

Commission Implementing Regulation (EU) 2019/34 of 17 October 2018 laying down rules for the application of 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, amendments to product specifications, the register of protected names, cancellation of protection and use of symbols, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards an appropriate system of checks

CHAPTER II

PROTECTED DESIGNATIONS OF ORIGIN AND GEOGRAPHICAL INDICATIONS

SECTION 7

Checks

Article 15

Authorities responsible for verifying compliance with the product specification

1 When performing the checks provided for in this Section, the responsible competent authorities and control bodies shall comply with the requirements laid down in Regulation [F¹2017/625].

2 In respect of protected designations of origin and protected geographical indications relating to a geographical area in [F²Northern Ireland or] a third country, annual verification of compliance with the product specification, during the production phase and during or after conditioning of the wine, shall be performed by:

- aa [F³in relation to a product produced in Northern Ireland, the authority designated for that purpose by regulation 4 of the Wine Regulations 2011 as that regulation extends to Northern Ireland;]
- a [F⁴in relation to a product produced in a third country,] one or more public authorities designated by the third country; or
- b [F⁵in relation to a product produced in Northern Ireland or a third country,] one or more certification bodies.

3 The control bodies referred to in Article 90(3) of Regulation (EU) No 1306/2013 and the one or more certification bodies referred to in point (b) of paragraph 2 of this Article shall comply with, and be accredited in accordance with, the International standard ISO/IEC 17065:2012.

By way of derogation from paragraph 1, [F⁶until 14th January 2021], Cyprus shall not be bound by the obligation to comply with and be accredited in accordance with the International standard ISO/IEC 17065:2012.

4 Where the authority referred to in Article 90(2) of Regulation (EU) No 1306/2013 and the one or more authorities referred to in point (a) of paragraph 2 of this Article verify compliance with the product specification, they shall offer adequate guarantees of objectivity

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/34, SECTION 7. (See end of Document for details)

and impartiality, and have at their disposal the qualified staff and resources needed to carry out their tasks.

5 Each operator wishing to participate in all or part of the production or, where relevant, packaging of a product bearing a protected designation of origin or geographical indication shall inform the competent authority referred to in Article 90(2) of Regulation (EU) No 1306/2013 accordingly.

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Textual Amendments

- F1 Word in Art. 15(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), **27(17)(a)**
- F2 Words in Art. 15(2) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **27(17)(b)(i)**
- F3 Art. 15(2)(aa) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **27(17)(b)(ii)**
- F4 Words in Art. 15(2)(a) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **27(17)(b)(iii)**
- F5 Words in Art. 15(2)(b) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **27(17)(b)(iv)**
- F6 Words in Art. 15(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), **27(17)(c)**
- F7 Art. 15(6) 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), **27(17)(d)**

F8 Article 16

Actions to be carried out by the Member States to prevent unlawful use of protected designations of origin and protected geographical indications

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Textual Amendments

- F8 Art. 16 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), **27(18)**

F9 Article 17

Names and addresses of competent authorities etc.

The Secretary of State must make public, in such manner as appears appropriate to the Secretary of State from time to time, the names and addresses of the competent authority or control bodies responsible for carrying out checks relating to the use of protected designations of origin and protected geographical indications in Great Britain.]

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/34, SECTION 7. (See end of Document for details)

Textual Amendments

- F9** Art. 17 substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **27(19)**

Article 18

Communication between third countries and the [^{F10}Secretary of State]

Where wines from a third country benefit from a protected designation of origin or geographical indication, the third country concerned shall send the [^{F11}Secretary of State, at the Secretary of State's] request:

- (a) information on the designated authorities or certification bodies which perform the annual verification of compliance with the product specification, during the production and during or after conditioning of the wine;
- (b) information setting out what aspects are covered by the checks;
- (c) proof that the wine in question fulfils the conditions of the relevant designation of origin or geographical indication.

Textual Amendments

- F10** Words in Art. 18 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), **27(20)(a)**
- F11** Words in Art. 18 substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **27(20)(b)**

Article 19

Annual verification

1 The annual verification carried out by the competent authority or control bodies referred to in Article 90(3) of Regulation (EU) No 1306/2013 shall consist of:

- a an organoleptic and analytical testing for products bearing a designation of origin;
- b either analytical testing only or both organoleptic and analytical testing for products bearing a geographical indication;
- c checking compliance with the other conditions set out in the product specification.

The annual verification shall be conducted in [^{F12}Great Britain] in accordance with the product specification and shall be carried out through one or more of the following methods:

- a through random checks based on a risk analysis;
- b through sampling;
- c systematic checks.

Where [^{F13}... random checks referred to in point (a) of the second subparagraph [^{F14}are carried out, the competent authority or the delegated body] shall select the minimum number of operators to be subjected to those checks.

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Where ^{F15}... sampling referred to in point (b) of the second subparagraph [^{F16}is carried out, the competent authority or the delegated body] shall ensure that by the number, nature and frequency of controls, the sampling is representative of the whole of the demarcated geographical area in question and corresponds to the volume of wine-sector products marketed or held with a view to their marketing.

2 The testing referred to in points (a) and (b) of the first subparagraph of paragraph 1 shall be performed on anonymous samples and shall demonstrate that the product tested complies with the characteristics and qualities described in the product specification for the relevant designation of origin or geographical indication.

The testing shall be carried out at any stage in the production process, and at the packaging stage, where relevant. Each sample taken shall be representative of the relevant wines held by the operator.

3 For the purposes of checking compliance with the product specification referred to in point (c) of the first subparagraph of paragraph 1, the control authority shall:

- a conduct an on-site check at the premises of operators to verify that the operators are actually able to meet the conditions laid down in the product specification;
- b conduct a check on the products at any stage of the production process, and at the packaging stage, where relevant, on the basis of an inspection plan covering every stage of production of the product, drawn up in advance by the control authority and of which operators are aware.

4 The annual verification shall ensure that a product cannot use the protected designation of origin or geographical indication relating to it unless:

- a the results of the testing referred to in points (a) and (b) of the first subparagraph of paragraph 1 and in paragraph 2 prove that the product in question complies with the conditions in the product specification and possesses all the appropriate characteristics of the designation of origin or geographical indication concerned;
- b the checks carried out in accordance with paragraph 3 confirm that the other conditions listed in the product specification are met.

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6 Any product failing to meet the conditions set out in paragraphs 1 to [^{F184}] may be placed on the market, but without the relevant designation of origin or geographical indication, provided that the other legal requirements are satisfied.

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[^{F209} In this Article, ‘delegated body’ has the meaning given by point (5) of Article 3 of Regulation 2017/625.]

Textual Amendments

- F12** Words in Art. 19(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), **27(21)(a)(i)**
- F13** Words in Art. 19(1) 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), **27(21)(a)(ii)(aa)**
- F14** Words in Art. 19(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), **27(21)(a)(ii)(bb)**

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- F15** Words in Art. 19(1) 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), **27(21)(a)(iii)(aa)**
- F16** Words in Art. 19(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), **27(21)(a)(iii)(bb)**
- F17** Art. 19(5) 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), **27(21)(b)**
- F18** Word in Art. 19(6) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **27(21)(c)**
- F19** Art. 19(7)(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), **27(21)(d)**
- F20** Art. 19(9) inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **27(21)(e)**

Article 20

Analytical and organoleptic testing

The analytical and organoleptic testing referred to in points (a) and (b) of the first subparagraph of paragraph 1 of Article 19 shall consist of:

- (a) a physical and chemical analysis of the wine in question, measuring the following characteristic properties:
- (i) total and actual alcoholic strength,
 - (ii) total sugars expressed in terms of fructose and glucose (including any sucrose, in the case of semi-sparkling and sparkling wines),
 - (iii) total acidity,
 - (iv) volatile acidity,
 - (v) total sulphur dioxide;
- (b) an additional analysis of the wine in question, measuring the following characteristic properties:
- (i) carbon dioxide (semi-sparkling and sparkling wines, excess pressure in bar at 20 °C),
 - (ii) any other characteristic properties provided for in [^{F21}any other enactment relating to, or in the product specification of, the] protected designations of origin and geographical indications concerned;
- (c) an organoleptic test covering visual appearance, odour and taste.

[^{F22}In this Article, ‘enactment’ means the following legislation whenever passed or made:

- a an Act, and an enactment contained in any Order in Council, order, rules, regulations or other instrument made under an Act, except to the extent that they extend to Northern Ireland;
- b retained direct EU legislation, except to the extent that it extends to Northern Ireland.]

Changes to legislation: There are currently no known outstanding effects for the Commission
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Textual Amendments

- F21** Words in Art. 20(b)(ii) substituted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **27(22)(a)**
- F22** Words in Art. 20 inserted (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **27(22)(b)**

Changes to legislation:

There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/34, SECTION 7.