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F.3 – Geographical indications

FREQUENTLY ASKED QUESTIONS ON GI AND TSG SYSTEMS

Foreword

This document compiles questions and answers received from Member States and stakeholders regarding the provisions of Regulation (EU) No 2024/1143 and its secondary legislation.

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It is important to underline that replies are addressing specific written questions, which have been summarised in this document and must be read within the restricted context of each question.

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1. GENERAL PROVISIONS

1.1. Definitions

1) What is considered as a "production step"?

In light of Article 2(1)(d) of Regulation 2024/1143, 'production step' is any stage of production, including raw materials, or of processing, preparation or ageing, up to the point where the product is ready to be placed on the market.

2) How is the "processing" defined?

'Processing' is defined indirectly by the reference that the definition of 'processed product', in Article 2(1)(f), of Regulation (EU) 2024/1143, makes to Article 2(1)(o), of Regulation (EC) No 852/2004, and which is any action that substantially alters the initial product, including heating, smoking, curing, maturing, drying, marinating, extraction, extrusion or a combination of those processes. It should be noted that 'processing' is in any event considered a production step in the framework of the EU legislation on geographical indications.

3) What is the definition of 'bottling and packaging'?

'Bottling and packaging' are neither directly nor indirectly defined. However, the definition of Article 2(1)(k) of Regulation (EC) No 852/2004 should apply. Therefore, it is not limited to wine and can indeed cover other products. In the case of cheese, it would include cutting, wrapping, or packaging the cheese for sale, provided that these operations are covered by the product specification.

4) What is the definition of the "field of vision"?

The definition of field of vision is to be taken from the general regulation on labelling which is Regulation (EU) No 1169/2011 (FIC, food information for consumers). Therefore, 'field of vision' means all the surfaces of a package that can be read from a single viewing point (Article 2(2)(k)).

"The same field of vision" generally refers to the area on the labelling/packaging that can be seen from the same angle, without the need to turn the product. In accordance with Article 2(2)(j) of Regulation 1169/2011, the "field of vision" means all the surfaces of a package that can be read from a single viewing point.

5) What is the definition of "operator"?

According to Article 2(1)(e) of Regulation (EU) 2024/1143, "'operator' means a natural or legal person who performs activities subject to one or more obligations provided for in the product specification". This definition applies to any activities in relation to the production or processing of the product.

For the meaning of "operator" in the sense of Article 37(5) please consult section 2.3.8.

6) Does the Regulation (EU) 2024/1143 provides a definition of a "producer"?

Regulation (EU) 2024/1143 does not provide for a definition of producer. Therefore, producers are to be considered those natural or legal persons which perform activities consisting in the production of the product.

7) *What is the difference between a "producer" and "operator"?*

As a basis, the difference between a 'producer' and an 'operator' is that the producer performs production activities (i.e. bottling is excluded, a 'bottler' is not a 'producer') while the 'operator', as per definition in Article 2(1)(e) of Regulation (EU) 2024/1143, is any natural or legal person performing an activity covered by the product specification (i.e. 'bottling' included, if applicable).

8) *A "bottler" performing activities set in the product specification should be considered only as an "operator" or also as a "producer"?*

Article 2, point 1 (e) of Regulation (EU) 2024/1143 defines the term 'operator' [as] "a natural or legal person who performs activities subject to one or more obligations provided for in the product specification". This definition applies to any trade performing activities in relation to the production or processing of the product. For the wine trade, this means that any winegrower, wine trader or bottler may be considered as operator, only if they perform activities subject to one or more obligations provided for in the product specification of the concerned wine product.

Regulation (EU) 2024/1143 does not provide for a definition of producer per se. In any event, bottling is not a production step and, therefore, a bottler may not be considered as a producer, although it may be an operator in the meaning of Article 2, point 1 (e) of Title I of Regulation (EU) 2024/1143.

A case-by-case assessment is necessary to identify the operator responsible for the substantial part of the processing.

9) *What is a "Combined Nomenclature"? How is it used for the purposes of Regulation 2024/1143?*

The "Combined Nomenclature" (CN) is established by Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs. The CN is the goods classification used within the European Union for the purposes of foreign trade statistics. The classification is based on the World Customs Organisation (the WCO) standard Harmonised System (HS) which it sub-divides where necessary for purposes of external trade, agricultural regulation and customs duties. The WCO draws up the HS Explanatory Notes, which offer a detailed explanation of the classification of goods based on their characteristics, use, and composition.

In accordance with Articles 5 and 6 of the Regulation 2024/1143, the CN is relevant to identify the classes of the products designated by a Protected Designation of Origin (PDO), a Protected Geographical Indication (PGI) or a Geographical Indication (GI). It does not apply to Traditional Specialities Guaranteed (TSG).

2. GEOGRAPHICAL INDICATIONS

2.1. General provisions

2.1.1. Scope

1) *Which "agricultural products" can be registered as geographical indications?*

In accordance with Article 5 of Regulation (EU) 2024/1143, the term 'agricultural products' covers:

- agricultural products, including foodstuffs and fishery and aquaculture products, listed under Chapters 1 to 23 of the Combined Nomenclature set out in Part two of Annex I to Regulation (EEC) No 2658/87 and
- the agricultural products under the Combined Nomenclature headings set out in Annex I to Regulation (EU) 2024/1143, except wine and spirit drinks.

2) *It is allowed to protect natural water (not mineral water) as a protected geographical indication?*

The CN (Combined Nomenclature) code for water is 2201. This CN code corresponds to "Waters, including natural or artificial mineral waters and aerated waters, not containing added sugar or other sweetening matter nor flavoured; ice and snow", which are therefore covered by Regulation (EU) 2024/1143 and may be eligible for protection as geographical indications, provided all other relevant conditions are met.

We can confirm therefore that water is included in the scope of Regulation (EU) 2024/1143.

Eligible waters must prove to have qualities or characteristics essentially or exclusively due to their geographical environment (if applying for registration as PDO) or a given quality, characteristics or reputation essentially attributable to their geographical origin (if applying as PGI).

3) *Could a product such as a "mud" that was identified under CN code 2530 90 70, i.e. 'Other' under 'Mineral substances not elsewhere specified or included' in chapter 25 of the Combined Nomenclature be protected as an agricultural GI or a craft and industrial GI?*

It appears that this product would be out of the scope of Regulation (EU) 2024/1143 on agricultural GI since this Regulation covers only:

For GIs - agricultural products, including foodstuffs and fishery and aquaculture products, listed under Chapters 1 to 23 of the Combined Nomenclature set out in Part two of Annex I to Regulation (EEC) No 2658/87, and the agricultural products under the Combined Nomenclature headings set out in Annex I to Regulation 2024/1143, except wine and spirit drinks. Within the scope of chapter 25 of the Combined Nomenclature, only salt is included in the scope of Regulation (EU) 2024/1143.

For TSGs - agricultural products intended for human consumption listed in Annex I to the TFEU as well as foodstuffs and agricultural products listed in Annex II to Regulation (EU) 2024/1143 – none covering the product such as 'mud'.

In view of the above, you could consider applying for registration under the relevant legal framework applicable to crafts and industrial GIs, since the scope of Regulation (EU) 2023/2411 on crafts and industrial GIs is defined as covering products not covered by the Regulation (EU) 2024/1143, Regulation (EU) 1308/2013 and Regulation (EU) 2019/787, i.e. agricultural products and foodstuffs, wine and spirit drinks respectively.

4) *Would the geographical indication 'Absolue Pays de Grasse' fall within the scope of Regulation (EU) 2024/1143?*

Essential oils are covered under CN code 33 01 of Annex I to Regulation (EU) 2024/1143. According to the Combined Nomenclature, the products covered by that code are 'Essential oils (terpeneless or not), including concretes and absolutes'.

Therefore, the geographical indication 'Absolue Pays de Grasse' as an absolute would fall within the scope of Regulation (EU) 2024/1143 under CN code 33 01.

5) *Would the geographical indication 'Garance des terres de Provence' fall within the scope of Regulation (EU) 2024/1143, or Regulation (EU) 2023/2411 on the protection of geographical indications for craft and industrial products?*

According to the product specification *'Garance des terres de Provence'* is a herbaceous plant of the Rubiaceae family - Rubia tinctorum, which is grown, dried and processed (crushed) to produce a colourant. Therefore, the product designated by the geographical indication *'Garance des terres de Provence'* is a colouring matter of plant origin.

Although covered by CN code 32.03 of the Combined Nomenclature ('Colouring matter of vegetable or animal origin (including dyeing extracts but excluding animal black), whether or not chemically defined; preparations as specified in note 3 to this chapter based on colouring matter of vegetable or animal origin), it does not seem possible to fall within the scope of Regulation (EU) 2024/1143.

The CN code 32.03 is listed in Annex I to Regulation (EU) 2024/1143 only as a cochineal reference code. It must be inferred from this that cochineal is the only product of CN code 32.03 which falls within the scope of Regulation (EU) 2024/1143.

2.1.2. Sustainability

1) *We are of the opinion that unsustainably produced products must also be able to continue to be protected. To what extent can the eligibility of a PGI be based on a sustainable practice?*

The eligibility for protection of a product as a GI does not depend on the inclusion of sustainable practices in the product specification. In line with Article 7(1), "a producer group, or a recognised producer group where such a group exists, may agree on sustainable practices to be adhered to in the production of the product designated by a geographical indication…". There is no obligation to include sustainable practices; they are voluntary.

2.2. Registration of geographical indication

2.2.1. Applicant in the national stage of the procedure for registration

1) *What are the requirements for the legal form of the applicant?*

There is no specific legal form required for an applicant producer group. Any legal form can be accepted.

2) *Should the applicant group be made up only of representatives of the producers, or can others be involved?*

In accordance with Article 9(1) of Regulation (EU) 2024/1143, an applicant producer group shall be an association, irrespective of its legal form, mainly composed of producers

of the same product the name of which is proposed for registration. In this sense, the applicant group should be made up only of the producers.

Under Article 9(2), an authority may be designated as 'the producer group' (just for spirit drinks).

3) *To what extent can other interested parties "assist" producer groups?*

Article 9 of Regulation (EU) 2024/1143 indicates that "public bodies and other interested parties may assist in the preparation of the application and in the related procedure", i.e. government agencies, other public bodies or other interested third parties can help the producer group to prepare the application. However, these parties should not be members of the producer group.

Furthermore, public bodies may be involved in the creation or functioning of a producer group in the ways identified in Articles 32(5) and 32(6).

4) *Can producers of rye and rye flour be considered part of the applicant producer group of an application for registration of a rye bread?*

The Commission would not reject a GI application submitted by a producer group where such group would also include producers of raw materials, as long as the application is submitted by a producer group and its contact information is provided.

It is the Member State's responsibility to verify the legality and composition of the producer group in accordance with its national laws at the national stage of the procedure of registration before the application proceed to the EU level.

Therefore, it is entirely possible for rye and rye flour producers to be members of a producer group for a GI consisting of rye bread. It will depend on the willingness of the producers of both the raw materials and final product to associate themselves on the one hand, and of the national authorities to authorize this membership on the other hand.

5) *Articles 9(3) and Article 56(1) of Regulation (EU) 2024/1143 lay down the conditions for the recognition of an individual producer as an applicant producer group in case of GIs and TSGs respectively. If the conditions are met, does the text of Article 9(3), contrary to Article 56(1), give the Member State a discretionary decision on the recognition of the individual producer as an applicant producer group?*

There is no difference in this respect in the provisions for GIs and TSGs. Article 9(3) reads: "For the purposes of this Title, a single producer may be deemed to be an applicant producer group, where it is shown that all of the following conditions are fulfilled: …"

The use of the word "may" in this provision is not intended to give a discretion to the Member States to reject an applicant that fulfils all the required conditions. It is to state that a Member State is only allowed to consider a single producer as an applicant producer group if all those conditions are fulfilled and in no other case. However, we agree that the way in which this is worded could have been better.

6) *May a company, in which individual pig farms (producers) and a central butchery hold ownership and whose name is the same name as the product produced by*

those producers, apply for registration of the name of that product as geographical indication?

There is no requirement in the Union legislation on geographical indication for a name of a geographical indication to be different from the name of its producer group. Therefore, the identity of the name of the company with the name of the geographical indication applied for is not an obstacle for the registration under Regulation (EU) 2024/1143. On the basis of the information you gave, the concerned company (association of several producers of the same product in the form of a limited liability company) seems to fulfil the requirement for an ordinary applicant producer group, in accordance with Article 9(1) of Regulation (EU) 2024/1143. The special provisions concerning the single producers, referred to in Article 9(3) of that Article, do not seem relevant.

2.2.2. National stage of the procedure of registration

1) *Is there any provision currently in force which would allow a MS to establish admissibility criteria for a National Opposition Procedure, or provide a set of admissibility criteria which could be used in a National Opposition Procedure?*

Article 10(4) of Regulation (EU) 2024/1143 sets out the obligation for Member States to carry out national opposition procedures ensuring reasonable deadlines. Article 10(5) of the same Regulation obliges Member State to establish the modalities of the national opposition procedure without specifying a mandatory content for those modalities.

Therefore, an obligation to carry out national opposition procedures exists, but there is no obligation to apply or establish any admissibility criteria.

Although Member States are not obliged to establish and apply admissibility criteria, they are not prevented from doing so. The normal management of the national opposition procedure would logically require the application of admissibility criteria.

2) *Should MS publish the name and control details of control authorities/bodies during the national stage of registration?*

In line with Article 10(4) of Regulation (EU) 2024/1143, in case of applications for registration, the names and contact data of the control authorities are not included in the publication by the Member State during the national stage of the registration procedure. This also applies to applications for amendment according to Article 24(6) of Regulation (EU) 2024/1143.

In the context of an application for registration or Union amendment, Member States have to send information on control authorities to the Commission as accompanying documentation (see the requirements in Article 13(1)(b) of Regulation (EU) 2024/1143).

However, in line with Article 40(1) of the same Regulation, it is the Member States that have to make public the control authorities and have to keep that information up to date.

2.2.3. Transitional national protection

1) *In case of an application for a Union amendment, may a Member State temporarily grant, from the date of submission of the application for Union amendment to the Commission, a transitional authorisation/protection for the requested change,*

which is only applicable at national level and has no impact on the internal market or international trade?

Article 11 of Regulation (EU) 2024/1143 applies to new GI registrations, granting transitional national protection to the GI names while the EU registration process is ongoing.

This Article does not apply to Union amendments and thus should not be seen as a tool to grant transitional authorisation to apply changes before they are approved.

Union amendments are applicable when they are approved by the Commission, i.e. when the implementing Regulation approving the Union amendment(s) enters into force. Allowing application of the changes considered as Union amendments, which are not yet approved, would create confusion and lead to unequal standards within the single market. It would also create uncertainty as to which requirements should be taken into account when official controls are carried out.

In this regard, it should be emphasised that, since Article 11 does not apply to Union amendments, it is not possible to grant transitional national protection to the new name(s), which are changed under Union amendment procedure.

2.2.4. Accompanying documentation

1) *How the name and the contact details of the applicant group should be communicated to the Commission?*

According to Article 12(1)(b) of Regulation (EU) 2024/1143, the name and contact details of the applicant producer group are indeed part of the accompanying documentation. Therefore, in the context of a new application for registration, Member States have to send the concerned information on producer organisations to the Commission as an accompanying document (see the requirements in Article 13(1)(b) of Regulation (EU) 2024/1143). For these applications, the information on the applicant is sent to the Commission via eAmbrosia.

2.2.5. Application for registration at Union stage

1) *If a party based outside the EU applies to register the name of its product as a GI, is it obliged to show that the name is already registered as a GI in its own country?*

When a party from outside the Union applies for the registration of a geographical indication (GI), it must provide "legal proof of protection of the geographical indication in its country of origin" (Article 13(2)(d) of Regulation (EU) 2024/1143). This means that the applicant must demonstrate that the name is protected in its home country prior to being considered for registration at the Union stage. It is to note that this requirement stands regardless of whether the GI protection system exists in the applicant's country or not.

2) *Can the name 'Lambiek' be used as a geographical indication to cover three distinct products—Vosse Lambiek, Jonge Lambiek, and Oude Lambiek—while ensuring that qualifying descriptors like 'Vosse', 'Jonge', and 'Oude' are included on the label alongside 'Lambiek', especially considering that 'Lambiek' is a key component of 'Oude Geuze' and 'Oude Kriek', which are also proposed for PGI registration?*

One name for a geographical indication can indeed cover distinct products. Should you submit a request for the registration of the name 'Lambiek' as a geographical indication, the term 'Lambiek' would be the only registered and protected name. However, that name may be then accompanied on the label by an adjective that identifies distinct products resulting from variations in the method of production of the product (resulting in three distinct products). Of course, the link must be demonstrated with reference to the three distinct products (Article 7 of Regulation (EU) 2025/26). Therefore, the product specification must describe the method of production for the three variations of the beer product. Both the product specification and the single document must include the description of the three distinct products and the specific labelling rules regarding the three adjectives must appear in the labelling section. For example, the wording in the latter section could be: 'the name of the product may be accompanied by one of the following terms depending on the length of the ageing (in details: "Vosse" for X years ageing "Jonge" for X years ageing or "Oude" for X years ageing').

As regards 'Oude Gueuze' and 'Oude Kriek', they are already registered as Traditional Specialities Guaranteed (TSG). Therefore, you would first need to request a cancellation of the 'Oude Gueuze' and 'Oude Kriek' TSGs before starting the procedures for registration of 'Oude Gueuze' and 'Oude Kriek' as PGI. In an application for registration of a PGI, there is no prohibition to list another PGI (in this case 'Lambiek') as a required ingredient.

2.2.6. Submission of the application for registration at Union stage

1) *We intend to apply for the registration of one of our products, which is already registered in a third country. Would the fact that an association of producer group is newly established constitute any obstacle or disadvantage at the application stage before the Commission?*

Pursuant Article 14(2) of Regulation (EU) 2024/1143, a producer group of a third country shall be a producer group which works with a product, the name of which is proposed for registration. The Regulation fixes no time limit on the date of creation of the producer group.

We draw your attention to the fact that, irrespective of the date of creation of the group, the producer group should be in a position to demonstrate that it is a group composed of members that work with the product the name of which is proposed for registration. That means, that it should mainly be composed of producers of the product the name of which is proposed for registration.

2) *Can Chambers of Agriculture based in a third country apply for European Union Registration as producer groups? Should the producer group be a group solely dedicated to this product for which the protection is sought?*

Under Article 14(2) of that Regulation (EU) 2024/1143, applications for registration of a geographical indication originating in a non-EU country must be submitted by "a producer group which works with a product, the name of which is proposed for registration". A producer group is an association of producers who work with a product, the name of which is proposed for registration.

The Regulation does not require a producer group to be exclusively dedicated to a single product. What matters is that, for the purpose of the application, the group mainly brings together producers who are directly involved in the production of the product, the name of

which is proposed for registration. The group may therefore include other members, provided that the group is mainly composed of members engaged in the production of the product designated by the geographical indication. We draw your attention to the fact that, irrespective of the other activities of the producers composing the group, the producer group should be in a position to demonstrate that it is mainly composed of producers of the product, the name of which is proposed for registration.

Regulation (EU) 2024/1143 does not provide applicable rules on the role that public bodies and other organisations – such as Chambers of Agriculture, Commodity Exchanges or Chambers of Commerce and Industry – may have in non-EU countries. Therefore, these bodies may act in line with the national rules applicable in a third country. However, they cannot themselves act as applicants if they do not meet the definition of a producer group. For third country GIs, applications must be transmitted to the European Commission either directly by the eligible producer group or via the authorities in a third country, in accordance with Article 14(2) of Regulation (EU) 2024/1143. Even if the application is sent via the authorities, it is always necessary to be able to demonstrate that there is an existing eligible applicant producer group applying for the registration.

2.2.7. Transitional period for the use of geographical indications

1) *Is it possible for a Member State authority to grant a transitional period for farmers to adapt to the new specification following standard amendment?*

Article 20(6) of Regulation (EU) No 2024/1143 only applies to applications for registration and Union amendments. However, if you wish to adopt a standard amendment and simultaneously grant a transitional period, this would be possible, as a measure taken at national level, under your exclusive responsibility. The transitional period linked to a standard amendment should be inspired by the principles of Article 20(6) of Regulation (EU) No 2024/1143.

2.2.8. Union register of geographical indications

1) *Pursuant to Article 22(2) of Regulation (EU) 2024/1143, EUIPO keeps this Union register and keeps it up to date. Is e-Ambrosia redesigned for this purpose? Is GI view retained?*

The new role entrusted to EUIPO on the GI register in Article 22 of Regulation (EU) 2024/1143 is currently being explored between DG AGRI and EUIPO IT development teams. There is no final decision yet how it will be implemented. For the time being, until any further announcement, e-Ambrosia remains the GI register. In addition, whatever the form the future register may take, the data for the register will be provided by the Commission.

The e-Ambrosia portal between the Commission and Member States for processing applications will remain, but it cannot be excluded that some changes will take place.

GI-View, developed and maintained by EUIPO, will be kept as well, as it is not a legally binding database, but also contains additional information and details (such as maps, pictures etc.).

2) *Will information about names protected under international agreements be included in the Union register(s)? (see recital 31 of Regulation (EU) 2024/1143; Recital 34 of Regulation (EU) 2023/2411)?*

The information on names protected via bilateral agreements and via the Geneva Act will continue to be found in GI View. Only in specific cases, the names may be entered in the Union Register (Article 22(4) of Regulation (EU) 2024/1143).

3) *Will there be a separate Union register for CIGIs in the future (cArticle 37 of Regulation (EU) 2023/2411), in addition to the Union register for AGRI-GIs? Or will CIGI be included in a revamped e-Ambrosia?*

EUIPO is developing a register for CIGIs. The AGRI GI and CIGI registers will be distinct registers. However, it is not yet clear whether their online presentation will be formally distinct or integrated in a single platform. The main objective should be to present the information in an easy and clear way to all those who consult the registers, but a definite decision has not been taken yet.

2.2.9. Amendments to a product specification

1) *If a sole producer of a registered GI remains in the geographical area, is it permitted under article 24, paragraph 1, that this producer may block any expansion of the geographical area on the basis that only this sole remaining producer can apply for an amendment to the product specification?*

In accordance with Article 24, paragraph 1 of Regulation (EU) 2024/1143 only a producer group of a product the name of which is a registered geographical indication may apply for the approval of an amendment to the product specification.

Therefore, the producers located outside the PGI geographical area are not allowed to apply for an amendment of the product specification. This rule was set out to strengthen the GI producer groups' rights, which is one of the objectives of Regulation (EU) 2024/1143 (see Article 4: 'contributing to fair competition'). In line with that objective, the regulatory scheme is specifically designed to guarantee fair return to producers that generate added value for products. The objectives of a Regulation are to be appreciated globally, in relation to the other objectives and to the full set of the adopted rules.

2) *Is it possible to change obvious mistakes in the product specifications of the registered geographical indication without any formal standard/or even Union amendment?*

In line with Article 24(2) of Regulation (EU) 2024/1143, "…Amendments to a product specification shall be classified into two categories: (a) Union amendments, requiring an opposition procedure at Union level; and (b) standard amendments to be dealt with at Member State or third country level." Union amendments have to follow Commission scrutiny procedure, standard amendments can be with or without changes to the Single Document and are the ones that can be dealt with directly by the Member State. There is no other more informal way to make changes to a product specification.

3) *Does adding the option to produce partially dealcoholized wine in a product specification fall under a standard amendment or a Union amendment?*

Article 24(3) of Regulation (EU) 2024/1143 clarifies that: 'An amendment shall be considered as a Union amendment if it entails a change of the single document or its equivalent and: (a) includes a change: (ii) for wine, in the name or in the use of the name, or in the category of product or products designated by the geographical indication;

Regulation (EU) No 1308/2013, as amended on 13.5.2024, provides for the possibility of introducing partially de-alcoholised wines for wines with a geographical indication. It should be noted that partially de-alcoholised wines are to be considered as a type of wine and not a category of grapevine products as defined in Annex VII, Part II of Regulation (EU) No 1308/2013.

Consequently, the inclusion in a product specification of the possibility of producing partially de-alcoholised wine under a geographical indication is *prima facie* a standard amendment, if the category already exists.

The communication of the standard amendment must, inter alia, describe the analytical and organoleptic characteristics of the partially de-alcoholised wines, the specific oenological practices used to make the partially de-alcoholised wine(s), the restrictions applicable to this production and the mandatory labelling information (in accordance with Article 119(1) of Regulation (EU) No 1308/2013).

It is important to mention that the communication of the standard amendment must also demonstrate the link between the geographical area and the new type of product.

Should this amendment be likely to void the link with the geographical area as referred to in Article 24(3)(b) of Regulation (EU) 2024/1143, the Union amendment would apply.

4) *Is the modification of the product specification of a PDO cheese introduced to regulate aspects of extensiveness of production and feeding in the geographical area, that would not void the link with the geographical area, to be considered a standard amendment?*

If, in your view, the modification would not void the link with the geographical area, this kind of modification can be considered a standard amendment. It is important to note that the final decision on whether an amendment is a Union or standard one lies with the Member State, which must take responsibility of the assessment.

5) *How the contact data of the producer organisation should be updated and communicated for the registered name under Regulation (EU) 2024/1143?*

Where information on producer groups is provided in the product specification of a registered GI name, any change or the removal of this information from the product specification is subject to a Standard amendment procedure in line with Article 24(4) of Regulation (EU) 2024/1143.

6) *Given that it is no longer mandatory to include information on the name and address of the authorities or bodies responsible for verifying compliance with the provisions of the product specification and their specific tasks in the product specification, can this point of the specifications be deleted?*

Where information on the control authorities is still provided in the product specification, any changes or taking this information out of the product specification is subject to a Standard amendment procedure.

7) *Can a five-year reduction in the percentage of white varieties for a PDO wine be considered a temporary amendment to the specification, and is an application from a representative organization sufficient, or is evidence of bad weather conditions in the growing area required?*

Temporary amendments cannot be as long as five years. A temporary amendment can change the product specification only for a short period of time. In addition, the amendment should be directly linked to a natural disaster or adverse weather conditions, provided these are formally recognised as such by the competent authorities.

Therefore, if adverse weather conditions have disrupted the production of a specific white grape variety, a temporary amendment could consist in the reduction of the percentage of that variety for one specific harvest year to temporarily remedy the unexpected situation. A five-year measure aiming at boosting the percentage and the distribution of specific plant varieties in the area is a structural measure that cannot be considered as a punctual remedy to overcome a temporary difficulty.

In the situation at hand, we would recommend that you explore proceeding with a standard amendment, provided that the reduction of the percentage of white varieties does not risk voiding the link, in which case a Union amendment would be necessary.

8) *Are Articles 8(2) of Regulation (EU) 2025/26 and 2(4) of Regulation (EU) 2025/27 applicable to procedures for the approval of a Union amendment?*

In accordance with Article 24(6) of Regulation (EU) 2024/1143, the procedure for the approval of a Union amendment to the product specification of a PDO or PGI follows (mutatis mutandis) the procedure for the registration of a PDO or PGI.

Articles 8(2) of Regulation (EU) 2025/26 and 2(4) of Regulation (EU) 2025/27 are based on Articles 10 and 17 of Regulation (EU) 2024/1143. Article 24(6) refers explicitly to the applicability of Articles 10 and 17 to the procedure for the approval of a Union amendment.

Therefore, Articles 8(2) of Regulation (EU) 2025/26 and 2(4) of Regulation (EU) 2025/27 are to be interpreted as part of the system, in line with the nature and the scope of the provisions of Regulation (EU) 2024/1143 they are based on.

In the light of the above, they are to be considered as applying to the procedures for approval of Union amendments.

9) *For third countries, must the decision approving the standard amendment be made public by the third country, or can it also be made public by the applicant group? Additionally, is publication via websites considered sufficient for public disclosure, or should it be made in print?*

Our legislation does not specify whether it should be made public by the authorities of the third country or by the applicant group having a legitimate interest, nor does it specify the means by which it should be made public. In consequence, either of the options are possible. In the same line of reasoning, the publication of the decision via websites can be deemed as sufficient as long as it can reach the wide public.

10) *Can the proof that the amendment is applicable in the third country be an approved decision made by the relevant authorities in the third country and whether this proof must also be published and communicated to the Commission within 1 month?*

According to Article 24(9) of Regulation (EU) 2024/1143, a standard amendment shall be assessed and approved by the third country in whose territory the geographical area of the product concerned is located and communicated to the Commission. The communication

of an approved standard amendment to the Commission shall be considered to be duly made when it complies with Article 10a of Implementing Regulation (EU) No 668/2014 (currently Article 12(3)(d) of Implementing Regulation (EU) 2025/26). This states that the communication shall include, among others, "proof that the amendment is applicable in the third country". This provision aims at preserving the alignment between the geographical indications registered and protected in the third country and the one registered and protected in the Union. Therefore, such proof is automatically given when the amendment is approved by administrative or judicial decision of a third country authority or when a decision or a document of the administration or of a judicial authority exists which refers to the geographical indication as amended. In case the amendment is approved without the endorsement of an administrative or judicial authority, the proof may be a document explaining how that amendment is considered to have amended the geographical indication and is applied in the legal system of the third country.

2.2.10. Cancellation of the registration

1) Can EU citizen or legal person request cancelation of GI registration?

In accordance with Article 25(1) of the Regulation (EU) 2024/1143, the registration of a geographical indication originating from a Member State may be cancelled by the Commission on its own initiative or on a duly substantiated request by a Member State.

Natural or legal persons having a legitimate interest and established or resident in a Member State are not excluded but shall address the cancellation request to the authorities of that Member State.

This is in accordance with Article 10 of the above-mentioned Regulation that, as indicated in Article 25(4), shall apply *mutatis mutandis* to the cancellation procedure.

2) What is the procedure in case of a request for cancelation?

The cancellation procedure follows the structure of the registration procedure *mutatis mutandis* (Article 25(4) of Regulation (EU) 2024/1143).

Therefore, it is divided into two stages: the national stage and the Union stage. At the national stage of the registration procedure, and of the cancellation procedure, the authorities of a Member State receive the applications, or the requests of cancellation, from producer groups for registrations, or from natural or legal persons having a legitimate interest concerning cancellations, established in the territory of that Member State.

This reflects the principle of two stages of the procedure (national and Union) and of the division of tasks between the Commission and the Member States. The whole system of the EU geographical indications is based on that principle. Therefore, the same applies to the cancellation procedure.

In case the request fulfils the requirements for a request of cancellation under Articles 25(1) of Regulation (EU) 2024/1143 and 14(1) and (2) of Regulation (EU) 2025/26, the Member State authorities shall publish it, thus opening the national opposition procedure. At the end of the national opposition procedure, they would decide whether to submit the request of cancellation to the Commission under Article 25(1) of Regulation (EU) 2024/1143. If the request is submitted to the Commission and the Commission considers that it complies with the requirements under Regulation (EU) 2024/1143, that request is published in the EU Official Journal opening the opposition procedure at EU level.

3) *How should a natural or legal person established or residing in Member State Y proceed to request the cancellation of a registered geographical indication, in accordance with Article 25 of Regulation (EU) 2024/1143, if the geographical indication designates a product produced in Member State Z, which is different from the one where the requester is resident or established?*

If the geographical indication for which a cancellation is sought designates a product that is produced in a Member State different from the one where the natural or legal person making the request is resident or established, the natural or legal person is obliged to submit its request to the authority of the Member State where this natural or legal person is resident or established.

This interpretation is confirmed by the circumstance that Article 25(1) of Regulation (EU) 2024/1143, which identifies the scope of the requests of cancellation to be submitted to the Commission, refers to 'any' Member State and not only 'the' Member State in which the geographical area of the geographical indication to be cancelled is located.

To summarise, a natural or legal person, having legitimate interest, resident or established in Member State Y may not submit a request of cancellation of a PDO directly to the Member States Z authorities but must submit it to the authorities of Member State Y. The authorities of Member State Y have the obligation to examine such a request on the basis of the requirements of Regulation (EU) 2024/1143 and its secondary legislation in view of possibly submitting such a request to the Commission.

2.3. Protection

2.3.1. Protection of geographical indication

1) *Grill cheese is offered online and labelled as "Haloemie", description of the product explains to the consumers that "Haloemie" grill cheese resembles Cypriot Halloumi, additionally, there is a description of the characteristics of the product in comparison to the characteristics of the PDO Halloumi. Does the aforementioned case and similar cases violate article 26 of Regulation (EU) 2024/1143?*

Based on the information included given, it seems that the issue of a potential breach of Article 26(1) of Regulation (EU) 2024/1143 is to be investigated.

In particular, it appears that an assessment needs to be carried out as to whether the name 'Haloemie', phonetically and visually very similar to the PDO Halloumi, may be considered as an evocation of the registered name "Χαλλούμι (Halloumi) / Hellim", a practice against which Article 26(1)(b) of Regulation (EU) 2024/1143 foresees protection.

In general, the responsibility to verify the use of geographical indications in the EU market belongs to Member States. In particular, according to jurisprudence of the European Courts, it is up to the authorities of the Member State in which the product is marketed to assess whether the name of the marketed product constitutes an evocation of a registered geographical indication.

In the light of the above, the appropriate procedure to be followed, is notifying the competent authorities of the Member State where the product 'Haloemie' is produced, provided and marketed, in order for them to examine whether the name contravenes Article

26 of the mentioned Regulation and, if necessary, to take appropriate administrative and judicial steps to stop its use (Article 42(3) of Regulation (EU) 2024/1143).

If you are not satisfied with the decision of the concerned national authorities, you may use any appropriate mechanism available at national level. The Commission would intervene only in case of systematic and repetitive wrong application of a Union provision by the authorities of a given Member State.

See the "Communication from the Commission – EU law: better results through better application" – (C(2016)8600/final) where the Commission indicates that it would not normally pursue "individual cases of incorrect application not raising issues of wider principle, where there is insufficient evidence of a general practice, of a problem of compliance of national legislation with EU law or of a systematic failure to comply with EU law".

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2) *Does Article 26(2) apply to domain names that use geographical indications in the domain name or does it also mean any other misuse?*

Article 26(2) of the GI Regulation states that provisions mentioned in paragraph 1 of the said article shall apply to all domain names accessible within the EU. This means that requirements outlined in paragraph 1 of this article will be applicable to any domain name that can be accessible by users within the EU, regardless of the domain name's origin. This ensures consistent application of the rules across all domain names accessible within the EU.

The protection applies to domain names that would contravene Article 26 of GI Regulation. It is important to note that the protection applies only to the name of a registered geographical indication used in the actual domain name, e.g. estonianvodka.ee, but not to the content of the website accessible through that domain name, the latter being regulated by other provisions of the GI Regulation. In addition, acts and situations referred to in paragraph 1 of Article 26 of the GI Regulation would also be relevant in case of domain names that include or can be linked with geographical indications.

2.3.2. Use of geographical indications designating a product used as an ingredient in the name of a processed product

1) *What are the specific conditions that producers must meet when using the name of a Geographical Indication (GI) in their product name, label, or advertisement under Regulation (EU) 2024/1143?*

Producers using the name of a GI in their product name, label or advertisement are expected to comply with the three conditions listed in Article 27(1) of the Regulation (EU) 2024/1143, i.e.:

a) the processed product shall not contain any other product comparable to the ingredient designated by the geographical indication;

b) the ingredient designated by the geographical indication shall be used in sufficient quantities to confer an essential characteristic on the processed product concerned; and

c) the percentage of the ingredient designated by the geographical indication in the processed product shall be indicated in the label.

2) *Article 27(1) of the Regulation (EU) 2024/1143 codifies the Guidelines of the EU Commission of 16 December 2010, which were confirmed by the ECJ in the judgment "Champagner sorbet". Does that mean that the above-mentioned Guidelines and the ECJ judgment are no longer applicable?*

The Guidelines on the labelling of foodstuffs using protected designations of origin (PDOs) or protected geographical indications (PGIs) as ingredients published in the Official Journal of the European Union 2010/C of 16 December 2010, were not mandatory before the adoption of the Regulation and are still not mandatory. As you correctly mention, they have been taken as a reference in the judgement of the Court of Justice of 9 September 2021 in case C-783/19, known as the 'Champagner sorbet' judgement. They have also been taken as a reference by the legislator when drafting the provision in Article 27(1) of the GI Regulation. They are still in force. However, insofar as part of their content has been replaced by the provisions of Article 27 of the GI Regulation, this part is now obsolete.

3) *Do the obligations of Article 27(1) of the Regulation (EU) 2024/1143 also apply to foodstuffs for B2B?*

Article 27(1) applies to all types of food products. Therefore, the use of a geographical indication (GI) in the name or in the label of any processed food, of which the product designated by that GI is an ingredient, is allowed insofar as it complies with the criteria listed therein.

4) *Is the following interpretation of compliance with Article 27(1) requirements correct: i. The processed product must not contain any other product comparable to the ingredient designated by the GI. ii. The ingredient designated by the GI must be used in sufficient quantity to confer essential characteristics to the processed product. A study guaranteeing this must be submitted. iii. The percentage of the ingredient designated by the GI in the processed product must be indicated on the label, with a sketch of the label provided. The indication of the percentage must be in the same field of vision as the product name.*

The proposed interpretation aligns with Regulation (EU) 2024/1143. However, the Regulation does not specify any requirements for providing a study guaranteeing the sufficient quantity of GIs used to impart essential characteristics to the processed product (Article 27(1)(b)), although Member States may establish additional procedural rules for producers of prepacked food within their territory, in line with the Treaties.

Furthermore, there is no established rule on the position in the label of the percentage of the ingredient designated by the GI.

5) *Would we like to know whether crystals of 'Sel de Guérande' and micronized salt used in brine can be regarded as "comparable products" within the meaning of Article 27(1)(a) of the Regulation (EU) 2024/1143?*

The provision in Article 27(1)(a) aims to ensure that producers do not misuse the reputation associated with a GI by showcasing the presence of a GI-designated ingredient in their product when the attribute of the final product, such as the distinct taste of blue-veined cheese (blue cheese), is also influenced by other similar ingredients.

In this case displaying a GI on a product's label or name might be misleading because it implies that the unique taste of the blue cheese is entirely due to the GI ingredient, while in reality, other non-GI blue cheese ingredients may also contribute to the flavour.

It could be concluded that the "comparable products" to which Article 27(1) (a) refers, are, inter alia, products which contribute to similar characteristics to a processed product

In the present case, micronized salt does not appear to be in competition with "Sel de Guérande" for the purpose of defining one of the characteristics of the final product (the taste of salty). Rather, it seems to have a different function, complementary and preparatory to the function of "Sel de Guérande". Therefore, the case you describe does not seem to fall under Article 27(1)(a).

6) *How the rules of Article 27(1) apply in case of beers that use hops that are designated by a GI as ingredient and that normally include the GI in their name, labelling or advertisement material? Does the term: 'comparable product' include products of the same category?*

Article 27(1) provides for three conditions for the use of geographical indications (GIs) in the name, or in the labelling, or in the advertising material of processed products to which the product designated by the said GI is an ingredient. For example, a product which is named 'Pizza with Roquefort' may not also contain generic blue cheese, must include sufficient quantity of "Roquefort" to confer an essential characteristic to the pizza and must indicate on label the percentage of "Roquefort" used.

The term: 'comparable product' does, of course, include products of the same category. The reason for the rule, that the processed product shall not contain any other product comparable to the ingredient designated by a GI, is exactly to avoid that a processed product may pretend to use a GI product as an ingredient while in fact the part of the GI product used is minimal and a commodity of the same category is used in much bigger percentage. This would be an undue exploitation of the reputation of the GI. Therefore, if for example GI 'Hopfen aus der Hallertau' (PGI) is used in the name, labelling or advertising of a beer, no other kind of hops may be added.

However, additional different hops products may also be used as ingredients together with 'Hopfen aus der Hallertau', and mentioned in the name, label or advertising of the beer, if they are also designated by a PDO or a PGI. As said, the aim of the provision is to avoid undue exploitation of GIs. Multiple GIs ingredient of the same category may be used, provided that they are all mentioned.

As regards the second and third conditions (the ingredient designated by the geographical indication shall be used in sufficient quantities to confer an essential characteristic on the processed product concerned; and the percentage of the ingredient designated by the geographical indication in the processed product shall be indicated in the label) the fact that the hops would be a spice does not constitute a problem. It means that a very small quantity of hops is used as an ingredient and a small percentage will have to be indicated on the label. Provided that the used quantity, as small as it can be, is sufficient to confer an essential characteristic to the final product and that the percentage is correctly indicated on the label the conditions will have to be considered as fulfilled.

Article 27(1) of Regulation (EU) 2024/1143 does not allow for any derogations. As stated in its paragraph 4, this Article is not applicable to spirit drinks. For the purpose of

Regulation (EU) 2024/1143 beer is classified as agricultural product and therefore it is fully covered by Article 27.

7) *In principle, there is no adaptation period for labelled products that do not meet the criteria set out in Article 27(1), nor for labels held by operators that have not yet been used and which do not comply with this Article either. Is there a transitional measure to avoid penalties and costs in this respect?*

Article 27 of Regulation (EU) 2024/1143 provides neither a transitional period nor an empowerment for the Commission to adopt transitional rules for the application of paragraph 1. Therefore, the rules provided in that paragraph apply immediately on the day of entry into force of Regulation (EU) 2024/1143, that is 13 May 2024. As regards producers already using the name of a GI in their product name, label or advertisement, they must comply without undue delay with the three conditions listed in Article 27(1) of Regulation (EU) 2024/1143.

8) *In which situations does the notification requirement outlined in Article 27(2) of Regulation (EU) 2024/1143 apply?*

It is important to recall that the notification requirement introduced in the Article 27(2) of Regulation (EU) 2024/1143 only impacts processed food that uses a GI in the name of the product, i.e. "Parmigiano Reggiano Pizza", or advertisement, but not in the case of a pizza merely containing 'Parmigiano Reggiano' as an ingredient without any additional use of the GI on the label or advertisement.

Secondly, the notification obligation concerns only processed food that is prepacked and presupposes that a recognised producer group exists, that the Member State has communicated its name and address to the Commission and that the Commission has published that information, as foreseen by Article 33, point 8 of the Regulation (EU) 2024/1143.

9) *Could you clarify whether the new requirements of Article 27(2) apply to products already marketed or only to all new products placed on the market from 13/05/2024? Is there a transition period foreseen for "old products"?*

The notification requirement outlined in Article 27(2) applies to all products, even those that have already been marketed on 13/05/2024. For processed products already on the market by this date, notification is needed to ensure compliance with future use of a GI, not past use. The notification obligation is not retroactive.

In order to avoid any confusion, it is important to recall that the notification requirement introduced in the new GI Regulation only impacts processed food that uses a GI in the name of the product or advertisement, but not in the case of a product merely containing the GI as an ingredient without any additional use of the GI or advertisement. Also, the notification obligation concerns only processed food that is prepacked and presupposes that a recognised producer group exists, that the Member State has communicated its name and address to the Commission and that the Commission has published that information, as foreseen by Article 33, point 8 of Regulation (EU) 2024/1143.

Given the nature of these new provisions, there will inevitably be a time lag between the entry into force of the Regulation (EU) 2024/1143 and the publication by the Commission of a list of recognised producer groups (which will be done via the Register for

geographical indications: https://ec.europa.eu/agriculture/eambrosia/geographical-indications-register), and even the implementation of the new notification obligation between producers of pre-existent prepacked processed food and GI recognised producer groups.

Notification would be expected without undue delay once all the foregoing aspects are operational.

In the meantime, for producers already using the name of a GI in their product name, label or advertisement, the new provisions do not imply that they should cease production until the publication of the name and address of a potential recognised producer group.

They will however have to comply without undue delay with the three conditions listed in Article 27(1) of Regulation (EU) 2024/1143, i.e. a) the processed product shall not contain any other product comparable to the ingredient designated by the geographical indication; b) the ingredient designated by the geographical indication shall be used in sufficient quantities to confer an essential characteristic on the processed product concerned; and c) the percentage of the ingredient designated by the geographical indication in the processed product shall be indicated in the label.

As long as the system of the recognised producer groups is not used in the concerned Member State in accordance with Article 33, paragraph 2 of Article 27 does not apply.

10) Does the obligation to make a written notification to a recognised producer group only apply when the Commission has published an official list according to Article 33(8) of Regulation (EU) 2024/1143, and made the information publicly available (with names of recognised producer groups)?

The notification obligation for producers of a prepacked food who want to use the GI in the name of that prepacked food, laid down in Article 27(2) presupposes that a recognised producer group exists, that the Member State has communicated its name and address to the Commission and that the Commission has published that information, as foreseen by Article 33(8) of Regulation (EU) 2024/1143.

11) In the case of foodstuffs for B2B, who should make the notification?

In this case no notification is required. A notification is required only for food products falling within the scope of Article 27(2), that is prepacked food using in its name a GI for which the Union register of geographical indications (hosted in the database 'eAmbrosia') indicates that a Recognised Producer Group exists.

12) Is the following interpretation correct: prior to using the GI name in the product name, a process must be followed: a. the person responsible for the processed product must notify the recognised producer group in writing, providing necessary documentation to ensure compliance with Article 27(1) requirements. b. the recognised producer group must verify the documentation and notify the operator within 4 months, the European logo cannot be used in any case?

The proposed interpretation aligns with Regulation (EU) 2024/1143. However, it should be noted that these rules apply only to prepacked food producers (to be explicitly indicated).

It should also be recalled that the producer of prepacked food can use the geographical indication in the name of the prepacked product after receiving the acknowledgment from the recognised producer group or after the 4-month period has elapsed, whichever occurs first.

13) *What should be understood by "producers wishing to use the PDO as an ingredient"? Is it the fact of mentioning "PDO" next to the ingredient in the name of the product: e.g.: Pâtes au Comté AOP, or is the simple fact of naming the ingredient, without specifying PDO, but the ingredient is known as such, to be considered: e.g. "Pâtes au Comté" (without specifying: "au Comté AOP"?) Are the two situations equivalent or is notification necessary only in case 1?*

The provision "producers (…) who want to use that geographical indication" shall be understood as "the full name" of the "PDO" or "PGI" concerned, i.e. "Comté", "Roquefort" or "Brie de Meaux" etc. The notification obligation concerns the use of the name of the GI, i.e. the registered name, and not the abbreviation of the indication ("PDO" or "PGI"). The addition of the abbreviation "PDO" or "PGI" next to the GI is optional.

Therefore, the two cases you use as an example are possible and allowed: 'Pâtes au Comté' and 'Pâtes au Comté AOP'. In both cases, if the other conditions are met, i.e. a recognised producer group exists and it is a pre-packaged product, a notification is required as soon as the name of the producer group is published on eAmbrosia (Article 33(8) of Regulation (EU) 2024/1143).

We would like to clarify that the specific indication on the label of a processed product of a GI designating an ingredient of that processed product is always subject to the rules of Regulation (EU) 2024/1143 and in particular to the provisions of Article 26, first paragraph, point (a), Article 27(1) and Article 37(7).

14) *Does the following use constitute an infringement of Article 27 of Regulation 2024/1143: front label of pizza containing words: "Dolce PIZZA', "Pizza 4 Formaggi," Mozzarella, Gorgonzola AOP, Grana Padano AOP & Parmesan AOP" and the list of ingredients containing words: "Mozzarella, Gorgonzola, Grana Padano, Parmigiano Reggiano'?*

We would like to inform you that, in our opinion, Article 27(2) does not apply to the present case, which does not concern the use of the name of a GI in the name of the processed product of which the GI is an ingredient. Article 27(2) of Regulation (EU) 2024/1143 applies when a GI designating a product which is an ingredient of a final prepacked processed product is used in the sales name of that final processed product.

Nevertheless, we would like to inform you that the specific indication on the label of a processed product of a GI designating an ingredient of that processed product is always subject to the rules of Regulation (EU) 2024/1143 and in particular to the provisions of point (a) of the first paragraph of Article 26, Article 27(1) and Article 37(7).

A GI designating an ingredient of a processed product may appear on the label of that product only if it does not exploit the reputation of the GI (including when used on products complying with the product specification) and if it complies with the criteria laid down in Article 27 (1) of Regulation (EU) 2024/1143.

Finally, the use of abbreviations is only allowed next to the name registered as GI and not translations.

In addition, we would like to point out that the notification obligation under Article 27(2) can only apply in case the names and addresses of the recognised producer groups for the protected designations of origin 'Gorgonzola', 'Grana Padano' and 'Parmigiano Reggiano' are notified to the Commission and registered in the Register of GIs (eAmbrosia public). This notification is necessary to designate, at EU level, the recognised producer group for each GI (Article 33(8) of Regulation (EU) 2024/1143). As long as a recognised producer group is not designated, via that procedure, it does not exist at EU level.

15) *What are the responsibilities of Organismes de Défense et de Gestion (ODGs) regarding the use of a GI in the name of a final product under Regulation (EU) 2024/1143?*

The ODGs cannot 'refuse' the use of the GI in the name of the final product. Article 27(2) of Regulation (EU) 2024/1143 establishes a simple notification obligation. If, on the other hand, they consider that the producer of the final product has infringed those provisions, the ODGs may decide to bring legal proceedings.

The ODGs can be assimilated to recognised producer groups only if the Member State, in this case the French authorities, has notified the Commission and the Commission has made this information available to the public.

16) Do the recognized producer groups correspond to the Organismes de Défense et de Gestion (ODG)? If not, how do we know whether a recognized producer group exists? We understand that notification to the consortium is only required in cases where the ingredient is promoted either in the name of the processed foodstuff, or in advertising (paragraph 2 of article 27: producers of a prepackaged foodstuff [...] who wish to use the said geographical indication in the name of this prepackaged foodstuff, including on advertising). Thus, if the GI ingredient is simply mentioned in the list of ingredients on the label (without being highlighted), we understand that there is no obligation to send a notification. In the case of an update to a pack or recipe of an existing product for which the name highlights a GI ingredient, is there an obligation to notify the consortium even if it's not a new product? Is there any "retroactivity"?

As long as the system of the recognised producer groups is not of application in the concerned Member State, the requirements referred above may not be applied. In the case of France, the Organismes de Défense et de Gestion are not, for the time being, considered as recognised producer groups under Regulation (EU) 2024/1143. The recognised producer groups will be formally identified by the Member States that will decide to apply the system of the recognised producer groups on the basis of the criteria set out in Article 33 of Regulation (EU) 2024/1143. They, therefore, will exist following a formal decision of the Member State.

If the GI is already used in the name of the processed product when the obligation to notify the recognised producer group becomes applicable in the concerned Member States, the notification to the recognised producer group is however mandatory. This is not due to a retroactive effect of the provision but it is required to cover the future use of the GI. In the meantime, for producers already using the name of a GI in their product name, label or

advertisement, the new provisions do not imply that they should cease production until the publication of the name and address of a potential recognised producer group.

17) *Is there a plan to further clarify in a delegated act how Article 27 should be implemented?*

The provisions of Article 27 of the GI Regulation provide the necessary margin of discretion to allow Member States to appropriately apply them in their own legal systems.

2.3.3. Relationship between geographical indications and trade marks

1) *The producer of "Džiugas" PGI is a single producer who owns the trade-mark rights to the name "Džiugas" both in word and figurative form. In Hungary, butter with the trade-mark "Džiugas 1924" was marketed, while this is not registered as a trade mark in Lithuania. Croatia reported that the hard cheese "Džiugas" was found on the EU market and not bearing the PGI symbol. Can various food products like butter be labelled with the trade-mark "Džiugas" without being registered as PGI? Can a hard cheese "Džiugas" be placed on the market without bearing the PGI symbol, in case it is not produced in accordance with the approved production specification of the PGI?*

PGI "Džiugas" and trademarks coexistence:

First, it is important to emphasize that geographical indications and trademarks are two distinct intellectual property rights, each with their own legal protection regime, and they do not automatically exclude each other. Article 31 of the GI Regulation specifies cases when the use of a trademark would be against the protection of a geographical indication or when a trade-mark may continue to coexist with a geographical indication. A trademark which conflicts with a GI can only be prohibited in these cases: a) when it was applied for registration after the date of submission to the Commission of the application for registration of a geographical indication; b) it is not used in a good faith; or c) there are grounds for invalidity or revocation of the trademark.

From information on existing trade-mark registrations provided in your enquiries, it appears that applications for these trademarks have been made before the date of submission of the application for registration of "Džiugas" as PGI, which was 06 November 2017. You also correctly point out that trademarks containing the word "Džiugas" have been already registered in good faith before the application for the registration of the geographical indication was submitted to the Commission.

Therefore, you rightly state that the products related to the registration of that trademark may be labelled with this trade-mark although they are not produced in compliance with "Džiugas" PGI specification. It is not relevant if these products are of the same type, or if they are comparable to, the type of product covered by the "Džiugas" PGI.

Butter labelling case in Hungary:

Without prejudging any further assessment from national control authorities which are formally responsible for that assessment, there are some trademarks using the words "Džiugas 1924" registered with WIPO for which protection was granted in the Union. The same principle of coexistence, above mentioned, applies, insofar as the figurative elements

on the butter indeed correspond to the registered trademark, which is questionable in this case.

Issue raised by Croatian authorities:

Since the product in question was not produced according to the PGI product specification, the PGI symbol may not be used. However, as explained above, a trademark applied for registration before the submission of the application for registration of the PGI to the Commission consisting of or containing the name "Džiugas" may be used on a product which does not comply with the product specification of the PGI "Džiugas".

2) *Can an individual producer or a trader of a PDO product register any trade mark or trade name containing that PDO? To further clarify the question, could producer X or trader X of the PDO Halloumi register a trade mark or trade name that includes both the name 'X' and the PDO 'Halloumi', i.e. is it possible to register (for instance with a national intellectual property office and/or the European Intellectual Property Office) a 'X-Halloumi' type trade mark?*

Provided that an individual producer or trader applies for the trade mark on products complying with the product specification of the PDO/PGI, such a trade mark may be registered. Therefore, if producer 'X' applies for the trade mark for products covered by the product specification, he/she can ask to have the trade mark 'the GI of X' registered and he/she will be allowed to use that trade mark only with products complying with the product specification. Please note that trade names can be registered in the national chambers of commerce trade registers if they are not similar to already registered names.

3) *A company has registered a figurative trade mark at EUIPO, under the same name as the name of the company. Can this company apply for the registration of a geographical indication?*

In accordance with Article 30 and 31(3) of Regulation (EU) 2024/1143, a geographical indication may be registered although conflicting with a trade mark registered or applied before the submission of the application for registration of the geographical indication to the Commission, unless the name of the geographical indication is liable to mislead the consumers as to the true identity of the product.

Conversely, a trade mark applied for, registered, or established through use in good faith within the territory of the Union before the date of submission of the application for registration of a conflicting geographical indication to the Commission, may coexist with a that geographical indication.

Therefore, the registration of the trade mark in EUIPO does not inherently affect the registration of the geographical indication under Regulation (EU) 2024/1143 and the registration of the geographical indication does not inherently invalidate the trade mark or prevent it from being used.

Furthermore, in the specific case, the trade mark and the geographical indication concern the same product. Therefore, there is no conflict. Only different and parallel protection systems using the same sign to protect the same product. However, it is important to note that, once the name is protected as geographical indication, any producer complying with the product specification, including producers that are not members of the concerned company or producers that are not associated with the trade mark registration, will be allowed to use it, although the same name is protected under a trade mark. Finally, please

note that if the figurative trade mark owned by the applicant producer group (association of producers or single producer) is obligatory on the label of the registered geographical indication, that specific logo must be freely available for all producers complying with the product specification whether or not the producers and processors are members of said producer group.

4) *Historically, companies have registered various wine names as trademarks – mostly as figurative marks containing word elements, for example, Nitrianske knieža or Tibavské dievča. Today, these trademarks are still protected, but they are being used on wines without a geographical indication. This tradition dates back 30 years. Is it a legitimate practice?*

Regulation (EU) 2024/1143 contains a rule allowing co-existence of trade marks and geographical indications, subject to certain rules. In particular, as provided in Article 31(3) of Regulation (EU) 2024/1143, a trade mark, which has been applied for, registered, or established through use in good faith within the territory of the Union, before the date of submission of the application for registration of a conflicting geographical indication to the Commission, may continue to be used and renewed, provided that no grounds for its invalidity or revocation exist. In line with those rules, if the conditions of the aforementioned provision are fulfilled, trade marks registered before the registration of a Slovak wine PDO/PGI, even if such trade marks contain a PDO, may continue to co-exist with the PDO and be used.

5) *IP Office approves trademarks such as 'Wines of Small Carpathians' (figurative marks containing word elements). Is it contrary to Regulation (EU) No 1308/2013, since there is PDO Small Carpathians vine-growing area?*

In order to determine if the registration of trademarks such as 'Wines of Small Carpathians' would be in contravention to the protection of PDO 'Malokarpatská / Malokarpatské / Malokarpatský' (being an adjective from Small Carpathians), the general rule is that trade marks that contravene the protection set out in Article 26(1) of Regulation (EU) 2024/1143 should not be registered. Additional elements are usually taken into account by IP offices. In particular, IP offices may register trade marks containing a geographical indication with the limitation that they are used only on products that comply with the product specification of the geographical indications.

2.3.4. Producer groups

1) *Is any contribution, even small, to any of the tasks set out in Article 32(4) of Regulation (EU) 2024/1143 sufficient to fulfil the condition of point (a) of the first subparagraph of Article 32(1) of Regulation (EU) 2024/1143?*

The task must be 'performed'. A small contribution does not seem sufficient.

2) *Under Article 32(1)(c) of Regulation (EU) 2024/1143, a producer group must be organised democratically. Are there any ideas about the criteria on which the check should be carried out taking into account that not all those applying for a producer group are legal entities?*

The Commission will not propose any specific criteria to the Member States for verification that a producer group complies with that provision. Member States have a margin of discretion in verifying the compliance. Such a verification must, however take

place before the date of registration of the geographical indication as applicant groups need to meet that criterion by that date (Article 32(1), second subparagraph).

3) *To what extent can Member States delegate tasks to producer groups, which could also be financed by non-members?*

Article 32(4) provides a non-exhaustive list of tasks that may be exercised by a producer group. A producer group may exercise additional tasks. The Regulation does not provide for the possibility of delegating state tasks to the producer group. It also does not explicitly exclude this possibility. However, any such delegation of state tasks should be in line with the general principles of law, with EU law and national law, and specifically with the provisions of this Regulation, as well as with competition law. Any provision of external financing for the execution of such tasks should be compliant with state aid and fair competition rules as well as with the provisions of this Regulation.

4) *Article 32(3) of Regulation (EU) 2024/1143 is worded broadly and allows Member States to implement additional rules on, among others, financial contributions to producer groups, if they are compatible with Union law. Is it permissible for Member States to order such funding from non-members or to oblige all producers to become members of the producer group?*

To oblige all producers to become members of the producer group would be in contrast with EU competition rules. Any producers complying with the product specification has the right to use the name. The legislator was strict in excluding the position of exclusive right holder for the producer groups.

As you mention, Article 32(3) of Regulation (EU) 2024/1143 is quite broad in its wording. In addition, it is true that all the producers of the PDO or PGI products benefit from the activity of and from the tasks performed by the producer group. Therefore, to establish a mandatory financial participation to the costs may be seen as reasonable.

2.3.5. Recognised producer groups

1) *How will producers or competent control authorities know if a recognised producer group for a geographical indication exists?*

The Commission makes publicly available the names and addresses of recognised producer groups as communicated by the Member States and update the Union register of geographical indications accordingly.

2) *Could an Internal Control Systems be made mandatory by Member States as a condition for the recognition of a producer group?*

In the case of recognized producer groups, Article 33(2) says that Member States may provide for additional criteria for the recognition of a producer group, which can include the fact of having an ICS system.

2.3.6. Associations of producer groups

1) *Is it possible to adopt national legislation introducing minimum requirements for the recognition of associations of producer groups?*

Article 34 of Regulation (EU) 2024/1143 does not provide for any specific requirements for the establishment of an association of producer groups. The only requirement is that

the members of such associations must be producer groups in the sense of Articles 32 or 33 of the Regulation (EU) 2024/1143. A national dimension is not required either. These associations may have regional character.

Article 34 of Regulation (EU) 2024/1143 does not provide for a mechanism of recognition of associations of producer groups. By way of consequence, Member States may not set up a mechanism by which associations of producer groups complying with Article 34 may be denied qualification as such at national level and thereby prevented from exercising the tasks provided for in Article 34(2).

The above does not prevent Member States from making arrangements to organise cooperation with such associations of producer groups in a more efficient way, provided that such arrangements are not in conflict with the provisions of Article 34.

2.3.7. Protection of geographical indication in domain names

1) *Does actions taken by competent authorities such as preventing measures or post -registration acts conflict with the alternative dispute resolution requirements?*

The GI Regulation formally recognizes GIs as enforceable rights in (Alternative Dispute Resolution) ADR procedures for country code top-level domains (ccTLDs) within the EU (Article 35(1) of Regulation (EU) 2024/1143). The aim is to provide GI right holders with an alternative mechanism to challenge abusive registrations without needing lengthy court procedures.

Preventive measures before domain registration does not contradict ADR requirements, but it is not a mandatory requirement under Article 26.

Acting post-registration aligns with ADR mechanisms, as the ADR system primarily functions after a disputed domain name has been registered.

Therefore, ADR mechanisms under Article 35(1) are complementary to the GI enforcement mechanisms laid down in Articles 42 and 43 of the GI Regulation.

2.3.8. Union symbols, indications and abbreviations

1) *Is it possible to use the Union symbols in a different colour than specified in the regulation (yellow-red, yellow-blue or black-white), e.g. in gold or silver?*

The Union symbols for Protected Designation of Origin (PDO) and Protected Geographical Indication (PGI) are established by Regulation (EU) 2024/1143 and the rules on their use are set out in Regulation (EU) 2024/1143, in particular its Article 37(1), (2), (3), (4), and in Commission Implementing Regulation (EU) 2025/26, in particular its Article 34 and its Annex XVII. The Union symbols for PDO/PGI should be reproduced exactly in the form, colour and shape as prescribed in this legislation. The recognition of Union symbols among producers and consumers is rather low. Allowing changes to the form/colour/shape of the symbols would further negatively impact the symbols' visibility and recognition. In this regard, we reiterate that the use of PDO/PGI symbols in the wine sector is facultative, but once the producers decide to use the symbols, they should reproduce them as provided in the above-mentioned Annex XVII of Commission Implementing Regulation (EU) 2025/26.

2) *Is it possible to include the Union symbol for PDO/PGI in a different colour on the front label, even if the name of the region is listed on the back label?*

If the PDO/PGI symbols are used, they have always to be in the form and colours as provided in the Commission Implementing Regulation (EU) 2025/26, Annex XVII.

Where the Union symbols appear on the labelling of PDO/PGI wine, they shall be always accompanied by the registered name. This means that, if a wine producer decides to use the Union symbol, the symbol should be reproduced on the same label (in the same field of vision), where the PDO/PGI name appears. If a PDO/PGI name appears both on the front and back labels, the Union symbol can be put on either of the labels or on both labels, up to the producer's choice. However, since the symbol is considered to convey an essential information, it should always appear in a prominent place.

3) *What does it mean that the geographical indication shall appear in the same field of vision as the Union symbol, as required by Article 37(3) of Regulation (EU) 2024/1143?*

This suggests that the Union symbol does not have to be right next to the GI, but it should be on the same part of the labelling. It could be possibly acceptable for the GI and the Union symbol to be on two adjacent surfaces, as long as they can be viewed simultaneously by the consumer.

4) *Does, according to Article 37(3) of Regulation (EU) 2024/1143, the Union symbol need to appear in same field of vision as the GI on every surface where the GI is repeated?*

Article 37(3) of Regulation (EU) 2024/1143 requires that the GI and the Union symbol shall appear in the same field of vision in the labelling, but it does not specify that it should be on every surface where the GI is repeated.

5) *According to Article 37 (3), in the case of agricultural products and spirit drinks originating in the Union, the Union symbol associated with it shall appear in the labelling and advertising material in the same field of vision as the GI. Is it sufficient that the Union symbol appears once on the packaging if the GI is used e.g. front of pack and back of pack?*

According to the GI Regulation, the Union symbol shall appear in the same field of vision (i.e. viewing point) as the GI name (Article 37(3)). It is sufficient that the Union symbol appears once on the packaging. However, the Union symbol of the Protected Designations of Origin or Protected Geographical Indications (PDO or PGI) is considered an essential information. In view of the objective of the GI Regulation, the PDO/PGI symbol must appear in a prominent place of the label.

Therefore, if it is shown in the front label, it is sufficient that the Union symbol appears once. Appearing only in the back label does not satisfy the labelling requirements.

In accordance with Article 37(4) the Union symbol may be omitted for spirit drinks. However, if the symbol is used, these rules apply.

6) *Does the requirement in Article 37(3) of Regulation (EU) 2024/1143 concerning the presentation of the GI to meet the requirements in Article 13(1) of Regulation (EU) No 1169/2011, applies to every instance where the GI appears on a product, or whether it is sufficient for only the primary appearance of the GI to meet these requirements?*

Article 37(3) of Regulation (EU) 2024/1143 means that products designated by GIs must follow the same EU food labelling rules defined in Regulation (EU) No 1169/2011, as any other food product. Article 13(1) of Regulation (EU) No 1169/2011 refers to the presentation of mandatory particulars. Therefore, these rules also apply to GIs. This means that a GI shall be labelled in a conspicuous place in such a way as to be easily visible, clearly legible and, where appropriate, indelible. Naturally, these rules should apply to every instance where the GI appears on a product.

7) *Can the GI appear right next to a brand name or a descriptive term such as "traditional", "Danish", "tasteful" or the like, or whether the GI must appear isolated with no possible association with other names or words?*

There are no issues for a GI to appear next to a brand name. The brand name specifies the brand of the GI without implying a specific different quality of the product covered. Whether the GI may appear next to a descriptive term like those mentioned is questionable. If the term 'traditional' or 'Danish' or 'tasteful' is added next to the name of a GI, it may lead the consumer to think that the product is different from those that have the same GI name but are not accompanied by such a term, despite the fact that the products covered by the two kinds of name (GI accompanied or not accompanied by the term) have been produced following exactly the same product specifications.

Therefore, the correct approach is the following: if a product complies with the product specification of a GI, it may be marketed under the registered GI name. The addition of terms close to the GI name that may potentially mislead the consumers is forbidden. The possibility of adding 'traditional' or other terms on the label may be linked to different specificities of the products and must be regulated in the product specification itself.

8) What are the labelling requirements for GI products sold without full pre-packaging, either over the counter or through online orders for home delivery, specifically, GI products which, as per their specifications, can be divided or sliced and packaged for sale directly or upon customer request, for example a GI cheese with the GI protected name on its wrapper when handed to the customer? Is it mandatory to label such GI products with the Union symbol?

Article 37 (3) of Regulation 2024/1143 stipulates that in the case of agricultural products originating in the EU marketed under a GI, the Union symbol associated with it shall appear in the labelling and advertising material. It also requires that the GI name shall appear in the same field of vision as the Union symbol.

This rule applies to the labelling of GI products, whether prepackaged or packaged at the point of sale. Therefore, even if the GI product is non-prepackaged, but it is handed to the customer in the wrapper that indicates the GI name, the Union symbol must be used in accordance with Article 37 (3), and it shall appear within the same field of vision as the GI name.

If the GI name is not included on the wrapping of a non-prepackaged product handed to the customer, the obligation to display the Union symbol does not apply, as the requirement is linked to the presence of the GI name.

Secondly, you asked whether it is mandatory to display the Union symbol on a web shop or in a delicatessen counter where the GI product is sold, and its protected name is presented.

When a GI product is marketed online (e.g. in a webshop) or presented at a delicatessen counter (e.g. the sale of cheese, or ham), the Union symbol shall accompany the protected GI name in these contexts as well. For example, the Union symbol should be displayed next to the product name on signs or labels at the counter, and it shall be displayed on the web pages where the GI is promoted or sold and its name is used.

9) *What are the rules as regards labelling of loose goods within the scope of Article 37(3) and (5) of Regulation (EU) 2024/1143?*

EU labelling rules on geographical indications (GI) have been conceived for prepacked food and they apply as such only to GI prepacked food. Therefore, they cannot apply as such to non-prepacked foods. However, the objective of the GI labelling rules must be preserved when such rules are to be applied to non-prepacked foods.

First, we should identify what is meant by 'non-prepacked food'. As specified in Article 44 of Regulation (EU) No 1169/2011 on the provision of food information to consumers (FIC), non-prepacked foods include, on the one hand, foods offered for sale to the final consumer without pre-packaging, and, on the other hand, foods which are packed on the sales premises at the request of the consumer or prepacked for direct sale.

We focus on two rules: the obligation to indicate the Union symbol (logo) and the name of the producer of the GI product in the field of vision of the GI (i.e. the name of the GI product as displayed on the label). The FIC Regulation defines the 'field of vision' as 'all the surfaces of a package that can be read from a single viewing point'. As such, this cannot be exactly replicated in case the product has no pre-packaging. If the food has no pre-packaging, the objective of that rule must however be reached by indicating that symbol or word in clear connection with the GI. Retailers are nevertheless free to provide the required information in the manner they find the most convenient, e.g. on a notice in close proximity to the product or on the shelf edge.

In conclusion, the GI labelling rules may not be applied as such to non-prepacked foods , but the objective of those rules (showing the symbol to convey the information that the product is a PDO or a PGI and indicating the name of the producer to make it known and visible) must be reached in some way also as regards non-prepacked foods.

You propose to adopt for the GI labelling rules an approach based on Article 44 of the FIC Regulation. This approach consists of the following:

- only the provision of the particulars related to substances causing allergies or intolerances is mandatory on non-prepacked foods,

- the provision of the other particulars mandatory on prepacked foods are not mandatory on non-prepacked foods,

- Member States may decide which of the other particulars mandatory on prepacked foods are also mandatory on non-prepacked foods and how they are to be made available.

The reasons for applying this approach in the framework of the FIC Regulation are explained in recital 48 of that Regulation.

In the light of the above, you propose, also for GI non-prepacked foods, to leave to the Member States: 1) whether the Union symbol must appear in the same field of vision as the GI, and 2) whether the producer must be indicated and, if so, where on the packaging.

In our opinion, this would allow Member States to adopt rules not in line with the objective of the EU GI labelling rules.

Although we recognise that the EU GI labelling rules may not be implemented as such for non-prepacked foods and that Member States are better placed to adapt the provisions to

the local practical conditions and circumstances as regards the information to be given to the consumers concerning non-prepacked foods, in the absence of a specific and explicit provision allowing Member States to derogate the rules on GI labelling for non-prepacked foods (as Article 44 of the FIC Regulation does), we consider that Member States may not go that far as regards GI non prepacked foods. They may only adapt the EU GI legislation to the specific national context but not change it.

Therefore, Member States may adopt national legislation on how the Union symbol and the name of the producer must be indicated in relation to the geographical indication for GI loose products but not on whether the Union symbol and the name of the producer have to be indicated.

10) *What is the meaning of the term 'operator' in the sense of Article 37(5) of Regulation (EU) 2024/1143?*

The meaning of 'operator' in the case of Article 37(5) of Regulation (EU) 2024/1143 is specific and it is not to be referred to the definition in Article 2(1)(e) of the Regulation.

Here, 'operator' is the person or company responsible for the production stage at which the product is obtained, or the person or company responsible for carrying out the substantial processing of that product.

Within this context, distribution companies, names of private labels, names of the retailer for GIs produced under contract manufacturing or names of the GI producer groups do not appear in principle to meet these conditions.

This rule has the practical objective of simplifying the implementation of the obligation in case of multiple producers or in case of difficulties in identifying them.

For example, a packager of grated 'Parmigiano Reggiano', who grates and blends the product coming from different PDO producers, is allowed to include its name in the label as 'operator' (within the meaning of Article 37(5) of the Regulation) instead of being obliged to list all the names of the 'Parmigiano Reggiano' producers providing the non - grated products.

11) *Does the obligation in Article 37(5) to indicate the name of the producer or operator of a product designated under a geographical indication (GI) in the labelling, in the same field of vision of the geographical indication, applies also in case of unpacked or loose products, for example to fresh meat and cheese exposed in counters in supermarkets?*

Like the other mandatory GI labelling rules, the obligation to indicate the name of the producer (or operator) of the product designated by a GI in the same field of vision of the GI applies to both, loose and packed food.

While this might be less practical to implement such a rule in respect of unpacked and loose products, there are no specific GI labelling rules imposing the way the labelling is to be organised in case the food is presented unpacked or loose to the consumers. Retailers can provide the required information in the manner they find the most convenient, such as on a notice in close proximity to the product or on the shelf edge.

As regards the obligation that the name is indicated in the same field of vision of the GI, this is a typical 'label' rule. If the food has no 'label', the objective of that rule is however

reached by indicating the name of the GI producer in clear connection with the name of the GI.

12) *In accordance with Articles 37(3) and 37(5) of Regulation (EU) 2024/1143, for agricultural products designated by a geographical indication, the indication of the name of the producer or economic operator must appear in the same field of vision as the geographical indication and the Union symbol. Is it necessary for the objectives of Regulation (EU) 2024/1143 to always include all three data together?*

According to Regulation (EU) 2024/1143, the Union symbol shall appear in the same field of vision (i.e. viewing point) as the geographical indication (Article 37(3)). Moreover, the name of the producer (for food and spirit drinks sectors) or of the operator (for the food sector only) and the geographical indication should be visible from a single viewing point at least once. It seems reasonable to conclude that, for the objectives of Regulation (EU) 2024/1143, it is not necessary to always include the name of the producer together with the geographical indication. In order to increase the visibility of producers, it is sufficient to mention such a particular once. The kind of information concerned is not for the protection of the consumer (which is the objective of the FIC Regulation) but to give visibility to the producers.

13) *Is it necessary, according to the Article 37(5) of Regulation (EU) 2024/1143, to repeat the producer or operator's name every time the GI is mentioned on the product, or does single mention suffice?*

It is not mandatory to reproduce the name of the producer of the GI (for food and spirit drink sectors) or of the GI operator (for the food sector only) in the same field of vision of the registered GI name each time the GI name appears on the label. The name of the producer (or operator for agricultural products) of the GI should appear at least once on the label (in the same field of vision of the GI name).

The purpose of the requirement is to increase transparency about the producers/operators of products designated by GIs. In addition, in view of the objectives of the Regulation, it is not mandatory either to have the name of the producer/operator in the front label. It may be mentioned only in the back label.

14) *Article 37 (5) requires displaying the producer or operator's name in the same field of vision as the GI. Who needs to be mentioned in the case of private label GI products? Is the retail brand/name sufficient?*

As regards the application of Article 37(5), it is the actual producer of the product that has to be mentioned on the label. The retail/brand name is normally different from the authentic producer of the product, therefore indicating the retail/brand name does not satisfy the required condition.

15) *If the brand name is identical with the producer's/operator's company name, is the requirement met?*

If the brand name is identical to the producer's/operator's company name, the requirement is met.

16) *May the name of the producer or operator be replaced by a trade mark or logo containing the name or business name of the producer or operator of the product designated by the geographical indication?*

We consider that if the name or business name of the producer or operator contained in the trade mark or logo is identical to the name of the producer or operator of the product

designated by the GI the requirement under Article 37(5) of Regulation (EU) 2024/1143 is met.

17) *Would, according to Article 37(5), indication of the following be acceptable: food business operator, customer commissioning the private-label or contract manufacturing, the producer organization?*

The alternatives proposed are not acceptable. What the provision clearly requires is that the physical producer of the product is indicated, not the customer commissioning the private-label or contract manufacturing, not the producer organization, not the food business operator. The co-legislators included that provision with the explicit purpose to increase the visibility of the effective producer of the product.

We would like to remind that it is not mandatory to reproduce the name of the producer of the GI (for food and spirit drinks sectors) or of the GI operator (for the food sector only) in the same field of vision of the registered GI name each time the GI name appears on the label. The name of the producer (or operator for agricultural products) of the GI should appear at least once on the label (in the same field of vision of the GI name). In addition, in view of the objectives of the Regulation, it is not mandatory to have the name of the producer/operator in the front label. It may be mentioned only in the back label.

18) *Can a unique code that is publicly accessible in the authority's register and assigned to each approved establishment be used on product labels instead of the producer's name? For example, can a PDO-compliant cheese dairy use code XXX on its product label, which is its registered identification number with veterinary services, to meet Article 37(5) requirements?*

The objective of this provision is to ensure visibility of the actual producers of the product designated by the geographical indications. The obligation to put the name of the producer on the label meets that objective. A system indicating or referring to the name of the producer via the use of a code, although publicly accessible, does not appear to be in line with the objective of this provision.

In addition, if anything else that an actual name was possible, each Member States could use a different code system. This lack of consistency is likely to occur also within the same Member State: for a cheese it could be a code of the register of the Veterinary Services, as you suggested in your example; for a potato, it could be a code referring to the register of another database. It would be rather complex for the average consumer to identify the actual producer.

19) *Indicating the producer or economic operator could result in the disclosure of information typically protected under antitrust regulations or considered business secrets in the case of private label or contract manufacturing. Is it obligatory?*

We take note of your concern that indicating the producer or economic operator could result in the disclosure of information typically protected under antitrust regulations or considered business secrets in the case of private label or contract manufacturing.

However, this is what the legislation provides for. Following the applicability of this provision (14 May 2026), that disclosure will become mandatory, the obligation to indicate the producer will prevail on the obligation not to disclose confidential business secret.

20) *In the case of a company with several production facilities, is it necessary to mention the specific production facility where the product has been produced? Or is the company name enough?*

Production facilities are not relevant. Mentioning the name of the person or company producing the product is enough.

21) Is it necessary to write the word 'producer' in front of the name of the producer?

In the current version of Regulation (EU) 2024/1143, Article 37(5) says that "(…) an indication of the name of the producer shall appear in the labelling, in the same field of vision as the geographical indication". This means that, only mentioning the producer name on the label is mandatory. There is no obligation to add the word "producer" before the name of the producer in order to explain what that name refers to.

22) What address do producers indicate on the label of products with a registered name? Do they indicate the address of the production site to which the registered protected area applies to or the address of the registered office?

Article 37(5) provides for an obligation to add the name of the producer on labels of products designated as PDO or PGI but does not provide for any obligation to add the address of the producer. Therefore, it is a free choice whether adding or not the address of a PDO or PGI producer and, if so, whether it has to be the address of the production site or the official main address of the company.

23) *Which operator is responsible for a substantial part of the processing of the product?*

As a basis, the difference between a 'producer' and an 'operator' is that the producer performs production activities (i.e. bottling is excluded, a 'bottler' is not a 'producer') while the 'operator', as per definition in Article 2(1)(e) of Regulation (EU) 2024/1143, is any natural or legal person performing an activity covered by the product specification (i.e. 'bottling' included, if applicable).

In the case of Article 37(5), the Regulation uses the term 'operator' specifying that it means something different from the definition in Article 2(1)(e). The second sentence of Article 37(5) clarifies that the meaning of 'operator' in this particular situation is specific and it is not to be referred to the definition in Article 2(1)(e) of the Regulation. Therefore, 'operator' is the person or company responsible for the production stage at which the product is obtained, or the person or company responsible for carrying out the substantial processing of that product. This rule has the practical objective of simplifying the implementation of the obligation in case of multiple producers or in case of difficulties in identifying them.

For example, a packager of grated 'Parmigiano Reggiano', who grates and blends the product coming from different PDO producers, is allowed to include its name in the label as 'operator' (within the meaning of Article 37(5) of the Regulation) instead of being obliged to list all the names of the 'Parmigiano Reggiano' producers providing the non-grated products.

A case-by-case assessment is necessary to identify the operator responsible for the substantial part of the processing.

24) Some spirit drinks are produced by hundreds or even thousands of so-called independent distilleries and the fruit distillates are then mixed in a large tank by a

commercial fruit distiller, often referred to as a fruit cap distiller. It would be impossible to include all individual producers in the labelling of the product. In such cases, would it be possible to list fruit cap distillers and similar operators (including bottlers) as producers?

Regulation (EU) 2024/1143 does not contain a definition of producer. There is maximum flexibility as to the criteria to be applied to identify the producer with reference to spirit drinks. Article 37(5) requires the indication of 'the producer', singular. If a product is produced by plenty of producers, as for the case of severance distilleries you referred to, either one only among all the producers may be indicated on the label or the one responsible for the stage of production at which the finished spirit drink acquires its character and essential final characteristics (e.g. the blending). Please note that bottling may not be considered as a production step.

25) *In the case of aged products (e.g., cheeses), where the ageing is one of the phases of the production process of the GI, can the maturer be considered the "operator" covered by Article 37 (5), even when performing an ageing process that exceeds the minimum requirements set by the product specification? For products like grated and blended GI cheese coming from multiple producers, and where the grating and blending is not part of the products specification, who would need to be mentioned on the label?*

In the case of aged products, where the ageing is the last production step of the GI, as provided in the product specification, the maturer may be considered a producer. This applies both to agricultural products and spirit drinks.

For agricultural products only, it is possible to replace the 'producer' with the 'operator', the 'operator' being the person or company responsible for carrying out substantial processing of the product. The definition of 'operator' in Article 2(1)(e) of the GI Regulation is not applicable in this case since the 'operator', as considered in Article 37(5), may perform processing (post-production) activity that is not necessarily included in the product specification. Consequently, for products like grated and blended cheese designated by a GI coming from multiple producers, and where the grating and blending is not part of the products specifications, the blender or grater may be mentioned on the label as 'operator'.

26) *Does the Commission consider any processor contributing to the ageing of a GI cheese a "producer"? This interpretation appears to include secondary maturers as well, if they respect the conditions laid down in the product specification. Does it apply when the maturation period exceeds that specified in the product specification?*

Indeed, in the case of aged products, where the ageing is the last production step of the GI product, as provided in the product specification, the maturer may be considered a producer. This applies both to agricultural products and spirit drinks.

You asked whether this applies when the maturation period exceeds that specified in the product specification. You gave the example of Grana Padano (PDO), for which the product specification provides for a voluntary certification for longer maturation periods. The product specification of Grana Padano (PDO) provides for optional longer maturation periods beyond the minimum (e.g. "over 12 months", "over 14 months", "over 16 months", "over 18 months" as per the specification). In the case you have given as an example the longer ageing period is optional but it is in any event covered and provided for by the

product specification. Therefore, in the cases of the Grana Padano "over 12 months", "over 14 months", "over 16 months" or "over 18 months, all covered by the product specification, the maturer may be considered as a producer for the purposes of application of Article 37(5) of the GI Regulation.

27) *For products like cheese in pieces, who should be mentioned on the label if the operator is not responsible for aging the cheese? Is it possible to indicate only the name of the operator who carries out the selection of products for the preparation of homogeneous batches for packaging and marketing?*

As regards cheese products marketed in pieces (to be sold individually), the authentic producer of each piece should be mentioned. It is not possible to indicate only the name of the operator who carries out the selection of products.

28) *We would like to respectfully question the Commission's position that slicing or portioning of cheese does not constitute substantial processing under Article 37(5). We believe that the portioner may be recognized as an operator and be indicated on the label under Article 37(5). We propose to reconsider the interpretation of "substantial processing" with respect to slicing, cutting, and portioning of large-format GI cheeses, and to explicitly include such operations under Article 37(5).*

For agricultural products only, it is possible to replace the 'producer' with the 'operator', the 'operator' being the person or company responsible for carrying out substantial processing of the product. Please note that Article 37(5) of the GI Regulation defines how the name of the operator must be understood in the case regulated by that Article. This operator may perform processing (post-production) activity that is not necessarily included in the product specification. Consequently, for products like grated and blended cheese designated by a GI coming from multiple producers, and where the grating and blending is not part of the product specifications, the blender or grater may be mentioned on the label as 'operator'.

However, as regards cheese products marketed in pieces (to be sold individually), the authentic producer of each piece must be mentioned. Contrary to grating and blending, slicing cutting and portioning are operations after which it is still possible to distinguish to which producer the product put on the market belongs. The marketed product does not change its nature after undergoing one of these operations.

Cases of very small portioning marketed collectively ('apero' style cheese) may be considered similar to grating and blending. But all other cutting, portioning and slicing may not, in particular if the product is then marketed individually and the authentic producer of the product may still be identified. We would like to remind you that the GI Regulation aims at giving visibility to the producers of products designated by GIs.

29) *Consider a scenario where the producer group operates as a cooperative consisting of approximately 250 owner members. These members cultivate tomatoes on their land, and the cooperative sells the produce after pre-selecting it based on quality, shape, and size. As a result, products from as many as 4-5 producers can be combined in a single packaging unit. In terms of labelling, whose name should be displayed—those five producers? In my view, similar to the packaging of grated 'Parmigiano Reggiano,' it is suitable to reflect the name of the GI producer group as the producer on the label.*

Article 37(5) indicates that for agricultural products designated by a geographical indication, an indication of the name of the producer or operator shall appear in the

labelling, in the same field of vision as the geographical indication. What the provision requires is that the direct producer of the product is indicated, not the food business operator or other retailers. The co-legislators included that provision with the explicit purpose to increase the visibility of the effective producer of the product. The name of the operator shall be understood as the name of the operator responsible for the production stage at which the product to be covered by the geographical indication is obtained, or responsible for carrying out substantial processing of that product.

The case you have described is not similar to the case of the packaging of grated 'Parmigiano Reggiano'. In that case the 'operator' carries out a substantial processing of the product (cheese grating). In the case of a GI producer group packaging tomatoes, we understand that there is no substantial processing of the product and, therefore, the GI producer group may not be considered as an operator in the meaning of Article 37(5) of Regulation (EU) 2024/1143.

However, as you indicate, if the GI producer group itself may be considered as the direct producer of the product, the indication of its name on the label would satisfy the obligation set out in that Article. This could be the case, if the GI producer group is a cooperative, through which all members act collectively as one single producer

30) *Could a change of Article 37(5) of Regulation (EU) 2024/1143 be initiated during the two-year transitional period, placing spirit drinks on an equal footing with agricultural products? The current special treatment of spirit drinks is impracticable for some spirit drinks with a geographical indication and effectively excludes them from the use of the protected designation.*

At present, the Commission does not envisage to propose an amendment to Article 37(5) of Regulation (EU) 2024/1143.

31) *Why is the abbreviation 'GI' used for registered geographical indications in the spirit drinks sector in Implementing Regulation (EU) 2025/26?*

On the subject of this point, it has to be noted that the abbreviation "GI" used instead of "geographical indication" in Annex I part III, Annex II no.2 and Annexes III to IX of Regulation (EU) 2025/26 is used there as an abbreviation only for reason of easy reading. Annexes are technical documents. They may not create obligations without correspondent provisions in the text of the Regulation. This does not mean that the abbreviation 'GI' is meant to be used on a label. In Article 37(6) of Regulation (EU) 2024/1143, this has been made clear.

32) *Can the following text be included in the product specification and single document as regards labelling: "In accordance with Article 37 of Regulation (EU) No 2024/1143, the labels shall contain the Union PGI symbol and the registered name. It is mandatory to state the name of the brewery, as well as the name of the municipality where the brewery is located, on the labels."*

The first sentence should not be included as the rules repeat mandatory provisions of the Regulation, such as the obligation that the label bear the Union PGI logo as well as the registered name. Regarding the second sentence, per Article 37(5) of Regulation (EU) 2024/1143, where agricultural products are designated by a geographical indication, an indication of the name of the producer or operator shall appear in the labelling, in the same field of vision as the geographical indication. In that case, the name of the operator shall be understood as the name of the operator responsible for the production stage at which

the product to be covered by the geographical indication is obtained, or responsible for carrying out substantial processing of that product.

The indication of the municipality where the product is made falls under the Food Information to Consumers legislation (Regulation (EU) No 1169/2011), which states, in Article 9(1)(h), that the indication of the name or business name and address of the food business operator shall be mandatory.

For both the producer/operator and the address, since these rules are just repeating provisions of existing Union legislation, they should be included neither in the product specification nor in the single document.

33) *Does Article 37(7) of the Regulation concern the use of compulsory particulars and optional particulars in case the GI is used as an ingredient in a processed product?*

Article 37(7) concerns the use of the indications ('protected designation of origin', 'protected geographical indication' (for wine and agricultural products) and 'geographical indication' (for spirits)), the abbreviations ('PDO' and 'PGI' (for wine and agricultural products)) and the logo (for all sectors) in case of a GI (name) appearing in the list of the ingredients in the label of a processed product.

As regards spirits, there is no provision obliging to use the indication 'Geographical Indication'.

'PDO' and 'PGI' are optional for agricultural products and wines, they are not admitted for spirits.

Article 37(7) does not provide any rule for the use of the registered name in the list of ingredients.

34) *Is the following understating correct: the name of the GI can only be used in the list of ingredients, indications and abbreviations may accompany the name of the product in the same place where they appear (the list of the ingredient), the European logo cannot be used in this context?*

This interpretation is largely correct. However, consider that, as said above, Article 37(7) does not concern the use of the registered name. A name of a GI may appear in the list of ingredients in so far as the product used as an ingredient in a processed product complies with the product specification of that GI (Article 26(1)(a) and (b)).

35) *Is the second part of Article 37(7) an exception to Article 27, which gives the possibility to use the name of the GI in the name of the processed product? In this case it is explicitly specified that the logo may not accompany the GI name when used in the name of the processed product. The specific 'logotipo' of the GI may be used.*

Article 37(7) does not provide for any rule on the use of the GI name. Therefore, Article 27 may not be considered as an 'exception' to such a rule. For the rest the approach is correct. No logo allowed, either in the list of ingredients or close to the name of the processed product in case it includes the GI. It is worth specifying that the use of the specific 'logotipo' of the GI (specific logo of the GI) may be admitted only in so far as it does not infringe Article 26 of the Regulation.

36) *Is the use of the name of the GI and of the abbreviations PDO/PGI in the list of the ingredients, together with the name of the ingredient, permitted and logo is never permitted?*

Article 37(2) does not concern the permission to use the name of the GI in the list of the ingredients. If the ingredient used corresponds to the product covered by a GI, that name may be used in the list of the ingredient (Article 26(1) (a) and (b)).

It is not clear what would be the difference between the name of the GI and the name of the ingredient.

The use of the 'indications' is not covered in the text you propose.

37) *In our opinion the name of the processed product must not be confused with the fact that the processed product itself contains the Geographical Indication. For example, adding the expression 'elaborated with', followed by the GI name, in the sale name of the processed product should be allowed*

Your interpretation is not clear. It is acceptable only if it means that the addition of the expression 'elaborated with', followed by the GI name, in the sale name of the processed product is equivalent to including the GI name in the sale name of the processed product.

38) *Is it to be understood that the Union symbol indicating the PDO should not appear in the list of ingredients or close to the name of the processed product? Would the following examples be admissible, where the Union symbol (together with a PDO logo of the same size, as set out in the product specification) appears neither next to, nor close to, the name of the food?*

The EU legislation on geographical indications (GIs) in force before the adoption of Regulation (EU) 2024/1143 was silent on the labelling of products prepared using products designated by a geographical indication as an ingredient. Only the Guidelines on the labelling of foodstuffs using protected designation of origin (PDOs) or protected geographical indications (PGIs) as ingredients, adopted by the Commission in 2010 gave some non-binding rules for such specific cases. In point 3 of Section 2 (Recommendations) the use of the symbol was considered as allowed also close to the trade name of the product (prepared using a product designated by a geographical indication as an ingredient) if it was made clear that the said foodstuff is not itself a geographical indication.

In light of the above, the product specification of the PDO in question was compatible with the legislation in force before the adoption of Regulation (EU) 2024/1143, including the existing non-binding rules. Regulation (EU) 2024/1143 changed the approach to the labelling of products prepared using a product designated by a geographical indication as an ingredient by providing explicit binding rules for those cases in Article 27 and 37(7).

In particular, Article 37(7) reads: Indications and abbreviations may be used in the labelling and advertising material of processed products when the geographical indication refers to an ingredient thereof. In that case, the indication or abbreviation shall be placed next to the name of the ingredient that is clearly identified as an ingredient. The Union symbol shall not be placed in association with the name of the food within the meaning of Article 17 of Regulation (EU) No 1169/2011.

In light of this wording, the Union symbol cannot be placed in association with the name of the product prepared using a product designated by a geographical indication as ingredient. This prohibition is explicit in the last sentence of this paragraph and is in clear contrast with the non-binding recommendation included in the Guidelines of 2010.

In addition, the first sentence indicates (explicit list) the elements that the producers are allowed to use on the labelling of processed products (products prepared using a product

designated by a geographical indication as an ingredient) and the exact place where these elements must be placed. The allowed elements are: 1) the indications (protected designation of origin or protected geographical indications) and 2) the abbreviations (PDO or PGI). They must be placed next to the name of the PDO/PGI ingredient that is clearly identified as an ingredient. The Union symbol is not listed.

In light of the above, it is to be deduced that the use of the Union symbol is definitely not allowed on the label, either close to the name of the processed product or close to the name of the PDO/PGI ingredient.

This is in line with the stricter approach that the EU legislators have taken in general on the labelling of products that are prepared using a product designated by a geographical indication as an ingredient. During the debate in the Council, several Member States had explicitly argued that the Union symbol should be reserved only to products which are directly designated by a geographical indication and should not appear on labels of products which are prepared using a product designated by a geographical indication as an ingredient.

Therefore, insofar as it envisages that the producers of products prepared using the product designated by the PDO in question as an ingredient have the option to use the Union symbol on the label of their products, the product specification of the PDO in question is no longer in line with the current EU legislation (Regulation (EU) 2024/1143) and this part can no longer be implemented by operators producing processed products using PDO in question as an ingredient.

39) *In light of Article 37 of Regulation (EU) 2024/1143, it is permissible for a restaurant to use the EU GI symbol in its menu for a dish prepared using a geographical indication as an ingredient. As an example, you refer to a dish such as a doughnut with poppy seeds with PGI name?*

Subject to your assessment of the specific case at stake, I would like to draw your attention to the following provisions.

First, please note that the use of Union symbols for GIs (PDO/PGI) is restricted to the products registered as geographical indications. This is set out in Article 37 (1) of Regulation (EU) 2024/1143, which states that: “symbols referring to geographical indications shall not be used other than in connection with products produced in compliance with the relevant product specification.”

Second, Article 37(7) of Regulation (EU) 2024/1143 provides that: “Indications and abbreviations may be used in the labelling and advertising material of processed products when the geographical indication refers to an ingredient thereof. In that case, the indication or abbreviation shall be placed next to the name of the ingredient that is clearly identified as an ingredient. The Union symbol shall not be placed in association with the name of the food within the meaning of Article 17 of Regulation (EU) No 1169/2011.”

Consequently, the Union symbol must not be placed in association with the name of a processed product prepared using a product designated by a geographical indication as an ingredient. However, in line with Article 27(1) and the first sentence of Article 37(7) of Regulation (EU) 2024/1143, producers are allowed to use on the labelling and advertising material of such processed products: 1) the indications (protected designation of origin or protected geographical indications) and 2) the abbreviations (PDO or PGI). In that case,

the indication or abbreviation must be placed next to the name of the PDO/PGI ingredient that is clearly identified as an ingredient.

In light of the above and subject to your assessment of the specific case at stake, I conclude that the Union symbol must not be placed on the restaurant's menu in association with the doughnut that contains PGI poppy seeds as an ingredient. Only the indication – "protected geographical indication" and the abbreviation "PGI", can be placed appropriately next to the ingredient's name.

40) *Under Article 120(1)(h) of the CMO Regulation, the abbreviations 'PDO' or 'PGI' may also be used optionally. Recital 49 of Regulation (EU) 2024/1143 adds that these abbreviations can only be added to the mandatory indication of the terms 'protected designation of origin' or 'protected geographical indication': We presume that the basic aim is to ensure that the terms 'protected designation of origin' or 'protected geographical indication' appear on a label at least once.*

Under Regulation (EU) No 1308/2013, before it was amended by Regulation (EU) 2024/1143, the use in labels of the abbreviations 'PDO' and 'PGI' in the wine sector was never authorized. Following the amendments from Regulation (EU) 2024/1143, as clarified in recital 49 and in accordance with Article 84(12) of Regulation (EU) 2024/1143, it is now possible to add the abbreviations 'PDO' and 'PGI' on labels of wines.

Specific issues: spirits, wines related

1) *Are there possible cases where a translation or a transcription of GI for spirit drinks is acceptable when giving additional information to the consumers for spirit drinks?*

Using of a direct translation of geographical indication would represent a breach of Article 15(1) of Regulation (EU) 2019/787, which provides for absolute prohibition to use the translation of a geographical indication protected under that Regulation in the label. The only derogation is set, in Article 15(2) which allows for spirit drinks produced in the Union and destined for exports that the geographical indication is ***accompanied*** *by translations, transcriptions or transliterations, provided that such terms and geographical indications in the original language are not hidden*.

In the absence of a specific derogation, this prohibition also applies to cases where the Geographical Indication is an ingredient of a processed product other than alcoholic beverage and it is referred to in the label as an allusion (Article 12 of Regulation (EU) 2019/787), in a compound term (Article 11), in a mixture or blend (Article 13(3) to (4)), or simply listed in the list of ingredients (Article 13(2)).

Producers are notwithstanding allowed to add a transcription of the GI if such a transcription is included in the Register. Article 13(2) of Commission Delegated Regulation (EU) 2021/1235, supplementing Regulation (EU) 2019/787 with rules on the Register among others, provides that transcriptions or transliterations in Latin characters, where applicable, are recorded as names alternative to the registered name in non-Latin character, separated by a space, an oblique and a second space. In practice, once they are in the Register as separated names, transcriptions are considered as protected names.

Moreover, Article 10(5)(a) of Regulation (EU) 2019/787, which allows the legal name of a spirit drink to be supplemented or replaced by a geographical indication, also provides that *the geographical indication may be supplemented further by any term permitted by the relevant product specification, provided that this does not mislead the consumer*.

2) *Can a GI in food and wine sector be translated on the label or described in the e-shop together with a translation or for product presentation when it applies to the genuine product a name on the label is a GI name?*

As regards the language regime in the food sectors, in the absence of specific provisions on use of translations, Article 15(1) of Regulation (EU) No 1169/2011 on the provision of food information to consumers (FIC) applies, i.e. "*Without prejudice to Article 9(3), mandatory food information shall appear in a language easily understood by the consumers of the Member States where a food is marketed".* As regards the language regime in the wine sector, both Article 121 of Regulation (EU) No 1308/2013 and Article 15(1) of Regulation (EU) No 1169/2011 apply jointly.

This provision is to be applied to Geographical Indications as follows: the producers of a GI should always use the protected name as registered, in the original version. The name entered in the Register is the one and only 'GI'. It is worth reminding that the use of the original name is the only guarantee that the controls have been carried out on that producer and that the product specification has been complied with. Furthermore, the logo may only accompany the registered name, not a translation. However, taking into account the general principle set out in Article 15(1) of the FIC Regulation as well as, for wine, the specific provisions in Article 121(2) of Regulation (EU) No 1308/2013, when a risk of misunderstanding of the name exists in a specific market, a translation may be added. The rule is different for spirit drinks, where a translation of the GI may not be added, unless the spirit drink is destined for export outside the Union.

3) *Is it necessary that name, alcoholic strength and nominal volume appear in the same field of vision on the label in case of spirit drinks?*

In accordance with the provisions of Article 13(5) of the Regulation (EU) No. 1169/2011, whenever the name of a spirit drink (i.e. its legal name) or the geographical indication that may replace or supplement it appears on the product's label (in the front and/or in the back), then also the volume and the alcoholic strength need to be indicated. It is not sufficient that these three particulars appear together in the same field of vision only once. The fact that the Spirit Drinks Regulation (EU) 2019/787 specifies explicitly when the common indication is to be made each time by using the term 'always', does not imply that the FIC Regulation should use that term as well where it envisages to provide that the indication of the particulars should always occur in a certain way.

4) *May, for a spirit drink, the most prominent part of the label bear only the brand name 'Lithuanian vodka' with the additional name 'Auksinė' ('Golden') given to the spirit drink in question, and the full name of the GI would only appear in another field of vision chosen by the producer and with the additional name 'Auksinė'?*

Firstly, it is possible for a GI to appear next to a brand name. In addition, the descriptive term 'Auksinė' which appears under the brand name indicates that this specific quality applies to the brand name, not to the product designated by the GI. However, the descriptive term 'Auksinė' which appears as a complementary element of the registered GI on the right side of the label is problematic. It may appear on the label as a complementary element of the registered GI only if this is so provided for in the product

specification (in this case the technical file), which does not seem to be the case for this particular GI.

Secondly, for a spirit drink, the applicable rules for description, presentation and labelling can be found in Regulation (EU) 2019/787, in particular Article 10 thereof: "Spirit drinks shall bear legal names in their description, presentation and labelling. Legal names shall be shown clearly and visibly on the label of the spirit drink and shall not be replaced or altered. […] the legal name of a spirit drink may be: (a) supplemented or replaced by a geographical indication […]". The legal name of spirit drinks is part of the mandatory particulars that must appear "in a conspicuous place in such a way as to be easily visible" in accordance with Regulation (EU) No 1169/2011(Regulation on food information for consumers). Therefore, at least the legal name "vodka" in your case must appear in the most prominent part of the label.

Finally, we remind you that the Union symbol, as well as the indication "geographical indication", are not mandatory for spirit drinks. However, if the symbol is used on the label, it must appear in the same field of vision of the registered GI, i.e. in the same part of the label. In view of the objective of the GI Regulation, the GI symbol must appear in a prominent place of the label. Therefore, if the symbol is used alongside the GI 'Originali lietuviška degtinė / Original Lithuanian vodka', both should appear in the same field of vision and on the most prominent part of the label.

5) *We have protected specific wine names: Skalický rubín, Karpatská perla and we have protected areas, e.g. "malokarpatská vinohradnícka oblasť". Can, for example, "Skalický rubín" and "Karpatská perla" use the registered name of the wine on the front and the name of the region "malokarpatská vinohradnícka oblas" on the back of the label, possibly with EU symbols?*

Slovakia has protected as PDOs the names 'Malokarpatská / Malokarpatské / Malokarpatský', as well as 'Skalický rubín' or 'Karpatská perla', where the latter two PDOs are contained within the demarcated area of PDO 'Malokarpatská / Malokarpatské / Malokarpatský'.

A product may not bear two GI names simultaneously, because this would contradict the fundamental principles of the GI protection system and the rules on consumer information. Each GI is defined by a unique product specification that establishes the product's characteristics, the production method, the geographical area and its link with the product. As such, the name identifies a specific and exclusive relationship between concrete product and concrete area; it therefore cannot be shared or combined with another protected name without undermining the clarity and credibility of that link. Consequently, two PDO names – e.g. 'Malokarpatská' and 'Skalický rubín' may not be used on the same wine.

In this regard, please note that the name 'malokarpatská vinohradnícka oblasť (i.e. wine-growing area of Small Carpathians), to which you refer, may not be put on a label of 'Skalický rubín' PDO or 'Karpatská perla' PDO arguing that it is not used as a PDO name but as a name of the protected area determined by the national legislation. The name 'Malokarpatská / Malokarpatské / Malokarpatský' is a protected GI name that can be used exclusively on wine which meets the requirements of the product specification of PDO 'Malokarpatská / Malokarpatské / Malokarpatský'.

6) *If the name of a protected wine-growing region with a wine variety is used, e.g. "malokarpatský rizling", can the PDO information be used? Or with the name TOKAJSKÉ VÍNO, can "Tokajské samorodné suché", PDO be used?*

'Malokarpatský rizling' appears to combine the name of the PDO 'Malokarpatský' and the name of grape variety 'rizling'. These two elements are subject to different rules. If the

PDO name ‘Malokarpatský’ is used in presentation or labelling of wine, the term ‘protected designation of origin’ must be used as well (see Article 119 (1)(b) of Regulation (EU) 1308/2013), while the use of the Union symbol or abbreviation ‘PDO’ is optional (see Article 120(1)(e) and (h) of Regulation (EU) 1308/2013). The use of the name of a grape variety in labelling and presentation of PDO wine is subject to rules provided in Article 120(1)(b) of Regulation (EU) 1308/2013) and Article 50 of Commission Delegated Regulation (EU) 2019/33.

In this context, please note that the full name of the PDO, as registered, should be used in labelling and presentation of wine. Neither ‘TOKAJSKÉ VÍNO’, nor ‘Tokajské samorodné suché’ are registered PDO names and thus they may not be associated with the term ‘protected designation of origin’ nor with the Union symbol, nor abbreviation ‘PDO’. If the producers wish to use those elements, they need to use the full name as registered, i.e. ‘Vinohradnícka oblasť Tokaj’ or ‘TOKAJSKÉ VÍNO zo slovenskej oblasti’.

7) *Does the protection of the name, registered in the EU as a protected designation of origin (PDO), also extends to the names that designate geographical units within the demarcated area of the PDO wine?*

The name of PDO wine benefits of the protection conferred to geographical indications under Regulation (EU) 2024/1143 and the use of this name on the market is subject to the rules laid down in this regulation and in Regulation (EU) No 1308/2013 regarding the labelling and presentation in the wine sector. In particular, according to Article 119(1)(b) of Regulation (EU) No 1308/2013, the use of the term “protected designation of origin” and of the name of the protected designation of origin are compulsory particulars, while according to Article 120(1)(g) of the same regulation the name of another geographical unit that is smaller or larger than the area underlying the designation of origin is an optional particular for the labelling of wines bearing a protected designation of origin.

In conclusion, we confirm that the protection as a PDO is only granted to the name as registered, while the names designating geographical units within the demarcated area of the PDO wine are optional particulars which may be added to the labelling and presentation of the PDO wine but individually do not benefit of protection as geographical indications.

2.4. Controls and enforcement

2.4.1. Verification of compliance with the product specification

1) *For products with low turnover, if the association dedicated to the product's use and defence wishes to conduct member controls, would the Commission allow:*

   a. the association to ensure all its producers meet specification requirements, b. the certification body to audit only the association and some members on case-by-case basis, c. a certificate to be issued to the association, listing compliant members, d. audits and certificates for non-member producers after successful audits?

Producer groups may control their members, but such controls may not replace official controls to verify compliance with the product specification carried out by the competent authorities or delegated bodies.

Member States shall ensure that official controls are performed by the competent authorities on the basis of multi-annual national control plans providing general information on the structure and organisation of the official control systems in the Member State concerned, including the frequency of controls, in accordance with Regulation (EU) 2017/625 on official controls.

According to Article 39 of Regulation 2024/1143, paragraph 3, '... prior to placing on the market a product designated by a geographical indication and originating in the Union, verification of compliance with the product specification shall be carried out by:

(a) one or more competent authorities within the meaning of Article 3, point (3), of Regulation (EU) 2017/625; or

(b) one or more delegated bodies or natural persons to which certain official control tasks have been delegated, as referred to in the Title II, Chapter III of Regulation (EU) 2017/625'.

This verification of compliance with the product specification by the competent authorities or delegated bodies is carried out at the level of producers/operators and not at the level of producer groups. Each individual producer/operator must be subject to controls by the competent authority or a delegated body.

Certification and Inspection Bodies included in the product specification must be impartial and free from any conflict of interest as regards the geographical indication it controls, i.e. including as regards the producer group of that GI. This is one of the essential conditions that a delegated control body must fulfil, in accordance with Article 29 of Regulation (EU) 2017/625.

The frequency of the checks and the issue of a certificate with the list of members in order shall be determined by the country. In accordance with Article 45(2) of Regulation (EU) 2024/1143, the attestation and the extract from the list are to be updated periodically, on the basis of a risk assessment.

The other rules for issuing the statement of conformity are set out in Article 17 of Implementing Regulation (EU) 2025/26.

2) *Could the failure to comply with the obligation to use the "Digital Passport", envisaged to be included in the control plan as a mechanism to guarantee traceability constitute a violation of the use of a PDO/PGI and trigger punitive measures?*

In accordance with Article 50 of Regulation (EU) 2024/1143 any specific rules concerning packaging and labelling shall be specified in the Single document of the geographical indication. In accordance with Article 49 of the same regulation, product specification may also include any specific labelling rules or other applicable requirements, where provided for by Member States or by a producer group.

Controls of geographical indications are carried out to ensure compliance with their respective product specification and single document, both at production stage and after the PDO/PGI products have been placed on the market. In principle, controls of PDO/PGI are carried out on the basis of a control plan specific to the PDO or PGI product, specifying the organisation, methodology and frequency of controls, as well as the list of elements to be checked to ensure that the PDO/PGI product complies with its product specification.

Therefore, the control plan may not impose specific labelling obligations on producers that are not firstly specified in the product specification.

In order to ensure the protection of GIs, Article 42(3) of Regulation (EU) 2024/1143 empowers Member States to take appropriate administrative and judicial steps to prevent or stop the unlawful use of PDOs or PGIs designating products or services that are produced, provided or marketed in that Member State, or intended for export to third countries.

3) *Could an Internal Control Systems be made mandatory by Member States, and could a producer group be granted the right to include non-members in such a system?*

Control of the GI should not be a matter of the authorities alone. The control of a GI is a chain that involves many stakeholders: the different competent authorities (fiscal authority, prevention of frauds authority...), the operators through their own controls, the producer groups through their ability to implement voluntary internal controls and to assess the product specificities, the control bodies when control tasks are delegated to them and the accredited laboratories.

In this context, ensuring traceability through effective documentary checks is crucial, as well as carrying out laboratory and on-the-field checks, to trace products intended to be certified as a GI.

It is at the same time very important to ensure an effective system of treatment of non-compliances, if detected, to protect the reputation of GIs, their producers and the consumers' confidence for the GI system.

In line with Article 32(3), "Member States may provide for additional rules, in particular as regards the organisation, statutes, functioning and the nature of membership of, and financial contributions to, producer groups". In the light of the above, Member States can introduce new rules concerning the setting up of self-monitoring systems by producer groups.

Under Article 39(2), producers are responsible for own controls while, under Article 39(3), control authorities and delegated bodies (or natural persons) are responsible for official controls.

The producer groups may perform voluntary internal controls on their members (internal checks according to an approved control plan for each GI, to verify if the producers comply with the GI product specifications). That would not replace the producers' responsibility to carry out their own controls in the first place (e.g. to keep registers of raw materials for traceability purposes, etc.), but it would be a joint organisation of the quality control.

If the producer group decides to implement a system of internal control of its members, in principle non-members could be covered only on a voluntary basis.

4) *Which operators are to be covered when conducting the verification of compliance with the product specification?*

According to Regulation (EU) 2024/1143, "operator" means a natural or legal person who performs activities subject to one or more obligations provided for in the product specification.

All food products are covered by Regulation (EU) 2017/625 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products (OCR), including the verification of compliance with the rules in the area of use and labelling of GIs/TSGs (Article 1(2)(j) of OCR).

Regulation 2024/1143 indicates in Articles 39(2) and 72(6) that prior to placing on the market a product designated by a geographical indication or traditional specialty guaranteed and originating in the Union, verification of compliance with the product specification, shall be carried out by competent authorities or delegated bodies within the meaning of OCR.

When the protected GI/TSG name is used on the product, then all steps of the production chain need to be covered by the controls, normally under a specific control plan established for the given GI/TSG based on the product specification, including suppliers where relevant.

In case there are specific requirements for raw materials for the production of a GI/TSG, the suppliers of a given GI/TSG product would need to be also controlled and verified that they fulfil the requirements set by the product specification (e.g. requirements of the raw material; the raw material is separated from others not suitable for the production of a GI/TSG).

Therefore, the whole chain of food production operators with obligations established by a product specification for a GI/TSG (including the suppliers of raw materials) are to be considered as subject to control activities based on previously defined specific control plan for the given PDO/PGI/TSG and along the general rules on official controls set by the OCR.

2.4.2. Public information on competent authorities, delegated and product certification bodies and natural persons

1) *How the name and contact detail of control authorities / bodies can be consulted?*

In line with Article 40(1) of Regulation (EU) 2024/1143, it is the Member States that have to make public the control authorities and have to keep that information up to date. How this information is made public is up to each Member State. Information on control authorities does not have to be included in the product specification, but can be available in a separate document, which also could simplify the later update of the data.

2.4.3. Accreditation of delegated and product certification bodies

1) *Where the instructions regarding the accreditation of bodies with delegated powers under Art. 39(4)(b) could be found?*

As regards the accreditation of the product certification bodies and of the delegated bodies referred to in Article 39(4)(b) of Regulation (EU) 2024/1143, the accreditation standards they must comply with are laid down in Article 41 of the same Regulation.

As far as the delegation of official control tasks by the Member States is concerned, these provisions are complemented by the general rules concerning the delegation of certain official control tasks, laid down in Title II, Chapter III, of Regulation (EU) 2017/625 (Official Controls Regulation).

2.4.4. Verification of the use of geographical indications in the market and enforcement

1) Can Member Sates introduce punitive measures in case of unlawful use of GIs?

Article 42(3) of Regulation (EU) 2024/1143 empowers Member States to take appropriate administrative and judicial steps to prevent or stop the unlawful use of PDOs or PGIs designating products or services that are produced, provided or marketed in that Member State, or intended for export to third countries.

2) Who should enforce e-commerce related non-compliances in the agri-food chain?

Under the system of geographical indications, in accordance with Article 42(1) of Regulation (EU) 2024/1143, Member States shall designate one or more competent authorities responsible for verification of, and enforcement actions on, the use of GI after the product designated by a GI has been placed on the market, which includes operations such as storage, transit, distribution or offering for sale, including in electronic commerce. In accordance with Article 38(3) of Regulation (EU) 2024/1143, these competent authorities shall comply with the requirements laid down in the OCR.

In accordance with Article 42(3) of Regulation (EU) 2024/1143, Member States shall take appropriate administrative and judicial steps to prevent or stop the use of names of products or services, including through online interfaces, that are produced, provided or marketed in their territory, or intended for export to third countries, and that contravenes protection of GIs. However, the specific procedures for the enforcement of protection of GIs are determined by the national laws of each Member State.

Therefore, in accordance with these provisions, competent authorities designated by Member States for controls of GIs are also obliged to monitor e-commerce and, in case of violation of GI protection, they shall take appropriate action. Pursuant to Article 49 of Regulation (EU) 2022/2065, Member States shall designate competent authorities for the enforcement of its rules to providers of intermediary services (including online platforms) having their main establishment in their territory. Member States may decide to designate competent authorities for controls of GIs also as competent authorities for the enforcement of the DSA, provided that they fulfil the requirements set out in Article 50 therein. Consequently, if enforcement requires measures under the DSA and competent authorities for controls of GIs are not given mandate for DSA enforcement, they would need to coordinate with the competent DSA authorities.

In addition, the relevant national judicial or administrative authorities, on the basis of the applicable Union law or national law in compliance with Union law, may issue orders to act against illegal content. As regards orders fulfilling the conditions set out in Article 9 of Regulation (EU) 2022/2065, providers of intermediary services shall inform the authority issuing the order, or any other authority specified in the order, of any effect given to the order without undue delay.

3) *What are administrative and judicial steps for addressing GI violations in Domain Names?*

Member States should apply Article 42 of Regulation (EU) 2024/1143 (GI Regulation) and the available enforcement mechanisms.

Domain name pre-registration preventive action: The GI Regulation does not require Member States to implement an ex-ante verification system for domain name registrations concerning existing GIs. However, Member States have a general obligation to take appropriate steps to prevent the use of names that contravene Articles 26 and 27. In addition, they may adopt national measures to promote best practices in domain name registrations, in cooperation with EU-based domain name registries.

Domain name post-registration enforcement: The Regulation establishes that Member States should act once a GI violation occurs, meaning intervention should be based on actual infringement – either in the way a domain name is used or in the content of a website (Article 26(2) and (4)(b)).

Since no domain name information and alert system under Article 35 has been established to date, direct preventive action at the registration stage would be difficult to implement in practice. However, post-registration enforcement remains an effective tool under Article 42(3) and (4), allowing Member States to take administrative or judicial action to remove unlawful content or disable access to infringing domain names from their territory.

4) *When will the competent control authority decide to issue an order to restrict access to the domain name and what instruments are available to efficiently disable the access to domain names registered in breach of the protection of geographical indications?*

Under Article 42(4) of the GI Regulation, Member States shall take appropriate administrative and judicial steps to disable access to domain names that contravene protection of GIs, from their territory.

Enforcement of protection of geographical indications is the competence of Member States. The specific procedure and conditions for the enforcement of geographical indications are determined by the national laws of each Member State.

The scope of this enforcement obligation also covers the rules on the use of geographical indications. Article 42(4) of the GI Regulation foresees that these steps are taken when a domain name contravenes Article 26(2), which subsequently refers to acts and situations described in Article 26(1).

This article does not specify what administrative and judicial steps must be taken and by which authority of a Member State. It implies that the Member States must use their national administrative processes (e.g. competent authorities, regulatory agencies) or/and judicial recourse (courts, legal systems) to disable access to domain names from their territory. Provisions of this paragraph leave it to Member States to decide on actors and processes concerning disabling access of domain names from their territory.

In practical terms, if the competent authority finds a domain name infringing a GI, it shall take an action in line with national procedures (e.g., bring it to the court). In most cases, the actual act of disabling access to domain names is done by the Internet Service Providers (ISP).

In any case, Article 9 of DSA sets out the requirements that national orders to act against illegal content addressed to online intermediary service providers, including ISPs, issued on the basis of the applicable Union law or national law in compliance with Union law shall fulfil to result in an obligation for the concerned service provider to provide feedback on the effect given to the order.

5) *What is a meaning of "Disabling Access" under Article 42 of Regulation (EU) 2024/1143?*

Articles 42(4) and 26(2) of the GI Regulation empowers Member States' authorities to take enforcement actions to disable access to GI infringing domain names. The interpretation of "disable access" may involve orders to national Internet Service Providers (ISPs) to block access to domain names hosted inside or outside the Member State, making it inaccessible to end users in the Member State.

A registry/ccTLD cannot adopt an action of disabling the access to a domain name for a territory. The only action that a registry/ccTLD can take vis a' vis a domain name is to remove it, and this action is not limited to a specific territory it is valid erga omnes.

The term "disable access to domain names" under Article 42 refers to technical, administrative or judicial measures that competent authorities may use to prevent (block or suspend) public access from their territory to a GI infringing domain name.

For comparison:

• "Disable access to domain names" (Article 42 of Regulation (EU) 2024/1143) refers to blocking an entire domain name (e.g., example.eu).

• "Disable access to content" (under the DSA - Regulation (EU) 2022/2065 and Article 43 of Regulation (EU) 2024/1143) refers to removing or restricting access to specific infringing content within a domain.

This distinction means that Article 42 enables broader enforcement action by Member States, allowing the disabling of access from their territory to entire domain names violating GI protection.

The Commission services stress the importance of ensuring effective enforcement of GI protection on the online market and will continue working with Member States to provide guidance on the implementation of the Regulation.

6) *What happens when the operator responsible for the infringement is established in another Member State, but the blocking of a domain name should be done on the level of the domain name register that is in another Member State. Which Member State competent authority should decide in this case and issue an order for blocking the domain name?*

The provision at stake concerns the 'access', not the 'registration'. A domain name may be registered in another Member State or outside the Union, but each Member State is obliged to take the appropriate steps that access in its own territory to a domain name contravening the protection of geographical indications be disabled. Article 42(4) entails that it should be for a Member State where an infringement is verified to initiate the action to disable access to domain name from its territory following the appropriate national procedures. In most cases, disabling of access to domain names is done by the internet service providers (ISP), on order of the Member State. However, the access to the domain name would only be disabled in the Member State(s) which has/have adopted such measure to disable the access. The same domain name would remain accessible in other Member States if no decision to disable it from their territories has been taken by these Member States.

7) *Why only focus on disabling access from the territory of the specific MS and not on EU level if an infringement of EU legislation is found? How will the EC support the MS in this matter, especially if linked to websites located outside EU*

While the Recital 55 of Regulation (EU) 2024/1143 and Article 42(4) of the same Regulation mention disabling access at the national level, this does not exclude a coordinated approach across Member States. However, each Member State shall act within their own geographical borders.

Enforcement of GI protection is the competence of Member States. The Commission services provide guidance on the implementation of the rules.

If the domain names infringing protection of GIs are located outside the EU, each Member State is obliged to take the appropriate steps only to disable access to domain names from their territory.

Article 42(4) of Regulation (EU) 2024/1143 entails that it should be for a Member State where a GI infringement is found to initiate the action to disable access to domain name from its territory, following the appropriate national procedures. In most cases, disabling of access to domain names is done by the internet service providers (ISP), on order issued by relevant authorities of the Member State. However, the access to the domain name would only be disabled in the Member State(s) which has/have adopted such measure to disable the access. The same domain name would remain accessible in other Member States and outside the European Union as this measure only restricts access rather than removing the domain name.

2.4.5. Obligations of providers on the online market

1) *What are the obligations of providers on the online market under Article 43 of Regulation (EU) 2024/1143?*

In accordance with Article 43(2) of Regulation (EU) 2024/1143, the relevant national judicial or administrative authorities may issue orders to act against illegal content, as defined in Article 3, point (h), of Regulation (EU) 2022/2065 (Digital Services Act - DSA). These orders may be addressed to intermediary service providers, including ISPs and domain name registries to adopt enforcement measures against any information related to the advertising, promotion and sale of products that is accessible to persons established in the Union and that contravenes the protection of geographical indications provided for in Articles 26 and 27 of Regulation (EU) 2024/1143.

2) *Can a competent authority under OCR enforce Article 43(2) of Regulation (EU) 2024/1143?*

In accordance with Article 43(2) of Regulation (EU) 2024/1143, the relevant national judicial or administrative authorities of the Member States may, in accordance with Article 9 of Regulation (EU) 2022/2065, issue an order to act against illegal content. Neither Regulation (EU) 2024/1143 nor Regulation (EU) 2022/2065 specify which are those authorities. Enforcement of protection of geographical indications is the competence of Member States. Therefore, the specific procedures and competent authorities are determined by each Member State.

An order to act against illegal content can be issued by different authorities – e.g., courts, regulatory bodies or government agencies that oversee specific areas of law enforcement, consumer protection authorities, etc. Competent authorities designated under the OCR can thus be among the authorities enforcing Article 43(2) of Regulation (EU) 2024/1143 if they are given such mandate under the laws of the Member States.

3) *Under which circumstances can a competent authority enforce the rules of the DSA – including Articles 9 and 10 in the DSA in cases involving non-compliances in the agri-food chain?*

From the perspective of geographical indications, competent authorities, if given such mandate, can enforce DSA (Regulation (EU) 2022/2065) provisions in cases where online platforms or intermediary services are involved in providing information related to the advertising, promotion and sale of agri-food products that contravenes GI protection and thus shall be considered illegal content, as stipulated in Article 43(1) of Regulation (EU) 2024/1143. Article 43 only refers to Article 9 of Regulation (EU) 2022/2065 regarding orders to act against illegal content.

4) *Is, taking into account recital 56 of Regulation (EU) 2024/1143, the identification of illegal content under the Digital Services Act (DSA) considered a matter of criminal law or commodity law?*

The identification of illegal content related to geographical indications may be considered a matter of commodity law when it involves the misleading commercial representation of products, or a matter of a criminal law when the illegal activity involves fraud or deliberate intention to deceive. However, this will depend on the laws of each Member State.

Article 9 of DSA provides detailed information on what the order against the illegal content shall contain, without prejudice to national civil and criminal procedural law.

Development of the tools such as web scraping and web crawling and guidance related does not fall into competence of DG AGRI Geographical indications unit. Controls and enforcement of GIs are the competence of Member States.

2.4.6. Attestation of compliance with the product specification

1) *Certification of compliance with the product specification shall be provided in accordance with Article 45(1) of Regulation (EU) 2024/1143 either by issuing a certificate or by entering it in the 'list' referred to in Article 39(1) of Regulation (EU) 2024/1143 or Article 116a of Regulation (EU) No 1308/2013, as applicable. What is meant by the word 'as applicable'?*

Article 45(1)(b) reads: "(b) inclusion in a list of approved operators established by the competent authority, such as the list provided for in Article 39(1) of this Regulation or Article 116a of Regulation No 1308/2013, as applicable. The relevant extract of the list ('listing') shall be made available online to each approved operator."

The meaning of "as applicable" is that if it is a wine, Article 116a of 1308/2013 applies, and if it is food or spirit drink, Article 39(1) of R 2024/1143 applies.

2) *In article 17(2)(e) of Implementing Regulation (EU) 2025/26 it is stated that the attestation or the list shall contain the business of the operator, being 'production',*

'processing', 'bottling (packaging)', and/or 'other'. It seems there is no definition of these businesses in the Regulation.

The Commission services can confirm your understanding – the terms 'production', 'processing', and 'bottling (packaging)' are not explicitly defined in Regulation (EU) 2025/26. However, Regulation (EU) 2024/1143, which is the basic act on which the Commission Implementing Regulation (EU) 2025/26 is based, defines the 'production step' and the 'processed product' in Article 2(1), points (d) and (f), respectively.

2.5. Designations of origin and geographical indications of agricultural products

2.5.1. Specific rules on sourcing of feed and of raw materials, and on slaughtering

1) *It is mandatory for the feed manufacturing facility (compound feed plant) to be located within the defined geographical area of the product designated under a protected designation of origin (PDO), or is it sufficient that the feed originate from that area regardless the location of the manufacturing facility?*

The Regulation does not explicitly state that a feed facility which produces or processes feed to be used in the production of a PDO product must be located in the defined geographical area.

However, the principle established in Article 46(1)(c) of Regulation (EU) 2024/1143, that all the production steps of a PDO product must take place within the defined geographical area, is to be fully applied to the production of feed destined to the production of PDO products. Production of feed for animals to be used for the production of a PDO product is a production step of the PDO product. All the steps related to the production of the feed, and not only the origin of it, are to be taken into account when applying Article 46(1)(c).

Article 47(1) of the Regulation reads: In respect of a product of animal origin, the name of which is registered as a designation of origin, feed shall be sourced entirely from within the defined geographical area. Sourced here does not refer only to the location of the 'material' but also the actions necessary to obtain it.

Therefore, the production of feed for animals to be used for the production of a PDO product is to be considered as a step of production (of the raw material) of the related final animal product designated by the PDO and, consequently, it must take place within the PDO geographical area.

2) *Is it possible to introduce an amendment to the product specification of a PDO cheese that regulate a sustainability requirement to reduce carbon footprint by requiring feed to come from the Union, in addition to a percentage from the geographical area?*

On this proposal, we must refer to Article 47 of Regulation (EU) No 2024/1143, which states that feed for PDO products of animal origin must be sourced entirely from the geographical area, with exceptions allowing up to 50% of dry matter to be sourced from outside the area if sourcing entirely from within is not practicable.

2.5.2. Single Document

1) *Should an obligation to use the registered name and the logo in the label and the possibility to indicate a specific combination (blend) be included both: the product specification and the single document or a mention in the product specification alone suffices?*

The option to indicate the special blend on the label is a specific rule concerning the labelling. We advise you to include it also in the single document, as provided in Article 50(1)(a) of Regulation (EU) 2024/1143. However, rules that repeat mandatory provisions of the Regulation, such as the obligation that the label bear the Union PGI logo as well as the registered name, should be included neither in the product specification, nor in the single document.

3. TRADITIONAL SPECIALITIES GUARANTEED

3.1. Scope

3.1.1. Scope

1) *Does the category "aerated waters", for traditional specialities guaranteed (TSGs), cover products classified under Combined Nomenclatures (the CN) codes 2201 and 2202 and could this category encompass natural or artificial mineral waters?*

As provided in Article 51 of the GI Regulation, the scope of the TSG is defined as the agricultural products intended for human consumption listed in Annex I to the TFEU plus the agricultural products listed in Annex II to that Regulation, which includes “aerated waters”.

Natural mineral waters are de jure excluded from the scope of the GI Regulation as regards TSGs as they are neither a recipe nor do they result from a “mode of production, processing or composition corresponding to traditional practice”.

As regards artificial mineral waters, in order to settle whether they can be considered as included in the “aerated waters” class listed in Annex II of the GI Regulation, the CN classification is formally not relevant, because it applies only to PDOs, PGIs and GIs. However, the CN codes together with WCO HS Explanatory notes may be used as a tool, , to determine whether the scientific, commercial or common definition of “aerated waters’ includes natural or artificial mineral waters.

It appears that in the description of the codes 2201 and 2202 of the CN, to which you refer in your mail, and of the codes ‘2202 10’ and ‘2202 10 00’, ‘aerated waters’ and ‘mineral (natural or artificial) waters’ are listed as different products under the general category of ‘waters’. Therefore, the CN consider them as different products.

Following the HS Explanatory Note of the WCO to heading 2201 ‘aerated waters (carbonated waters) are only ordinary potable waters charged with carbon dioxide gas under pressure’; ‘natural mineral waters contain mineral salts or gases’; ‘natural mineral waters may also contain natural or added carbon dioxide’; ‘artificial mineral waters are waters prepared from ordinary potable water by adding the active principles (mineral salts or gases) present in natural waters to produce waters with the same properties’. Therefore,

an addition of a carbon dioxide to a mineral water would not change its category to "aerated waters". It would still be considered as a natural mineral water.

In the absence of a legal definition of aerated waters, the available legal interpretative tool is the classification provided in the CN together with WCO HS Explanatory notes. We consider, therefore, that natural and artificial mineral waters are not included in the class 'aerated waters' listed in point (k) of Annex II of the GI Regulation.

3.2. Traditional specialities guaranteed

3.2.1. Eligibility criteria

1) *Are the names of proteins eligible for registration as traditional speciality guaranteed (TSG)?*

Names of proteins are not eligible for registration as TSG. Proteins are neither listed among the agricultural products in Annex I of the Treaty nor among the specific TSG products in Annex I, part II, of Regulation (EU) No 1151/2012. They have not been listed either in Annex II of the new Regulation on Geographical Indications which will enter into force in May.

2) *Is the name: 'Goat cheese' eligible for registration as traditional speciality guaranteed (TSG)?*

'Goat cheese' would be an eligible name for TSG registration, although we wonder whether such a registration may be of any use. 'Goat cheese' is a name generically designating a very common product, produced in many Member States. It seems obvious that each of these Member States has its own specific traditional method to produce it. It is also a name that potentially covers many different methodologies and types of cheese, the only common element being the raw material. Therefore, it would be difficult to have shared production rules for the product specification of all the products designated under the name 'goat cheese'.

A strict product specification would trigger several oppositions from quite a number of Member States, which could lead to the rejection of the application or, in the most favourable case, to the obligation that the registered name is accompanied by the claim 'made following the tradition of Greece'. This would considerably reduce the protection of that name since the name 'goat cheese' could continue to be used to designate products that are produced not complying with the product specification.

On the other hand, a loose product specification would be of negligible use. Standards exist already for a product to be marketed as goat cheese. The registration as TSG would not identify a traditional product different from the corresponding commodity and would be of no added value.

3.2.2. Producer groups

1) *Can an already existing European association that entails farmers and transformers of a given product be considered an appropriate "producer group"? Is the creation of an ad-hoc association necessary in order to apply for the recognition of a TSG?*

To qualify as a TSG producer group, it is not necessary that the group is created ad hoc for the application of the TSG. An association of producers of a product may exist since a long time and decide to apply for registration of the name of the product they produce as TSG at any time.

2) *Who would be considered as "other operators" in the meaning of Article 55 of Regulation (EU) 2024/1143 and what "those members shall not control the producer group" means? For meat products, which of the two groups: farmers or transformers (e.g. companies responsible for cooking, seasoning and conditioning a meat product) would be considered as "producers"?*

Article 55(2) of Regulation (EU) 2024/1143 allows the enlargement of the membership of a TSG producer group to stakeholders or representatives of activities linked to a specific stage of the production of the product. Although these entities may not be (fully) considered as producers of the product designated as TSG, they may however be admitted in the group, if they have a specific interest in the product and, provided that they do not take the control of the group. So, they can be part of the group but may not become majority thereof.

3) *Can changes be made to the applicant while the application for the registration of the traditional product name is published, or at what stage can a change of request be made to the applicant? Can I get information about the procedure required for this?*

During the publication period and until the registration of a TSG, it is not possible to change the applicant group. A change of the applicant group at this stage would be considered as a modification of the application. As a consequence, the publication would have to be cancelled and the whole procedure would have to be relaunched (including scrutiny).

Having said this, once a TSG is registered, it is possible to change the applicant group. The Commission should be informed promptly and, if the name of the applicant is part of the specification, you must introduce a request for modification with the Commission.

3.2.3. National stage of the procedure of registration

1) *Can a single European producer group entailing producers in several Member States apply or is it a necessity for its national components/producer groups to apply jointly as multiple national entities?*

A joint application (meaning an application which is prepared by groups established in more than one country or by one European group representing producers in more than one country) may be lodged—with the national authorities of each of the concerned countries—also by a European association of producers (which would be the same entity lodging the application in all the countries), following the specific legislation of those Member States or third countries. Applications may not be directly submitted by the producer group to the Commission. A joint application must be submitted to the Commission by one country only, which could be a Member State or a third country (Article 58(3) of Regulation (EU) 2024/1143). It will be for that country or Member State to coordinate directly with the other Member State concerned.

3.2.4. Controls and enforcement

1) *What is the expected frequence and scope of own controls foreseen in Article 72(5) and how do they differ from controls performed by Member States' authorities as entailed in paragraph 6 of the aforementioned article?*

"Own controls" are provided for in the Official Controls Regulation (Article 9(1)(d) and Article 26(1)(b) of Regulation (EU) 2017/625). Own controls are under the responsibility of producers/producer groups for the purpose of ensuring compliance with the product specification of the TSG products. They are part of the general framework/requirements of the official controls system, but they are not official controls. In case of established noncompliance, the competent authority may order the producer/producer group to increase the frequency of its own controls. The wording in Article 55(3)(a) of Regulation (EU) 2024/1143, on producer groups managing own controls of their members, means that the TSG producer groups may have the responsibility to manage the internal controls of their members. They have the free choice on how to carry them out. They must have adequate human and technical resources and put in place written procedures for this purpose. However, as these "own controls" performed by the producer groups are not "official controls", the producer groups do not have to be accredited for that. The official control tasks remain under the remit and responsibility of the competent authorities and/or delegated bodies and/or natural persons to which certain control tasks have been delegated.

2) *Where the instructions regarding the accreditation of bodies with delegated powers under Article 72(6)(b) could be found?*

As regards the accreditation of the product certification bodies and of the delegated bodies referred to in Article 72(6)(b) of Regulation (EU) 2024/1143, the accreditation standards they must comply with are laid down in Article 73 of the same Regulation. As far as the delegation of official control tasks by the Member States is concerned, these provisions are complemented by the general rules concerning the delegation of certain official control tasks, laid down in Title II, Chapter III, of Regulation (EU) 2017/625 (Official Controls Regulation).

4. AMENDMENTS TO REGULATIONS (EU) NO 1308/2013, (EU) 2019/787 AND (EU) 2019/1753

1) *Is it possible to establish a protected geographical indication (PGI) for wine within the territory of another existing PGI?*

Under the applicable EU legal framework, namely Regulation (EU) No 1308/2013 and Regulation (EU) 2024/1143, there is no requirement for PGI areas to be mutually exclusive. In fact, overlapping or nested PGIs already exist within the Union, reflecting the diversity and richness of viticultural traditions and terroirs. What is essential is that each PGI is sufficiently defined and substantiated on its own merits and that all the conditions set out in the relevant legislation are met.

The key legal and procedural requirements are now laid down in Regulation (EU) 2024/1143, which complements and amends the provisions of Regulation (EU) No 1308/2013 regarding the wine geographical indications.

In particular, the new PGI must:

• be clearly delimited and justified in relation to the specific geographical area concerned;

• demonstrate a reputation and/or a specific quality and/or other characteristic essentially attributable to that area;

• be supported by a single document and a product specification that complies with the requirements of Regulation (EU) 2024/1143.

Naturally, any such application must follow the relevant national and Union-level procedures, including the publication, scrutiny and opposition phases as foreseen in Regulation (EU) 2024/1143.

2) *The question for the Commission is whether a geographical unit smaller than the geographical area on which an existing PDO is based can participate in another existing or potentially neighbouring PDO?*

This may in principle be possible. The Union legislation foresees that the demarcated geographical area is delimited with regard to the causal link, which for a PDO constitutes the link between the quality or characteristics of the product and the relevant geographical environment referred to in Article 93(1), point (a)(i) of Regulation (EU) 1308/2013. Also, the demarcated geographical area should be defined in a precise way that present no ambiguities (Article 6 of Regulation (EU) 2025/26). If the producer group of the PDO wine wishes to expand the demarcated geographical area, this can be done either through a Union amendment if this change could potentially void the link or through a standard amendment if the change does not entail such a risk.

3) *The question for the Commission is whether it is legal to register a trade name or a trademark bearing the indication "Domain" and whether this indication may be used in the labeling and presentation of a wine product produced in Cyprus?*

Union legislation regulates the use of terms referring to a wine-growing holding as laid down in Article 54(1) and Annex VI to Commission Delegated Regulation (EU) 2019/33. Annex VI to that Regulation includes the term “domain” for three Member States. The terms laid down in that Annex are reserved for grapevine products with protected designations of origin or geographical indications and shall only be used if the grapevine product is made exclusively from grapes harvested in vineyards exploited by the holding and the winemaking is entirely carried out on that holding. The indication of the holding on the label of a grapevine product is aimed at providing information to consumers as to the guarantee of specific quality linked to the product of the holding which stems from that indication. If a wine producing company seeks to register a trade name (i.e. the name to be used to refer to that company) which contains the term “domain” in order to produce wine in Cyprus, the company should choose one of the terms listed for Cyprus in Annex VI, which corresponds to the term “domain”. If the use of such term is in line with national and Union law and its registration as wine trademark does not prevent other holdings from using the term listed in Annex VI, the company could be allowed to use its name as an indication of the holding within the meaning of Article 54(1). In such a case, and while ensuring that the company does not use a term reserved for wines from another Member State, its wine should meet the conditions of that provision,

4) *What is the legal consequence of the link to the product specification contained in the Single Document? Does it mean, that conditions, which are shown in the document of this link (but not in the Single Document) are also obligatory for the*

use of this PDO? The latest product specification of a PDO wine contains specific labelling obligations that is not explicitly referred to in the single document. Can we sanction a producer, in case the specific labelling rules are not followed?

As regards wine, checks to verify compliance with the product specification for designations of origin and geographical indications are done in accordance with Article 116a of Regulation (EU) No 1308/2013, complemented by Implementing Regulation (EU) 2019/34, notably its Articles 15 and 19. These checks always refer to the product specification, not the single document.

Therefore, the Austrian competent authorities performing the verification of compliance pursuant to Article 116a can indeed rely on labelling conditions contained in the product specification of 'Wachau' to impose that a producer complies with these conditions. As regards your question on sanctions, in application of Article 19(6) Regulation (EU) 2019/34, any product failing to meet the conditions set out in paragraphs 1 to 5 may be placed on the market, but without the relevant designation of origin or geographical indication, provided that the other legal requirements are satisfied.

On the other hand, for wine, in line with Article 95(1) of Regulation (EU) No 1308/2013, "The single document shall include the following: […](k) where applicable, the specific rules concerning packaging and labelling as well as any other essential relevant requirements."

The single document published in the Official Journal (OJ) is a legally binding summary of the key elements of the PDO/PGI detailed in the product specification, including the above-mentioned elements, and it should also be self-standing. The single document serves as a reference in the Union and is the basis for verification of the use of GIs in the market pursuant to Article 42 of Regulation (EU) 2024/1143. Consequently, if the single document does not include any reference to labelling conditions, verification by competent authorities after the product has been placed on the market may not take such conditions into consideration, even though they appear in the product specification and there is a link at the end of the single document to the product specification which enables direct access to it.

You explain that the latest product specification of a PDO wine contains the obligation that the name of the PDO must be used on the label in combination with the traditional expression „DAC", but this labelling condition is not reproduced in the single document. Should you wish to ensure that the labelling condition is taken into account by competent authorities verifying use after the product has been placed on the market, you could request a corrigendum of the single document for the PDO wine. It is not a standard amendment modifying the single document, since as you explain the labelling condition is already in the product specification and therefore the change would not be an amendment of the product specification.

5. PROCEDURAL, TRANSITIONAL AND FINAL PROVISIONS

5.1.1. Transitional provisions for pending applications and registered names

1) *Are there transitional provisions concerning national applications?*

Member States should deal with applications pending at national level in a way to allow compliance of those applications with the provisions of Regulation (EU) 2024/1143 once submitted to the Commission. For example, if the application is submitted to the Commission after 13 May 2024, it will have to comply with the rules of Regulation (EU) 2024/1143 even if the national procedure has followed the rules of Regulation (EU) No 1151/2012. This does not mean that the procedure at national level is invalid and has to be started again, but only that the Member States, before submitting new applications to the Commission, will have to check that they comply in substance with the new rules. This approach applies to all national acts, applications for registration and for Union amendments as well as approval and communications of standard amendments.

2) *Can the application that were completed at the national stage under previous rules be submitted to the EU?*

In principle, applicants that have lawfully undertaken the national part of the procedure for registration or Union amendment in accordance with the previous rules (Regulations (EU) No 1151/2012, No 1308/2013 and 2019/787) but that do not comply with the rules of Regulation (EU) 2024/1143 should not be allowed to accede to the Union stage of the procedure (unless the application was sent on 12 May at the latest to the Commission). However, the assessment of the eligibility of applications in the national part of the procedure is made by the Member States. In the absence of a transitional rule, it is for the Member States to decide how to deal with cases in which a group applying for registration or for Union amendment, eligible under the previous Union legislation on GI, is not eligible under the rules of Regulation (EU) 2024/1143. For the reasons you have explained, we understand that Member States may apply proportionate flexibility.

In any event, those cases should be the exception. The conditions for groups to apply for registration are in practice the same as before. The requirement of being democratically organised may not be considered a big change (normally this requirement is complied with by the large majority of the groups that applied under the previous legislation) and we do not recall examples in the past of applications for amendment from groups that are not the producer group of the product designated by the geographical indication.

3) *Which concept of an "operator" should be used in the report on control results for 2023 submitted in 2024?*

The new Regulation (EU) 2024/1143 applies as of 13 May 2024. Although the report for controls carried out in 2023 is submitted in 2024, the controls in 2023 were supposed to be carried out in accordance with the legislation in force at that time – Regulation (EU) No 1151/2012.

Therefore, the results of the control activities to be submitted this year for the past year should indeed be based on the concept of "operator" as previously defined in your control plan.

For the controls to be carried out moving forward, it is essential to adopt and apply the new definition of "operator" as per the new Regulation.

4) *Under what conditions references to the old Regulation (EU) No 1151/2012 can be made in connection to the current certification services performed by control bodies with delegated powers?*

Having in view that Regulation (EU) 2024/1143 repealed Regulation (EU) No 1151/2012 and that it is applicable as of 13 May 2024, all the official control tasks carried out after this date under the scope of Article 38 and of Article 72 of the new regulation shall only refer to the legislation in force. References to the old Regulation (EU) No 1151/2012 may only be made in respect of controls performed before the date of 13 May 2024. Nonetheless, please note that the conditions for delegating official control tasks and the nature of such tasks for the purpose of verification of compliance with the product specification of geographical indications and of traditional specialities guaranteed remain essentially unchanged.

1) *May a notice of comments under Article 18 of Regulation (EU) 2024/1143 be lodged in connection with the application submitted under Regulation 1151/2012, which was published for opposition after 13 May 2024?*

Article 90(2) of Regulation (EU) 2024/1143 provides that certain Articles of Regulation (EU) 2024/1143 apply to applications for which the publication for opposition took place after 13 May 2024, although the applications had been submitted before the date on which Regulation (EU) 2024/1143 applies.

Please note that Article 18 of Regulation (EU) 2024/1143 is not included in Article 90(2). Therefore, a notice of comments according to Article 18 of Regulation (EU) 2024/1143 may not be submitted in connection with the application for registration submitted under Regulation 1151/2012

5.1.2. Transitional provisions for national geographical indications

1) *When Article 92 can be applied?*

In accordance with Article 92(2) of Regulation (EU) 2024/1143, if you submit an application for registration of the national GI under Regulation (EU) 2024/1143 before 14 May 2025, the national GI protection will continue to apply as protection of the country of origin until the Commission decides on the registration under Regulation (EU) 2024/1143. The EU protection will play the role of the protection in the country of origin under the Geneva Act only after (and if) the name is registered at EU level.

The application to register that name under Regulation (EU) 2024/1143 must be submitted to the Commission by the 14 May 2025 at the latest and it must, of course, concern a product falling in the scope of Regulation (EU) 2024/1143.

5.1.3. Entry into force and date of application

1) *Article 45 of Regulation (EU) 2024/1143 is intended to apply from 01.01.2025 according to Article 97 of the same regulation, but it concerns only geographical indications. What is the reason why no postponement has been provided for the application of Article 77, which concerns foods with a traditionally specific character? Since when it is possible to request an attestation of compliance with product specification?*

Article 45 of Regulation (EU) 2024/1143 that foresees the possibility of issuing the attestation of compliance with the product specification for operators of geographical indications applies from 1 January 2025.

This transitional period is linked to the transitional period for the application of Article 39(1) of the same Regulation. This pertains to the obligation of the Member States to draw up and keep up to date a list of operators who perform activities subject to the obligations provided for in the product specifications of geographical indications originating in their territory.

This transitional period was requested by the Member States, and introduced by the co-legislators, only for geographical indications. Article 77 of Regulation (EU) 2024/1143 that foresees the possibility of issuing the attestation of compliance in relation to TSG applies from 13 May 2024.