



Brussels, 30.10.2024
C(2024) 8002 final

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

of 30.10.2024

amending Delegated Regulation (EU) 2019/33 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

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) 2024/1143¹ of the European Parliament and of the Council establishes a new Union framework for geographical indications in the three agricultural sectors (wine, spirit drinks and agricultural products). It, therefore, amends or repeals, to the extent necessary, Regulations, which previously provided for separate frameworks in those sectors, notably Regulation (EU) No 1308/2013² for wines, Regulation (EU) 2019/787³ for spirit drinks and Regulation (EU) No 1151/2012⁴ for agricultural products and foodstuffs. In particular, Regulation (EU) 2024/1143 deleted, amended or replaced, where appropriate, the provisions of Regulation (EU) No 1308/2013 and empowered the Commission to adopt delegated and implementing acts setting out new uniform procedure for the registration of geographical indications for all agricultural sectors concerned - wine, spirit drinks and agricultural products.

In consequence, the Commission should, on the basis of the empowerments given in Regulation (EU) No 1308/2013, delete or amend the provisions of the delegated and implementing acts adopted on the basis of the same Regulation (EU) No 1308/2013, to the extent necessary to bring them in conformity with Regulation (EU) 2024/1143 and with the empowerments provided for in that Regulation. This concerns Commission Delegated Regulation (EU) 2019/33⁵ and Commission Implementing Regulation (EU) 2019/34⁶, which have to be amended since they include also provisions other than for geographical indications.

The purpose of this delegated act is to amend Commission Delegated Regulation (EU) 2019/33 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. This amendment consists in deletion of the rules that are no longer needed since they have been replaced with the rules provided for by Regulation (EU) 2024/1143 and by delegated and implementing acts based on empowerments given in that Regulation (EU) 2024/1143, and consequently, and to that end, in making other necessary adjustments to the text of Commission Delegated Regulation (EU) 2019/33.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Consultations, involving experts from all the 27 Member States have been carried out within the joint meetings of the Expert Group for Sustainability and Quality of Agriculture and Rural Development, the Expert Group for Agricultural Markets, in particular concerning aspects falling under the Single CMO Regulation - Subgroup Wine and the Expert Group for Agricultural Markets, in particular concerning aspects falling under the Single CMO Regulation – Spirit Drinks.

During these meetings, the Commission presented amended versions of the text taking broadly into account the observations and comments made in each of the meetings or sent in writing to the Commission services.

¹ OJ L 2024/1143, 23.4.2024, ELI: <http://data.europa.eu/eli/reg/2024/1143/oj>

² OJ L 347, 20.12.2013, p. 671, ELI: <http://data.europa.eu/eli/reg/2013/1308/oj>

³ OJ L 130, 17.5.2019, p.1, ELI: <http://data.europa.eu/eli/reg/2019/787/oj>

⁴ OJ L 343, 14.12.2012, p.1, ELI: <http://data.europa.eu/eli/reg/2012/1151/oj>

⁵ OJ L 9, 11.1.2019, p.2, ELI: http://data.europa.eu/eli/reg_del/2019/33/oj

⁶ OJ L 9, 11.1.2019, p. 46, ELI: http://data.europa.eu/eli/reg_impl/2019/34/oj.

This consultation process led to a broad consensus on the draft Delegated Regulation.

The feedback mechanism took place on the Better Regulation Portal from 12 August 2024 to 9 September 2024. 1 comment was received. The act was not revised following the feedback received.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

This delegated act amends the Commission Delegated Regulation (EU) 2019/33 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, by deleting its provisions or amending them to the extent necessary to bring them in conformity with Regulation (EU) 2024/1143 and the empowerments provided for in Regulation (EU) 2024/1143.

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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 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 1234/2007¹, and in particular Article 109 thereof,

Whereas:

- (1) Regulation (EU) 2024/1143 of the European Parliament and of the Council² establishes one common Union framework for the registration and protection of geographical indications in three agricultural sectors (wine, spirit drinks and agricultural products). To this purpose, that Regulation amends or repeals, to the extent necessary, Regulations, which previously provided for separate frameworks in those sectors: Regulation (EU) No 1308/2013 has been amended as regards geographical indication in the wine sector, Regulation (EU) 2019/787 of the European Parliament and of the Council³ has been amended as regards geographical indications in the spirit drinks sector, and Regulation (EU) No 1151/2012 of the European Parliament and of the Council⁴, concerning geographical indications in the agricultural products and foodstuffs sector, has been repealed.
- (2) Regulation (EU) 2024/1143 empowers the Commission to adopt delegated and implementing acts setting out uniform procedure for the registration of geographical indications for the agricultural sectors of wine, spirit drinks and agricultural products. As a result, delegated and implementing acts previously adopted on the basis of the

¹ OJ L 347, 20.12.2013, p. 671, ELI: <http://data.europa.eu/eli/reg/2013/1308/oj>.

² Regulation (EU) 2024/1143 of the European Parliament and of the Council of 11 April 2024 on 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 (OJ L 2024/1143, 23.4.2024, ELI: <http://data.europa.eu/eli/reg/2024/1143/oj>).

³ Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 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 (OJ L 130, 17.5.2019, p. 1, ELI: <http://data.europa.eu/eli/reg/2019/787/oj>).

⁴ Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1, ELI: <http://data.europa.eu/eli/reg/2012/1151/oj>).

empowerments provided for in the sectoral regulations have to be amended or repealed, to the extent necessary to bring them in conformity with Regulation (EU) 2024/1143 and its secondary legislation.

- (3) Commission Delegated Regulation (EU) 2019/33⁵ supplements Regulation (EU) No 1308/2013, among others, as regards applications for protection of designations of origin and geographical indications, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation. In the new Union framework for geographical indications established by Regulation (EU) 2024/1143, covering three agricultural sectors (wine, spirit drinks and agricultural products), the rules included in Delegated Regulation (EU) 2019/33 are replaced partly by certain provisions included in Regulation (EU) 2024/1143 and partly by the provisions included in Commission Delegated Regulation (EU) 2024/XXXX [OP: please insert the reference to C(2024)8001]⁶, that supplements Regulation (EU) 2024/1143 with the rules, among others, concerning the procedures for oppositions, Union amendments and approval and communication of standard and temporary amendments. Therefore, as regards the wine sector, certain provisions of Delegated Regulation (EU) 2019/33 should be deleted, because they would be in conflict with the provisions adopted in Regulation (EU) 2024/1143 or in Delegated Regulation (EU) 2024/XXXX [OP: please insert the reference to C(2024)8001], which also apply to the wine sector.
- (4) However, the provisions of Delegated Regulation (EU) 2019/33 concerning the language of the registered name, the justification of the requirement for packaging the wine within the geographical area, including bottling, the derogations concerning production in the demarcated geographical area and the derogations from the obligation to use the term ‘protected designation of origin’ in labelling, in Articles 2(1), 4(2), 5 and 23 of that Delegated Regulation, respectively, should be maintained because they are essential to the system while they have neither been included in Regulation (EU) 2024/1143 nor they may be part of Delegated Regulation (EU) 2024/XXXX [OP: please insert the reference to C(2024)8001] on the basis of the empowerments of Regulation (EU) 2024/1143.
- (5) Provisions of Delegated Regulation (EU) 2019/33 that do not concern the geographical indications should also be maintained.
- (6) Delegated Regulation (EU) 2019/33 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) 2019/33 is amended as follows:

- (1) the title is replaced by the following:

⁵ 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, ELI: http://data.europa.eu/eli/reg_del/2019/33/oj).

⁶ Commission Delegated Regulation (EU) 2024/XXXX [OP: please insert the reference to C(2024)8001].

‘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 and labelling of designations of origin and geographical indications, applications for protection, the objection procedure, modification and cancellation of traditional terms and labelling and presentation in the wine sector.’;

(2) Article 1 is replaced by the following:

‘Article 1

Subject matter

This Regulation lays down rules supplementing Regulation (EU) No 1308/2013 concerning:

(a) as regards protected designations of origin and protected geographical indications in the wine sector:

- (i) name to be protected;
- (ii) additional requirements for product specifications;
- (iii) derogations concerning production in the demarcated geographical area;
- (iv) derogations from the obligation to use ‘indications’ on labels;

(b) as regards traditional terms in the wine sector:

- (i) applications for protection;
- (ii) the objection procedure;
- (iii) modifications;
- (iv) cancellation;

(c) as regards the wine sector in general: labelling and presentation.’;

(3) Article 2(2), Article 3, Article 4(1), and Articles 7 to 21 are deleted;

(4) Article 59 is replaced by the following:

‘Article 59

Procedural language

All documents and information sent to the Commission in respect of the matters provided for in this Regulation shall be in one of the official languages of the Union or accompanied by a certified translation into one of those languages.’.

Article 2

This Regulation shall enter into force on the third 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, 30.10.2024

For the Commission
The President
Ursula VON DER LEYEN