arises as the rules on GIs for the different sectors are complex and slightly diverging in legal terminology (see Annex 10). For example, the concepts of ‘comparable goods’ or ‘reputation’, which are crucial in determining the extent of protection, would benefit from clearer definitions.

Similarly, clarification would be beneficial in the field of compound GI-names containing a common (non-geographical) name for the product in the Union²⁸ and those containing ordinary adjectives and terms unrelated to a food product category (such as the colour ‘rose’).

The GI – as an IP right identifying a specific product with inherent qualities due to its geographical origin – often interplays with trade marks identifying the commercial origin. The provisions regarding the intersect between GIs and trade marks are not aligned across the Regulations. Recent case-law on trade marks²⁹, has put into question the capacity for producer groups to protect certain GIs name this way on the basis that it lacks the necessary distinctiveness.

²⁷ Electronic consumer survey carried out in the Evaluation support study on Geographical Indications and Traditional Specialities Guaranteed protected in the EU, 2020.

²⁸ Example: Aceto Balsamico di Modena.

²⁹ Case C-766/18 P, Foundation for the Protection of the Traditional Cheese of Cyprus named Halloumi v EUIPO.

As regards the procedures, the application process to register a name in itself has not appreciably changed since the first legislation governing a GI register for agricultural products and foodstuffs in 1992. The procedure for registration of the name is composed of two stages, at national and at Union level, and is concluded by the Commission decision registering (or not) the name. The [evaluation support study](#) has indicated an estimated average of 5 to 6 years for the whole registration procedure and between 3 to 5 years for an amendment procedure (national and Union stage combined). The long period may reflect the complex process of registering a GI, but is a substantial time for the producers to wait for their GI to be delivered. For international applicants, the delays are frequently cited in international fora, which is detrimental to the Union's reputation.

The national stage involves a number of steps for which the length can vary considerably among Member States. The whole process of elaborating a product specification by the producers, preparing the application, examination by Member States' authorities, publication for opposition (and solving the objections, if any) can take up to several years. At Union stage, the usual time between lodging an application with the Commission to the registration by Commission Regulation is between 22 and 26 months. In case of oppositions, another 12 months should be added. While Member States acknowledge the long delays in registering a GI and the necessity to introduce further simplification, they also expressed the view that an accurate examination should precede over speed³⁰.

All producers applying for a GI or TSG protection are affected by the long registration and amendment process. GI producers are, like all EU citizens, entitled to have their affairs handled within a reasonable time by the EU institutions under the EU Charter of Fundamental Rights (see Annex 6). Administrative burden is the third main disincentive raised by producer groups (69% of responses of the producer groups' survey) in the context of the above-mentioned evaluation, just after control costs and costs for complying with production rules³¹. Case studies in the framework of the same evaluation showed that more than such costs, the length of the procedures is the main concern of producers. The need for simplification of the GI registration was also identified as an important challenge by respondents ('most important' and 'very important' combined) to the [public consultation](#) on the revision of GIs. However companies/business organisations category considered it not important or not so important. The public consultation shows that efficient GI procedures through clear and coherent rules would help strengthen the scheme – notably for business associations, companies/business organisations and public authorities.

2.1.6. TSG scheme not successful

Notwithstanding the Union' famed reputation for traditional products, TSGs have shown low attractiveness for producers who follow traditional methods or use traditional raw

30 Member States' questionnaire on the Revision of the EU GIs System and TSG Scheme, Expert Group for Sustainability and Quality of Agriculture and Rural Development, 23/02 and 22/04/2021.

31 The producer groups survey does however not provide details on the activities considered as administrative burden.

materials. In contrast to the high number of traditional products³² that could potentially register as a TSG, only 65 product names were registered under TSG scheme during 28 years of its existence, with applications for seven more names ongoing. TSGs are more popular in the Member States that acceded since 2004 (33 TSGs from these Member States) while, for historical reasons, GIs tend to be more used to protect and promote the element of ‘tradition’ in Western and Southern Member States.

Traditional products are not properly recognised and valorised through the scheme as the objective of “safeguarding traditional methods of production and recipes” of this scheme is not met³³. Main obstacles for the low success are the complexity of the system with similar heavy procedures for GIs and TSGs but without IPR protection for TSGs. This entails that TSG producers do not have access to all enforcement tools accessible to IPRs placed on the market. In addition, the TSG logo is only recognised by a small minority of consumers. [Eurobarometer data](#) show that only 14% of Europeans know this logo, not confirming the attractiveness of the scheme.

TSG names are often rooted in a specific region or Member State, and can be overlapping with GIs³⁴. Amongst TSGs, ‘prepared meals’ are also eligible for protection. This is causing difficulties notably from the point of view of enforcement and controls as such meals are prepared in numerous restaurants³⁵.

Despite of the minor nature of the TSG scheme, the relatively few comments that were made confirmed that it has a valid place in the EU agricultural food quality system. Consultation with stakeholders in the framework of the Civil Dialogue Group held on 9 March 2021 showed that those stakeholders who responded are in favour of keeping the current TSG scheme essentially unchanged.

32 See for example the Italian system of ‘Prodotti agroalimentari tradizionali PAT’

https://it.wikipedia.org/wiki/Prodotti_agroalimentari_tradizionali_italiani

33 Evaluation support study on GIs and TSG protected in the EU (2020).

34 Evaluation support study on GIs and TSG protected in the EU (2020).

35 Targeted consultation of Member States on the Revision of the EU GIs System and TSG Scheme, Expert Group for Sustainability and Quality of Agriculture and Rural Development, 23/02 and 22/04/2021.

2.2. What are the problem drivers?

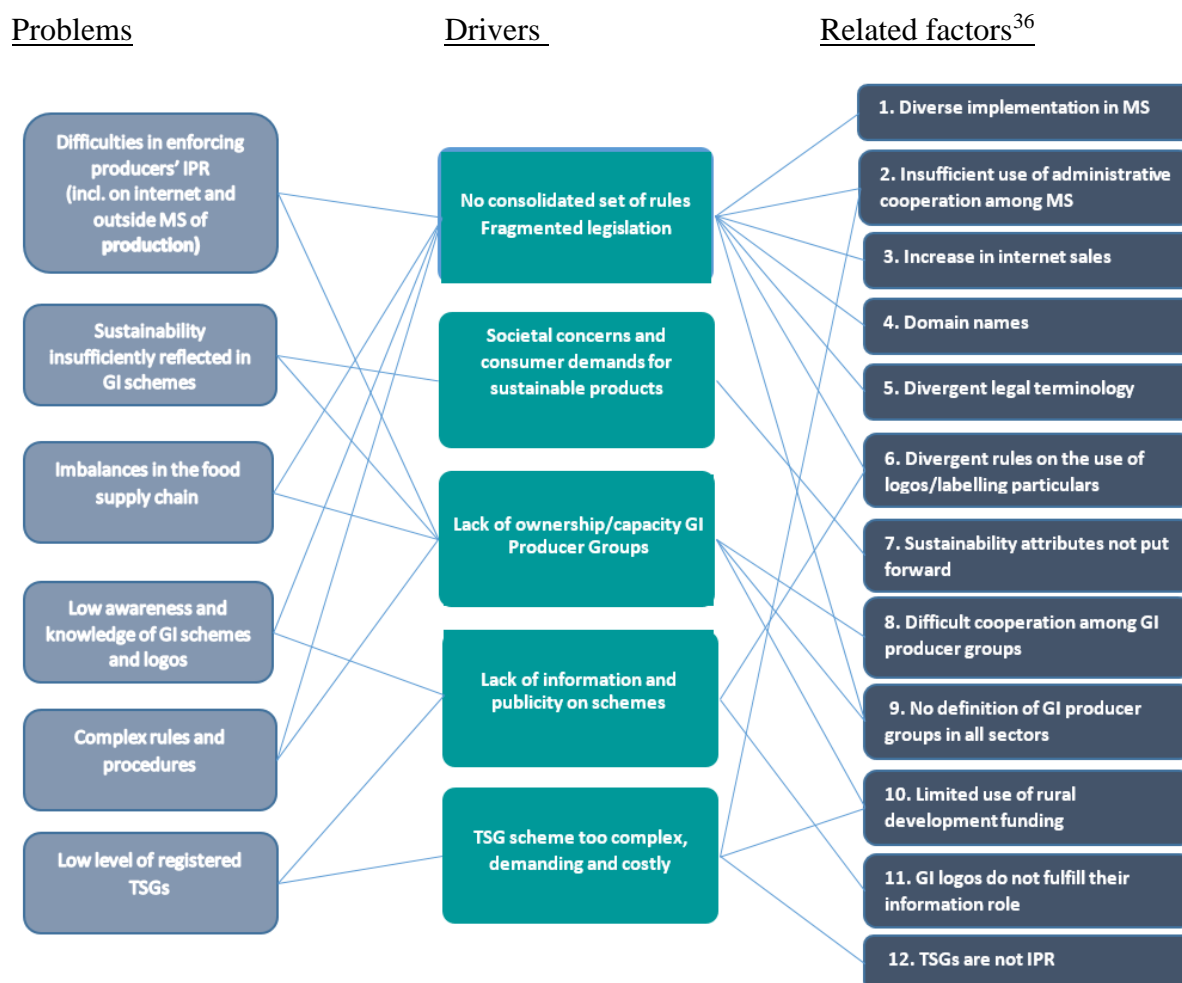


Figure 1: Problems, drivers and related factors

Problem driver 1 – No consolidated set of rules/Fragmented legislation

Rules and procedures for GIs are laid down in four sector specific EU Regulations, affecting their enforcement, publicity, management as well as the functioning of the GI producer groups.

With regard to enforcement, lack of a consolidated set of rules results in various systems being implemented among the Member States, causing primarily difficulties for enforcing producers' IPR outside the Member State of production³⁷. This is further complicated by the fact that the framework for administrative cooperation among

³⁶ The related factors present a further detail and explanation of the underlying causes linked to the drivers.

³⁷ Position papers received in the context of the Public Consultation on the evaluation of GIs and TSGs; SWD Evaluation; one of the ideas claimed at BTSF trainings was that “an effort would be useful by the EU Commission in accordance with the MSs to develop and adopt a specific legislative framework which can guarantee the same control procedures among the MSs”.

Member States' authorities in addressing cross-border issues is underused and that GIs are covering a wide range of products and are being sold through various outlets (including online sales).

When it comes to the scope of protection of GIs, the main provisions set out in the four EU Regulations are characterised by legal textual heterogeneity.

The sector specific Regulations on GIs also impact the GI logos, their use only being mandatory on agricultural products and foodstuffs, creating confusion for consumers. Moreover, labelling particulars vary for the different sectors.

Procedural rules for registration of the names and amendments to product specifications are not fully harmonised among the different basic acts³⁸, adding complexity to the examination and leading to different assessment standards.

The respondents to the [public consultation](#) on the revision of GIs found that a single Regulation and full digitalisation of the processes would be positive or very positive for the transparency of the registration process according to public authorities.

Problem driver 2 – Societal concerns and consumer demands for sustainable products

Civil society is becoming more and more concerned about the sustainability of food systems, including food products under the GI schemes, while there is no specific extra 'GI concern' registered by civil society.

The response of citizens to the [public consultation](#) on the revision of GIs found that societal concerns and consumer demand for sustainable products are one of the most important issues to be addressed by GI schemes. This reflects the fact that as products of the terroir are steeped in traditional and local practice, GI products are often seen as appropriate vehicles to deliver the kind of sustainability guarantees consumers are looking for. GI producers, as many general farmers and producers, face issues of pollution or animal welfare standards, etc. that are lawful but do not meet citizen's expectations. Several GI producer groups have started to respond by integrating concerns in relation to environmental sustainability and animal welfare into the product specifications³⁹. The producer group has the task to convey attributes (whether newly adopted or long-held) to consumers in an effective way.

The lack of shared capacity and ownership vested in GI producer groups (see driver 3) also affects the possibility to maintain, improve and communicate sustainability attributes.

Problem driver 3 – Lack of ownership/capacity for GI producer groups

38 Comparison table is included in Annex 10.

39 The evaluation support study found in most of the surveyed producer groups that GI schemes have started to respond by integrating such concerns into the product specifications:

https://ec.europa.eu/info/food-farming-fisheries/key-policies/common-agricultural-policy/cmef/products-and-markets/gis-and-tsg-protected-eu_en

A GI producer group is defined in the agricultural product and foodstuff GI scheme⁴⁰ as ‘any association, irrespective of its legal form, mainly composed of producers or processors working the same product’ designated as a GI. However, no such definition is included in the other three sectoral legislations.

Lack of a clear definition regarding the structure, legal capacity and roles of GI producer groups hampers their members from exerting collective rights in the management of GIs and in promoting, marketing and protecting their collective GI asset. This difficulty to bring producers together in an active organisation, especially in the case of small producers, also came out strongly from the replies to the targeted questionnaire for Member States⁴¹.

In the framework of the public consultation on the revision of GIs, trade unions said that giving producer groups greater powers and responsibilities is the most important challenge for the revision of the GI scheme. Business associations and companies/business organisations confirmed that reinforcing the responsibilities for GI producer groups would have a positive impact on the competitiveness of SMEs.

Problem driver 4 – Lack of information and publicity on schemes

Today, consumers are confronted with a multitude of labels, allegedly making it hard for them to make informed choices when shopping. The labelling of food products is difficult to understand for consumers also because of this proliferation of logos⁴². In this context, the GI/TSG logos do not fulfil their information role; they are not intuitive or self-explanatory⁴³.

In addition, Member States’ and regions’ authorities have created numerous national/regional quality schemes which function in parallel to the GI/TSG schemes.

Although the evaluation support study concluded that vast information regarding GIs and TSGs is available to consumers both at EU and national level, replies to the [public consultation](#) identified lack of information and publicity of the schemes as the most relevant or very relevant cause for the low recognition and understanding of the schemes. More specifically, results of the public consultation show that citizens, companies/business organisations and public authorities’ categories believe it is an important, very important or most important underlying issue.

Problem driver 5 – TSG scheme is too complex, demanding and costly

40 Article 45 of Regulation 1151/2012.

41 Targeted consultation of Member States on the revision of the EU GIs System and TSG Scheme, Expert Group meetings of 23.02 and 22.04.2021.

42 Consumer confusion over the profusion of eco-labels: Lessons from a double differentiation model. <https://reader.elsevier.com/reader/sd/pii/S0928765513000596?token=1E3C776ACC6EA85F9CCA93A29B93CD4986E5B9DF0662EAC59EEA3A7B1D92253F6D6F675E60C50ADEAD3F38331F5A8113>

43 Strength 2 Food, Qualitative research findings on European Consumers’ Food practices linked to sustainable food chains and food quality schemes <https://www.strength2food.eu/wp-content/uploads/2018/09/D8.2-Qualitative-Research-Findings-on-European-Consumers%E2%80%99-Food-Practices-and-FQS-compressed-protected.pdf>

The registration procedure is seen as complex and demanding as the same application procedures apply as for GIs, however, without conferring IPR protection to TSGs once registered.

As TSGs are not intended to be rooted to a determined geographical area, their control is difficult to implement as it has to be ensured that producers across the EU are known to the control authorities. Moreover, producers who promote their TSGs bear the promotion costs but do not have an exclusive right on the name.

2.3. How will the problem evolve?

Without further intervention at Union level, the identified problems are likely to persist. Without action towards harmonisation of the rules, Member States will apply an individualised approach making cross-border **enforcement** of GI rights more difficult and exposing GI right holders to increased costs and extensive proceedings. Due to e-commerce growth⁴⁴, in particular in the context of the COVID pandemic, GIs are exposed to increasing abusive practices on internet, which is aggravated by the lack of efficient tools to obtain the removal of counterfeit goods from online platforms. If no adequate GI protection mechanisms are in practice available under the domain name systems, GI names will not only continue to be unduly exploited, but the problem will further escalate due to the imminent expansion of top level domain name allocations. The economic extent (extent of the economic loss, amount and size of companies facing this problem, etc.) is not known, while the failure to protect the intellectual property in GIs is undisputed and is a clear breach of Article 17 of the EU charter on fundamental rights.

As identified in the Farm to Fork strategy, people pay increasing attention to environmental, health, social and ethical issues⁴⁵ and they seek value in food more than ever before. GI producers receive and respond to these messages as other producers. Under the status quo scenario, this process will continue with some, not all, GI groups addressing **sustainability concerns** and better valorising sustainability attributes. However, innovations particularly concerning nutritional composition may be held back by amendment procedures and any perceived conflicts between tradition and new techniques. The current ban on dealcoholized GI wines is a case in point – that the legislature has addressed in the CAP reform: without this reform, long argument might ensue whether alcohol is ‘intrinsic’; to the traditional characteristic of a GI wine and thus prevent the (healthier) innovation. Comparable arguments may arise in relation to climate and other sustainability changes.

If GI producers fail to respond to societal expectations, lack of integration of sustainable practices in GI production may damage the image of GI products, as they are presented to consumers as ‘quality’ products, and affect negatively the demand from consumers. In

44 European e-commerce is growing at a 14% per annum, and represents nearly 3% of GDP. E-commerce represented 8.1% of total 2016 retail sales in the EU-28. (“Contribution to Growth: The European Digital Single Market” study, 15-01-2019, PE631.044, p. 24).

[https://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU\(2019\)631044](https://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU(2019)631044)

45 Europeans have a high level of awareness of food safety topics. Most frequently reported concerns relate to antibiotics, hormones and steroids in meat, pesticides, environmental pollutants and food additives. Source: Special Eurobarometer (April 2019), *Food safety in the EU*.

times of change, with fast developments of internet and social media, proper communication on the sustainable attributes of GI products is also key. Without it, GI producers risk to face stagnating and even declining market shares.

GI producers are competing with bigger companies and producers of comparable products or of products under other quality schemes (e.g. national, organics). If tools aimed at strengthening the **role and powers** of GI producer groups are not provided, the GI producers risk losing the market share or even leave the market.

The trend over the period 2012 - 2020 shows that the awareness of the PGI logo has gained ground (+6 percentage points), while percentages have remained more or less stable for the PDO and TSG logo. If the issue is not addressed, the **low level of recognition and understanding of the GI logos** will persist and the benefits of logos, serving multiple purposes (including information and communication, quality recognition, triggering collective identity among producers and being useful in enforcement), not exploited. Considering the multiple national and regional quality schemes and the increase in labels and labelling information, the recognition of GI logos may even decline over time, especially in countries with low uptake of GIs.

The discrepancies between the Regulations with varying legal terminology will remain, thus leading to divergent interpretations of the **rules and scope of protection** creating uncertainty and costs, as well as administrative burden for stakeholders. The CAP reform agreement included the proposed repeal of the GI rules for aromatised wine products which will be covered by the rules for agricultural products and foodstuffs instead. Upon the planned entry into force in 2023, GI rules will thus be spread over three Regulations instead of four. Without further intervention at EU level, the complexity of the **procedures** and the lengthy application process will persist. Without a change of the legal framework, it is very likely that no improvements could be made to harmonise the procedures and shorten them.

After 28 years of operation, it is likely that without changes to the **TSG scheme**, it might become even less attractive to both producers and consumers.⁴⁶ The low recognition by consumers of the scheme and logo reinforces a vicious circle with producers not being properly rewarded for their investments, nor protected against unauthorised uses of the name. Current support measures seem also inappropriate to increase consumers' awareness and producers' interest.

3. WHY SHOULD THE EU ACT?

3.1. Legal basis

The proposed GI initiative falls within the scope of the common agricultural policy (CAP, Article 43 [TFEU](#)) and intellectual property rights (IPR, Article 118 TFEU).

46 Targeted consultation of Member States on the revision of the EU GIs System and TSG Scheme, Expert Group meetings of 23.02. and 22.04.2021.

As regards the CAP, requirements and rules for the placing of agricultural products, foodstuffs, wines, aromatised wine products and spirit drinks on the internal market and ensuring the integrity of the internal market are matters essentially of Union competence.

3.2. Subsidiarity: Necessity of EU action

Geographical indications being an exclusive Union competence, the benefit to cross-border commerce of protecting product designations throughout the single market and beyond should be maintained.

The Union has a particular responsibility to ensure protection of citizens' IPR in their GIs, as this is mandated under Article 17(2) of the EU Charter of Fundamental Rights.

TSGs are not covered by the WTO TRIPS agreement, they are not an IPR; there is no obligation from the Charter nor internationally to provide the protection (although once provided, it must be open to operators in all WTO members). Union level action is justified to ensure the operation of the single market, including the designations under which products are marketed.

3.3. Subsidiarity: Added value of EU action

The GI schemes provide for the protection or reservation of value-adding names and terms throughout the Union's territory. If protected by Member States individually, the terms and names would enjoy different levels of protection in each Member State or might even not enjoy protection at all, which could mislead consumers, impede intra-Union trade, and make way for unequal competition in marketing products identified by quality names and terms. The determination of IPR across the European Union can only be done effectively and efficiently at Union level. Over 40% of the value of GI products are traded outside their Member State of origin and rely on the intellectual property protection given by the Union-wide scheme⁴⁷.

The processing and analysis of an application to register a name is a task that does not need to be performed at Union level, except in so far as certain elements are concerned. These elements include assessing eligibility for the protection of names across the European Union, upholding the rights of prior users of the names (especially those outside the Member State of application), and checking applications for manifest errors. The primary detailed analysis of an application is however undertaken at national level.

In line with the Official Controls Regulation, controls of all schemes are in the first place the responsibility of national competent authorities. Supervision of Member State control activities needs to be undertaken at Union level in order to maintain credibility in the food law schemes across the European Union.

For TSGs, the promotion element of a traditional product can be done effectively at the level where it is produced – national or regional. Most TSGs are limited to certain

47 Exports to non-EU countries accounted for 22% of the total sales and intra-EU sales reached 20% of the total sales in 2017

countries or contiguous regions and the consumer may be confused to see a traditional product expressly described in the tradition of one country produced in another. The protection of TSGs under the terms of the current regulation can be justified at Union level where Union's commerce is concerned. There are however national instruments notably trade marks at national level that can be appropriate at least for the TSG of a particular operator or organised group. At Union level, TSGs can be protected under other instruments notably the PGI which allows non-geographical names to be registered where they identify a traditional product emanating from a defined geographical area.

4. OBJECTIVES: WHAT IS TO BE ACHIEVED?

4.1. General objectives

The proposed revision to strengthen the GIs seeks to address the following **general objectives**:

Ensuring effective protection of IP rights in the EU, including efficient registration processes, to fairly reward producers for their efforts.

Increasing the uptake of GIs across the EU to benefit the rural economy.

The overall objective of the GI schemes, stemming from the legislation, is to provide **adequate IP protection of GIs**. The initiative to review the GI schemes has been triggered by President Von der Leyen's request to "*look at ways to strengthen the system of GIs*"⁴⁸, thus contributing to the Treaty objective "*to ensure a fair standard of living for the agricultural community*".

While the production of quality agricultural products is a clear strength of the European agriculture, there are clear geographical imbalances when it comes to the level of registered GIs across the EU. These reflect different 'starting points' and experience in preserving the gastronomic and cultural heritage of different Member States. The GI revision should pay particular attention **to increase take-up in those Member States where the use of GIs is under-exploited**. Quality schemes reward producers for their efforts to produce a diverse range of quality products, which in turn can benefit the rural economy. This is particularly the case in less-favoured areas, in mountain and in the most remote regions, where the farming sector accounts for a significant part of the economy and where production costs are high. A reasonable objective is to increase the number of registered GIs for each lower-user Member State to the EU average on a per population basis at the date of a fixed starting point. Excluding wines, that are not relevant for the non-wine producing Member States, the average is currently 3.9 GIs per million population).

⁴⁸ [Mission letter](#): GIs are "a key part of maintaining high food quality and standards and ensuring that our cultural, gastronomic and local heritage is preserved and certified as authentic across the world".

4.2. Specific objectives

Six specific objectives (SO) have been formulated to address the identified problems, all contributing to the general objectives.

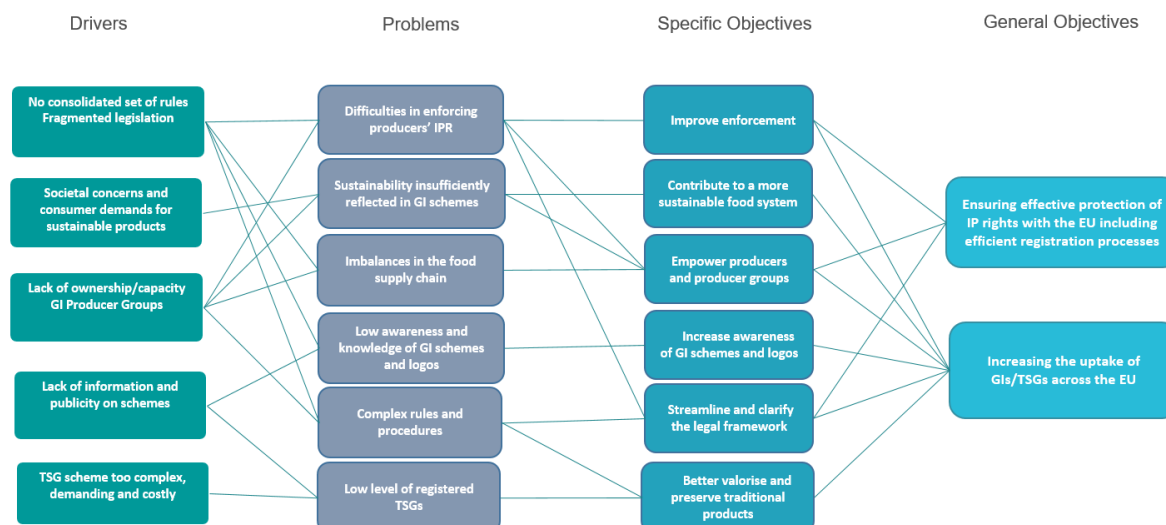


Figure 2: Drivers, problems, specific objectives and general objectives

SO-1: Improve enforcement of GI rules to better protect IPR and better protect GIs on the internet, including against bad faith designations and uses in the domain name system (DNS), and combat counterfeiting.

SO-2: Contribute to make the Union's food system more sustainable by integrating specific sustainability criteria.

SO-3: Empower producers and producer groups to better manage their GI assets and encourage the development of structures and partnerships within the food supply chain.

SO-4: Increase correct market perception and consumer awareness of GI schemes and logos to enable consumers to make informed purchasing choices.

SO-5: Streamline and clarify the legal framework to simplify and harmonise the procedures for application for registration of new names and amendments to product specifications.

SO-6: Safeguard the protection of traditional food names to better valorise and preserve traditional products and production methods.

5. WHAT ARE THE AVAILABLE POLICY OPTIONS?

5.1. What is the baseline from which options are assessed?

The baseline is a "no policy change" scenario, which includes all relevant Union-level and national policies and measures, which are assumed to remain in force. Besides this, the baseline includes also the amendments to Regulation (EU) No 1308/2013 on the Common Market Organisation which entered into force in December 2021.

The baseline therefore includes the following main changes of the co-legislators agreement on amendments to Regulation (EU) No 1308/2013 on the Common Market Organisation:

- clarification of the definition of PDO/PGI wines, and clarification that the human factor present in the geographical area of the GI needs to be described in the product specification where relevant;
- improved level of protection of GIs on on-line sales and against products that are in transit in the EU territory but not released for sale in the internal market;
- simplification and modernisation of certain registration, amendment and cancellation provisions, including alignment of certain procedures in food sector with those already existing in wine sector;
- applying the GI rules for agricultural products and foodstuffs (Regulation (EU) No 1151/2012) to aromatised wine products instead of having a separate Regulation (one Regulation “out”);
- a product specification may include a contribution of PDOs and PGIs to sustainable development;
- GI supply management, currently available for GI cheeses and hams, is extended to all GI products.

A more comprehensive description of the baseline is provided in Annex 8.

COVID-19 pandemic is included in the baseline. It has imposed a shock on agricultural markets, with its effects likely to reverberate throughout the coming years, although it is not clear to which extent this will affect the Union’s agricultural output over time. Because of the particular assets of GI production such as product authenticity and local character, GI producers might have an opportunity to mitigate the effects of the pandemic.

5.2. Description of actions to be included in the policy options

As the identified problems are interlinked, a set of actions has been defined for each of the above-mentioned specific objectives, which are then grouped into three policy options.

Table 1: Policy actions contributing to specific objectives

| Specific Objective | Policy actions | Description |
|--|---|---|
| SO-1 Improve enforcement of GIs | A.0 - Baseline | Status quo with improved control provisions proposed by the Commission in 2018, notably as regards protection against counterfeit products sold via internet and those transiting the EU territory (without being released for free circulation on the EU). |
| | A.1- Provide guidelines, increase transparency and promote networks | Guidelines on GI enforcement (also on internet), including best practices, for Member States and stakeholders. Promote cooperation networks/communication tools (e.g. Administrative Assistance and Cooperation (AAC), confidential networks between the national enforcement authorities and IP Enforcement Portal). |

| | | |
|--|--|---|
| | A.2 – Align control rules across the sectors, and re-enforce rules on internet sales, prior rights and relation to trade marks | <p>Align Member States' control procedures as regards producer compliance at the production level and checks in the market place to guarantee the same standard of verification among the MS and across the sectors.</p> <p>Harmonise administrative enforcement measures currently laid down in sector-specific legislation for GIs (food, wines, aromatised wine products and spirit drinks) and clarify the relationship with the Official Control Regulation (OCR). Introduce a uniform certification system for GIs and a model of certificate applicable to all sectors. Clarify rules to respect GI production for internet sales:</p> <ul style="list-style-type: none"> • Encourage/support voluntary own-initiative investigations for counterfeit goods in line with the Digital Services Act's upgraded liability regime for intermediary services. Enhance rules for online marketplaces on the identification and traceability of business users to discourage and help track down sellers of counterfeit. • Recognise GIs as prior IP titles in the management of TLDs covered by Union and MS law (notably the .eu and .ms domains), including in the private arbitration systems as applied under Union or MS law for those domains • Advance the Unions' approach on GIs in approval of domain names through alignment of the Member States' practices in their ccTLDs and in different international Internet governance fora. • Clarify the obligation on internet platforms and internet traders to respect GI production regarding goods available for purchase by Union customers. <p>Control procedures and the development of detailed rules on the respect of GIs in relation to internet sales will be aligned in the GI specific legislation.</p> |
| | A.3 - A specific legislative framework for harmonised control rules | <p>The creation of a harmonised, GI-specific legislation for controls and enforcement into one single Regulation for all sectors, providing Member States with a unified set of rules for the control of GIs in the market place (including on internet) and at production level to prevent mis-selling and profiting from bad faith exploitation of GIs in EU territory including internet-based uses in so far as they address natural or legal persons in the EU. This would entail a removal of GIs from the scope of the Official Control Regulation (food law).</p> <p>Maintain existing provisions for representative producer groups of GIs to be able to register appropriate trade marks (where not excluded by trade mark rules and practice) to defend GIs in DNS systems world-wide.</p> |
| SO-2 Contribute to sustainability | B.0 - Baseline | Under the baseline scenario, GI producers comply with the rules and good practices laid down in sectoral and horizontal legislation in force at EU or MS level. |
| | B.1 - Guidelines and increased information on sustainable production techniques | This action aims to adopt guidelines which could include best practice on sustainable GI production, advice on training and networking (AKIS, EIP, future Rural Observatory). BTSF-like training for national/regional administrations could complement the guidelines. In addition, a platform to exchange best practices on sustainable GI production could be created. These optional provisions would be available to EU and non-EU registered GIs, while all producers compliant with applicable legal requirements would nevertheless be entitled to GI registration in line with their rights to IPR protection under the EU Charter on Fundamental Rights and WTO/TRIPS obligations. |
| | B.2 - GI producer group encouraged to include a higher | This action would encourage a GI producer group to jointly define in the product specification a higher sustainability standard than the baseline. In particular, products with less salt/sugar/fat content or using production methods with lower climate impact, described in the product specification, |

| | | |
|---------------------------------------|--|--|
| | sustainability standard in the product specification | <p>should be encouraged and facilitated in legislation as necessary. These voluntary provisions would be applicable to EU and non-EU registered GIs, and subject to administrative assessment and official controls by the competent authorities or delegated control bodies. Producer groups can provide information on the increased sustainability attributes of their registered GI, with a hyperlink to their own site and in the GIview database. This publicly available information, with illustrative tools (e.g. maps, QR codes, etc.) will facilitate the communication of sustainability aspects of GI product to consumers.</p> <p>The proposed action ensures a step-wise approach by introducing sustainability elements in the GI product specification on a voluntary basis without pre-empting a proposal for the future horizontal framework for sustainable food systems planned for 2023.</p> |
| | B.3 - Define specific sustainability criteria | Define a list of specific criteria in the legislation that EU GI products would have to comply with to ensure higher-than-baseline sustainability. Based on the type of product, the GI producer group includes the requirements to meet the relevant criteria in the product specification. |
| SO-3 | C.0 - Baseline | Baseline is the legislation in force. |
| Empower producers and producer groups | C.1 - Empower GI producer groups under Member State's administrative law to manage GIs and encourage them to highlight the advantages of GIs | <p>Member State would identify the 'representative producer group' under national administrative law, indicate it in the interface portal on GIs (GIview database) and thus allow the producer group to access the IP Enforcement Portal (IPEP) of EUIPO. In this way, the producer groups will be able to take enforcement action, for example to file an application for action (AFA) to customs, exchange confidential data with authorities of suspected breaches of GI rules and engage in collective marketing and training provision for actual and potential GI producers.</p> <p>This action would also allow producers to acquire information needed for communication campaign to illustrate advantages of belonging to a GI scheme and receive capacity building packages, such as training, best practices on GIs, including access to funding and cooperation benefits.</p> |
| | C.2 - Provide legal mechanisms for increased powers for GI PGs | This action would increase the powers of the producer groups by extension of the provision on the roles of GI producer groups to all sectors, the choice of bottling and packing rules (option without specific justification) and legal mechanisms by Member States for a legally recognised producer group, if the requisite majority of producers wish. In addition, special rules are created for producers marketing only on their own premises (e.g. control costs limited to cases of non-compliance). |
| | C.3 - Assist development of GI producer groups and GI value chains at national or regional level | This action offers in addition guidelines to ensure proper functioning of the producer group (specifying the roles and responsibilities of each partner, ensuring optimal involvement, reinforcing partners' representation within the group). |
| | | |
| SO-4 | D.0 - Baseline | Baseline is the legislation in force. |
| Increase awareness of GI schemes and | D.1 - Flexible use of the design of the EU symbols | The use of the logo on the product label is obligatory while operators can decide on its size. Labelling with the relevant GI term or the acronym is |

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| logos | and their obligatory use | obligatory for the producers. |
| | D.2 - Flexible use of the design of the EU symbols that may be replaced by acronym or term | Labelling with the relevant GI term <i>or</i> the acronym <i>or</i> the logo is obligatory for the producers, i.e. the logo can be replaced by the GI terms (e.g. “protected designation of origin”) or the acronyms (e.g. “PDO”). Only the shape of the logo is compulsory, the size and colour can vary depending on the labelling of the product. |
| | D.3 – Fixed use of the design of the EU symbols obligatory for all GIs | Use of the prescribed logos is obligatory across all sectors in a format prescribed by legislation. As in the previous action, labelling with the relevant GI term or the acronym is also obligatory. |
| SO-5 Streamline and clarify the legal framework procedures | E.0 - Baseline | Baseline scenario includes a status quo with modernised procedural rules proposed by the Commission in 2018 (see details in point 5.1). |
| | E.1 - Toolkit for producers and national authorities on rules and procedures, and quick fixes to harmonise EU level procedures | The toolkit includes specific guidance for producers to allow preparing better quality applications, and for national authorities to assist them in the examination of the files. Guidance on how to interpret enforcement rules regarding the concepts of misuse/imitation/comparable/similar products could also be provided. This action also provides for harmonisation of procedures across the sectors. |
| | E.2.1 - Enlarge scope of GIs, introduce flexibility in the production requirements, refine legal concepts and harmonise EU level procedures | This action provides for updates to the existing legislation: <ul style="list-style-type: none"> • alignment with WTO/TRIPS undertakings in relation to agricultural GIs: extending the scope of GI protection to all agricultural products as defined in the WTO list, subject to specific limitations (e.g. goods that by their nature cannot be traded); • extending the protection as a GI to geographical names whether or not the name was in use for the product prior to the application; • streamlining the rules in the sector-specific Regulations by introducing more flexibility regarding the production process (e.g. processing steps to take place outside the demarcated area to have part of the production take place in the ‘immediate proximity’ of the geographical area – possibility currently exists for GI wine products but not for agricultural products - or limitation of sourcing of raw materials); • clarifying the terminology in the light of jurisprudence (e.g. aligning terms “similar” vs. “comparable” products); • clarifying that the link between product and place for PGIs can be process attributes, such as sustainable or traditional production methods; • clarify that product specificity is required (currently only implicit) for GIs in the sense of a defined product but which need not be shown to be unique which would present a too high bar to entry; • excluding products that can only be consumed in place of production (e.g. restaurants); excluding products stemming from an obligatory use of a private property right unless that right is shared with all eligible producers; • maintaining protection of GIs vis-à-vis trade marks, clarifying relation with plant varieties and animal breeds; |

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| | | <ul style="list-style-type: none"> Empowering producer groups to register their GIs in figurative or other appropriate trade marks to defend GIs in the DNS. <p>Harmonisation through the creation of a single set of rules with the same simplified <u>procedural rules</u> for registration, amendment, cancellation and objection would apply to all GIs (all sectors). The current separate procedures for the different sectors would be deleted from the sector-specific acts.</p> |
| | E.2.2 – Partial outsourcing of the EU registration process to an existing agency | <p>On top of the elements of Policy action E.2.1, the EU analysis of the applications will be partially outsourced to an existing decentralised agency, EUIPO. The national scrutiny by Member States' authorities is kept.</p> <p>Two sub-options are envisaged:</p> <ul style="list-style-type: none"> assessment by an agency with a decision on registration or rejection to be taken by the Commission; assessment by an agency who decides on the registration or rejection – right of appeal against that decision to the Commission. |
| | E.3.1 - One single EU level legislation with updated harmonised legal concepts and procedural unification | <p>GI rules and procedures are harmonised into one single basic act covering both protection and administration issues, such as level of protection, application processes, procedural time limits for administration, criteria for opposition, use of GIs on the market and as identified ingredients in a processed or mixed product.</p> <p>The harmonisation will not affect GI definitions and will maintain the specificities of the wine and spirit drinks sectors.</p> |
| | E.3.2 –Full outsourcing of EU registration process to an agency | <p>Full outsourcing of the EU-level scrutiny of applications and oppositions to an existing decentralised agency, EUIPO, who decides to register or reject. This action opts out the Commission involvement. Appeal against the decision can be made to an appellate body; technical advice on interpretation issues and policy development can be provided by a GI scientific committee (to be created within the agency).</p> <p>Three roles can be envisaged for Member States: full scrutiny at national level; consultation of Member States by the agency; and no involvement of Member States at all.</p> |
| SO-6 | F.0 – Baseline | Baseline is the legislation in force. |
| Safeguard the protection of traditional food names better valorise and preserve traditional products and production methods | F.1 - Official recognition of TSGs by Member State authorities | <p>Under this action, the TSG scheme is replaced by an official recognition of traditional agricultural products and foodstuffs by Member States' authorities. Such TSGs complying with a minimum list of criteria set at EU level would be listed for publicity and heritage purposes by national authorities on their websites as European traditional products connected by a database or portal at EU level. Protection of the product name accompanied by "TSG" would be protected, while protection of the name alone would not follow from the listing. Existing national protection and EU mechanisms can be used to protect names (PGIs, trade marks, optional quality terms, etc.). All existing TSGs would be guaranteed protection at EU level directly by the new legislation ('grandfathering').</p> |
| | F.2 – Clarify "Traditional Speciality Guaranteed" scheme | <p>Clarifications of TSG scheme, for example the notions of traditional raw materials, traditional production method and specific product, would notably make eligibility criteria more understandable. Harmonising the use of homonyms (apply Article 6(3) of Regulation (EU) No 1151/2011 also to TSGs) and looking into the possibility to delete the obligation to show the specific character of the product. The possibility to use 'style'/'type'/'method' together with the designation without adhering to the scheme would be made possible. Controls would be more effective and harmonised through BTSF trainings and best-practice platform as well as</p> |

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| | | through notification of producers to the competent authority. |
| | F.3 Traditional food names as trade marks | Under this action, the TSG scheme is repealed. All existing TSGs would be guaranteed protection at EU level directly as PGIs or optional quality terms by the new legislation ('grandfathering'). Producers that have similar interests of protecting their traditional product as trade marks could apply for IPR protection under Regulation (EU) 2017/1001 on EU trade marks or at national level. A specific procedure for reclassifying existing TSGs into GIs would be implemented, should they meet the GI requirements. |
| Cross-cutting actions | X.1 – Communication /information | Several outreach activities are envisaged with a specific focus on consumers and low- to medium- user countries, such as a web-based toolkit, organisation of seminars, informative videos, targeted communication on web and social media. These actions will be provided by the Commission services or external contractors; in the latter case they could be financed through the information policy on the CAP. |
| | X.2 – Guidelines for producers and Member States' authorities | Toolkit for producers with guidance on how to draft a product specification and a Single Document (which is a summary of the product specification). Both documents make a key part of an application to register a name. In addition, guidelines could also contain a part on how to describe amendments to an existing product specification. Guidelines for Member States' authorities to assist them in the scrutiny of applications for registration or amendments. In case the TSG scheme continues as a self-standing scheme, as producers of traditional foods lack knowledge about how to apply for TSG protection, this action envisages specific TSG guidelines. They will cover information about how to prepare a product specification and an application to register a name of a traditional food, and how to ensure controls. In addition, a platform to exchange best practice amongst producers, regional and national administrations and control authorities would aim at informing and learning. |
| | X.3 – Full digitalisation | Digital progress has been made over the last years, with the roll-out of GIview end of 2020 and the creation of one single GI register. However, further development is needed to make GIs 'fit for the digital age'. The obligation to use eAmbrosia for submission of applications (by Member States) to the EU level will be extended to all sectors (currently only for wine and spirit drinks). |

5.3. Options discarded at an early stage

Protection at national level only

This option was identified at an early stage, knowing that almost 60% of GIs are sold in the Member State of production. In case of GIs not marketed outside the Member State of production, protection only at national level would be allowed. The protected national names would benefit from an IPR protection in parallel to the Union system (without any link with the application to the EU register), that would only apply to the national market. Despite the fact that this option offers very high margins of subsidiary, it would lead to unequal treatment of GIs in the internal market and undermine the current unitary right and uniform standards uniform standard of GI examination and protection. It would also create complexities at international level as any non-EU GI would need to apply to selected MS and national protection would have to be granted. Loss of Union exclusive competence would also put up barriers to the single market in case the 'national' product was traded and would have to be relabelled. Finally, the proposal for national traditional

schemes to replace the TSG scheme would cover this ground and provide a mechanism for promotion of traditional product both nationally and across the EU, that is compatible with the single market context.

One EU symbol for all PDO/PGI/GI products instead of the two currently in place

Over the past years, the Commission has registered PDO and PGI Union symbols as trade marks in over 20 non-EU countries – major trading partners of the EU with considerable share of EU GI exports. While PDO and PGI are part of the same scheme and many consumers fail to understand the difference between them, certain producers are particularly attached to the distinct logo. Having two logos, different in colour but similar in design, helps to distinguish the PDO definition that comprises a stronger link to the terroir. According to the [public consultation](#), replacing current Union PDO and PGI logos by a single one is the least preferred option by citizens to raise consumers' awareness on the Union logos. Consumers and consumer organisations are somewhat more divided, with a quarter of the consumers considering one single logo to be 'most relevant', one third not relevant, and one third expressing a neutral opinion.

An optional quality term for traditional products

Since TSG producers are often SMEs, a lighter scheme of optional quality terms (OQT), already defined in Regulation (EU) No 1151/2012, could be used instead of the TSG scheme. Under the OQT scheme, a new term would be established for "traditional products", as it is the case for the term "mountain product". As the OQT scheme cannot provide protection similar to the one for TSGs, and existing registered TSGs and traditional products under OQT scheme would co-exist under this option, operators could face unequal treatment and consumer confusion could increase. Moreover, stakeholders advised against this approach. A minority of respondents in the public consultation strongly supported this approach and another minority of respondents tended to agree, while Member States also warned against a decreased protection and difficult co-existence of the old and new system.

6. WHAT ARE THE IMPACTS OF THE POLICY OPTIONS?

6.1. Description of the policy options

6.1.1. Policy option 1 – Improve and support

This policy option aims at improving the instruments already in place and providing further support to producers, Member States' authorities and other stakeholders. Main focus is on guidance (e.g. linked to enforcement, the assessment of files and legal interpretation/clarification), re-enforced co-operation among Member States and capacity building activities, including on sustainability issues.

Procedures will be improved by aligning them across the sectors. A more flexible approach towards the EU logos is targeting their increased use by producers.

The TSG scheme is replaced by an official recognition of traditional agricultural products and foodstuffs by Member States' authorities with a limited list of criteria to be set at EU

level while Member States would notify the names of traditional products to the Commission in order to be made public.

6.1.2. Policy option 2 - Better define and reinforce

This option reinforces the protection of GIs and improves the level playing field amongst operators through a single set of control procedures for all sectors and the development of detailed rules on the respect of GIs in relation to internet sales.

It also defines the role GI producer groups can play, on a voluntary basis, in contributing to addressing the societal concerns on sustainability through inclusion of sustainability criteria in product specifications, and in strengthening the management and enforcement of their GI assets. Differentiated approach should be pursued for GI products compared to other products due to citizens' expectations that products under quality schemes should pursue the sustainability objective, which is shared by the majority of producers⁴⁹. The specific roles of GI producer groups, recognised by Member States' authorities, would be extended to all sectors. The use of the logo on the product label is not obligatory and producers can decide on its size and place on the label.

Legislation will benefit from clarifications of the legal terminology, built-in flexibilities regarding the production process and the creation of a single set of simplified procedural rules.

As part of option 2, EU management structures for assessing GIs are to be reinforced via involvement of an existing agency in the registration procedure. While the national level assessment would remain with Member States, the EU-level scrutiny of applications and oppositions would be outsourced to an agency. Two alternatives are considered (on top of built-in IT improvements):

- Sub-option 1 - Assessment and publication for opposition by an agency; decision on registration or rejection with the Commission⁵⁰;
- Sub-option 2 – Assessment and decision on registration or rejection by an agency; open right of appeal to the Commission; and management of eRegister with an agency⁵¹.

As regards the TSGs, the scheme would be kept while its main elements clarified, notably the scope and the criteria for registration.

6.1.3. Policy option 3 - Harmonise and upgrade

Full harmonisation will be ensured through the creation of a single Regulation containing unified enforcement and control rules. Similarly, provisions related to protection and procedural rules will be streamlined into one single basic act. Use of the prescribed logos is obligatory across all sectors in a format prescribed by legislation. However,

49 For opinion of stakeholders on the sustainability objective, see also section 2.1.2 of the document. The sustainability objective is also supported by Member States, as revealed in the targeted consultation.

50 For details see Annex 11, Option 2.1

51 For details see Annex 11, Option 2.2

harmonisation will not affect GI definitions and will maintain the specificities of particular sectors.

Sustainability criteria for GI production would be defined in EU legislation and enforced via their integration in the product specification, making them subject to official controls.

In addition to the actions provided under the previous policy option, specific guidelines on the functioning of the GI producer groups will strengthen their position in the GI value chains and allow for better management of their GI assets.

This option foresees to fully outsource the registration process to an existing agency, and provides the possibility of an appeal to an appellate body. It allows for various degrees of involvement of Member States: initial national level assessment as under current rules, consultation of Member States or no involvement of Member States.

TSG scheme would be abandoned. Those traditional food names that are able to meet the criteria for a PDO or a PGI could be registered as such while other traditional names could be registered as a trade mark.

Table 2: Policy actions and policy options

| Policy Actions | PO-0 Baseline | PO-1 Improve and support | PO-2 Better define and reinforce | PO-3 Harmonise and upgrade |
|--|---------------|--------------------------|----------------------------------|----------------------------|
| A - Enforcement | | | | |
| A.0 - Baseline scenario - status quo with the improved control provisions proposed by the Commission in 2018, notably as regards protection against counterfeiting products sold via internet and those transiting the EU territory | ✓ | | | |
| A.1 – Provide guidelines, increase transparency and promote co-operation among national authorities, coordination groups and networks | | ✓ | ✓ | ✓ |
| A.2 - Align control rules in sector-specific GI legislation, and re-enforce rules on internet sales, prior rights and relation to trade marks | | | ✓ | |
| A.3 - Adopt a specific legislative framework for harmonised control rules in a single GI Regulation (including on internet) | | | | ✓ |
| B – Sustainability | | | | |
| B.0 - Baseline scenario - GI producers comply with the rules laid down in sectoral and horizontal legislation in force | ✓ | | | |
| B.1 - Guidelines and increased information on sustainable production techniques | | ✓ | ✓ | ✓ |
| B.2 - GI producer groups encouraged to define a higher sustainability standard in the product specification | | | ✓ | |

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| B.3 - Sustainability criteria are laid down in the legislation and GI producer groups include them in the product specification | | | | ✓ |
| C. Producers and producer groups | | | | |
| C.0 - Baseline is legislation in force | ✓ | | | |
| C.1 - Empower GI producer groups under Member State's administrative law to manage GIs and encourage them to highlight the advantages of GIs | | ✓ | | |
| C.2 - Provide legal mechanisms for increased powers for GI producer groups | | | ✓ | ✓ |
| C.3 - Assist development of GI producer groups and GI value chains at national or regional level by providing specific guidelines | | | | ✓ |
| D. Consumer awareness of GI schemes and logos | | | | |
| D.0 - Baseline is legislation in force | ✓ | | | |
| D.1 - Flexible use of the design of the EU symbol; its obligatory use on the label for all GIs | | | | ✓ |
| D.2 - Flexible use of the design of the EU symbol; the latter may be replaced by acronym or term | | | ✓ | |
| D.3 - Fixed use of the design of the EU symbol; its obligatory use on the label for all GIs | | | | ✓ |
| E. Legal framework – streamlining and clarification | | | | |
| E.0 - Baseline scenario includes a status quo with modernised procedural rules proposed by the Commission in 2018 | ✓ | | | |
| E.1 - Toolkit for producers and national authorities on rules and procedures, and quick fixes to harmonise EU level procedures | | ✓ | ✓ | |
| E.2.1 - Enlarge scope of GIs, introduce flexibility in the production requirements, refine legal concepts and harmonise EU level procedures | | | ✓ | |
| E.2.2 – Partial outsourcing of the registration process to an existing agency; Member States' procedure is maintained while EU-level scrutiny of applications and oppositions is outsourced to an agency | | | ✓ | |
| E.3.1 - One single EU level legislation with updated harmonised legal concepts and procedural unification | | | | ✓ |
| E.3.2 – Full outsourcing of EU level registration process to an existing agency, with possibility of appeal to an appellate body. Different degrees of Member States' involvement envisaged | | | | ✓ |
| F. Traditional products and production methods | | | | |
| F.0 - Baseline is legislation in force | ✓ | | | |
| F.1 - Official recognition of TSGs by Member State authorities based on EU guidelines that clarify certain terms and criteria, and set up an EU database | | ✓ | | |
| F.2 - Clarify “Traditional Speciality Guaranteed” scheme | | | ✓ | |
| F.3 - Protect traditional food names as trade marks and those that comply with PDO/PGI | | | | ✓ |

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| definition as geographical indications | | | | |
| X. Cross-cutting actions | | | | |
| X.1 – Communication/ Information actions | | ✓ | ✓ | ✓ |
| X.2 - Guidelines for producers and Member States’ authorities | | ✓ | ✓ | ✓ |
| X.3 - Full digitalisation providing for increased transparency of GIs | | ✓ | ✓ | ✓ |

6.2. Analysis of impacts

Analysis of the different policy options for the future GI policy has been based on the methodology proposed in the Better Regulation Guidelines for impact assessment of the Commission, and is described in detail in Annex 4. Advantages and drawbacks of each option are summarised in section 7. Annex 11 contains an analysis of possible time savings and burden reduction following the involvement of an existing agency in the registration process.

Annex 3 summarises who is affected and how, as well as the main costs and benefits. SMEs⁵² are key stakeholders: Around 90% of GIs reach a sales value below EUR 50 million⁵³ and 96% of EU food and beverages enterprises are small, employing less than 50 people⁵⁴. In addition, farms can also be considered as SMEs. For the purpose of this impact assessment, Annex 3 considers GI producers, gathering farmers and processors.

6.2.1. Policy option 1 - Improve and support

6.2.1.1. Economic impacts

Regulatory burden on businesses: Actions proposed under this option such as guidance, information activities and harmonised procedural rules will lead to better quality applications, thereby shortening registration times to some extent and securing swifter IPR protection to the benefit of GI producers. Reduced administrative burden may increase incentives for GI businesses to participate in the scheme. These benefits are not only related to the registration process but will also extend to major amendments of the product specification. Traditional products would no longer undergo EU level procedure, which would moderately decrease regulatory burden on businesses.

Operation/conduct of SMEs: The shortening of the registration procedure is expected to create some savings, freeing time and resources for developing and implementing

⁵² SMEs are defined by the European Commission as having less than 250 persons employed, with an annual turnover of up to EUR 50 million, or a balance sheet total of no more than EUR 43 million (Commission Recommendation of 6 May 2003)

⁵³ Study on economic value of EU quality schemes, geographical indications and traditional specialities guaranteed; <https://op.europa.eu/en/publication-detail/-/publication/a7281794-7ebe-11ea-aea8-01aa75ed71a1>

⁵⁴ [Agriculture, forestry and fishery statistics — 2020 edition \(europa.eu\)](https://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&code=sdg-8.4.2)

marketing strategies. This, accompanied by the toolkit/guidelines, should result in a better costs/benefit ratio for GI producers.

Non-EU countries and international relations: Shorter registration procedure and reinforced protection will have a positive effect on non-EU applicants in a similar way as for EU applicants. Non-EU country operators would no longer be able to protect traditional food names in the EU due to the abolishment of the Traditional Specialities Guaranteed scheme at EU level.

Functioning of the internal market and competition: Specific guidelines for operators and for administrations on enforcement of GI rights, including promoting best practices, will contribute to an increased enforcement of IP rights, reduce profiting from bad faith use of product designations, and ensure a better level playing field across the internal market. Deploying cooperation networks and improved use of communication tools between national authorities, and between GI right holders and national authorities, will contribute to faster and more efficient actions in case of infringements.

Consumers and households: Guidelines, training and networking aimed at increasing sustainability aspects of GI production is expected to provide consumers with a better offer of sustainable products and would help raise their awareness of the schemes.

Property rights/Fundamental rights: The Union is obliged under the Charter of Fundamental Rights (Article 17(2)) to protect intellectual property. The soft law measures foreseen in this option will create better conditions for the protection of GIs and decrease the risk of usurpation, imitation and evocation of GI names, thus contributing to securing producers' incomes. A more harmonised approach to procedural rules should result in a slightly more efficient registration process, with shorter registration times, thus respecting the Commission's obligation to handle GI applications impartially, fairly and within a reasonable time.

Public authorities: Guidelines and harmonised procedural rules for registration of GIs will allow public administrations to process applications somewhat faster and address oppositions at national level more effectively, both to the benefit of the public purse and all operators. The change from an EU to a national system of protection of traditional food names would in the first place cause administrative costs; however, in the end there will be less administrative burden as the EU level procedures would no longer apply.

6.2.1.2. Social impacts

Employment: Taking into account that GI products enter as inputs into other economic sectors like processing, tourism and cultural events, smoothing the GI application process is expected to slightly increase the number of registrations of new GIs and allow for the creation of new jobs and preservation of existing jobs in such sectors. This could contribute to the revitalisation of certain rural areas able to find a development strategy created around GI production.

Preserving the cultural heritage: Culinary traditions making part of the EU gastronomic and cultural heritage, GIs and TSGs help keeping alive traditional production techniques and through their reputation ensure a diversity of authentic foods for new generations.

Actions taken under this option, aimed at increased uptake of GIs/TSGs, will help the future preservation of Europe's cultural heritage.

Public health: Incorporated health aspects in GI production because of guidelines containing best practice on sustainable GI production, advice on training and networking could enable consumers to choose products that support healthy, sustainable diets and thus contribute to improved public health. The impact would vary significantly in relation to the degree and ambition of the voluntary integration of relevant aspects.

6.2.1.3. Environmental impacts

Biodiversity, including flora, fauna, ecosystems and services they provide, and landscapes: Positive contribution to biodiversity preservation could be expected in case of those GIs where more environmentally friendly production methods and techniques will be used as a result of consumer/citizen pressure, guidelines and good practices, with legislative facilitation where needed. This would encourage for example the use of autochthonous animal breeds and plant varieties adapted to the environmental conditions (protection of biodiversity) or animal grazing and planting on terraces (landscape protection).

Climate: Despite not having much evidence on impacts of the production of GI products on climate, it was estimated that grazed pastures at the origin of many PDO/PGI cheeses provide a net storage of 500 kg carbon/ha/year⁵⁵. Positive external ecological effects originating from meadows such as carbon storage could be achieved thanks to guidelines advising and encouraging producers to apply climate protection production techniques.

Quality of natural resources: The state of water, air and soil could improve through responsible management, and production of GIs can also contribute to this objective. Thanks to guidelines for GI producers providing advice on how to minimise impact on water, air and soil, quality of natural resources could improve to a limited extent.

Protecting animal welfare: Animal welfare will increase thanks to guidelines explaining animal welfare friendly production methods, to better protect their health and wellbeing.

Overall, a higher demand for GI products can be expected due to a higher demand from notably environmentally conscious consumers, which should in turn be beneficial for the environment. Higher visibility of the positive aspects of GI production will also throw the spotlight on the production systems used in those GIs where improvements are possible and thereby encourage such improvements.

6.2.2. Policy option 2 - Better define and reinforce

6.2.2.1. Economic impacts

Regulatory burden on businesses: Producers will be offered more labelling options, depending on the type of the product and in accordance with their information and

⁵⁵ PDO The best proof of authenticity - Brochure CNIEL: https://www.fromages-aop.com/wp-content/uploads/AOP_brochure.pdf

marketing strategy, while not undermining the objective to inform consumers about the nature of the product. Should they decide for labelling with the EU logo, labelling costs would increase. The integration of more sustainable practices in production and processing methods will entail additional investments and compliance costs for producers. Results of the public consultation show that almost half of the respondent stakeholders consider that higher sustainability standards might increase costs for GI producers. It is expected that such costs could be partly offset by gains on a medium to longer term following increased consumers' demand and their willingness to pay for embedded environmental/sustainable characteristics of the products, triggered also by improved product information and knowledge of the GI schemes. Inclusion of voluntary commitments in the product specification would be a step further towards a future general framework for sustainability of food systems. The voluntary approach would also help ensure producers increased costs and investments are undertaken in line with consumer behaviour and especially a willingness to pay for sustainability attributes.

For registration, while the national procedure undertaken by Member States' authorities is maintained, it is estimated that the involvement of an agency in the registration procedure could shorten the time for registration by up to 36 months - national and EU level combined (see Annex 11). Moreover, businesses and Member States will benefit from advanced IT-technology, transparency of the registration process and greater client orientation which would, over a 3-year implementation period, increase quality of applications and consistency of registrations. Outsourcing would be done to an existing agency. The most logical choice would be EUIPO, responsible for managing Union trade mark and the registered Community design. EUIPO has been collaborating closely with the Commission services on trade mark and GI issues for several years.

Operation/conduct of SMEs: The recognition of the importance of the collective organisation of GI producer groups across all sectors will strengthen their position in marketing and managing their GI asset. Producers will also be able to set rules for packaging and the use of their GIs as ingredients, thus indirectly increasing the possibility to secure higher incomes due to a decreased risk of fraud. Improved labelling and consumer information will boost knowledge of the scheme and increase the sales, thus supporting GI production. This is reflected in the public consultation results, in which more than two-thirds of respondents expect that reinforced responsibilities for producer groups will have a positive or very positive impact on the competitiveness of SMEs.

Functioning of the internal market and competition: Thanks to harmonised administrative enforcement measures currently laid down in sector-specific legislations for GIs, and clarified relationship with the Official Control Regulation, geographical indications will be enforced to the same standard across all Member States. This will on one side increase effectiveness of IP protection and on the other hand ensure a level playing field for all operators in the internal market.

Public authorities: As the guidance and harmonised rules and procedures will provide more clarity and the GView database more transparency, enforcement authorities and courts will find them easier to apply, resulting in a more efficient and effective respect of producer's rights and an overall increase of consumer protection. The use of GView, with its complementary functions, notably IPEP, will make GIs fully fit for digital age.

Consumers and households: Flexible use of possibilities on how to inform on the label that a product is a geographical indication will allow GI producers to label the product in the way they consider most appealing and effective in reaching consumers, according to their marketing strategies. Stimulating producers to adhere to jointly defined voluntary commitments should also positively impact consumer perception of GIs as well as better meet societal demand and consumer expectations. According to the results of the public consultation, sustainability is deemed to have a positive or very positive effect on increasing consumer awareness of the schemes, for almost three-fourths of respondents. However, increases in costs could translate into higher prices for consumers.

Property rights/Fundamental rights: In comparison to option 1, the protection of GIs would be further enhanced thanks to legal clarifications, such as legislating the relation with plant variety rights, harmonising and correcting legal terms, aligning GI Regulation rules and trade mark Regulation rules, and granting the exclusive right to representative right holders to register names protected by registered GIs as appropriate form of trade mark (in order to establish prior rights in global DNS management systems). This will in turn secure the added value for the producers. An even swifter registration process is expected as the result of the involvement of an existing agency in handling the applications.

Non-EU countries and international relations: Shorter registration procedure and reinforced protection will have positive effects on non-EU applicants in a similar way as for EU applicants. This will directly address criticisms of inconsistency and delays from representatives of non-EU applicants revealed in the consultation process.⁵⁶

Economic and social cohesion (specific regions and sectors): Actions under this option should result in an increased number of registered GIs compared to option 1. Analysis by JRC in its Technical Report “*Causal estimates of Geographical Indications' effects on territorial development: feasibility and application*”, suggests that an increase in the number of registered products' names has a positive effect on the economic performance of the agricultural sector, when performance is measured by Gross Value Added, the total number of enterprises or the number of persons employed in the agricultural sector. This positive effect is mainly driven by the number of registered food products, rather than wines and spirit drinks, and it is stronger for rural areas compared to urban and intermediate municipalities. This indicates the positive contribution of the GIs policy for a balanced territorial development.

6.2.2.2. Social impacts

Employment: Because of their intrinsic link with the human factors in the place of production (skills and traditions), GIs are a key vehicle for delivering rural growth. GIs have the effect to fix social factors, like rural employment and traditional production methods to the designated area: production cannot be delocalised without losing use of the GI name. GIs have well-known spill over effects extending into tourism, downstream processing as well as cultural events. The actions proposed under this option will

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empower GI producers to maintain and possibly extend their production in rural areas, notably via improved GI protection and a stronger role of GI producer groups in managing their collective asset.

Preserving the tradition and cultural heritage: Preservation of traditional production methods, know-how and skills will contribute to social cohesion and the maintenance of the social fabric in rural and often remote areas. Obligatory use of a logo, together with increased powers for producer groups will increase attractiveness of GIs for both producers and consumers, and thus safeguard the cultural heritage. This is confirmed by citizen respondents to the OPC, of which almost three-fourths believe that mandatory use of EU logos would have a positive to very positive impact on the guarantee for product authenticity. Thanks to a clarified TSG scheme, safeguarding traditional recipes and production methods, producers of traditional foods will have increased incentives to register a TSG, which will additionally contribute to preserving tradition and cultural heritage.

Public health: Providing products that better contribute to healthy and sustainable diets and aligned with national dietary advice, e.g. by introducing decreased levels of sugars, salt and fat into the product specifications, is likely to offer consumers a wider range of sustainable products. GIs have the potential to become an important part of healthy, balanced diets⁵⁷. As evidence suggests that information-heavy approaches are less effective with households having low income, product reformulation, particularly when combined with a simplified front-of-pack nutrition labelling (both considered in the Farm to Fork Strategy), could have positive impacts on a broader range of consumers to make healthier food choices⁵⁸⁵⁹.

6.2.2.3. Environmental impacts

Biodiversity, including flora, fauna, ecosystems and services they provide, and landscapes: maintaining and increasing production patterns respecting high sustainability standards will positively contribute to the preservation of habitats and biodiversity, natural flora and fauna, thus maintaining local plant varieties plant biodiversity, and animal breeds adapted to their environment or reviving local ecotype varieties. The option to register the names of traditional plant varieties (the planting material) and local animal breeds (rather than just the meat or milk product) will provide a simple and effective tool to help preserve these valuable biological assets for which formal designation as a protected variety/breed is too complex or costly. This will mostly be of interest to local producers of varieties/breeds that are neither recognised nor exploited

57 FAO, 2021, 'The nutrition and health potential of geographical indication foods', Rome.
<http://www.fao.org/3/cb3913en/cb3913en.pdf>, p.51 Contributions of GIs to sustainable healthy diets (webinar), oriGIn, 2021, https://www.origin-gi.com/images/events/oriGIn-FAO_Series_of_webinars_2020/05-finalreport-Webinar_Contributions_of_GIs_to_sustainable_healthy_diets.pdf

58 Placzek, O. (2021-02-10), "Socio-economic and demographic aspects of food security and nutrition", OECD Food, Agriculture and Fisheries Papers, No. 150, OECD Publishing, Paris.
<http://dx.doi.org/10.1787/49d7059f-en>

59 COM(2020) 207 final, Report from the Commission to the European Parliament and the Council regarding the use of additional forms of expression and presentation of the nutrition declaration
https://ec.europa.eu/food/sites/food/files/safety/docs/labelling-nutrition_fop-report-2020-207_en.pdf

outside their area of production. Existing safeguards for other users of breed and variety names would be unchanged, to allow continued use of varietal and breed names that have evaded their original area of production and to prevent registration of the GI in cases where to do so would cause consumer confusion. 86% of the OPC results indicate that sustainable practices are expected to have a positive to very positive impact on the preservation of biodiversity, habitats, landscapes, local plant varieties and breeds. Business associations believe that additional sustainability measures would have a negative impact on the costs for GI producers. For companies/business organisations overall, the impact would be negative to neutral. However, farmers' decisions are influenced by a combination of financial factors, policy design and degree of fit with existing land management practices, environmental awareness and market developments⁶⁰.

Climate: Thanks to those GI producers who will apply production methods contributing to minimising negative climate impacts, the negative impact on climate could be smaller. GI producers will be encouraged to adapt their production to reduce climate externalities and to mitigate climate change. Legislative measures can facilitate adoption of new techniques specifically to encourage take up of climate compatible production. As with other sustainability impacts, GI farmers and producers will be covered by the important Farm to Fork initiatives in train and, for now, the voluntary/facilitation approach at this point is the best course, for GI producers to achieve impacts in the short term.

Quality of natural resources: Impacts are expected to be similar as in option 1; and their amplification could be expected depending on how many GI producers decide to respect higher environmental standards. As some GI production may also have mitigation effects against the rise of temperatures by preserving soils, reducing fires risks and desertification threats, producers' engagement into environmentally sustainable GI production should increase these positive impacts.

Protecting animal welfare: Concrete commitments from GI producers to engage into more animal welfare friendly production will ensure a higher level of animal welfare in comparison to option 1.

Overall, inclusion of sustainability requirements in the product specification might be considered too restrictive and can have a dissuasive effect, taking into account that such commitments would have to be certified as part of the product specification, which entails additional costs to those already incurred (see above regulatory burden on businesses).

6.2.3. Policy option 3 - Harmonise and upgrade

6.2.3.1. Economic impacts

Regulatory burden on businesses: The mandatory introduction of sustainability criteria in the product specifications will increase certification costs for GI producers. Case studies

60 Evaluation of the impact of the CAP on habitats, landscapes, biodiversity
https://ec.europa.eu/info/sites/default/files/food-farming-fisheries/key_policies/documents/ext-eval-biodiversity-final-report_2020_en.pdf

of selected GI products show that currently, the average share of additional costs, including control and certification related to GI/TSG varies between 0.57% to 36.5% of the sales value for producers and between 0.94% to 7.03% for processors.⁶¹ Increased certification costs are often transferred to consumers through price increases, which could result in a decreased demand for the GI products. The harmonised GI specific legislation and parallel removal of GIs from the scope of OCR would increase regulatory burden on administration due to the implementation of new legislation and adaptation to new rules - both at EU and Member State levels, with a potential spill-over effect on producers to comply with the new set of rules. Outsourcing of the entire registration process to an agency, in combination with IT improvements, should shorten registration time by a maximum of 48-60 months, depending on the sub-option implemented (see Annex 11). However, full outsourcing faces several limitations. The established relations between the Member States and the Commission would cease. In case Member States are only consulted or would even not be involved, loss of closeness and expertise of national and regional authorities poses a risk, knowing that these authorities have the best knowledge of the situation on the ground. They also provide assistance and advice to GI producer groups, notably in the preparation of applications. In addition, finding the expertise in all regions of Member States would be costly for the agency. As for the choice of an agency, the most logical one would be EUIPO, see explained provided under impacts for option 2.

Operation/conduct of SMEs: Thanks to specific guidelines on the functioning of the GI producer groups, SMEs will be assisted in strengthening their position in the GI value chains and allowing for better management of their GI assets. This will complement impacts on ‘operation and conduct of SMEs’ described under the previous option, taking into account that specific guidelines provided under this option will complement actions of the previous option.

Consumers and households: The obligatory display of the GI logos on each GI product will allow consumers to better distinguish between the different products on offer and select those that are authentic, certified and with a known origin. Indeed, a large majority of the citizen respondents of the OPC believe that reinforced information actions and compulsory use of EU logos could (very) positively impact the consumer awareness of the schemes. The Eurobarometer survey has shown that with the introduction of the obligatory logo on food products in 2012, the knowledge of EU logos amongst citizens has increased on average from 14% to 20%. However, with compulsory sustainability standards, price increases might be more extended than in option 2, sharpening issues of affordability and willingness to pay.

Property rights/fundamental rights: The impacts can be considered similar as those under option 2. Streamlined control procedures will lead to more effective enforcement and time saved by the improved management of GI applications is expected to lead to faster recognition of the IPR. As regards the need to respect international commitments of the EU, in particular Article 22 of the TRIPS Agreement, please see the description below on non-EU countries and international relations.

61 Evaluation support study on GIs and TSG protected in the EU (2020)

Non-EU countries and international relations: Shorter registration procedure and reinforced protection will have positive effects on non-EU applicants in a similar way as for EU applicants. This will directly address criticisms of inconsistency and delays from representatives of non-EU applicants revealed in the consultation process.⁶² Introducing mandatory sustainability criteria for GIs might not be compatible with international commitments of the EU, in particular Article 22 of the [TRIPS Agreement](#) which includes a definition of a Geographical Indication (GI), applicable in all territories of members to the Agreement: *“indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin”*. This definition does not include any sustainability requirements nor any requirement that conditions beyond legal minima could be the criteria for GI registration. A mandatory inclusion of sustainability criteria in the product specification might be a feasible option for EU producers but it would risk raising complaints from the EU producers being discriminated against foreign GI applicants as those of Non-EU countries in directly competitive sectors. However, some sustainability standards are agreed at United Nations level and these could be used to mark a baseline for GI applications. For example, one area where social sustainability standards could be justifiably imposed as a condition of a GI specification of GIs from both EU and from 3rd countries, is labour standards and notably for products where unpaid labour and other labour conditions in breach of International Labour Organisation standards is shown to be prevalent. In this case an internationally agreed (social) sustainability standard.

Functioning of the internal market and competition: Unified and harmonised enforcement and control rules for Member States on the control of GIs in the market place and at production level, will create transparency and clarity to the benefit of GI producers. A consolidated set of rules will allow stakeholders’ and authorities’ better understanding and more efficient and effective implementation by the latter, thus contributing to a higher level of GI protection. Improved detection of unlawful practices, accompanied by proportionate and dissuasive sanctions imposed by national authorities should lead to a decrease in the infringement level, assessed in the [EUIPO study](#) of 2016 at 9 % of the total EU GI product market. Guidelines on the functioning of GI producer groups will foster the implementation of a shared strategy between the different of stakeholders.

6.2.3.2. Social impacts

Employment: Impacts are assessed to be similar as those described for Option 2.

Preserving the tradition and cultural heritage: Impacts are assessed to be similar as those described for Option 2 except for protection of traditional product names. By protecting them as geographical indications or appropriate trade marks, they will get higher recognition as intellectual property rights, compared to the TSG status. This should increase the interest of producers in searching for the protection of such traditional products to the benefit of Europe’s culinary traditions and gastronomic heritage.

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Public health: Once sustainability criteria as regards healthy, sustainable diets are defined EU wide, the contribution of GIs could be specified in clearer way, enabling positive impacts of GIs on health.

6.2.3.3. Environmental impacts

Biodiversity, including flora, fauna, ecosystems and services they provide, and landscapes: Sustainability criteria laid down in the legislation will require producer groups to include the sustainability requirements in the product specification. In comparison to the previous option, similar types of impacts on biodiversity can be expected, possibly to a greater extent due to mandatory elements. However, the mandatory nature of the sustainability criteria might at the same time disincentive the GI producers to the point of abandoning the GI certification or not applying for GI protection.

Climate: Thanks to obligation to respect higher environmental standards, positive effects on climate protection could be expected.

Quality of natural resources: Similar as above, obligation to respect higher environmental standards could have positive effect on preservation of water, soil and air quality.

Protecting animal welfare: Higher standards of protection of health and wellbeing of animals by GI producers will increase animal welfare and ensure respect of animals in all stages of GI production. This could in turn increase consumers' interest in GIs as animal-friends products.

While supporting the orientation towards more sustainable production, Member States in particular have advised against such mandatory approach and in favour of a voluntary one. Half of the respondents to the public consultation considered that GI producers should not be required to respect higher sustainability standards than any other producer (while one-fourth of them supported such approach). They have pointed to sustainability commitments being a process over time and not a one-off action. In addition, the Farm to Fork Strategy announced for 2023 a proposal on sustainability of the food system in a holistic framework, covering general/horizontal sustainability principles/criteria. Pending such framework, anticipating requirements is challenging for GI businesses and policy-making.

6.2.4. *Cross-cutting actions*

6.2.4.1. Communication/information actions

In the framework of its external communication policy, the Commission has developed a comprehensive set of activities to inform the general public and interested stakeholders about the system of geographical indications. Nevertheless, the message and meaning of GI/TSG schemes do not seem to reach average consumers (see section 2.1.4). By stepping up efforts in relation to information and communication activities, citizens, consumers and producers will acquire better understanding of the concept and benefits of geographical indications. As for consumers, this could convince them to purchase such

products, while better-informed producers could be persuaded to apply for a registration of a product name.

6.2.4.2. Guidelines for producers and Member States' authorities

Written explanations of the registration process and advice on drafting the application would allow producers to check if their product qualifies as a GI and help them and Member States' authorities with the preparation of GI applications. A toolkit with videos, webinar recordings and stories about GIs should assist producer groups in their decision to apply or not for a registration. Extensive guidelines, available in all EU languages, should facilitate the drafting of the applications and encourage applicants also in non-EU countries to apply for the scheme, especially in cases where applicants may forward their application directly without interference of non-EU Country's authorities.

Guidelines should lead to better quality applications, which in consequence will shorten the time needed for scrutiny at national level. The registration process should be smoother, with less time-consuming correspondence with the applicant, thereby achieving cost savings.

6.2.4.3. Full digitalisation

To make GIs fit for digital age, the Commission has been developing over the last years two digital applications: *eAmbrosia* and *GIview*, the latter in collaboration with EUIPO.

eAmbrosia serves a double purpose. While its 'public' module includes the EU register of geographical indications, the tool is also used by Member States to submit applications for registration or amendments of the product specifications to the Commission, and to exchange between both public authorities on these applications. Extension of the obligatory use of this IT tool to all agricultural products and foodstuffs will result in faster treatment of applications and better monitoring thereof.

Member States have expressed the need for improvements in the functionalities and user experience of *eAmbrosia*. Where these are legitimate impediments to efficiency, the improvement targets should be set out in legislation (probably secondary, but a base and principles will be needed in the basic act) to ensure resources are allocated in time and adequately.

Main aim of *GIview* is to enhance transparency, the public availability of information and to improve the enforcement of IPR. It is able to display pictures of the GI product, interactive maps, product details, hyperlinks to producer groups' websites, as well as easily updatable contact details of control authorities/bodies and producer groups. It will also give GI representatives an access to the Union's Intellectual Property Enforcement Portal (IPEP), ensuring among others the possibility to file a customs application for action (AFA) and direct contact with anti-fraud authorities, customs and police.

A full digitalisation of the processes has been welcomed by the respondents to the OPC, It would have a positive or very positive impact on securing swift protection of GI producer's right and on the transparency of the registration process, for 76% and 77%

respectively. Business associations and companies/business organisations, and public authorities support a full digitalisation of the GI registration process.

7. HOW DO THE OPTIONS COMPARE?

Likely advantages and drawbacks of options retained for impact analysis are listed below:

Table 3: Advantages and drawbacks of the policy options

| Option | Advantages | Drawbacks |
|---|---|--|
| PO-1 Improve and support | <ul style="list-style-type: none"> + Thanks to aligning procedures across the sectors, reduced administrative burden for national authorities, however to a limited extent + No EU level procedure for traditional products, thus reduced regulatory burden on businesses + Somewhat faster registration of the names + reduced cost and resources use for operators, however, limited + Facilitated access of PGs to enforcement authorities through identification of a representative PG + More visibility of sustainability aspects related to GIs + Slight increase in the use of GI labelling by the wine and spirit drinks sector thanks to flexible approach on the EU logo + Preservation of Europe's cultural heritage of traditional foods | <ul style="list-style-type: none"> - No increased visibility of the EU logos - Fragmented legislation remains (no full coherence of EU rules on protection of GIs) - Complex system to explain to non-EU countries - Hybrid system of existing and new TSGs - Improvements with regard to different sustainability dimensions are not ensured - Improvements in public health, but not ensured - Limited contribution to balanced territorial development and to the social fabric of rural areas |
| PO-2 Better define and reinforce | <ul style="list-style-type: none"> + Uniform enforcement standards in the internal market. + Increased efficiency of procedures due to the involvement of an existing agency (MS level scrutiny maintained) + Shorter registration time + Collective organisation of recognised producer groups and strengthened position + Increased visibility of the EU message – logo – on each GI/TSG product + Easier implementation of EU law due to legal clarifications + Enhanced contribution to a balanced territorial development and to the social fabric of rural areas due to a higher uptake of GIs and more intensive value chain involvement + More GIs produced in a sustainable manner, in a stepwise way + More sustainable products' | <ul style="list-style-type: none"> - Additional investment and compliance costs for producers introducing sustainability requirements - Increased costs of certification due to sustainability requirements in the product specification - Obligatory use of logo not necessarily supported in every sector due to increased regulatory burden on producers - Risks of implementation and compliance - Uncertain magnitude of improvements with regard to different sustainability dimensions, including public health, dependant on the undertakings of producers groups |

| | | |
|---|--|--|
| | <ul style="list-style-type: none"> alternatives available + Increased protection of biodiversity, landscapes; natural resources, animal welfare + Facilitated protection of traditional food names + Preservation of Europe's cultural heritage of traditional foods | |
| PO-3 Harmonise and upgrade | <ul style="list-style-type: none"> + Reduced administrative burden for national authorities due to one single basic act for all GIs + Strengthened position of SMEs in the value chain thanks to better management of GI assets + All GI products clearly identified in the market place following obligatory use of uniform EU logo + Increased consumers' recognition + Set of unified and harmonised enforcement and control rules for Member States + Increased efficiency of procedures due to outsourcing to an agency + Shorter registration time + IPR protection of traditional food names through GIs or appropriate trade marks + More ambitious sustainability level achieved + Contribution to healthy, sustainable diets ensured therefore contributing to improved public health + Preservation of Europe's cultural heritage of traditional foods | <ul style="list-style-type: none"> - Increased regulatory burden on EU and Member States to adapt to a single GI Regulation and removal of control provisions from the scope of OCR - A single basic act not necessarily supported by all sectors as they fear loss of specificities per sector - Increased regulatory burden and compliance costs for producers with new GI specific control legislation - Additional investment and compliance costs for producers who have to comply with sustainability requirements - Increased costs of certification due to sustainability requirements in the product specification - Unknowns pending the proposal and decision on the forthcoming EU framework for sustainable food systems - Risk of delays and lower sustainability impacts – deterring effect on producers to include sustainability requirements - If Member States excluded from the registration procedure, loss of expertise and closeness to applicants in the registration procedure - Obligatory use of logo not necessarily supported by all sectors as not seen by all as value added - Limited possibilities for producers of traditional products to protect their names |
| Cross-cutting | <ul style="list-style-type: none"> + Better informed consumers + Increased transparency and links with enforcement authorities (GIview) + Greater attractiveness of GI scheme via extensive guidelines (e.g. toolkit) and user-friendly digital tools | |

The analysis of the potential impacts of the different policy options for the future GI policy has been based on the methodology proposed in the Better Regulation Guidelines

applying to impact assessment of the Commission up to 2020⁶³. As a first step, specific objectives were assessed in relation to the four different policy options, followed by a primarily qualitative analysis in order to identify the most important impacts of the various options.

The methodology used is detailed in Annex 4.

The estimated weighting of the selected criteria (specific objectives) was established based on the stakeholders' opinion on expected impacts and costs/ administrative burden, identified in the public consultation on a number of focus areas (Factual summary of the public consultations replies, Section 3.4). As for *effectiveness*, the share of replies marked as expected impacts to be “positive” and “very positive” were analysed, while for *efficiency*, the share of replies marked as “negative” and “very negative” regarding the impacts expected for costs/ administrative burden were accounted.

In addition, the magnitude of impact of the selected criteria is reflected in the respective scoring attributed to each option (0/+1/+2/+3). This scoring is based on the analysis integrating internal qualitative assessments and expert opinion, public consultation (Section 3.2 Objectives), taking into account the expertise and the analysis of direct and indirect impacts of the options⁶⁴, the advantage and drawback elements of the various options as well as the elements of the assessment of estimated costs and benefits.

The result of the aggregate scoring of objectives for *effectiveness and efficiency* translated to a summary table shows that amongst the options retained, option PO-2 “Better define and reinforce” and option PO-3 “Harmonise and upgrade” show the highest objectives achievement and cost efficiency:

Table 4: Summary table: Scoring of objectives for effectiveness and efficiency against policy options

| | | PO-0 | PO-1 | PO-2 | PO-3 |
|---|--|-------------------|---------------------|-----------------------------|-----------------------|
| | | Baseline scenario | Improve and support | Better define and reinforce | Harmonise and upgrade |
| <i>Improve enforcement of GIs</i> | | 0 | ++ | +++ | ++ |
| <i>Sustainability</i> | | 0 | + | ++ | + |
| <i>Empower producer groups</i> | | 0 | + | ++ | +++ |
| <i>Awareness of GI schemes/logos</i> | | 0 | + | ++ | ++ |
| <i>Streamline and clarify legal framework/ procedures</i> | | 0 | + | +++ | ++ |
| <i>Safeguard the protection of traditional food names/ better</i> | | 0 | + | + | + |

Moreover, the Impact matrix resulting from the ranking of options confirms that Option 2 score the best on effectiveness, efficiency, coherence, proportionality and risks:

⁶³ <https://ec.europa.eu/info/sites/default/files/better-regulation-guidelines-impact-assessment.pdf>

⁶⁴ In relation to the addition of obligatory criteria as a bar to registration of intellectual property rights, such as obligatory sustainability rules foreseen in Option 3, questions of compliance with the unfettered obligation to protect IPR in the EU charter on fundamental rights and with WTO rules (preventing application to non-EU applicants) render the score for Option 3 lower than the voluntary approach.

Table 5: Impact matrix on policy options' effectiveness, efficiency, coherence, proportionality and risks

| | PO-0 Baseline scenario | PO-1 Improve and support | PO-2 Better define and reinforce | PO-3 Harmonise and upgrade |
|--|------------------------------|--------------------------------|--|----------------------------------|
| <i>Effectiveness</i> | 0 | ++ | +++ | ++ |
| <i>Efficiency</i> | 0 | +++ | ++ | + |
| <i>Coherence</i> ⁶⁵ | 0 | + | ++ | ++ |
| <i>Proportionality</i> | 0 | + | ++ | + |
| <i>Implementation and compliance risks</i> | 0 No risks | +++ Limited risks | ++ Medium risks | + Higher risks |

The *proportionality* of the options was estimated based on the perception of stakeholders on the proposed reform action. For instance, the proposal of several interventions were perceived by stakeholders as too strict and therefore not proportionate as regards the impacts to be achieved (e.g. investment costs for sustainability). In this respect, the proposed reform actions, which seemed as not proportionate received “+”, while more balanced options received “++”. *Implementation risks* were estimated linked to the proportionality and taking into account the possible bottlenecks in implementation, also based on the stakeholders' feedback and internal analysis.

8. PREFERRED OPTION

8.1. Option 2: Better define and reinforce

Each policy option contains a mix of actions that address all of the specific objectives with varying degrees of ambition. The mixing of the different actions under the different options has been designed following the outcome of the consultations with stakeholders and Member States' authorities.

The three cross-cutting activities, i.e. communicating about GIs, providing guidelines and digitalisation will be implemented, regardless of the selected policy option.

Considering all the options above, it seems that option 2 “Better define and reinforce” has the most merits.

This option scores the highest as regards the comparison of costs and benefits for GI producers. While producers will benefit from a faster and better protection, the costs, notably related to the length of the registration procedure and resources needed, will decrease. This could offset costs related to the labelling, under the assumption that higher flexibility of the rules on the EU symbol would be an incentive for wine and spirit

⁶⁵ Coherence with overarching EU objectives (CAP, Farm to Fork strategy and other EU policies) was assessed in general, and in particular for the sustainability aspects stemming from the Farm to Fork strategy. Therefore, the scoring of coherence is reflecting primarily the sustainability aspects.

drinks' producers to start using it. Voluntary inclusion by the GI producer group of sustainability criteria in the product specification would entail additional compliance and certification costs that could be partly offset by support measures in the framework of rural development policy and could meet consumers' expectations for products with a higher ambition in sustainability aspects. Traditional foods will continue to benefit from the TSG scheme, having seen high interest by stakeholders to keep it. Besides, Member States indicated that producers have expressed interest in using the scheme, if its scope and eligibility criteria would be clarified.

Whilst the option "Harmonise and upgrade" also scores high, one main disadvantage is that it would systematically increase producers' costs related to compulsory sustainability requirements. Producers might systematically transfer higher costs in the final price of the products affecting their affordability and consumers' willingness to pay. Moreover, introducing specific standards for GIs ahead of the definition of the EU framework for sustainable food systems is premature. It would require at least two waves of mandatory adjustments, first specific ones due changes in GI legislation, then possible further changes stemming from the horizontal framework. While the latter will be proposed in 2023, its enforcement will require time, considering co-decision and other steps for implementation. Imposing new EU requirements would also raise issues with non-EU countries and compliance with international obligations (under WTO/TRIPS Agreement), while time is needed to promote the global transition (e.g. external part of the Farm to Fork Strategy and the Trade Policy Review).

By contrast, the stepwise, voluntary approaches pursued under option 2 would be smoother and could achieve earlier progress, hence being more effective and efficient than option 3.

In case Member States authorities would be prevented from running the national procedure of the registration process⁶⁶, the risk of registering geographical indications not meeting the requirements would increase.

Finally, as regards the two sub-options for outsourcing the registration procedure to an agency, sub-option 2.1 is preferred. This sub-option involves the agency up to finalising the assessment of the application, including the opposition procedure if launched, but keeping the decision of registering the name or not with the Commission. The advantage of this sub-option is to keep the Commission responsible for taking a decision, assuring the synergies between GIs and the policy instruments of the CAP and of the Common Fisheries Policy (CFP), while reassuring stakeholders and Member States of the continued alignment of GIs within these policies in the legislative proposal. The efficiency gains would be higher if option 2.2 or 3 were selected. However, given the need for continued CAP and CFP input the Commission acknowledges the necessity to retain the decision-making responsibility. Detailed technical and policy considerations in the specialist areas concerned could also be further secured by having a group of experts advising notably on outstanding agricultural / fisheries issues in the GI applications. An important reason to retain agricultural GIs as part of the CAP instruments that has been

66 Except in sub-option 3.1.

mentioned is that GIs are an important driver of the rural economy, and production and marketing of the main CMO products are governed by the CAP.

8.2. REFIT (simplification and improved efficiency)

The SWD on the policy evaluation and information gathered through Member States and stakeholder consultations have identified the efficiency of the administrative process for the registration and amendments of GIs as an area for improvement. The length, complexity and cost of the filing, scrutiny and registration procedures are the main problems considered, both at national and European level, not only from an internal administrative perspective, but also from the perspective of the communication and interaction with producer groups and other actors and stakeholders involved in the process or affected by it.

The actions proposed under the policy option ‘Better define and reinforce’ address these issues.

The harmonisation of the Union-level procedures, with the same simplified set of rules for the registration, amendment, cancellation and opposition procedures of all GIs should considerably reduce the complexity of the current system. Streamlined procedures will result in faster processing of the applications and leave room for resource savings both for producers and public authorities. This will be reinforced by guidance and information activities that will help producers and national authorities to draft applications of a higher quality, further shortening registration times.

Faster treatment of applications and better monitoring thereof will also be achieved by making the use of the IT-tool *eAmbrosia* obligatory for all GI products (this is currently not the case for agricultural products and foodstuffs). Further development of the interface portal *GIview*, in collaboration with EUIPO, provides for better and easier access to GI information. Due to its transparency, the database is an important simplification for producers and authorities in the enforcement of GI rights.

Different degrees of potential involvement of an agency for improving the efficiency of the administrative process for the registration and amendment of GIs, including scrutiny procedures at Member States’ and EU level, were also analysed in the context of this report. The analysis put forward a number of options for the GI registration / amendment procedures, with a focus on identifying benefits and improvement vectors, such as efficiency gains and length reduction, burden reduction, improvement of the quality of the GI file assessment, transparency of the scrutiny process, and consistency of the observations. All different ‘agency’ scenarios are explained in detail in Annex 11, and a comparative summary is shown below.

| BENEFIT INDICATOR | BASELINE | <i>COM only</i> 1. Baseline with IT Improvements | <i>Agency + COM</i> 2.1 MS + Agency opinion + COM decision | <i>Agency + COM</i> 2.2 MS + Agency decision + COM appeal | <i>Agency only</i> 3.1 MS + Agency + Appeal body / Scientific Board | <i>Agency only</i> 3.2 Agency + Consult MS + Appeal body / Scientific Board |
|---|---|---|---|--|--|--|
| LENGTH OF THE ANALYSIS | | | | | | |
| Time to registration for applications with no link or product description issues (EU Level, no oppositions) | 8 months | 7 months | 10 months | 6 months | 6 months | 11 months |
| Time to registration for applications with no product description issues (EU Level, no oppositions) | 18-24 months | 22 months | 12 months | 8 months | 8 months | 12 months |
| Time to registration for applications with no link description issues (EU Level, no oppositions) | 18-24 months | 22 months | 12 months | 8 months | 8 months | 12 months |
| Time to send the first letter of observations | Target: 6 months Average: 7 months | Target: 4 months Performance: 5 months | Target: 2 months Performance: 1.6 months | Target: 2 months Performance: 1.6 months | Target: 2 months Performance: 1.6 months | Target: 2 months Performance: 1.6 months |
| Time to registration all non-objected cases (EU Level) | Performance: 2 - 5 years | Performance: 1 - 4 years | Performance: max 3 years | Performance: max 2 years | Performance: max 2 years | N/A |
| Time to registration all non-objected cases (MS+EU Level) | Performance: 1 - 10 years Average: 5 - 6 years | Performance: reduction of 1 year | Performance: Reduction of up to 2 years | Performance: Reduction of up to 3 years | Performance: Reduction of up to 4 years | Performance: 1 year max average |
| COSTS | | | | | | |
| Producer Group | MS application fee if applicable MS control fees if applicable | No changes under this option | No changes under this option | No changes under this option | No changes under this option | Application fee |
| COM - FTEs | 16 FTEs | - 8 FTEs | - 13 FTE | - 14 FTE | - 16 FTE | - 16 FTE |
| COM Monetary costs to handle GI files | EUR 33 500 per GI dossier | 50% reduction in the cost per GI dossier | 70% reduction in the cost per GI dossier. | 95% reduction in the cost per GI dossier. | 100% reduction in the cost per GI dossier. | 100% reduction in the cost per GI dossier. |
| Agency FTEs | 3.75 FTE | - 0.5 FTE | 9 FTE | 10 FTE | 12 FTE | 15 FTE |
| Agency – Monetary costs to handle GI files | - | Target: Product manpower unit cost: lower than baseline | Target: Product manpower unit cost: lower than baseline | Target: Product manpower unit cost: lower than baseline | Target: Product manpower unit cost: equal to baseline | Target: Product manpower unit cost: higher than baseline |
| MS management of dossiers | - | 10% efficiency gains | 30% efficiency gains | 30% efficiency gains | 30% efficiency gains | 80% efficiency gains |

Up to 30% efficiency gains are expected for Member States' authorities in managing the files as well as a significant decrease in FTEs at Commission level, which is partially offset against dedicated resources of an agency. A maximum reduction of registration is estimated at 2 to 4 years depending on the chosen sub-option. Besides time savings, producers could benefit from increased transparency of the registration process. No detailed analysis could be carried out at producer level due to lack of quantified data⁶⁷.

As mentioned in point 8.1, the preferred option is partial outsourcing - option 2, sub-option 2.1. This is according to the analysis not the best-performing option, but one which takes better account of the need to ensure integration of agronomic factors and integration of policy with the common market organisations. In order to check the efficiency gains and better assess the impact of outsourcing, the following steps would be taken:

⁶⁷ Limitations: the above analysis assessed the efficiency of the administrative process for the registration of GIs and amendments to the product specifications, including EU and MS level scrutiny procedures. Cost savings related to the involvement of an agency were calculated at EU level only and do not extend into potential impacts for producers, national authorities and other stakeholders. Cost calculations at Member State level considered for this REFIT analysis are based on estimates provided by the Evaluation support study and interviews in a sample of Member States.

1. The Commission retains the power to delegate outsourcing up to the step “decision on registration” (option 2.1).
2. The impacts of this outsourcing will be reviewed five years after the start of the implementation of the outsourcing.
3. The criteria / indicators for the review will consist of:
 - agricultural / wine / spirit drinks specificities integrated;
 - consistency and quality of the scrutiny of the applications;
 - time savings in the registration process;
 - users’ satisfaction score.

In the light of the review, the Commission may propose to modify or rescind the delegation or extend the delegation to decisions and registers.

9. HOW WILL ACTUAL IMPACTS BE MONITORED AND EVALUATED?

The table below provides the core monitoring indicators for the main operational objectives.

Table 6: Monitoring indicators for the main operational objectives

| Operational objectives | Monitoring Indicators | Data source | Base line | Target |
|---|---|--|---|--|
| Simpler and harmonised legal framework | Number of registered GIs and TSGs Sales value of GIS/TSGs | eAmbrosia Study on economic value of GIs and TSGs ⁶⁸ | 3.424 GIs (30/4/2021) 65 TSGs (30/4/2021) 69.44 billion in EU27 in 2017 | Yearly increase by 10% Yearly increase by 10% Increase |
| Toolkit / guidelines to prepare an application | Number of registered names | eAmbrosia | 3.489 names (30/4/2021) | Yearly increase by 10% |
| Sustainability criteria included in the product specification | Number of GIs with this information provided / sustainability statement | GIview | No information provided yet | Increase in entries |
| Information on geographical indications and traditional specialities guaranteed, including on the label | Share of citizens recognising the EU logo | Eurobarometer | PGI logo 20% PDO logo 14% TSG logo 14% ⁶⁹ | Yearly increase by 2 pp |

⁶⁸ Study on economic value of EU quality schemes, geographical indications (GIs) and traditional specialities guaranteed (TSGs); <https://op.europa.eu/en/publication-detail/-/publication/a7281794-7ebe-11ea-aea8-01aa75ed71a1>

⁶⁹ <https://europa.eu/eurobarometer/surveys/detail/2229>

| | | | | |
|---|--|-----------|-------------|------------------------|
| | | | (2020 data) | |
| Partial transfer of registration process to an agency | Time to register after the receipt of an application | eAmbrosia | 2-5 years | 2-3 years |
| Clarified “Traditional Speciality Guaranteed” scheme | Number of TSGs | eAmbrosia | 65 | Yearly increase by 10% |
| Full digitalisation | Time to register after the receipt of an application | eAmbrosia | 2-5 years | 2-3 years |

Agriview dashboards ([European Commission | Agri-food data portal | CAP Indicators \(europa.eu\)](#)) provide information on a set of performance indicators in four categories: context, output, result, and impact. The indicators are combined with further information (such as on trade and quality schemes) into 12 thematic presentations at EU and Member States level. Context indicators provide information on agricultural and rural statistics as well as general economic and environmental trends. In this framework, data on the number of registered geographical indications and traditional specialities guaranteed is provided and periodically updated⁷⁰. An upgrade of dashboards is on-going to include data on exports and to link it with e-Ambrosia to ensure a daily update with newly registered names. This monitoring makes also integral part of the Performance Monitoring and Evaluation Framework of the CAP 2023-2027.

To monitor contribution of GIs to sustainable development and ensure transparency, GIview includes a section for each registered geographical indication where Member State’s authorities will include the sustainability statement.

The 2016 Inter-institutional Agreement on Better Law-Making provides that the three Institutions agree to systematically consider the use of review clauses in legislation, and that account is taken of the time needed for implementation and for gathering evidence on results and impacts. Based on this, the Commission shall carry out an evaluation no sooner than five years after the date of application of the Regulation. The evaluation will be conducted according to the Commission's Better Regulation Guidelines.

⁷⁰ [EC - Agri Adding Value Indicators \(europa.eu\)](#)