

Response ID ANON-4UW1-MFP1-5

Submitted to Regulation (EU) 2024/1143 on the geographical indications for wine, spirit drinks and agricultural products, as well as traditional specialities guaranteed and optional quality terms for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2019/787 and (EU) 2019/1753 and repealing Regulation (EU) No 1151/2012

Submitted on 2024-05-10 16:44:01

Consent

The Windsor Framework Democratic Scrutiny Committee would like your permission to publish your consultation responses. Please indicate your publishing preference.

Publish response

What is your organisation (if any)?

Organisation:

Irish Whiskey Association/Ibec

Impact of EU Act

1 Does it appear likely that the EU act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist?

Yes

Tell us why :

This EU act will have a significant – but positive – impact on the everyday life of communities in Northern Ireland in a way that is liable to persist, as it will maintain the geographical indications for Irish whiskey, Irish cream and Irish poitín which have proven to have a positive impact on the Northern Ireland economy.

The recognition of Geographical Indications (GI) and the status they confer on products such as Irish whiskey has been central to the growth and prominence of our category among spirits drinks worldwide.

In recent years, Irish whiskey (an all-island GI indication) has experienced significant growth and is now available in over 120 markets. According to government data, the total export value of Irish whiskey was worth €875 million in 2023. This growth in whiskey exports has been coupled with significant expansion of distilleries across the island of Ireland. In 2010, there were just 4 working distilleries on the island, now there are over 50. This development provides employment in communities across Northern Ireland – not only in distillery operations, marketing and promotion of the product, but also in ancillary sectors such as agriculture, tourism and hospitality.

GI status ensures that the companies and the jobs they provide remain on the island of Ireland. This status also ensures that our product meets a certain standard and is recognised as such. The integrity of our product is protected with this recognition, provides legal recourse for producers and industry to take action against infringing fake products, internationally.

The new Regulation on EU geographical indications Regulation (EU) 2024/1143 for wine, spirit drinks and agricultural products will strengthen and improve the existing GI system and strengthen the role of industry in directly funding and protecting GIs by:

- introducing a single legal framework and a shortened, simplified registration procedure: different rules on GI procedures and protection are merged for the three sectors (food, wine and spirits), resulting in a single simplified GI registration procedure for EU and non-EU applicants.
- increasing protection of GIs as ingredients and sales online: the new rules will increase the protection of GIs used as an ingredient in a processed product and of GI products sold online. The new regulation will also protect GI names in the domain name system, obliging Member States to block from their territory domain names that may be infringing a GI name;
- recognising sustainable practices: producers will be able to valorise their actions regarding environmental, economic or social sustainability. The text agreed upon by co-legislators lists a non-exhaustive list of sustainability practices as an incentive to producers. On a voluntary basis, producers can also draw up a sustainability report that will be published by the European Commission.
- Empowering producers' groups: the new measures will establish a system of recognised GI producer groups. To increase the attractiveness of the system, such groups will be empowered to manage, enforce and develop their GIs to strengthen their position in the value chain.

Furthermore, the regulation recognises the unique status of Irish GI spirit drinks - GIs that span two jurisdictions. The Regulation provides for the recognition of producer groups in the case of GIs whose geographical area extends to more than one Member State and to NI. The Irish Whiskey Association works extensively with the relevant authorities to protect our GI designation on an all-island basis. Essentially, the Regulation provides that in view of the Protocol on Ireland and Northern Ireland the authorities in Ireland and NI shall cooperate in designating a single recognised producer group and if they fail to reach an agreement no producer group shall be recognised. (See Recital 43 and Article 33 of the Regulation)

2 Does it appear likely that NOT APPLYING the EU act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist?

Yes

Tell us why:

Not applying this Act would have a significant – and negative – impact to the lives of Northern Ireland communities in a way that is liable to persist. The Irish Whiskey Association is an all-island trade association, representing 95% of the Irish whiskey producers on the island of Ireland. It is important for our membership that there is no regulatory divergence between the joint-proprietors of the Geographical Indication (DEFRA in the UK and DAFM in the Republic of Ireland). This is imperative to protect this all-island industry, the integrity of the geographical indication and the supply chain. The growth of our sector is to be celebrated. The status as Geographical Indication enjoyed by NI companies has been pivotal to this growth. As we navigate the changed regulatory and legislative situation post-Brexit, it is important that our companies can continue to use this GI status to effectively develop their brands and market their products on a global stage.

3 Are there any other matters regarding the EU act that you wish to draw to the Committee's attention? Please note, any information provided should be of an evidential nature rather than a commentary.

Yes

Tell us why :

The Irish Whiskey Association has expressed concern regarding to one provision of the updated GI regulation relating to labelling. As per the newly-published regulation, the name of the producer must be included in the same line of vision as the GI designation/name. This provision does not consider the complex nature of the supply chain for spirits drinks.

As per this regulation, the term “producer” is not defined. From grain to glass, whiskey can go through many different stages along a varied supply chain, often dependent on targeted skillsets and expertise (from distillation to bottling). There may also be contractual restrictions on naming a producer on the label – in particular for “own brand” whiskeys (those found in supermarkets, for example). Another example is the position of independent small brand owners who source and bottle premium spirit drink GIs from different distilleries. Distillery names may often be the name of the producer and are usually protected trademarks which cannot be used by third parties without consent. Due to those contractual restraints, independent brand owners may not be able in practice to name the distiller on their label. As with supermarket brands, changing sources of supply for the same brand name mean that naming the producer is not always practicable either.

The Irish Whiskey Association is continuing to engage with the European Commission and other stakeholders to finalise a suitable resolution to this labelling issue.

Response ID ANON-4UW1-MFPB-P

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Submitted on 2024-05-07 16:13:06

Consent

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Publish response anonymously (this will remove all personal identifiers including name and organisation)

Impact of EU Act

1 Does it appear likely that the EU act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist?

No

Tell us why :

Because this Act would enhance makers and manufacturers ability to sell in the EU, a benefit to their industry. Everyday life would not be affected or impacted in any way as this is only available to producers and how they work, sell and label goods

2 Does it appear likely that NOT APPLYING the EU act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist?

Yes

Tell us why:

It will probably negatively affect employment rates. Not applying it will cause NI to diverge from EU Law and as part of a negative unionist campaign, it may contribute to a weakening of the Windsor Framework and edge us towards a hard land border on our Island

3 Are there any other matters regarding the EU act that you wish to draw to the Committee's attention? Please note, any information provided should be of an evidential nature rather than a commentary.

No

Tell us why :

None

Response ID ANON-4UW1-MFPD-R

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Submitted on 2024-05-13 16:47:20

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Tell us why :

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