

Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91

CHAPTER I

SCOPE AND DEFINITIONS

Article 1

Subject matter and scope

- 1 This Regulation lays down rules on the definition, description, presentation and labelling of aromatised wine products as well as on the protection of geographical indications of aromatised wine products.
- 2 Regulation (EU) No 1169/2011 shall apply to the presentation and labelling of aromatised wine products, save as otherwise provided for in this Regulation.
- 3 This Regulation shall apply to all aromatised wine products placed on the market in the Union whether produced in the Member States or in third countries, as well as to those produced in the Union for export.

Article 2

Definitions

For the purpose of this Regulation, the following definitions apply:

- (1) ‘sales denomination’ means the name of any of the aromatised wine products laid down in this Regulation;
- (2) ‘description’ means the list of the specific characteristics of an aromatised wine product;
- (3) ‘geographical indication’ means an indication which identifies an aromatised wine product as originating in a region, a specific place, or a country, where a given quality, reputation or other characteristics of that product is essentially attributable to its geographical origin.

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CHAPTER II

DEFINITION, DESCRIPTION, PRESENTATION AND LABELLING OF AROMATISED WINE PRODUCTS

Article 3

Definition and classification of aromatised wine products

1 Aromatised wine products are products obtained from products of the wine sector as referred to in Regulation (EU) No 1308/2013 that have been flavoured. They are classified into the following categories:

- a aromatised wines;
- b aromatised wine-based drinks;
- c aromatised wine-product cocktails.

2 Aromatised wine is a drink:

- a obtained from one or more of the grapevine products defined in point 5 of Part IV of Annex II and in points 1 and 3 to 9 of Part II of Annex VII to Regulation (EU) No 1308/2013, with the exception of 'Retsina' wine;
- b in which the grapevine products referred to in point (a) represent at least 75 % of the total volume;
- c to which alcohol may have been added;
- d to which colours may have been added;
- e to which grape must, partially fermented grape must or both may have been added;
- f which may have been sweetened;
- g which has an actual alcoholic strength by volume of not less than 14,5 % vol. and less than 22 % vol. and a total alcoholic strength by volume of not less than 17,5 % vol.

3 Aromatised wine-based drink is a drink:

- a obtained from one or more of the grapevine products defined in points 1, 2 and 4 to 9 of Part II of Annex VII to Regulation (EU) No 1308/2013, with the exception of wines produced with the addition of alcohol and 'Retsina' wine;
- b in which the grapevine products referred to in point (a) represent at least 50 % of the total volume;
- c to which no alcohol has been added, except where Annex II provides otherwise;
- d to which colours may have been added;
- e to which grape must, partially fermented grape must or both may have been added;
- f which may have been sweetened;
- g which has an actual alcoholic strength by volume of not less than 4,5 % vol. and less than 14,5 % vol.

4 Aromatised wine-product cocktail is a drink:

- a obtained from one or more of the grapevine products defined in points 1, 2 and 4 to 11 of Part II of Annex VII to Regulation (EU) No 1308/2013, with the exception of wines produced with the addition of alcohol and 'Retsina' wine;
- b in which the grapevine products referred to in point (a) represent at least 50 % of the total volume;
- c to which no alcohol has been added;
- d to which colours may have been added;

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- e which may have been sweetened;
- f which has an actual alcoholic strength by volume of more than 1,2 % vol. and less than 10 % vol.

Article 4

Production processes and methods of analysis for aromatised wine products

1 Aromatised wine products shall be produced in accordance with the requirements, restrictions and descriptions laid down in Annexes I and II.

2 The Commission shall be empowered to adopt delegated acts in accordance with Article 33 concerning the establishment of authorised production processes for obtaining aromatised wine products, taking into account consumers' expectations.

In establishing the authorised production processes referred to in the first subparagraph, the Commission shall take into account the production processes recommended and published by the OIV.

3 The Commission shall, where necessary, adopt, by means of implementing acts, methods of analysis for determining the composition of aromatised wine products. Those methods shall be based on any relevant methods recommended and published by the OIV, unless they would be ineffective or inappropriate in view of the objective pursued. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).

Pending the adoption of such methods by the Commission, the methods to be used shall be those allowed by the Member State concerned.

4 The oenological practices and restrictions laid down in accordance with Articles 74, 75(4) and 80 of Regulation (EU) No 1308/2013 shall apply to the grapevine products used in the production of aromatised wine products.

Article 5

Sales denominations

1 The sales denominations set out in Annex II shall be used for any aromatised wine product placed on the market in the Union, provided that it complies with the requirements for the corresponding sales denomination laid down in that Annex. Sales denominations may be supplemented by a customary name as defined in Article 2(2)(o) of Regulation (EU) No 1169/2011.

2 Where aromatised wine products comply with the requirements of more than one sales denomination, the use of only one of those sales denominations is authorised, except where Annex II provides otherwise.

3 An alcoholic beverage not fulfilling the requirements laid down in this Regulation shall not be described, presented or labelled by associating words or phrases such as 'like', 'type', 'style', 'made', 'flavour' or any other term similar to any of the sales denominations.

4 Sales denominations may be supplemented or replaced by a geographical indication protected under this Regulation.

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5 Without prejudice to Article 26, sales denominations shall not be supplemented by protected designations of origin or protected geographical indications allowed for wine products.

Article 6

Additional particulars to the sales denominations

1 The sales denominations referred to in Article 5 may also be supplemented by the following particulars concerning the sugar content of the aromatised wine product:

- (a) ‘extra-dry’ : in the case of products with a sugar content of less than 30 grams per litre and, for the category of aromatised wines and by way of derogation from Article 3(2)(g), a minimum total alcoholic strength by volume of 15 % vol.;
- (b) ‘dry’ : in the case of products with a sugar content of less than 50 grams per litre and, for the category of aromatised wines and by way of derogation from Article 3(2)(g), a minimum total alcoholic strength by volume of 16 % vol.;
- (c) ‘semi-dry’ : in the case of products with a sugar content of between 50 and less than 90 grams per litre;
- (d) ‘semi-sweet’ : in the case of products with a sugar content of between 90 and less than 130 grams per litre;
- (e) ‘sweet’ : in the case of products with a sugar content of 130 grams per litre or more.

The sugar content indicated in points (a) to (e) of the first subparagraph is expressed as invert sugar.

The particulars ‘semi-sweet’ and ‘sweet’ may be accompanied by an indication of the sugar content, expressed in grams of invert sugar per litre.

2 Where the sales denomination is supplemented by or includes the particular ‘sparkling’, the quantity of sparkling wine used shall be not less than 95 %.

3 Sales denominations may also be supplemented by a reference to the main flavouring used.

Article 7

Indication of provenance

Where the provenance of aromatised wine products is indicated, it shall correspond to the place where the aromatised wine product is produced. The provenance shall be indicated with the words ‘produced in (...)’, or expressed in equivalent terms, supplemented by the name of the corresponding Member State or third country.

Article 8

Use of language in the presentation and labelling of aromatised wine products

1 The sales denominations set out in italics in Annex II shall not be translated on the label or in the presentation of aromatised wine products.

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Additional particulars provided for in this Regulation shall, where expressed in words, appear in at least one of the official languages of the Union.

2 The name of the geographical indication protected under this Regulation shall appear on the label in the language or languages in which it is registered, even where the geographical indication replaces the sales denomination in accordance with Article 5(4).

Where the name of a geographical indication protected under this Regulation is written in a non-Latin alphabet, it may also appear in one or more of the official languages of the Union.

Article 9

Stricter rules decided by Member States

In applying a quality policy for aromatised wine products with geographical indications protected under this Regulation which are produced on their own territory or for the establishment of new geographical indications, Member States may lay down rules on production and description which are stricter than those referred to in Article 4 and in Annexes I and II in so far as they are compatible with Union law.

CHAPTER III

GEOGRAPHICAL INDICATIONS

Article 10

Content of applications for protection

1 Applications for the protection of names as geographical indications shall include a technical file containing:

- a the name to be protected;
- b the name and address of the applicant;
- c a product specification as referred to in paragraph 2; and
- d a single document summarising the product specification referred to in paragraph 2.

2 To be eligible for a geographical indication protected under this Regulation a product shall comply with the corresponding product specification which shall include at least:

- a the name to be protected;
- b a description of the product, in particular its principal analytical characteristics as well as an indication of its organoleptic characteristics;
- c where applicable, the particular production processes and specifications as well as the relevant restrictions on making the product;
- d the demarcation of the geographical area concerned;
- e the details bearing out the link referred to in point (3) of Article 2;
- f the applicable requirements laid down in Union or national law or, where provided for by Member States, by an organisation which manages the protected geographical indication, having regard to the fact that such requirements shall be objective, and non-discriminatory and compatible with Union law;

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- g an indication of the main raw material from which the aromatised wine product is obtained;
- h the name and address of the authorities or bodies verifying compliance with the provisions of the product specification and their specific tasks.

Article 11

Application for protection relating to a geographical area in a third country

- 1 Where the application for protection concerns a geographical area in a third country, it shall contain in addition to the elements provided for in Article 10, proof that the name in question is protected in its country of origin.
- 2 The application for protection shall be sent to the Commission, either directly by the applicant or via the authorities of the third country concerned.
- 3 The application for protection shall be filed in one of the official languages of the Union or accompanied by a certified translation into one of those languages.

Article 12

Applicants

- 1 Any interested group of producers, or in exceptional cases a single producer, may lodge an application for protection of a geographical indication. Other interested parties may participate in the application for protection.
- 2 Producers may lodge an application for protection only for aromatised wine products which they produce.
- 3 In the case of a name designating a trans-border geographical area, a joint application for protection may be lodged.

Article 13

Preliminary national procedure

- 1 Applications for protection of a geographical indication of aromatised wine products originating in the Union shall be subject to a preliminary national procedure in accordance with paragraphs 2 to 7 of this Article.
- 2 The application for protection shall be filed with the Member State in whose territory the geographical indication originates.
- 3 The Member State shall examine the application for protection in order to verify whether it meets the conditions set out in this Chapter.

The Member State shall, by means of a national procedure, ensure the adequate publication of the application for protection and shall provide for a period of at least two months from the date of publication within which any natural or legal person with a legitimate interest and resident or established on its territory may object to the proposed protection by lodging a duly substantiated statement with the Member State.

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4 If the Member State considers that the geographical indication does not meet the relevant requirements or is incompatible with Union law in general, it shall reject the application.

- 5 If the Member State considers that the relevant requirements are met, it shall:
- a publish the single document and the product specification at least on the internet; and
 - b forward to the Commission an application for protection containing the following information:
 - (i) the name and address of the applicant;
 - (ii) the product specification referred in Article 10(2);
 - (iii) the single document referred to in Article 10(1)(d);
 - (iv) a declaration by the Member State that it considers that the application lodged by the applicant meets the conditions required; and
 - (v) the reference to the publication, as referred to in point (a).

The information referred to in point (b) of the first subparagraph shall be forwarded in one of the official languages of the Union or accompanied by a certified translation into one of those languages.

6 Member States shall adopt the laws, regulations or administrative provisions necessary to comply with this Article by 28 March 2015.

7 Where a Member State has no national legislation concerning the protection of geographical indications, it may, on a transitional basis only, grant protection to the name in accordance with the terms of this Chapter at national level. Such protection shall take effect from the date the application is lodged with the Commission and shall cease on the date on which a decision on registration or refusal under this Chapter is taken.

Article 14

Scrutiny by the Commission

1 The Commission shall make the date of submission of the application for protection public.

2 The Commission shall examine whether the applications for protection referred to in Article 13(5) meet the conditions laid down in this Chapter.

3 Where the Commission considers that the conditions laid down in this Chapter are met, it shall, by means of implementing acts adopted without applying the procedure referred to in Article 34(2), publish in the *Official Journal of the European Union* the single document referred to in Article 10(1)(d) and the reference to the publication of the product specification referred to in Article 13(5)(a).

4 Where the Commission considers that the conditions laid down in this Chapter are not met, it shall, by means of implementing acts, decide to reject the application. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).

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Article 15

Objection procedure

Within two months from the date of publication provided for in Article 14(3), any Member State or third country, or any natural or legal person with a legitimate interest, resident or established in a Member State other than that applying for the protection or in a third country, may object to the proposed protection by lodging with the Commission a duly substantiated statement relating to the conditions of eligibility as laid down in this Chapter.

In the case of natural or legal persons resident or established in a third country, such statement shall be lodged, either directly or via the authorities of the third country concerned, within the time limit of two months referred to in the first paragraph.

Article 16

Decision on protection

On the basis of the information available to the Commission upon the completion of the objection procedure referred to in Article 15, the Commission shall, by means of implementing acts, either confer protection on the geographical indication which meets the conditions laid down in this Chapter and is compatible with Union law, or reject the application where those conditions are not met. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).

Article 17

Homonyms

1 A name, for which an application for protection is lodged, and which is wholly or partially homonymous with that of a name already registered under this Regulation, shall be registered with due regard for local and traditional usage and for any risk of confusion.

2 A homonymous name which misleads the consumer into believing that products come from another territory shall not be registered even if the name is accurate as far as the actual territory, region or place of origin of the products in question is concerned.

3 The use of a registered homonymous name shall be subject to there being a sufficient distinction in practice between the homonym registered subsequently and the name already on the register, having regard to the need to treat the producers concerned in an equitable manner and not to mislead the consumer.

Article 18

Grounds for refusal of protection

1 Names that have become generic shall not be protected as a geographical indication.

For the purposes of this Chapter, a ‘name that has become generic’ means the name of an aromatised wine product which, although relating to the place or the region where

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this product was originally produced or placed on the market, has become the common name of an aromatised wine product in the Union.

To establish whether or not a name has become generic, account shall be taken of all relevant factors, in particular:

- a the existing situation in the Union, notably in areas of consumption;
- b the relevant Union or national law.

2 A name shall not be protected as a geographical indication where, in the light of a trademark's reputation and renown, protection is liable to mislead the consumer as to the true identity of the aromatised wine product.

Article 19

Relationship with trademarks

1 Where a geographical indication is protected under this Regulation, the registration of a trademark the use of which falls under Article 20(2) and relating to an aromatised wine product shall be refused if the application for registration of the trademark is submitted after the date of submission of the application for protection of the geographical indication to the Commission and the geographical indication is subsequently protected.

Trademarks registered in breach of the first subparagraph shall be invalidated.

2 Without prejudice to Article 17(2), a trademark the use of which falls under Article 20(2), which has been applied for, registered or established by use, if that possibility is provided for by the legislation concerned, in the territory of the Union before the date on which the application for protection of the geographical indication is submitted to the Commission, may continue to be used and renewed notwithstanding the protection of a geographical indication, provided that no grounds for the trademark's invalidity or revocation exist as specified by the Directive 2008/95/EC of the European Parliament of the Council⁽¹⁾ or by Council Regulation (EC) No 207/2009⁽²⁾.

In such cases the use of the geographical indication shall be permitted alongside the relevant trademarks.

Article 20

Protection

1 Geographical indications protected under this Regulation may be used by any operator marketing an aromatised wine product which has been produced in conformity with the corresponding product specification.

2 Geographical indications protected under this Regulation and the aromatised wine products using those protected names in conformity with the product specification shall be protected against:

- a any direct or indirect commercial use of a protected name:
 - (i) by comparable products not complying with the product specification of the protected name; or
 - (ii) in so far as such use exploits the reputation of a geographical indication;

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- b any misuse, imitation or evocation, even if the true origin of the product or service is indicated or if the protected name is translated, transcribed or transliterated or accompanied by an expression such as ‘style’, ‘type’, ‘method’, ‘as produced in’, ‘imitation’, ‘flavour’, ‘like’ or similar;
 - c any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product, on the inner or outer packaging, advertising material or documents relating to the wine product concerned, and the packing of the product in a container liable to convey a false impression as to its origin;
 - d any other practice liable to mislead the consumer as to the true origin of the product.
- 3 Geographical indications protected under this Regulation shall not become generic in the Union within the meaning of Article 18(1).
- 4 Member States shall take the appropriate administrative and judicial measures to prevent or to stop unlawful use of geographical indications protected under this Regulation as referred to in paragraph 2.

Article 21

Register

The Commission shall, by means of implementing acts adopted without applying the procedure referred to in Article 34(2), establish and maintain an electronic register of geographical indications protected under this Regulation for aromatised wine products which shall be publicly accessible.

Geographical indications pertaining to products of third countries that are protected in the Union pursuant to an international agreement to which the Union is a contracting party may be entered in the register referred to in the first paragraph as geographical indications protected under this Regulation.

Article 22

Designation of competent authority

- 1 Member States shall designate the competent authority or authorities responsible for checks in respect of the obligations established by this Chapter in accordance with the criteria laid down in Article 4 of Regulation (EC) No 882/2004 of the European Parliament and of the Council⁽³⁾.
- 2 Member States shall ensure that any operator complying with this Chapter is entitled to be covered by a system of checks.
- 3 Member States shall inform the Commission of the competent authority or authorities referred to in paragraph 1. The Commission shall make their names and addresses public and update them periodically.

Article 23

Verification of compliance with specifications

- 1 In respect of geographical indications protected under this Regulation relating to a geographical area within the Union, annual verification of compliance with the product

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specification, during the production and during or after conditioning of the aromatised wine product, shall be ensured by:

- a the competent authority or authorities referred to in Article 22; or
- b one or more control bodies responsible for the verification within the meaning of point 5 of the second paragraph of Article 2 of Regulation (EC) No 882/2004 operating as a product certification body in accordance with the requirements laid down in Article 5 of that Regulation.

The costs of such verification shall be borne by the operators subject to it.

2 In respect of geographical indications protected under this Regulation relating to a geographical area in a third country, annual verification of compliance with the product specification, during the production and during or after conditioning of the aromatised wine product, shall be ensured by:

- a one or more public authorities designated by the third country; or
- b one or more certification bodies.

3 The bodies referred to in point (b) of paragraph 1 and point (b) of paragraph 2 shall comply with, and be accredited in accordance with, the Standard EN ISO/IEC 17065:2012 (Conformity assessments — Requirements for bodies certifying products processes and services).

4 Where the authority or authorities referred to in point (a) of paragraph 1 and point (a) of paragraph 2 verify compliance with the product specification, they shall offer adequate guarantees of objectivity and impartiality, and have at their disposal the qualified staff and resources needed to carry out their tasks.

Article 24

Amendments to product specifications

1 An applicant satisfying the conditions of Article 12 may apply for approval of an amendment to the product specification of a geographical indication protected under this Regulation, in particular in order to take account of developments in scientific and technical knowledge or to redefine the geographical area referred to in point (d) of Article 10(2). Applications shall describe and give reasons for the amendments requested.

2 Where the proposed amendment involves one or more changes to the single document referred to in point (d) of Article 10(1), Articles 13 to 16 shall apply *mutatis mutandis* to the application for amendment. However, if the proposed amendment is only minor, the Commission shall, by means of implementing acts, decide whether to approve the application without following the procedure laid down in Article 14(2) and Article 15 and in the case of approval, the Commission shall proceed to the publication of the elements referred to in Article 14(3). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).

Article 25

Cancellation

The Commission may, on its own initiative or at the duly substantiated request of a Member State, of a third country or of a natural or legal person having a legitimate interest, decide, by means of implementing acts, to cancel the protection of

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a geographical indication if compliance with the corresponding product specification is no longer ensured. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).

Articles 13 to 16 shall apply *mutatis mutandis*.

Article 26

Existing geographical designations

1 Geographical designations of aromatised wine products listed in Annex II to Regulation (EEC) No 1601/91 and any geographical designation submitted to a Member State and approved by that Member State before 27 March 2014, shall automatically be protected as geographical indications under this Regulation. The Commission shall, by means of implementing acts adopted without applying the procedure referred to in Article 34(2) of this Regulation, list them in the register provided for in Article 21 of this Regulation.

2 Member States shall, in respect of existing geographical designations referred to in paragraph 1, transmit to the Commission:

- a the technical files as provided for in Article 10(1);
- b the national decisions of approval.

3 Existing geographical designations referred to in paragraph 1, for which the information referred to in paragraph 2 is not submitted by 28 March 2017, shall lose protection under this Regulation. The Commission shall, by means of implementing acts adopted without applying the procedure referred to in Article 34(2), take the corresponding formal step of removing such names from the register provided for in Article 21.

4 Article 25 shall not apply in respect of existing geographical designations referred to in paragraph 1 of this Article.

Until 28 March 2018 the Commission may, by means of implementing acts, on its own initiative, decide to cancel the protection of existing geographical designations referred to in paragraph 1 of this Article if they do not comply with point (3) of Article 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).

Article 27

Fees

Member States may charge a fee to cover their costs, including those incurred in examining applications for protection, statements of objections, applications for amendments and requests for cancellations under this Chapter.

Article 28

Delegated powers

1 In order to take account of the specific characteristics of the production in the demarcated geographical area, the Commission shall be empowered to adopt delegated acts in accordance with Article 33 concerning:

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- a criteria for the demarcation of the geographical area; and
- b rules, restrictions and derogations related to the production in the demarcated geographical area.

2 In order to ensure product quality and traceability, the Commission shall be empowered to adopt delegated acts in accordance with Article 33 in order to establish the conditions under which product specifications may include additional requirements to those referred to in Article 10(2)(f).

3 In order to ensure the rights or legitimate interests of producers or operators, the Commission shall be empowered to adopt delegated acts in accordance with Article 33 in order to:

- a determine the cases in which a single producer may apply for the protection of a geographical indication;
- b determine the restrictions governing the type of applicant that may apply for the protection of a geographical indication;
- c establish the conditions to be followed in respect of an application for the protection of a geographical indication, scrutiny by the Commission, the objection procedure, and procedures for amendment and cancellation of geographical indications;
- d establish the conditions applicable to transborder applications;
- e set the date of submission of an application or a request;
- f set the date from which protection shall run;
- g establish the conditions under which an amendment is to be considered as minor as referred to in Article 24(2);
- h set the date on which an amendment shall enter into force;
- i establish the conditions relating to the applications for, and approval of, amendments to the product specification of a geographical indication protected under this Regulation, where such amendments do not involve any change to the single document referred to in point (d) of Article 10(1).

4 In order to ensure adequate protection, the Commission shall be empowered to adopt delegated acts in accordance with Article 33 concerning the restrictions regarding the protected name.

Article 29

Implementing powers

1 The Commission may, by means of implementing acts, adopt all necessary measures related to this Chapter regarding:

- a the information to be provided in the product specification with regard to the link referred to in point (3) of Article 2 between the geographical area and the final product;
- b the means of making the decisions on protection or rejection referred to in Article 16 available to the public;
- c the submission of trans-border applications;
- d checks and verification to be carried out by the Member States, including testing.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).

2 The Commission may, by means of implementing acts, adopt all necessary measures related to this Chapter as regards the procedure, including admissibility, for the examination of

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applications for protection or for the approval of an amendment of a geographical indication, as well as the procedure, including admissibility, for requests for objection, cancellation, or conversion, and the submission of information relating to existing protected geographical designations, in particular with respect to:

- a models for documents and the transmission format;
- b time limits;
- c the details of the facts, evidence and supporting documents to be submitted in support of the application or request.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).

Article 30

Inadmissible application or request

Where an application or a request submitted under this Chapter is deemed inadmissible, the Commission shall, by means of implementing acts adopted without applying the procedure referred to in Article 34(2), decide to reject it as inadmissible.

CHAPTER IV

GENERAL, TRANSITIONAL AND FINAL PROVISIONS

Article 31

Checks and verification of aromatised wine products

1 Member States shall be responsible for the checks of aromatised wine products. They shall take the measures necessary to ensure compliance with the provisions of this Regulation and in particular they shall designate the competent authority or authorities responsible for checks in respect of the obligations established by this Regulation in accordance with Regulation (EC) No 882/2004.

2 The Commission shall, when necessary, by means of implementing acts, adopt the rules concerning administrative and physical checks to be conducted by the Member States with regard to the respect of obligations resulting from the application of this Regulation.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).

Article 32

Exchange of information

1 Member States and the Commission shall notify each other of any information necessary for the application of this Regulation and for complying with the international obligations concerning the aromatised wine products. That information may, where appropriate, be transmitted or made available to the competent authorities of third countries and may be made public.

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2 In order to make the notifications referred to in paragraph 1 fast, efficient, accurate, and cost effective, the Commission shall be empowered to adopt delegated acts in accordance with Article 33 to lay down:

- a the nature and type of the information to be notified;
- b the methods of notification;
- c the rules related to the access rights to the information or information systems made available;
- d the conditions and means of publication of the information.

3 The Commission shall, by means of implementing acts, adopt:

- a rules on providing the information necessary for the application of this Article;
- b arrangements for the management of the information to be notified, as well as rules on content, form, timing, frequency and deadlines of the notifications;
- c arrangements for transmitting or making information and documents available to the Member States, the competent authorities in third countries, or the public.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).

Article 33

Exercise of the delegation

1 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2 The power to adopt delegated acts referred to in Articles 4(2), 28, 32(2) and 36(1) shall be conferred on the Commission for a period of five years from 27 March 2014. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3 The delegation of power referred to in Articles 4(2), 28, 32(2) and 36(1) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect the day following the publication in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of the delegated acts already in force.

4 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5 A delegated act adopted pursuant to Articles 4(2), 28, 32(2) and 36(1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months on the initiative of the European Parliament or the Council.

Status: Point in time view as at 27/03/2014.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 251/2014 of the European Parliament and of the Council. 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 34

Committee procedure

1 The Commission shall be assisted by the Committee on aromatised wine products. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2 Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

In the case of implementing acts referred to in the first subparagraph of Article 4(3) and Article 29(1)(b), where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

Article 35

Repeal

Regulation (EEC) No 1601/91 is hereby repealed as from 28 March 2015.

References made to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in Annex III to this Regulation.

Article 36

Transitional measures

1 In order to facilitate the transition from the rules provided for in Regulation (EEC) No 1601/91 to those established by this Regulation, the Commission shall be empowered to adopt, where appropriate, delegated acts in accordance with Article 33 concerning the adoption of measures to amend or derogate from this Regulation, which shall remain in force until 28 March 2018.

2 Aromatised wine products not meeting the requirements of this Regulation but which have been produced in accordance with Regulation (EEC) No 1601/91 prior to [X128 March 2015] may be placed on the market until stocks are exhausted.

3 Aromatised wine products which comply with Articles 1 to 6 and Article 9 of this Regulation and which have been produced prior to [X128 March 2015] may be placed on the market until stocks are exhausted, provided that such products comply with Regulation (EEC) No 1601/91 in respect of all aspects not regulated by Articles 1 to 6 and Article 9 of this Regulation.

Editorial Information

- X1** Substituted by Corrigendum to Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91 (Official Journal of the European Union L 84 of 20 March 2014).

Status: Point in time view as at 27/03/2014.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 251/2014 of the European Parliament and of the Council. 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 37

Entry into force

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

It shall apply from 28 March 2015. However, Article 36(1) and (3) shall apply from 27 March 2014.

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

Status: Point in time view as at 27/03/2014.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 251/2014 of the European Parliament and of the Council. 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)

- (1) Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks ([OJ L 299, 8.11.2008, p. 25](#)).
- (2) Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark ([OJ L 78, 24.3.2009, p. 1](#)).
- (3) Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ([OJ L 165, 30.4.2004, p. 1](#)).

Status:

Point in time view as at 27/03/2014.

Changes to legislation:

There are outstanding changes not yet made to Regulation (EU) No 251/2014 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.