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COMMISSION DELEGATED REGULATION (EU) .../...

of XXX

supplementing Regulation (EU) No 2019/787 of the European Parliament and of the Council as regards applications for protection of geographical indications in the spirit drinks sector, amendments to product specifications, cancellation of protection and the register

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No

Whereas:

- (1) Regulation (EU) No
- (2) Geographical Indications in spirit drinks....
- (3) HAS ADOPTED THIS REGULATION:

CHAPTER I

Introductory provision

Article 1

Subject matter

This Regulation lays down rules supplementing Regulation (EU) No 2019/787, on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008, as regards geographical indications, and in particular:

- (a) applications for protection;
- (b) amendments to product specifications;
- (c) cancellation of protection;
- (d) the register of the geographical indications.

IT-systemer må have legal base i forordning

CHAPTER II

Specific provisions

SECTION 1

APPLICATION FOR REGISTRATION

Article 2

(Delegated power Art.41(1)(a) of R.2019/787)

Additional requirements for the single document

In case the single document includes specific restrictions on packaging, a summary of the justification referred to in Article 22(1), last subparagraph, of Regulation (EU) 2019/787 shall be provided.

Article 3

(Delegated power Art.41(1)(a) of R.2019/787)

Member State's application to the Commission

When submitting an application dossier for protection to the Commission in accordance with Article 17(2) of Council Regulation (EC) No 110/2008, in conjunction with Article 49(2)(a) of Regulation (EU) 2019/787, or in accordance with Article 24(7) of Regulation (EU) 2019/787, in conjunction with Article 51(1) and (2) of that Regulation, a Member State shall certify that the single document referred to in Article 23(2)(b) of Regulation (EU) 2019/787 is a faithful summary of the product specification. The applications shall include the electronic reference of the publication of the product specification.

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Article 4

(Delegated power Art.41(1)(b) of R.2019/787)

Admissibility of the application

1. Applications for registration are considered admissible if they are submitted in accordance with Article 24 of Regulation (EU) 2019/787 and Articles 4 and 14(1) of Implementing Regulation (EU) 2020/XXXX and if they are duly completed.

An application for protection shall be considered to be duly completed when it complies with Articles 22 and 23 of Regulation (EU) 2019/787 and Articles 2 and 3 of this Regulation.

2. If the Commission considers that an application is inadmissible, it shall inform the competent authorities of the Member State or those of the third country or the applicant established in a third country of the reasons grounding the finding of inadmissibility.

SECTION 2

AMENDMENTS TO PRODUCT SPECIFICATIONS

Article 5

(Delegated power Art.41(2) of R.2019/787)

Applications for Union amendments to product specifications

1. An application for approval of Union amendment shall contain Union amendments exclusively. If an application for Union amendment also contains standard or temporary amendments the procedure for Union amendment shall apply only to the Union amendment. The standard or temporary amendments shall be deemed as not submitted.

Article 6

(Delegated power Art.41(2) of R.2019/787)

Admissibility of applications for Union amendment

1. Applications for approval of a Union amendment to a product specification are considered admissible if they are submitted in accordance with Article 31 of Regulation (EU) 2019/787, if they comply with Articles 8 and 14(1) of Implementing Regulation (EU) 2020/XXXX and if they are duly completed.

An application for approval of a Union amendment to a product specification shall be considered to be duly completed where it is comprehensive and exhaustive.

The approval by the Commission of an application for approval of a Union amendment to a product specification shall only cover the amendments submitted in the application itself.

2. If the application is considered inadmissible, the competent authorities of the Member State or those of the third country or the applicant established in a third country shall be informed of the reasons for the inadmissibility.

Article 7

(Delegated power Art.41(2) of R.2019/787)

Standard amendments

1. Applications for approval of a standard amendment to a product specification shall be submitted to the authorities of the Member State in whose territory the geographical area of the product concerned is located. Applicants shall satisfy the conditions laid down in Article 24(1), (2) and (3) of Regulation (EU) 2019/787. If the application for approval of a standard amendment to a product specification does not come from the applicant which had submitted the application for protection of the name or

names to which the product specification refers, the Member State shall give that applicant the opportunity to comment on the application, if that applicant still exists.

The application for a standard amendment shall provide a description of the standard amendments, a summary of the reasons for which the amendments are required, and demonstrate that the proposed amendments qualify as standard in accordance with Article 31 of Regulation (EU) 2019/787.

2. Where the Member State considers that the requirements of Regulation (EU) 2019/787 and the provisions adopted pursuant thereto are met, it may approve and make public the standard amendment. The approval decision shall include the modified consolidated single document, where relevant, and the modified consolidated product specification.

The standard amendment shall be applicable in the Member State once it has been made public. The Member State shall communicate standard amendments to the Commission not later than one month following the date on which the national decision of approval was made public.

3. Decisions approving standard amendments concerning spirit drinks originating in third countries shall be communicated to the Commission by a producer group having a legitimate interest, either directly to the Commission or via the authorities of that third country, not later than one month following the date on which they are made public.
4. The communication of standard amendments shall be considered to be duly completed when it complies with Article 9 of Implementing Regulation (EU) 2020/XXXX.
5. In the event that the standard amendment implies a modification of the single document, the Commission shall publish the description of the standard amendment and the modified single document, both referred to in Article 9(1) of Implementing Regulation (EU) 2020/XXXX, in the *Official Journal of the European Union*, C series, within three months from the date on which the communication is received from the Member State, third country or third country applicant.
6. In the event that the standard amendment does not imply a modification of the single document, the Commission shall make public, via the digital system referred to in Article 14(1) of Implementing Regulation (EU) 2020/XXXX, the description of the standard amendment within three months from the date on which the communication is received from the Member State, third country or third country applicant.
7. Standard amendments shall be applicable in the territory of the Union once they have been published in the *Official Journal of the European Union*, C series or made public by the Commission in the digital systems referred to in Article 14(1) of Implementing Regulation (EU) 2020/XXXX.
8. If the geographical area covers more than one Member State, the Member States concerned shall apply the procedure for standard amendments separately for the part of the area which falls within their territory. The standard amendment shall be applicable only after the last national decision of approval becomes applicable. The Member State last approving the standard amendment shall send the Commission the communication referred to in paragraph 4 not later than one month following the date on which its decision approving the standard amendment is made public.

If one or more of the Member States concerned do not adopt the national decision of approval referred to in the first subparagraph, any of the Member States may submit

that application under the Union amendment procedure. Such a rule shall also apply *mutatis mutandis* when one or more of the concerned countries is a third country.

Article 8

(Delegated power Art.41(2) of R.2019/787)

Relationship between Union and standard amendments

1. Where a standard amendment modifying the single document is approved while an application for Union amendment is pending, the Member State shall update the single document included in the application for Union amendment accordingly. If the Union amendment has been published in the Official Journal C series for opposition the updated version of the single document shall be published in the Official Journal L series as an Annex to the Regulation approving the Union amendment.
2. Where the modified version of the single document included in a standard amendment approved at national level does not take into account the lastly approved Union amendments, that standard amendment shall not be published in the Official Journal of the European Union. The Member State that had approved that standard amendment shall send to the Commission the consolidated version of the single document as amended by both the Union and the standard amendments for publication in the Official Journal of the European Union.

Article 9

(Delegated power Art.41(2) of R.2019/787)

Temporary amendments

1. Temporary amendments shall be approved and made public by Member States in whose territory the geographical area of the product concerned is located. They shall be communicated to the Commission together with the reasons supporting the temporary amendments not later than one month following the date on which the national decision of approval was made public. A temporary amendment is applicable in the Member State once it has been made public.
2. Where the geographical area covers more than one Member State, the procedure for temporary amendment applies separately in the Member States concerned for the part of the area which falls within their territory. Temporary amendments shall be applicable only when the last national decision of approval becomes applicable. The Member State last approving the temporary amendment shall communicate it to the Commission not later than one month following the date upon which its decision of approval is made public. This rule applies, *mutatis mutandis*, also when one or more of the countries concerned is a third country.
3. Temporary amendments concerning spirit drinks originating in third countries shall be communicated to the Commission, together with the reasons supporting the temporary amendments, by a producer group having a legitimate interest, either directly or via the authorities of that third country, not later than one month following their approval.
4. The communication of a temporary amendment shall be considered to be duly completed when it contains all the elements referred to in Article 10 of Implementing Regulation (EU) 2020/XXXX.
5. The Commission shall make public such amendments within three months from the date on which the communication is received from the Member State, third country

or third country applicant. A temporary amendment is applicable in the territory of the Union once it has been made public by the Commission.

SECTION 3

CANCELLING A GEOGRAPHICAL INDICATION

Article 10

(Delegated power Art.41(1)(b) of R.2019/787)

Cancellation procedure

1. Member States shall be allowed to submit a request for cancellation on their own initiative pursuant to the first subparagraph of Article 32(1) of Regulation (EU) 2019/787.
2. The Commission shall publish the cancellation request referred to in Article 11 of Implementing Regulation (EU) 2020/XXXX in the Official Journal of the European Union, C series.

Article 11

(Delegated power Art.41(1)(b) of R.2019/787)

Admissibility of cancellation requests

2. For the purpose of Articles 32 of Regulation (EU) 2019/787 a cancellation request shall be admissible where:
 - (a) it complies with the requirements set out in Article 11 of Implementing Regulation (EU) 2020/XXXX, and
 - (a) it is based on the grounds referred to in Article 32 of Regulation (EU) 2019/787.
2. Where the Commission considers that the cancellation request is not admissible it shall inform the Member State or third country authority or the natural or legal person that submitted the request of the reasons supporting the finding of inadmissibility.
3. Reasoned statements of opposition as regards cancellation shall be admissible only where they show commercial use by an interested person on the registered name.

SECTION 4

REGISTER

Article 12

(Delegated power Art.33(1)(2) of R.2019/787)

Register

1. The electronic Register of geographical indications of spirit drinks ('the register') shall be established by means of a digital system which the Commission shall make accessible to the public.

2. Upon the entry into force of a decision conferring protection on the name of a geographical indication, the Commission shall record the following data in the electronic register of geographical indications of spirit drinks established in accordance with Article 33 of Regulation (EU) 2019/787:
 - (a) the name or names to be protected as a geographical indication, including their transcriptions or transliterations in Latin characters where applicable. Transcriptions and transliterations shall be recorded as alternative names, separated by a space, an oblique and a second space;
 - (b) the category of the spirit drink;
 - (c) the file number;
 - (d) the type: Geographical Indication;
 - (e) the name of the country or countries of origin;
 - (f) the date of application and the reference to the instrument protecting the name:
 - (1) for GIs registered both in accordance with Regulation (EU) 2019/787 or Regulation (EC) No 110/2008, with the exclusion of the established GIs referred to in Article 20 of Regulation (EC) No 110/2008, the date of application and the electronic reference to the instruments protecting the name at Union level;
 - (2) for the established GIs referred to in Article 20 of Regulation (EC) No 110/2008, the date of publication of the instrument of first protection of the GI at Union level and the electronic reference to that instrument;
 - (g) the electronic reference or references to the legal instrument or instruments concerning the GI subsequent to (f);
 - (h) the references to the single document or main specifications of the technical file and to the product specification or technical file:
 - (1) for GIs registered in accordance with Regulation (EU) 2019/787 the electronic reference to the single document, including the electronic reference to the product specification. Where the geographical area falls within the territory of a third country, the electronic reference to the single document and the simple reference to the publication of the product specification;
 - (2) for GIs registered in accordance with the Regulation (EC) 110/2008 the electronic reference to the main specifications of the technical file and, where applicable, the technical file;
 - (3) for the established GIs referred to in Article 20 of Regulation (EC) No 110/2008 the technical file.
3. Where the Commission approves a Union amendment to a product specification or receives a communication of an approved standard amendment to a product specification that entails a change to the information recorded in the register, it shall record the new data with effect from the entry into force of the decision approving the amendment.
4. When a cancellation takes effect, the Commission shall delete the name from the register and shall maintain a record of the cancellation.

5. The geographical indications protected by Regulations adopted between the date of entry into force of Regulation (EU) 2019/787 and the date of entry into force of this Regulation shall be entered in the Register.
6. The Commission shall retain documentation in digital or paper form related to the registration of a GI indefinitely or for the period of validity of a GI that is withdrawn or cancelled plus ten (10) years.

CHAPTER III

General and final provisions

Article 13

Repeal

Articles 1 point (b), 2 point (b), and 6 to 22 of Regulation (EC) No 716/2013 are repealed. Articles 1 point (a), 2 points (a), (c) and (d), and 3 to 5 shall remain into force until 24 May 2021.

Article 14

Entry into force and application

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

It shall apply from ...

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission

The President

Jean-Claude Juncker