

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.

##### *Article 35*

##### **Cancellation of a traditional term**

In accordance with Article 115(2) of Regulation (EU) No 1308/2013, the Commission may, on a duly substantiated request by a Member State, a third country or a natural or legal person having a legitimate interest, adopt implementing acts cancelling the protection of a traditional term.

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

##### *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.

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*Status: Point in time view as at 17/10/2018.*

*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)*

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### Article 37

#### **Admissibility of a cancellation request**

- 1 A substantiated cancellation request shall be admissible where:
  - a it was submitted to the Commission by a Member State, 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.

- 2 Where the Commission considers that the cancellation request is not admissible it shall inform the authority or person that sent the request of the reasons for inadmissibility.
- 3 The Commission 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.

### Article 38

#### **Rules concerning traditional terms used in 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 third countries for grapevine products covered by geographical indications or designations of origin under the legislation of those third countries.
- 2 Grapevine products originating in third countries whose labels bear traditional indications other than the traditional terms listed in the electronic database 'E-Bacchus', referred to in Article 25(1) of Implementing Regulation (EU) 2019/34, may use these traditional indications on wine labels in accordance with the rules applicable in the third countries concerned, including those emanating from representative professional organisations.

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