Controls of Geographical Indications (EU system)

Aitor Pomares | July 21, 2020
GI controls

- Any operator marketing a product conforming to a GI specifications shall be entitled to use the GI.
- Verification of compliance with the GI specifications shall be carried out before placing the product on the market.
- Member States shall prevent or stop the unlawful use of GIs in the market.

Controls at:
- Producer level (verification of compliance)
- Market level (monitoring use in the market)
- EU controls
Verification of compliance

Carried out by:

• Public authority

• Private control body

Accredited in accordance with ISO/IEC 17065:2012 (Requirements for bodies certifying products)

Right to use the quality scheme: no obstacles to participation that are discriminatory or not objectively founded can be imposed to the operators willing to adhere.

Technical regulation: Regulation EU 2017/625 on official controls.
GI specification

[Self monitoring by the producer]

Official controls (public authority / delegated control body)

Lack of compliance

Disqualified production

Certification of conformity (right to use the GI)
Controls in the marketplace

- **Carried out by** public authority (may be different from authority for verification of compliance), in implementation of the ex officio protection.
- EU’s GIs and third countries’ GIs.
- Operators who prepare and store a product marketed under a GI or who place such products on the market shall also be subject to the controls.
- Mainly **controls on** traceability, labelling, presentation, advertising and relevant packaging materials.
- **Remedies** (different national approaches): most common, administrative actions: fines, seizures, ordering the alteration of label, etc.
For an analysis of each MS national system and competent authorities designated (for controls of compliance and surveillance in the market), check EUIPO’s Observatory «Protection and Control of GIs for Agricultural Products in the EU Member States»:

With respect to **UE Member States** and **third countries**:

- **Controls, including audits:**
  - Verify the application of the rules for official controls (compliance and surveillance) for use and labelling of GIs / The compliance or equivalence of third-country legislation and systems on official controls.
  - Verify the functioning of national control systems / The capacity of the third country control system.
  - Investigate and collect information.

- **Reports and recommendations.**
THANK YOU

@IPKey_EU