

COMMISSION IMPLEMENTING REGULATION (EU) 2023/1607**of 30 May 2023****amending Implementing Regulation (EU) 2019/34 as regards the adjustment of certain legal references**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 110(2) thereof,

Whereas:

- (1) Regulation (EU) 2021/2117 of the European Parliament and of the Council ⁽²⁾ amended Regulation (EU) No 1308/2013. Articles 96, 97, 98, 105 and 106 of Regulation (EU) No 1308/2013 were amended to include provisions taken from Articles 6, 10, 12, 14, 15 and 20 of Commission Delegated Regulation (EU) 2019/33 ⁽³⁾, which have then been deleted by Commission Delegated Regulation (EU) 2023/1606 ⁽⁴⁾. Furthermore, following the amendments of Article 97 of Regulation (EU) No 1308/2013 by Regulation (EU) 2021/2117, the provisions set out in paragraph 3 of that Article were moved to paragraph 4.
- (2) For the sake of clarity and ease of use for the operators, the references in Commission Implementing Regulation (EU) 2019/34 ⁽⁵⁾ and in the Annexes thereto to Article 97(3) of Regulation (EU) No 1308/2013 and Article 12(1), (3) and (4), Article 14(1) and (2) and Article 20 of Delegated Regulation (EU) 2019/33 should be adjusted accordingly.
- (3) Regulation (EU) 2021/2117 also amended Regulation (EU) No 1308/2013 as regards the content of the product specification and the grounds for cancellation. Detailed requirements for the description of the details bearing out the link in the product specification have been included in Article 94(2), point (g), of Regulation (EU) No 1308/2013. Additional grounds for cancellation have been included in Article 106 of Regulation (EU) No 1308/2013.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Regulation (EU) 2021/2117 of the European Parliament and of the Council of 2 December 2021, amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union (OJ L 435, 6.12.2021, p. 262).

⁽³⁾ Commission Delegated Regulation (EU) 2019/33 of 17 October 2018 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation (OJ L 9, 11.1.2019, p. 2).

⁽⁴⁾ Commission Delegated Regulation (EU) 2023/1606 of 30 May 2023 amending Delegated Regulation (EU) 2019/33 as regards certain provisions on protected denominations of origin and protected geographical indications for wine and on the presentation of compulsory particulars for grapevine products and specific rules for the indication and designation of ingredients for grapevine products, and Delegated Regulation (EU) 2018/273 as regards the certification of imported wine products (see page 6 of this Official Journal).

⁽⁵⁾ Commission Implementing Regulation (EU) 2019/34 of 17 October 2018 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, amendments to product specifications, the register of protected names, cancellation of protection and use of symbols, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards an appropriate system of checks (OJ L 9, 11.1.2019, p. 46).

- (4) As a consequence, for the sake of clarity and legal certainty, the requirements for the description of the details bearing out the link in the product specification provided for in Article 5(2), first subparagraph, of Implementing Regulation (EU) 2019/34 should be deleted. Furthermore, Annex VII to that Implementing Regulation, setting out the form of the cancellation request, should be aligned to Article 106 of Regulation (EU) No 1308/2013 as regards the content of section 4, 'Grounds for cancellation'.
- (5) Implementing Regulation (EU) 2019/34 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Implementing Regulation (EU) 2019/34

Implementing Regulation (EU) 2019/34 is amended as follows:

- (1) Article 2 is replaced by the following:

'Article 2

Applications for protection from Member States

When forwarding an application for protection to the Commission in accordance with Article 96(5) of Regulation (EU) No 1308/2013, Member States shall include the declaration referred to therein and the electronic reference to the publication of the product specification referred to in Article 97(4) of that Regulation.;

- (2) in Article 5, paragraph 2 is replaced by the following:

'2. Where an application covers different categories of grapevine products, the details bearing out the link referred to in paragraph 1, point (i), shall be demonstrated for each of the grapevine products concerned.;

- (3) in Article 8, paragraphs 2 and 3 are replaced by the following:

'2. The period of three months referred to in Article 98(2) of Regulation (EU) No 1308/2013 shall commence on the date on which the invitation to engage in consultations is delivered to the interested parties by electronic means.

3. The Commission shall be notified of the results of the consultations referred to in Article 98(4) and (5) of Regulation (EU) No 1308/2013 within one month from the end of the consultations in accordance with the form set out in Annex III to this Regulation.;

- (4) Article 9 is amended as follows:

- (a) in paragraph 1, the introductory sentence is replaced by the following:

'1. An application for a Union amendment to a product specification, as referred to in Article 105 of Regulation (EU) No 1308/2013 and Article 16 of Delegated Regulation (EU) 2019/33 shall contain:;

- (b) paragraph 3 is replaced by the following:

'3. The information to be published in accordance with Article 97(4) of Regulation (EU) No 1308/2013 shall contain the duly completed application as referred to in paragraphs 1 and 2 of this Article.;

- (5) in Article 11(1), point (b) is replaced by the following:

'(b) a description of the approved temporary amendment together with the reasons supporting the temporary amendment referred to in Article 105(2), fourth subparagraph, of Regulation (EU) No 1308/2013.;

- (6) Annexes II to VII are amended in accordance with the Annex to this Regulation.

*Article 2***Entry into force**

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

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

Done at Brussels, 30 May 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annexes II to VII to Implementing Regulation (EU) 2019/34 are replaced by the following:

'ANNEX II

SUBSTANTIATED STATEMENT OF OBJECTION

[Mark the appropriate box with an "X":] ☐ PDO ☐ PGI

1. Name of product

[as published in the Official Journal]

...

2. Official reference

[as published in the Official Journal]

Reference number: ...

Date of publication in the Official Journal: ...

3. Name of the objector (Person, body, Member State or Third Country)

...

4. Contact details

Contact person: Title (Mr, Ms...): ... Name: ...

Group/organisation/individual: ...

or national authority:

Department: ...

Address:

...

Telephone + ...

Email address:...

5. Legitimate interest (not required for national authorities)

[Provide a statement explaining the legitimate interest of the objector. National authorities are exempt from this requirement.]

6. Reasons for the objection

- ☐ The application for protection, amendment or cancellation is incompatible with the rules on designations of origin and geographical indications because it would conflict with Articles 92 to 95, 105 or 106 of Regulation (EU) No 1308/2013 and with the provisions adopted pursuant thereto.
- ☐ The application for protection or amendment is incompatible with the rules on designations of origin and geographical indications because the registration of the name proposed would be in conflict with Articles 100 or 101 of Regulation (EU) No 1308/2013.
- ☐ The application for protection or amendment is incompatible with the rules on designations of origin and geographical indications because the registration of the name proposed would jeopardise the rights of a trade mark holder or of a user of a fully homonymous name or of a compound name one term of which is identical to the name to be registered, or the existence of partially homonymous names or of other names similar to the name to be registered which refer to grapevine products which have been legally on the market for at least five years preceding the date of the publication provided for in Article 97(4) of Regulation (EU) No 1308/2013.

7. **Details of the objection**

[Provide duly substantiated reasons and justification, details of the facts, evidence and comments in support of the objection. Provide the necessary documents in case of an objection based on the existence of an earlier trademark of reputation and renown (Article 8(1) of Implementing Regulation (EU) 2019/34.)]

8. **List of the supporting documents**

[Provide the list of the documents sent to support the objection.]

9. **Dated and signed**

[Name]

[Department/Organisation]

[Address]

[Telephone: +]

[Email address:]

ANNEX III

NOTIFICATION OF END OF CONSULTATIONS FOLLOWING THE OBJECTION PROCEDURE

[Mark the appropriate box with an "X":] ☐ PDO ☐ PGI

1. **Name of product**

[as published in the Official Journal]

2. **Official reference [as published in the Official Journal]**

Reference number:

Date of publication in the Official Journal:

3. **Name of the objector (Person, body, Member State or Third Country)**

...

4. **Result of consultations**

4.1. **Agreement was reached with the following opponent(s):**

[annex copies of letters showing agreement and all the factors that enabled the agreement (Article 98(4) of Regulation (EU) No 1308/2013.)]

4.2. **Agreement was not reached with the following opponent(s):**

[annex the information referred to in Article 98(5) of Regulation (EU) No 1308/2013.]

5. **Product Specification and single document**

5.1. **The product specification has been amended:**

... Yes* ... No

*If "Yes", annex a description of the amendments and the amended product specification

5.2. **The single document has been amended:**

... Yes** ... No

** If "Yes", annex a copy of the updated document

6. **Dated and signed**

[Name]

[Department/Organisation]

[Address]

[Telephone: +]

[Email address:]

ANNEX IV

APPLICATION FOR A UNION AMENDMENT TO THE PRODUCT SPECIFICATION

[Registered name] “...”

EU No: [for EU use only]

[Mark “X” in the appropriate box:] ☐ PDO ☐ PGI

1. Applicant and legitimate interest

[Provide name, address, telephone and email address of the applicant proposing the amendment. Provide also a statement setting out the legitimate interest of the applicant.]

2. Third country to which the demarcated area belongs

...

3. Heading in the product specification affected by the amendment(s)

- ☐ Name of product
- ☐ Category of the grapevine product
- ☐ Link
- ☐ Marketing restrictions

4. Type of amendment(s)

[Provide a statement explaining why the amendment(s) fall under the definition of “Union amendment” as provided for in Article 105(2) of Regulation (EU) No 1308/2013.]

5. Amendment(s)

[Provide an exhaustive description of and the specific reasons for each amendment. The application for an amendment must be complete and comprehensive. The information given in this section must be exhaustive as provided for in Article 16(1) of Delegated Regulation (EU) 2019/33.]

6. Annexes

- 6.1. The consolidated and duly completed single document, as modified
- 6.2. The consolidated version of the product specification as published, or the reference to the publication of the product specification

ANNEX V

COMMUNICATING THE APPROVAL OF A STANDARD AMENDMENT

[Registered name] “...”

EU No: [for EU use only]

[Mark the appropriate box with an “X”:] ☐ PDO ☐ PGI

1. **Sender**

Single producer or group of producers having a legitimate interest or authorities of the third country to which the demarcated area belongs (see Article 3 of Implementing Regulation (EU) 2019/34).

2. **Description of the approved amendment(s)**

[Provide a description of and the reasons for the standard amendment(s) and a statement explaining why the amendment(s) fall under the definition of standard amendment as provided for in Article 105(2), third subparagraph, of Regulation (EU) No 1308/2013.]

3. **Third country to which the demarcated area belongs**

...

4. **Annexes**

4.1. The application of the approved standard amendment

4.2. The decision approving the standard amendment

4.3. The proof that the amendment is applicable in the third country

4.4. The consolidated single document, as modified, where relevant

4.5. A copy the consolidated version of the product specification as published or the reference to the publication of the product specification

ANNEX VI

COMMUNICATING THE APPROVAL OF A TEMPORARY AMENDMENT

[Registered name] “...”

EU No: [for EU use only]

[Select one, “X”:] ☐ PDO ☐ PGI

1. **Sender**

Single producer or group of producers having a legitimate interest or authorities of the third country to which the demarcated area belongs (see Article 3 of Implementing Regulation (EU) 2019/34).

2. **Description of the approved amendment(s)**

[Provide a description of and the specific reasons for the temporary amendment(s) including the reference of the formal recognition of the natural disaster or adverse weather conditions by the competent authorities or of the imposition of obligatory sanitary and phytosanitary measures. Provide also a statement explaining why the amendment(s) fall under the definition of “temporary amendment” as provided for in Article 105(2), fourth subparagraph, of Regulation (EU) No 1308/2013.]

3. **Third country to which the demarcated area belongs**

...

4. **Annexes**

4.1. The application of the approved temporary amendment

4.2. The decision approving the temporary amendment

4.3. The proof that the amendment is applicable in the third country

ANNEX VII

CANCELLATION REQUEST

[Registered name:] “...”

EU No: [for EU use only]

[Mark the appropriate box with an “X”:] ☐ PGI ☐ PDO

1. **Registered name proposed to be cancelled**

...

2. **Member State or Third Country to which the demarcated area belongs**

...

3. **Person, body, Member State or Third Country making the cancellation request**

[Provide name, address, telephone and email address of the natural or legal person or of the producers requesting the cancellation (for requests concerning third countries names provide also name and address of the authorities or certification bodies verifying compliance with the provision of the product specification). Provide also a statement explaining the legitimate interest of the natural or legal person requesting the cancellation (not required for national authorities with legal personality).]

4. **Grounds for cancellation**

- ☐ Where compliance with the corresponding product specification is no longer guaranteed (Article 106, first paragraph, point (a), of Regulation (EU) No 1308/2013).
- ☐ Where no product has been placed on the market bearing the designation of origin or geographical indication for at least seven consecutive years (Article 106, first paragraph, point (b), of Regulation (EU) No 1308/2013).

- ☐ Where an applicant satisfying the conditions laid down in Article 95 of Regulation (EU) No 1308/2013 declares that it no longer wishes to maintain the protection of a designation of origin or a geographical indication (Article 106, first paragraph, point (c), of Regulation (EU) No 1308/2013).

5. Details of the cancellation request

[Provide duly substantiated reasons and justification for the cancellation request, details of the facts evidence and comments in support of the cancellation. Where relevant, provide the supporting documentation.]

6. List of supporting documentation

[Provide the list of the documentation sent to support the cancellation request.]

7. Dated and signed

[Name]

[Department/Organisation]

[Address]

[Telephone: +]

[Email address:]’.