

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

CHAPTER III

TRADITIONAL TERMS

SECTION 4

Modification and cancellation

Article 34

Modification of a traditional term

An applicant satisfying the conditions of Article 25 may apply for approval of a modification of a registered traditional term concerning the elements referred to in points (b), (c) and (d) of Article 26(1).

Articles 26 to 31 shall apply *mutatis mutandis* to applications for modification.

[^{F1}An implementing act to which the fourth paragraph applies is revoked.]

This paragraph applies to an implementing act:

- a concerning a decision of the European Commission relating to an application to modify a traditional term registered in the European Union at the time the application was submitted,
- b adopted by the European Commission pursuant to Article 34 of EU Regulation 2019/33 following the procedure referred to in the second paragraph of that Article, and
- c incorporated into domestic law by section 3(1) of the EUWA.]

Textual Amendments

- F1** Words in [Art. 34](#) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(32)**

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are outstanding changes not yet made to Commission Delegated Regulation (EU) 2019/33. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Article 35

Cancellation of a traditional term

[^{F2}The Secretary of State] may, on a duly substantiated request by ^{F3}... a third country or a natural or legal person having a legitimate interest, [^{F4}cancel] the protection of a traditional term.

Articles 26 to 31 shall apply *mutatis mutandis* to applications for cancellation.

[^{F5}An implementing act to which the fourth paragraph applies is revoked.

This paragraph applies to an implementing act adopted by the European Commission pursuant to Article 35 of EU Regulation 2019/33 following the procedure referred to in the second paragraph of that Article and incorporated into domestic law by section 3(1) of the EUWA.]

Textual Amendments

- F2** Words in Art. 35 substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(33)(a)(i)**
- F3** Words in Art. 35 omitted (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(33)(a)(ii)**
- F4** Word in Art. 35 substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(33)(a)(iii)**
- F5** Words in Art. 35 inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(33)(b)**

Article 36

Grounds for cancellation

The protection of a traditional term shall be cancelled where:

- (a) the traditional term no longer meets the requirements laid down in Articles 27, 32 or 33;
- (b) compliance with the corresponding definition and conditions of use is no longer ensured.

Article 37

Admissibility of a cancellation request

- 1 A substantiated cancellation request shall be admissible where:
 - a it was submitted to the [^{F6}Secretary of State by] a third country or a natural or legal person having a legitimate interest; and
 - b it is based on one of the grounds referred to in Article 36.

The duly substantiated cancellation request shall be admissible only if it demonstrates the legitimate interest of the applicant.

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2 Where the [F⁷Secretary of State] considers that the cancellation request is not admissible [F⁸the Secretary of State] shall inform the authority or person that sent the request of the reasons for inadmissibility.

3 The [F⁹Secretary of State] shall make the cancellation request available to the authorities and persons affected in accordance with Article 30(4) of Implementing Regulation (EU) 2019/34.

4 Substantiated statements of objection to cancellation requests shall be admissible only if they show continued commercial reliance on the registered name by an interested person.

Textual Amendments

- F6** Words in Art. 37(1)(a) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(34)(a)**
- F7** Words in Art. 37(2) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(34)(b)(i)**
- F8** Words in Art. 37(2) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(34)(b)(ii)**
- F9** Words in Art. 37(3) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(34)(c)**

Article 38

Rules concerning traditional terms used in [F¹⁰Northern Ireland and] third countries

1 The definition of traditional terms provided for in Article 112 of Regulation (EU) No 1308/2013 shall apply *mutatis mutandis* to terms traditionally used in [F¹¹Northern Ireland or] third countries for grapevine products covered by geographical indications or designations of origin under the [F¹²legislation applying in Northern Ireland or] those third countries.

2 Grapevine products originating [F¹³in Northern Ireland or] in third countries whose labels bear traditional indications other than the traditional terms listed in [F¹⁴Great Britain's Traditional Terms Register] may use these traditional indications on wine labels in accordance with the rules applicable in [F¹⁵Northern Ireland or] the third countries concerned, [F¹⁶as relevant, including, in the case of a third country,] those emanating from representative professional organisations.

Textual Amendments

- F10** Words in Art. 38 heading inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(35)(a)**
- F11** Words in Art. 38(1) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(35)(b)(i)**
- F12** Words in Art. 38(1) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(35)(b)(ii)**
- F13** Words in Art. 38(2) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(35)(c)(i)**
- F14** Words in Art. 38(2) substituted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(35)(c)(ii)**
- F15** Words in Art. 38(2) inserted (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **26(35)(c)(iii)**

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F16 Words in Art. 38(2) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **26(35)(c)(iv)**

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