

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 I

Applications for protection and examination procedure

Article 28

Scrutiny by the [F1Secretary of State]

1 The date of submission of an application for protection of a traditional term shall be the date on which the application is received by the [F2Secretary of State].

2 The [F3Secretary of State] shall examine whether the application for protection meets the conditions laid down in this Chapter.

3 Where the [F4Secretary of State] considers that the conditions laid down in Articles 26 and 27 are met, [F5the Secretary of State must publish the application in such manner as appears appropriate to the Secretary of State from time to time].

4 If an application for the protection of a traditional term does not meet the conditions laid down in this Chapter, the [F6Secretary of State] shall inform the applicant of the grounds for refusal, setting a deadline for the withdrawal or modification of the application or for the submission of comments.

5 If the obstacles are not remedied by the applicant within the deadline referred to in paragraph 4, the [F7Secretary of State must reject the application].

[F8 After making a decision to reject an application under paragraph 5, the Secretary of State must publish a notice in such manner as appears appropriate to the Secretary of State from time to time:

- a informing the applicant and the public of the decision made in relation to the application and the reasons for that decision, and
- b providing information about the right to appeal under Article 39a against the decision and the period within which an appeal may be made.

7 An implementing act to which paragraph 8 applies is revoked.

8 This paragraph applies to an implementing act adopted by the European Commission under Article 28 of EU Regulation 2019/33 and incorporated into domestic law by section 3(1) of the EUWA.]

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) View outstanding changes

Textual Amendments

- F1** Words in Art. 28 heading 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(26)(a)**
- F2** Words in Art. 28(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(26)(b)**
- F3** Words in Art. 28(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(26)(b)**
- F4** Words in Art. 28(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(26)(c)(i)**
- F5** Words in Art. 28(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(26)(c)(ii)**
- F6** Words in Art. 28(4) 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(26)(d)**
- F7** Words in Art. 28(5) 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(26)(e)**
- F8** Art. 28(6)-(8) 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(26)(f)**

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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Art. 28 heading words substituted by [S.I. 2019/759 reg. 7\(13\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
- Art. 28(1) words substituted by [S.I. 2019/759 reg. 7\(13\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
- Art. 28(2) words substituted by [S.I. 2019/759 reg. 7\(13\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
- Art. 28(3) words substituted by [S.I. 2019/778 reg. 6\(4\)\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Reg. 6 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 5)
- Art. 28(3) words substituted by [S.I. 2019/778 reg. 6\(4\)\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 6 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 5)
- Art. 28(4) words substituted by [S.I. 2019/759 reg. 7\(13\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
- Art. 28(5) words substituted by [S.I. 2019/778 reg. 6\(4\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 6 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 5)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Ch. 3 s. 6 inserted by [S.I. 2019/1342 Sch. 3 Pt. 1](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Signature words omitted by [S.I. 2019/759 reg. 7\(30\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
- Art. 1a inserted by [S.I. 2019/759 reg. 7\(2\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
- Art. 1a words inserted by [S.I. 2019/1342 reg. 13\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Art. 1a words inserted by [S.I. 2019/1366 reg. 6\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1366 was made under a procedure whereby it ceases to have effect at the end of the period of 28 days beginning with the day on which it was made unless, during that period, the instrument was approved by a resolution of each House of Parliament. It was not approved by Parliament within that period and so has ceased to have effect.)
- Art. 1a words inserted by [S.I. 2019/1366 reg. 6\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1366 was made under a procedure whereby it ceases

to have effect at the end of the period of 28 days beginning with the day on which it was made unless, during that period, the instrument was approved by a resolution of each House of Parliament. It was not approved by Parliament within that period and so has ceased to have effect.)

- Art. 1a words inserted by [S.I. 2019/1366 reg. 6\(2\)\(c\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1366 was made under a procedure whereby it ceases to have effect at the end of the period of 28 days beginning with the day on which it was made unless, during that period, the instrument was approved by a resolution of each House of Parliament. It was not approved by Parliament within that period and so has ceased to have effect.)
- Art. 1a words inserted by [S.I. 2019/1366 reg. 6\(2\)\(d\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1366 was made under a procedure whereby it ceases to have effect at the end of the period of 28 days beginning with the day on which it was made unless, during that period, the instrument was approved by a resolution of each House of Parliament. It was not approved by Parliament within that period and so has ceased to have effect.)
- Art. 1a words substituted by [S.I. 2019/1342 reg. 13\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Art. 1a words substituted in earlier amending provision S.I. 2019/759, reg. 7(a) by [S.I. 2019/1342 reg. 4\(5\)\(a\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Art. 1a words substituted in earlier amending provision S.I. 2019/759, reg. 7(a) by [S.I. 2019/1342 reg. 4\(5\)\(b\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Art. 1b inserted by [S.I. 2019/1366 Sch. 4 Pt. 1](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1366 was made under a procedure whereby it ceases to have effect at the end of the period of 28 days beginning with the day on which it was made unless, during that period, the instrument was approved by a resolution of each House of Parliament. It was not approved by Parliament within that period and so has ceased to have effect.)
- Art. 5(1)(c) word omitted by [S.I. 2019/759 reg. 7\(4\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
- Annex 8 inserted by [S.I. 2019/1342 Sch. 3 Pt. 2](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Art. 11(1)(a) words substituted by [S.I. 2019/1342 reg. 13\(4\)\(a\)\(i\)\(aa\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Art. 11(1)(c)(i) words substituted by [S.I. 2019/1342 reg. 13\(4\)\(a\)\(i\)\(bb\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within

- that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Art. 13(1)(b) words inserted by [S.I. 2019/778 reg. 6\(2\)\(a\)\(ii\)\(bb\)](#) (This amendment not applied to legislation.gov.uk. Reg. 6 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 5)
 - Art. 13(2)(a) words substituted by [S.I. 2019/778 reg. 6\(2\)\(b\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 6 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 5)
 - Art. 13(5)-(7) inserted by [S.I. 2019/1342 reg. 13\(6\)\(b\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
 - Art. 14para. 2b(b) words substituted by [S.I. 2023/424 Sch. para. 81](#)
 - Art. 14(3) inserted by [S.I. 2019/1342 reg. 13\(7\)\(c\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
 - Art. 17(9)(10) inserted by [S.I. 2019/1342 reg. 13\(18\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
 - Art. 18(1)-(1n) substituted for Art. 18(1) by [S.I. 2019/1342 reg. 13\(19\)\(a\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
 - Art. 18(6) inserted by [S.I. 2019/1342 reg. 13\(19\)\(e\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
 - Art. 26(2a) inserted by [S.I. 2019/759 reg. 7\(11\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
 - Art. 27(1)(b)(i) words omitted by [S.I. 2019/759 reg. 7\(12\)\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
 - Art. 27(1)(b)(ii) words omitted by [S.I. 2019/759 reg. 7\(12\)\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
 - Art. 27(1)(d) words substituted by [S.I. 2019/759 reg. 7\(12\)\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
 - Art. 27(2)(a) words omitted by [S.I. 2019/759 reg. 7\(12\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
 - Art. 30(1)(a) words omitted by [S.I. 2019/759 reg. 7\(15\)\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
 - Art. 30(1)(b) words substituted by [S.I. 2019/759 reg. 7\(15\)\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
 - Art. 31(3a) inserted by [S.I. 2019/1342 reg. 13\(23\)\(d\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was

made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)

- Art. 32(1)(a) words substituted by [S.I. 2019/759 reg. 7\(16\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
- Art. 32a32b inserted by [S.I. 2019/1366 Sch. 4 Pt. 2](#) (This amendment not applied to legislation.gov.uk. S.I. 2020/1366 was made under a procedure whereby it ceases to have effect at the end of the period of 28 days beginning with the day on which it was made unless, during that period, the instrument was approved by a resolution of each House of Parliament. It was not approved by Parliament within that period and so has ceased to have effect.)
- Art. 37(1)(a) words substituted by [S.I. 2019/759 reg. 7\(18\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
- Art. 46(1)(a) words omitted by [S.I. 2023/1362 Sch. 2 para. 5\(2\)\(b\)\(ii\)](#)
- Art. 46(1)(d) omitted by [S.I. 2023/1362 Sch. 2 para. 5\(2\)\(b\)\(iii\)](#)
- Art. 46(1)(f) words substituted by [S.I. 2023/1362 Sch. 2 para. 5\(2\)\(b\)\(iv\)](#)
- Art. 50(1)(b) words omitted by [S.I. 2019/759 reg. 7\(22\)\(a\)\(ii\)\(aa\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
- Art. 50(1)(b) words substituted by [S.I. 2019/759 reg. 7\(22\)\(a\)\(ii\)\(bb\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
- Art. 50(1b) inserted by [S.I. 2023/394 reg. 3\(3\)](#)
- Art. 51(a) words substituted by [S.I. 2019/759 reg. 7\(23\)\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
- Art. 51(1) words omitted by [S.I. 2023/1362 Sch. 2 para. 5\(5\)](#)
- Art. 52(5) inserted by [S.I. 2019/759 reg. 7\(24\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)
- Art. 53(7)(8) inserted by [S.S.I. 2024/11 reg. 2](#)
- Art. 53(7)(8) inserted by [S.I. 2024/115 reg. 2](#)
- Art. 53(7)(8) inserted by [S.I. 2024/83 reg. 2](#)
- Art. 57(1)(a) revoked by [S.I. 2023/1362 Sch. 1](#)
- Art. 57(1)(b) revoked by [S.I. 2023/1362 Sch. 1](#)
- Art. 58(4)(5) substituted for Art. 58(4) by [S.I. 2019/759 reg. 7\(28\)\(e\)](#) (This amendment not applied to legislation.gov.uk. Regs. 6-8 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 4)