

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 V

### GENERAL, TRANSITIONAL AND FINAL PROVISIONS

#### *Article 59*

##### **Procedural language**

All documents and information sent to the Commission in respect of an application for protection, an application for amendment of the product specification, the objection procedure and the cancellation procedure of a designation of origin or geographical indication in accordance with Articles 94 to 98 and Articles 105 and 106 of Regulation (EU) No 1308/2013, and of a traditional term, in accordance with Articles 25 to 31 and Articles 34 and 35 of this Regulation, shall be in one of the official languages of the Union or accompanied by a certified translation into one of those languages.

#### *Article 60*

##### **Repeal**

Regulation (EC) No 607/2009 is repealed.

#### *Article 61*

##### **Transitional measures**

1 Articles 2 to 12 and Article 72 of Regulation (EC) No 607/2009 concerning the application for protection and temporary labelling shall continue to apply in respect of all applications for protection pending at the date of application of this Regulation.

2 Articles 13 to 16 of Regulation (EC) No 607/2009 concerning the objection procedure shall continue to apply to applications for protection for which the related single documents have already been published for opposition in the *Official Journal of the European Union* at the date of application of this Regulation.

3 Articles 21, 22 and 23 of Regulation (EC) No 607/2009 concerning the cancellation of protection shall continue to apply to requests for cancellation of protection pending at the date of application of this Regulation.

4 The provisions of this Regulation and of Implementing Regulation (EU) 2019/34 governing objections shall apply to pending applications for which a single document is

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*Status: Point in time view as at 17/10/2018.*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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published in the *Official Journal of the European Union* after the date of application of this Regulation.

5 Paragraphs 1, 2 and 3 shall apply, *mutatis mutandis* to the procedures concerning traditional terms for which an application for protection or a cancellation request are pending at the date of application of this Regulation.

6 Articles 20 and 72 of Regulation (EC) No 607/2009 concerning amendments to the product specification and temporary labelling shall continue to apply to both applications for amendment of a product specification which have already been published in the *Official Journal of the European Union* at the date of application of this Regulation and to applications for minor or non-minor amendments indicated by the Member States as fulfilling the requirements for a Union amendment.

As regards pending applications for amendment not covered by subparagraph 1, Member States' decisions to submit such amendments to the Commission shall be deemed as approval of a standard amendment in accordance with Article 17(2) of this Regulation.

Member States shall communicate the list of the pending amendments to the Commission via electronic mail within three months after the *date of application* of this Regulation. This list shall be divided into the following two groups:

- a amendments that are considered as fulfilling the requirements of a Union amendment;
- b amendments that are considered as fulfilling the requirements of a standard amendment.

The Commission shall publish the list of standard amendments per Member State in the *Official Journal of the European Union*, C series within three months of receiving each Member State's complete list and it shall make public the applications and the single documents related to those standard amendments.

7 The provisions of Regulation (EC) No 607/2009 shall continue to apply to applications for amendment of a traditional term which are pending at the date of application of this Regulation.

8 Amendments to a product specification submitted to the competent authorities of a Member State on or after 1 August 2009 and transmitted by these authorities to the Commission before 30 June 2014, in accordance with Article 73(2) of Regulation (EC) No 607/2009, are deemed approved if they have been recognised by the Commission as bringing the product specification into compliance with Article 118c of Regulation (EC) No 1234/2007.

Amendments which have not been recognised by the Commission as bringing the product specification into compliance with Article 118c of Regulation (EC) No 1234/2007 shall be deemed applications for standard amendment and shall follow the transitional rules set out in paragraph 6 of this Article.

9 Grapevine products placed on the market or labelled in compliance with Regulation (EC) No 607/2009 may be marketed until existing stocks are exhausted.

10 The procedure set out in Article 118s of Regulation (EC) No 1234/2007 shall apply for any modification to the product specification submitted to a Member State on or after 1 August 2009 and sent to the Commission by that Member State before 31 December 2011.

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## Article 62

### **Entry into force and application**

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

**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.