

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 II

### PROTECTED DESIGNATIONS OF ORIGIN AND GEOGRAPHICAL INDICATIONS

#### SECTION 1

##### *Application for protection*

##### *Article 2*

##### **Name to be protected**

- 1 The name to be protected as a designation of origin or geographical indication shall be registered only in the languages which are or were historically used to describe the specific product in the demarcated geographical area.
- 2 The name of a designation of origin or a geographical indication shall be registered in its original script. Where the original script is not in Latin characters, a transcription in Latin characters shall be registered together with the name in its original script.

##### *Article 3*

##### **Applicant**

A single producer may be deemed an applicant within the meaning of Article 95(1) of Regulation (EU) No 1308/2013 if it is shown that:

- (a) the person concerned is the only producer willing to submit an application; and
- (b) the demarcated geographical area possesses characteristics which differ appreciably from those of neighbouring areas or the characteristics of the product are different from those produced in neighbouring areas.

The circumstance by which a protected designation of origin or geographical indication consists of or contains the name of the holding of the single applicant producer shall not prevent other producers from using that name provided that they comply with the product specification.

*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

Article 4

**Additional requirements for product specifications**

1 The description of the grapevine products shall indicate the relevant category or categories of grapevine products from amongst the categories set out in Part II of Annex VII to Regulation (EU) No 1308/2013.

2 Where the product specification indicates that packaging, including bottling, shall take place within the demarcated geographical area or within an area in the immediate proximity of the demarcated area in question, it shall also include a justification showing why, in the specific case, the packaging must take place in the particular geographical area to safeguard quality, to ensure the origin or to ensure control <sup>F1</sup>....

**Textual Amendments**

**F1** Words in Art. 4(2) 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(3)**

Article 5

**Derogations concerning production in the demarcated geographical area**

1 By way of derogation from points (a)(iii) and (b)(iii) of Article 93(1) of Regulation (EU) No 1308/2013, and on condition that the product specification so provides, a product which has a protected designation of origin or geographical indication may be made into wine in any of the following locations:

- a in an area in the immediate proximity of the demarcated area in question;
- b in an area located within the same administrative unit or within a neighbouring administrative unit, in conformity with national rules;
- c in the case of a trans-border designation of origin or geographical indication, or where an agreement on control measures exists between two or more <sup>F2</sup>... countries, in an area situated in the immediate proximity of the demarcated area in question.

2 By way of derogation from point (a)(iii) of Article 93(1) of Regulation (EU) No 1308/2013, and on condition that the product specification so provides, a product may be made into sparkling wine or semi-sparkling wine bearing a protected designation of origin beyond the immediate proximity of the demarcated area in question if this practice was in use prior to 1 March 1986.

<sup>F3</sup> .....

**Textual Amendments**

**F2** Words in Art. 5(1)(c) 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(4)**

**F3** Art. 5(3) omitted (27.5.2021) by virtue of The Food and Drink (Miscellaneous Amendments Relating to Food and Wine Composition, Information and Labelling) Regulations 2021 (S.I. 2021/632), regs. 1, **9(2)**

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## <sup>F4</sup> Article 6

### National procedure

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#### Textual Amendments

- F4** Arts. 6-8 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(5)**

## <sup>F4</sup> Article 7

### Joint applications

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#### Textual Amendments

- F4** Arts. 6-8 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(5)**

## <sup>F4</sup> Article 8

### Transitional national protection

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#### Textual Amendments

- F4** Arts. 6-8 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(5)**

## Article 9

### Admissibility of the application

1 Applications for protection are considered admissible if they are submitted in accordance with Articles 94 [<sup>F5</sup>and 95] of Regulation (EU) No 1308/2013 and Article 3 and Article 5(3) of Implementing Regulation (EU) 2019/34 and if they are duly completed.

An application for protection shall be considered to be duly completed when it complies with Article 94(1) and (3) of Regulation (EU) No 1308/2013 and Article 2 of Implementing Regulation (EU) 2019/34 and if the single document is duly completed.

The single document summarising the product specification, referred to in Article 94(1)(d) of Regulation (EU) No 1308/2013 shall be considered to be duly completed when it complies with the requirements listed in Article 5(1) and (2) of Implementing

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Regulation (EU) 2019/34. The product specification shall be considered duly completed when it complies with the requirements set out in Article 94(2) of Regulation (EU) No 1308/2013.

2 If the [<sup>F6</sup>Secretary of State] considers that an application is inadmissible, [<sup>F7</sup>the Secretary of State must inform the applicant, or, in the case of a third country application, the applicant established in, or the authorities of, that country,] of the reasons grounding the finding of inadmissibility.

3 At least once a month the [<sup>F8</sup>Secretary of State must publish] the list of names for which [<sup>F9</sup>the Secretary of State] has received applications for protection as designations of origin or geographical indications, the name of the applicant [<sup>F10</sup>relevant] country and the date of submission of the application. [<sup>F11</sup>The list may be published in such manner as appears appropriate to the Secretary of State from time to time.]

#### Textual Amendments

- F5** Words in Art. 9(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(6)(a)**
- F6** Words in Art. 9(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(6)(b)(i)**
- F7** Words in Art. 9(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(6)(b)(ii)**
- F8** Words in Art. 9(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(6)(c)(i)**
- F9** Words in Art. 9(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(6)(c)(ii)**
- F10** Word in Art. 9(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(6)(c)(iii)**
- F11** Words in Art. 9(3) 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(6)(c)(iv)**

### Article 10

#### Scrutiny of the application

An examination of the application by the [<sup>F12</sup>Secretary of State], as referred to in Article 97(2) of Regulation (EU) No 1308/2013, shall consist of a check that there are no manifest errors in the application. When examining the application the [<sup>F12</sup>Secretary of State] shall examine the single document in particular. The examination should be completed within a period of 6 months. Where this period is exceeded, the [<sup>F12</sup>Secretary of State] shall inform the applicant in writing of the reasons for the delay.

#### Textual Amendments

- F12** Words in Art. 10 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(7)**

### 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.

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### 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)