

**REGULATION (EU) 2021/2117 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**of 2 December 2021**

**amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2), Article 114, Article 118, first paragraph, and Article 349 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup>,

Having regard to the opinion of the Committee of the Regions <sup>(2)</sup>,

Having regard to the opinion of the Court of Auditors <sup>(3)</sup>,

Acting in accordance with the ordinary legislative procedure <sup>(4)</sup>,

Whereas:

- (1) The Communication from the Commission of 29 November 2017 entitled 'The Future of Food and Farming' sets out the challenges, objectives and orientations for the future common agricultural policy (CAP) after 2020. Those objectives include making the CAP more result-driven, boosting modernisation and sustainability, including the economic, social, environmental and climate sustainability of the agricultural, forestry and rural areas, and helping reduce the Union legislation-related administrative burden for beneficiaries.
- (2) Since the CAP needs to sharpen its responses to the challenges and opportunities as they manifest themselves at international, Union, national, regional, local and farm levels, it is necessary to streamline the governance of the CAP and improve its delivery on the Union objectives and to significantly decrease the administrative burden. The CAP should be based on delivery of performance. Therefore, the Union should set the basic policy parameters, such as the objectives of the CAP and its basic requirements, while Member States should bear greater responsibility as to how they meet the objectives and achieve targets. Enhanced subsidiarity makes it possible to better take into account local conditions and needs and the particular nature of agricultural activity, which results from the social structure of agriculture and from structural and natural disparities between the various agricultural regions, tailoring the support to maximise the contribution to the achievement of Union objectives.

<sup>(1)</sup> OJ C 62, 15.2.2019, p. 214.

<sup>(2)</sup> OJ C 86, 7.3.2019, p. 173.

<sup>(3)</sup> OJ C 41, 1.2.2019, p. 1.

<sup>(4)</sup> Position of the European Parliament of 23 November 2021 (not yet published in the Official Journal) and decision of the Council of 2 December 2021.

- (3) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union ('TFEU') apply to this Regulation. Those rules are laid down in Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council <sup>(5)</sup> (the 'Financial Regulation') and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors. Rules adopted on the basis of Article 322 TFEU also include a general regime of conditionality for the protection of the Union budget.
- (4) To ensure the coherence of the CAP, all interventions of the future CAP should be part of a strategic plan which would include types of intervention in certain sectors that were provided for in Regulation (EU) No 1308/2013 of the European Parliament and of the Council <sup>(6)</sup>.
- (5) Annex II to Regulation (EU) No 1308/2013 sets out certain definitions concerning sectors falling within the scope of that Regulation. The definitions concerning the sugar sector set out in Part II, Section B, of that Annex should be deleted because they are no longer applicable. In order to update the definitions concerning other sectors referred to in that Annex in light of new scientific knowledge or market developments, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the amendment of those definitions, but not the power to add new definitions. Consequently, the individual empowerment delegated to the Commission in Part II, Section A, point 4, of that Annex to amend the definition of inulin syrup should be deleted. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making <sup>(7)</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (6) Part I of Regulation (EU) No 1308/2013 should be simplified. Redundant and obsolete definitions and provisions empowering the Commission to adopt implementing acts should be deleted.
- (7) In light of the experience gained, certain public intervention periods should be extended. Where the opening of public intervention is automatic, the public intervention period should be extended by one month. Where the opening of public intervention depends on market developments, the public intervention period should be the entire year.
- (8) For the purposes of increased transparency, and in the context of the Union's international commitments, it is appropriate to provide for the publication of relevant volume and price information on the buying-in and on the selling of products bought in under public intervention.
- (9) The granting of aid for the private storage of olive oil has proved to be an effective tool for market stabilisation. In light of the experience gained and in order to ensure a fair standard of living and to stabilise the market in the olive oil and table olives sector, it is appropriate to extend the list of products that are eligible for aid for private storage to also cover table olives.

<sup>(5)</sup> Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

<sup>(6)</sup> Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

<sup>(7)</sup> OJ L 123, 12.5.2016, p. 1.

- (10) Following the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union, the limits on Union aid for the supply of fruit and vegetables and of milk and milk products in educational establishments, set out in Article 23a of Regulation (EU) No 1308/2013, should be updated. It is appropriate for reasons of legal certainty to provide for the reduced limits to apply with retroactive effect from 1 January 2021.
- (11) Provisions concerning aid schemes set out in Part II, Title I, Chapter II, Sections 2 to 6, of Regulation (EU) No 1308/2013 should be deleted, as all types of intervention in the sectors concerned are set out in Regulation (EU) 2021/2115 of the European Parliament and of the Council <sup>(8)</sup>.
- (12) Union wine policy, with its existing scheme of authorisations that has allowed for the orderly growth of vine plantings since 2016, has contributed to increasing the competitiveness of the Union wine sector and to encouraging high-quality production. While the wine sector has achieved a balance between production supply, quality, consumer demand and exports on the world market, that balance is not yet sufficiently longstanding or stable, in particular when the wine sector is faced with serious market disturbances. In addition, there is a trend towards a continued decrease in wine consumption in the Union due to changes in consumer habits and lifestyle. As a consequence, in the long term the liberalisation of new vine plantings risks threatening the balance achieved so far between the supply capacity of the sector, a fair standard of living for producers and reasonable prices for consumers. This risks jeopardising the positive developments achieved through Union legislation and policies in recent decades.
- (13) The existing scheme of authorisations for vine plantings is also considered essential to ensuring diversity of wines and responding to the specificities of the Union wine sector. The Union wine sector has specific characteristics, including the long cycle of vineyards, given that production only takes place several years after planting but then continues for several decades, and given the potential for considerable fluctuations in production from one harvest to the next. Unlike many wine-producing third countries, the Union wine sector is also characterised by a very high number of small, family-run farms, which results in a diverse range of wines. In order to guarantee the economic viability of their projects and to improve the competitiveness of the Union wine sector on the global market, operators in the sector and producers therefore need long-term predictability, given the significant investment required to plant a vineyard.
- (14) In order to secure the achievements of the Union wine sector up to now and to achieve a long-lasting quantitative and qualitative balance in the sector through the continued orderly growth of vine plantings beyond 2030, the scheme of authorisations for vine plantings should be extended until 2045, i.e. for a period equivalent to the initial period in place since 2016, but with two mid-term reviews to be carried out in 2028 and 2040, in order to evaluate the scheme and, if necessary, to present proposals on the basis of the results of those mid-term reviews to improve the competitiveness of the wine sector.
- (15) Allowing producers to delay the replanting of vineyards could have a positive environmental impact by improving soil sanitary conditions with fewer chemical inputs. Therefore, in order to contribute to a better soil management in viticulture, it is appropriate to allow for the extension of the validity of replanting authorisations from three to six years where the replanting takes place on the same parcel of land.

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<sup>(8)</sup> Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (see page 1 of this Official Journal).

- (16) Due to the crisis caused by the COVID-19 pandemic in the Union wine sector, Regulation (EU) 2020/2220 of the European Parliament and of the Council <sup>(9)</sup> provided for the extension until 31 December 2021 of the validity of planting authorisations for new plantings or for replanting that were due to expire in 2020. Due to the prolonged effects of the crisis caused by the COVID-19 pandemic, producers holding planting authorisations for new plantings or for replanting that were due to expire in 2020 or 2021 continue to be largely prevented from using those authorisations in the last year of their validity. To avoid the loss of those authorisations and to reduce the risk of the deterioration of the conditions under which the planting would need to be carried out, it is appropriate to allow for a further extension of the validity of planting authorisations for new plantings or for replanting which expire in 2020 and a extension for those which expire in 2021. All planting authorisations for new plantings or for replanting that were due to expire in 2020 or 2021 should therefore be extended until 31 December 2022.
- (17) Also, taking into account changes in market perspectives, the holders of planting authorisations expiring in 2020 and 2021 should be able not to use their authorisations, without being subject to administrative penalties. Moreover, in order to avoid any discrimination, producers who, in accordance with Regulation (EU) 2020/2220, declared to the competent authority by 28 February 2021 that they did not intend to make use of their authorisation without knowing about the possibility of extending the validity of their authorisations for a second year, should be allowed to retract their declarations by means of a written communication to the competent authority by 28 February 2022 and to make use of their authorisation until 31 December 2022.
- (18) Because of the market disturbances due to the COVID-19 pandemic and the economic uncertainty it caused as regards the use of those authorisations, the provisions of Regulation (EU) No 1308/2013 on planting authorisations for new plantings or for replanting that expire in years 2020 and 2021, should apply retroactively from 1 January 2021.
- (19) In view of the decrease in several Member States in the actual area planted with vines in the years 2014–2017, and in view of the potential loss in production ensuing, when establishing the area for new planting authorisations referred to in Article 63(1) of Regulation (EU) No 1308/2013, Member States should be able to choose between the existing basis and a percentage of the total area actually planted with vines in their territory on 31 July 2015 increased by an area corresponding to the planting rights under Council Regulation (EC) No 1234/2007 <sup>(10)</sup> that were available for conversion into authorisations in the Member State concerned on 1 January 2016.
- (20) It should be clarified that Member States that limit the issuing of authorisations at regional level for specific areas eligible for the production of wines with a protected designation of origin or for areas eligible for the production of wines with a protected geographical indication may require such authorisations to be used in those regions.
- (21) It should be clarified that Member States, for the purpose of granting vine planting authorisations, may apply objective and non-discriminatory eligibility and priority criteria at national or regional level. In addition, the experience of Member States shows the necessity of revising some of the priority criteria in order to be able to give preference to vineyards that contribute to the preservation of vine genetic resources and holdings whose increased cost-efficiency, competitiveness or presence on the market has been proven.

<sup>(9)</sup> Regulation (EU) 2020/2220 of the European Parliament and of the Council of 23 December 2020 laying down certain transitional provisions for support from the European Agricultural Fund for Rural Development (EAFRD) and from the European Agricultural Guarantee Fund (EAGF) in the years 2021 and 2022 and amending Regulations (EU) No 1305/2013, (EU) No 1306/2013 and (EU) No 1307/2013 as regards resources and application in the years 2021 and 2022 and Regulation (EU) No 1308/2013 as regards resources and the distribution of such support in respect of the years 2021 and 2022 (OJ L 437, 28.12.2020, p. 1).

<sup>(10)</sup> Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ L 299, 16.11.2007, p. 1).

- (22) In order to ensure that no advantage is granted in favour of a natural or legal person in respect of whom it is established that the conditions required for obtaining such advantages were created artificially, it is appropriate to clarify that Member States should be allowed to adopt measures to prevent the circumvention of rules concerning the safeguard mechanism for new plantings and the eligibility and priority criteria for the granting of authorisations for new plantings.
- (23) The latest deadline for the submission of requests for the conversion of planting rights into authorisations ends on 31 December 2022. In some cases, circumstances such as the economic crisis caused by the COVID-19 pandemic may have had the effect of limiting the conversion of planting rights into planting authorisations. For that reason, and in order to allow Member States to preserve the production capacity corresponding to such planting rights, it is appropriate that, from 1 January 2023, planting rights that were eligible for conversion into planting authorisations on 31 December 2022 but have not yet been converted into planting authorisations remain at the disposal of the Member States concerned, which may grant them at the latest by 31 December 2025 as authorisations for new vine plantings, without those authorisations being counted for the purposes of the limitations laid down in Article 63 of Regulation (EU) No 1308/2013.
- (24) In some Member States, there are traditional vineyards planted with varieties that are not allowed for the purposes of wine production, the production of which, including production for the purposes of producing fermented grape beverages other than wine, is not intended for the wine market. It is appropriate to clarify that such vineyards are not subject to grubbing-up obligations and that the scheme of authorisations for vine planting set out in this Regulation does not apply to the planting and replanting of such varieties for purposes other than wine production.
- (25) Article 90 of Regulation (EU) No 1308/2013 lays down that, unless otherwise provided for in international agreements concluded in accordance with the TFEU, Union rules on designations of origin and geographical indications, labelling, definitions, designations and sales descriptions for certain products in the wine sector, as well as the oenological practices authorised by the Union, are to apply to the products imported into the Union. Therefore, in the interest of consistency, it is appropriate to provide that the rules concerning certificates of compliance and analysis reports for the import of those products should also be applied in light of the international agreements concluded in accordance with the TFEU.
- (26) Within the framework of the CAP reform, provisions concerning withdrawal from the market of products that do not comply with labelling rules should be integrated into Regulation (EU) No 1308/2013. In view of the increasing consumer demand for product controls, Member States should take measures to ensure that products which are not labelled in conformity with that Regulation are not placed on the market or, if such products have already been placed on the market, that they are withdrawn from the market. Withdrawal includes the possibility to correct the labelling of the products without definitively removing them from the market.
- (27) In view of the repeal of Regulation (EU) No 1306/2013 of the European Parliament and of the Council<sup>(11)</sup> by Regulation (EU) 2021/2116 of the European Parliament and of the Council<sup>(12)</sup>, provisions concerning checks and penalties related to marketing rules, protected designations of origin, geographical indications and traditional terms should be integrated into Regulation (EU) No 1308/2013.
- (28) To enable producers to use vine varieties that are better adapted to changing climatic conditions and that have higher resistance to diseases, provision should be made to permit the use of designations of origin for products made from both vine varieties belonging to *Vitis vinifera* and vine varieties stemming from a cross between *Vitis vinifera* and other species of the genus *Vitis*.

<sup>(11)</sup> Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549).

<sup>(12)</sup> Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agriculture policy and repealing Regulation (EU) No 1306/2013 (see page 187 of this Official Journal).

- (29) The definitions of 'designation of origin' and 'geographical indication' in Regulation (EU) No 1308/2013 should be aligned with the definitions in the Agreement on Trade-Related Aspects of Intellectual Property Rights ('TRIPS Agreement'), approved by Council Decision 94/800/EC<sup>(13)</sup>, in particular with Article 22(1) of the TRIPS Agreement, in that geographical indications identify the product as originating in a specific place, region or country. In the interest of clarity, it is appropriate to lay down explicitly that the revised definition of a designation of origin includes traditionally used names. As a result, the list of the requirements for a traditionally used name to constitute a designation of origin in the wine sector set out in Regulation (EU) No 1308/2013 will become obsolete and should be deleted. For reasons of consistency, such a clarification should also be introduced in the definition of 'geographical indication' for the wine sector laid down in Regulation (EU) No 1308/2013 and in the definitions of 'designation of origin' and 'geographical indications' for the food sector laid down in Regulation (EU) No 1151/2012 of the European Parliament and of the Council<sup>(14)</sup>.
- (30) The geographical environment, with its natural and human factors, is a crucial element that affects the quality and characteristics of grapevine products, agricultural products and foodstuffs that benefit from protected designations of origin or geographical indications pursuant to Regulations (EU) No 1308/2013 and (EU) No 1151/2012. In particular, where fresh products that undergo little or no processing are concerned, natural factors may be predominant in determining the quality and characteristics of the product concerned, while the contribution of human factors to the quality and characteristics of the product may be less specific. Therefore, the human factors that should be taken into account in the description of the link between the quality or characteristics of a product and a particular geographical environment that is to be included in the product specification of protected designations of origin pursuant to Article 94 of Regulation (EU) No 1308/2013 and Article 7 of Regulation (EU) No 1151/2012 should not be limited to specific methods of production or processing that confer a specific quality to the product concerned, but may include factors such as soil and landscape management, cultivation practices, and any other human activities that contribute to the maintenance of the essential natural factors that predominantly determine the geographical environment and the quality and characteristics of the product concerned.
- (31) To ensure coherent decision-making as regards applications for protection and objection submitted in the preliminary national procedure referred to in Article 96 of Regulation (EU) No 1308/2013 and in Article 49 of Regulation (EU) No 1151/2012, the Commission should be informed in a timely and regular manner when procedures are launched before national courts or other bodies concerning an application for protection forwarded by the Member State to the Commission, as referred to in Article 96(5) of Regulation (EU) No 1308/2013 and Article 49(4) of Regulation (EU) No 1151/2012. For the same reason, where a Member State communicates to the Commission a national decision on which the application for protection is based that is likely to be invalidated at the end of a national judicial proceeding, the Commission should be exempted from the obligation to carry out the scrutiny procedure set out in Article 97 of Regulation (EU) No 1308/2013 and Article 50 of Regulation (EU) No 1151/2012 with respect to an application for protection within the prescribed deadline and from the obligation to inform the applicant of the reasons for the delay. In order to protect the applicant from vexatious legal actions and to preserve the applicant's fundamental right to secure the protection of a geographical indication within a reasonable time, the exemption should be limited to cases in which the application for protection has been invalidated at national level by an immediately applicable but not final judicial decision or in which the Member States consider that the action to challenge the validity of the application is based on valid grounds.
- (32) The registration of geographical indications should be made simpler and faster by separating the assessment of compliance with intellectual property rules from the assessment of the compliance of the product specifications with the requirements laid down in the marketing standards and labelling rules.
- (33) The assessment carried out by the competent authorities of Member States is an essential step in the registration procedure. Member States have knowledge, expertise and access to data that make them the best placed to verify whether the information provided in the application is correct and truthful. Therefore, Member States should ensure that the result of that assessment, which is to be faithfully recorded in a single document summarising the relevant elements of the product specification, is reliable and accurate. Having regard to the principle of subsidiarity,

<sup>(13)</sup> Council Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986-1994) (OJ L 336, 23.12.1994, p. 1).

<sup>(14)</sup> Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343 14.12.2012, p. 1).

the Commission should subsequently examine applications to ensure that there are no manifest errors, in order to ensure, in particular, that they contain the required information, that they are free of obvious substantive errors, that the reasoning presented supports the application, and that Union law and the interests of stakeholders outside the Member State of application and outside the Union are taken into account.

- (34) In the wine sector, the period during which an objection can be made should be extended to three months to ensure that all interested parties have sufficient time to analyse the application for protection and the possibility to submit a statement of objection. To ensure that the same procedure for objections is applied under Regulations (EU) No 1308/2013 and (EU) No 1151/2012 and to enable Member States to forward objections from natural or legal persons residing or established in their territory to the Commission in a coordinated and efficient manner, objections from natural or legal persons should be submitted via the authorities of the Member State in which they reside or are established. To simplify the objection procedure, the Commission should be empowered to reject inadmissible statements of objection in the implementing act that confers protection on the designation of origin or geographical indication concerned.
- (35) In order to increase procedural efficiency and ensure uniform conditions for the conferral of protection on designations of origin or geographical indications, implementing powers should be conferred on the Commission to adopt implementing acts conferring such protection in the wine sector without recourse to the examination procedure, in circumstances where no admissible statement of objections to the application for protection has been submitted. For cases where an admissible statement of objection has been submitted, implementing powers should be conferred on the Commission to adopt implementing acts either conferring protection or rejecting the application for protection, in accordance with the examination procedure.
- (36) The relationship between trade marks and geographical indications of grapevine products should be clarified in relation to criteria for refusal, invalidation and coexistence. Such clarification should not affect rights acquired by holders of geographical indications at national level or that exist by virtue of international agreements concluded by Member States for the period before the establishment of the Union protection system for grapevine products.
- (37) Rules concerning national procedures, the objection procedure, the classification of the amendments into Union amendments and standard amendments, including the main rules for the adoption of such amendments, and temporary labelling and presentation currently laid down in Commission Delegated Regulation (EU) 2019/33<sup>(15)</sup> are an important element of the scheme for the protection of designations of origin and geographical indications in the wine sector. For reasons of consistency with Regulation (EU) No 1151/2012 and Regulation (EU) 2019/787 of the European Parliament and of the Council<sup>(16)</sup> and for ease of application, those provisions should be integrated into Regulation (EU) No 1308/2013.
- (38) Concerning the protection of geographical indications, it is important to have due regard for the General Agreement on Tariffs and Trade including Article V thereof on freedom of transit, which was approved by Decision 94/800/EC. Within that legal framework, in order to strengthen geographical indication protection and to combat counterfeiting more effectively, the protection of designations of origin and geographical indications should also apply with regard to goods that enter the customs territory of the Union without being released for free circulation and that are placed under customs special procedures such as procedures for transit, storage, specific use or processing. Therefore, the protection conferred by Article 103(2) of Regulation (EU) No 1308/2013 and Article 13(1) of Regulation (EU) No 1151/2012 should be extended to cover goods which are in transit across the Union customs territory, and the protection conferred by Article 103(2) of Regulation (EU) No 1308/2013 and Article 13(1) and Article 24 of

<sup>(15)</sup> 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 (OJ L 9, 11.1.2019, p. 2).

<sup>(16)</sup> Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008 (OJ L 130 17.5.2019, p. 1).

Regulation (EU) No 1151/2012 to designations of origin, geographical indications and traditional specialities guaranteed should be extended to cover goods which are sold over the internet or by other means of electronic commerce. In addition, designations of origin and geographical indications in the wine sector should also be protected against any direct or indirect commercial use where they refer to products used as ingredients. Designations of origin and geographical indications in the wine sector and traditional specialities guaranteed should also be protected against misuse, imitation and evocation where they are used to refer to products used as ingredients.

- (39) It should be possible to cancel the protection of a designation of origin or geographical indication in circumstances where it is no longer in use or where the applicant referred to in Article 95 of Regulation (EU) No 1308/2013 no longer wishes to maintain that protection.
- (40) In view of the ever increasing consumer demand for innovative grapevine products that have a lower actual alcoholic strength than the minimum actual alcoholic strength set out for grapevine products in Annex VII, Part II, to Regulation (EU) No 1308/2013, it should also be possible to produce such innovative grapevine products in the Union. To that end, it is necessary to lay down the conditions under which certain grapevine products may be de-alcoholised or partially de-alcoholised and to establish the processes for de-alcoholisation that are authorised. Those conditions should take into account the Resolutions of the International Organisation of Vine and Wine (OIV), OIV-ECO 432-2012 Beverage Obtained By Dealcoholisation of Wine, OIV-ECO 433-2012 Beverage Obtained By Partial Dealcoholisation of Wine and OIV-ECO 523-2016 Wine With An Alcohol Content Modified by Dealcoholisation and OIV-OENO 394A-2012 Dealcoholisation Of Wines.
- (41) Those innovative grapevine products have never been marketed in the Union as wine. For that reason, further research and experimentation would be necessary to improve the quality of those products and, in particular, to ensure that the total removal of the alcohol content allows the preservation of the differentiating characteristics of quality wines that are protected by a geographical indication or a designation of origin. Therefore, although both partial and total de-alcoholisation should be authorised for wines without a geographical indication or a designation of origin, only partial de-alcoholisation should be authorised for wines with a protected geographical indication or protected designation of origin. In addition, to ensure clarity and transparency for both producers and consumers of wines with a geographical indication or a designation of origin, it is appropriate to provide that, where wines with a geographical indication or a designation of origin may be partially de-alcoholised, their product specification should contain a description of the partially de-alcoholised wine and, where applicable, the specific oenological practices to be used to make the partially de-alcoholised wine or wines, as well as the relevant restrictions on making them.
- (42) In order to provide a higher level of information to consumers, the compulsory particulars under Article 119 of Regulation (EU) No 1308/2013 should include a nutrition declaration and a list of ingredients. However, producers should have the option of limiting the contents of the nutrition declaration on the package or on a label attached thereto to only the energy value and of making the full nutrition declaration and the list of ingredients available by electronic means, provided that they avoid any collection or tracking of user data and do not provide information aimed at marketing purposes. However, the option of not providing a full nutritional declaration on the package or on a label attached thereto should not affect the existing requirement that the label list substances causing allergies or intolerances. In Article 122 of Regulation (EU) No 1308/2013, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of supplementing Regulation (EU) No 1308/2013 by laying down rules for the indication and designation of ingredients. The marketing of existing stocks of wine should be allowed to continue after the dates of application of the new labelling requirements until those stocks are exhausted. Operators should be allowed sufficient time to adjust to the new labelling requirements before they become applicable.
- (43) In order to ensure that consumers are informed of the nature of de-alcoholised wine products and that the rules governing labelling and presentation of products in the wine sector also apply to de-alcoholised or partially de-alcoholised grapevine products, Article 119 of Regulation (EU) No 1308/2013 should be amended. However, in order to maintain the current level of information on minimum durability required for beverages containing less than 10 % by volume of alcohol under Regulation (EU) No 1169/2011 of the European Parliament and of the

Council <sup>(17)</sup>, it is appropriate to require products which have undergone a de-alcoholisation treatment with an actual alcoholic strength by volume of less than 10 % to include, as compulsory particulars, an indication of the date of minimum durability.

- (44) In addition, Annex I, Part XII, to Regulation (EU) No 1308/2013, which lists the products covered under the wine sector, currently covers partially de-alcoholised wines with an alcohol content by volume above 0,5 %. In order to ensure that all de-alcoholised wines, including those with an alcohol content by volume of 0,5 % or less, are covered in the wine sector, it is appropriate to amend Annex I, Part XII, to Regulation (EU) No 1308/2013 by adding a new entry.
- (45) As regards rules concerning the conditions on the use of closures in the wine sector in order to ensure that consumers are protected from the misleading use of certain closures associated with certain beverages and from hazardous closure materials that may contaminate the beverages, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (46) Rules and requirements relating to the system of sugar quotas expired at the end of the 2016/2017 marketing year. Article 124 and Articles 127 to 144 of Regulation (EU) No 1308/2013 are now obsolete and should be deleted.
- (47) Directive (EU) 2019/633 of the European Parliament and of the Council <sup>(18)</sup> lays down an exception from the maximum payment deadline for the sale of grapes and must in the wine sector. In order to contribute to the stability of the wine supply chain and to provide agricultural producers with the security of longstanding sales relationships, sales of wine in bulk should be treated in the same manner. It is therefore appropriate to provide that, by way of derogation from the applicable maximum payment deadlines laid down in Directive (EU) 2019/633, if requested by an interbranch organisation, Member States may decide that the applicable maximum payment deadlines do not apply to the sales of wine in bulk, provided that the specific payment deadline terms are included in standard contracts which have been extended by Member States under Article 164 of Regulation (EU) No 1308/2013 before 31 October 2021 and that the supply agreements between suppliers of wine in bulk and their direct buyers are multiannual or become multiannual.
- (48) Where the delivery of agricultural products by a producer to a processor or distributor is covered by a written contract or offer pursuant to Articles 148 and 168 of Regulation (EU) No 1308/2013, and the price payable for the delivery is calculated by combining various factors set out in the contract, those factors, which may include objective indicators, indices and methods of calculation, should be easily understandable by the parties. Furthermore, Member States should be able to specify optional indicators that may be used by the parties to the contracts, on the basis of available objective market information and studies.
- (49) Following the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union, the total amount of raw milk production in the Union has decreased. In order not to undermine the powers to conduct contractual negotiations granted to producer organisations in the milk and milk products sector, the applicable quantitative limit on the volume of raw milk covered by such negotiations, expressed as a percentage of the total Union production, should be increased. It is appropriate for reasons of legal certainty to provide for the application of the increased quantitative limit with retroactive effect from 1 January 2021.

<sup>(17)</sup> Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304 22.11.2011, p. 18).

<sup>(18)</sup> Directive (EU) 2019/633 of the European Parliament and of the Council of 17 April 2019 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain (OJ L 111, 25.4.2019, p. 59).

- (50) To help achieve the environmental objectives of the Union, Member States should be able to recognise producer organisations that pursue specific aims relating to the management and valorisation of by-products, residual flows and waste, in particular to protect the environment and boost circularity, as well as producer organisations that pursue aims relating to the management of mutual funds for any sector. It is therefore appropriate to extend the existing list of objectives of producer organisations set out in Article 152 of Regulation (EU) No 1308/2013. To increase the transparency of producer organisations, the statutes of producer organisations should also enable producer members to scrutinise democratically the accounts and budgets of the organisation. Moreover, for the ease of commercial transactions engaged in by the producer organisation, it is appropriate to lay down that the statutes of a producer organisation may allow producer members to be in direct contact with purchasers, provided that such direct contact does not jeopardise the producer organisation's function of concentrating supply and placing products on the market and provided that the producer organisation continues to have sole discretion over the essential elements of sales effected by the producer organisation.
- (51) In light of the experience gained and the evolution of the milk and milk products sector since the end of the quota system, it is no longer appropriate to maintain specific rules related to the objectives and the recognition arrangements provided for with respect to interbranch organisations in the sector of milk and milk products.
- (52) The experience in different sectors shows that Member States may recognise interbranch organisations at different geographical levels without undermining the role and the aims of such organisations. Therefore, it is pertinent to clarify that Member States may opt for the recognition of such interbranch organisations at one or more geographical levels. Interbranch organisations are to pursue a specific aim taking account of the interests of their members and of consumers. In light of the environmental objectives of the Union, it is appropriate to extend the list of objectives set out in Article 157 of Regulation (EU) No 1308/2013 to include providing the necessary information and carrying out the necessary research to develop products that are more suited to climate action and to the protection of animal health and animal welfare, contributing to the valorisation of by-products and the reduction and management of waste, and promoting and implementing measures to prevent, control and manage animal health, plant-protection and environmental risks, including by setting up and managing funds or by contributing to such funds with a view to paying financial compensation to farmers for the costs and economic losses arising from the promotion and implementation of such measures. To avoid the risk of organisations at a certain stage of the food supply chain concentrating more power, Member States should recognise only interbranch organisations that strive for a balanced representation of the organisations in various stages of the food supply chain that constitute the interbranch organisation.
- (53) The definition of 'economic area' laid down in Article 164 of Regulation (EU) No 1308/2013 for the purpose of the extension of rules and compulsory contributions should be complemented to adapt that Regulation to the production specificities of products with a protected designation of origin or protected geographical indication recognised under Union law. In order to foster sustainable practices, it should be possible to make agreements, decisions and concerted practices of interbranch organisations related to plant health, animal health, food safety and environmental risks binding on non-members. However, because of the importance of biodiversity in the seed material used in organic farming, rules related to the use of certified seeds should not be made binding by extension on non-members practising organic farming.
- (54) In view of the importance of protected designations of origin and protected geographical indications for agricultural production in the Union, and in view of the success of the introduction of supply management rules for cheeses and dry-cured hams under geographical indications in ensuring the added value and maintaining the reputation of those products and stabilising their prices, the possibility of applying supply management rules should be extended to agricultural products with a protected designation of origin or geographical indication under Regulation (EU) No 1308/2013 or Regulation (EU) No 1151/2012. For clarity and consistency, it is appropriate to integrate the existing rules on the regulation of supply into one single provision covering all agricultural products. Member States should therefore be authorised to apply those rules to regulate the supply of agricultural products under geographical indications at the request of an interbranch organisation, producer organisation, or a group of producers or operators, provided that at least two-thirds of the producers of that product, or their representatives, agree, and, where applicable, the agricultural producers of the raw material concerned have been consulted, and, in the case of cheese, for reasons of continuity, have given their agreement. Those rules should be subject to strict conditions, in particular in order to avoid damage to trade in products in other markets and to protect minority rights. Member States should immediately publish and notify the adopted rules to the Commission, ensure regular checks and repeal the rules in cases of non-compliance. The Commission should be empowered to adopt implementing acts requiring that a Member State repeal such rules if the Commission finds that the rules do not

comply with certain conditions, prevent or distort competition in a substantial part of the internal market or jeopardise free trade or the attainment of the objectives of Article 39 TFEU. In light of the Commission's powers in the field of Union competition policy, and given the special nature of those acts, the Commission should adopt such implementing acts without applying Regulation (EU) No 182/2011.

- (55) Value-sharing clauses in the food supply chain are of interest not only in agreements between producers and first buyers but also where they can enable farmers to participate in price developments in the more downstream stages of the chain. It should therefore be made possible for farmers and their associations to agree on such clauses with actors who are downstream of the first buyers.
- (56) The special commercial value of wines covered by a protected designation of origin (PDO) or protected geographical indication (PGI) derives from their belonging to a premium segment of the market thanks to their reputation for quality that derives from their product specifications. Such wines tend to fetch higher prices in the market as consumers value the characteristics to which the designation of origin and geographical indication attests. To prevent those quality credentials from being undercut by detrimental price action, interbranch organisations representing the operators benefiting from those quality credentials should be able to issue price guidance concerning the sales of the relevant grapes by way of derogation from Article 101(1) TFEU. However, such guidance should be non-mandatory, in order to avoid eliminating intra-PDO/PGI price competition altogether.
- (57) Article 5 of the World Trade Organization (WTO) Agreement on Agriculture includes the calculation methods that may be used to fix the trigger volume for the special safeguard clause in the relevant sectors. In order to take into account all possible calculation methods for establishing the trigger volume for the purpose of the application of additional import duties, including where domestic consumption is not taken into account, Article 182(1) of Regulation (EU) No 1308/2013 should be amended to reflect the calculation method set out in Article 5(4) of the WTO Agreement on Agriculture.
- (58) Articles 192 and 193 of Regulation (EU) No 1308/2013 should be deleted, as such measures are no longer necessary in view of the end of the production regulation in the sugar sector. In order to ensure that the Union market is adequately supplied by imports from third countries, delegated and implementing powers should be conferred on the Commission to suspend import duties for cane and beet molasses.
- (59) The Ministerial Decision of 19 December 2015 on Export Competition of the 10th WTO Ministerial Conference in Nairobi sets down rules on export competition measures. As regards export subsidies, WTO members are required to eliminate their export subsidy entitlements as of the date of that Decision. Therefore, Union provisions on export refunds set out in Articles 196 to 204 of Regulation (EU) No 1308/2013 should be deleted. In respect of export credits, export credit guarantees and insurance programmes, agricultural exporting state trading enterprises and international food aid, Member States may adopt national measures respecting Union law. Since the Union and its Member States are WTO members, such national measures should also comply with the rules laid down in that WTO Ministerial Decision of 19 December 2015 as a matter of Union law and international law.
- (60) The internal market relies on the consistent application of competition rules in all Member States. This requires the continued close cooperation of national competition authorities and the Commission in the European network of competition authorities, where questions of interpretation and application of competition rules can be discussed and actions to apply competition rules can be coordinated, in accordance with Council Regulation (EC) No 1/2003<sup>(19)</sup>.
- (61) In order to ensure the effective use of Article 210 of Regulation (EU) No 1308/2013 by interbranch organisations, as well as for the sake of simplification and reducing administrative burdens, agreements, decisions and concerted practices of interbranch organisations should not require a prior Commission decision to the effect that they are not subject to the application of Article 101(1) TFEU, provided that those agreements, decisions and concerted practices

<sup>(19)</sup> Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ L 1, 4.1.2003, p. 1).

meet the requirements laid down in Article 210 of Regulation (EU) No 1308/2013. However, at the request of the applicant, the Commission should give an opinion concerning the compatibility of such agreements, decisions and concerted practices with Article 210 of Regulation (EU) No 1308/2013. Notwithstanding a Commission opinion issued to the effect that such agreements, decisions and concerted practices are compatible with that Article, the Commission should retain the possibility of declaring at any time after issuing such an opinion that Article 101(1) TFEU will apply in the future to the agreements, decisions or concerted practices in question, if it finds that the relevant conditions for the application of Article 210 of Regulation (EU) No 1308/2013 are no longer met.

- (62) Certain vertical and horizontal initiatives concerning agricultural and food products, which aim to apply requirements that are more stringent than the mandatory requirements, can have positive effects on sustainability objectives. The conclusion of such agreements, decisions and concerted practices between producers and operators at different levels of the production, processing and trade could also strengthen the position of producers in the supply chain and increase their bargaining power. Therefore, under specific circumstances, such initiatives should not be subject to the application of Article 101(1) TFEU. In order to ensure the effective use of this new derogation, and in the interest of reducing administrative burdens, such initiatives should not require a prior Commission decision to the effect that they are not to be subject to the application of Article 101(1) TFEU. As this is a new derogation, it is appropriate to provide that the Commission should produce guidelines for operators concerning the application of the derogation within two years of the entry into force of this Regulation. After that date, producers should also be able to request an opinion from the Commission concerning the application of the derogation to their agreements, decisions and concerted practices. In justified cases, the Commission should be able to subsequently revise the content of its opinion. National competition authorities should be able to decide that an agreement, decision or concerted practice is to be modified, discontinued or not take place at all, if they consider it necessary to protect competition, in which case they should inform the Commission of their actions.
- (63) Article 214a of Regulation (EU) No 1308/2013 allows Finland to grant, under certain conditions, national aid in Southern Finland until 2022, subject to the authorisation of the Commission. The granting of that national aid should continue to be allowed for the period 2023-2027. In order to ensure that this aid can continue to be granted during the transitional period of 2021 to 2022, the new arrangements in respect thereof should apply only from 1 January 2023.
- (64) Restrictions on the free circulation of products in the fruit and vegetables sector resulting from the application of measures intended to combat the spread of plant pests can cause difficulties on the market in one or more Member States. Particularly in light of the increasing occurrence of plant pests, it is therefore appropriate to allow for exceptional support measures to take account of restrictions on trade as a result of plant pests and to extend the list of products in respect of which exceptional support measures may be adopted in the fruit and vegetables sector.
- (65) The existing Union market observatories and working groups for agricultural markets have proved beneficial to informing the choices of economic operators and public authorities as well as to facilitating the monitoring of market developments. To that end, and in order to enhance the transparency of agricultural and food markets at Union level and to contribute to the stability of agricultural markets, those instruments should be strengthened. Therefore, it is appropriate to establish a single formal legal framework for the setting up and operation of Union market observatories in any agricultural sector and to lay down the relevant notification and reporting obligations for those observatories.
- (66) On the basis of the statistical data and information collected for the monitoring of the agricultural markets, Union market observatories should identify threats of market disturbance in their reports. The Commission should regularly present to the European Parliament and to the Council information on the market situation of the agricultural products, the threats of market disturbance and possible measures to be taken, by means of regular participation in meetings of the Committee on Agriculture and Rural Development and the Special Committee on Agriculture.

- (67) For reasons of clarity, the role of the Commission in respect of its existing obligations to cooperate and exchange information with competent authorities designated in accordance with Article 22 of Regulation (EU) No 596/2014 of the European Parliament and of the Council <sup>(20)</sup> and the European Securities and Markets Authority (ESMA) should be explicitly laid down in Article 223 of Regulation (EU) No 1308/2013.
- (68) Obsolete reporting obligations of the Commission regarding the milk and milk products market and the extension of the scope of the school scheme should be deleted. Reporting obligations concerning the apiculture sector should be integrated into Regulation (EU) 2021/2115. New reporting obligations and deadlines should be laid down regarding the application of competition rules to the agricultural sector, regarding the setting up of Union market observatories and regarding the use of exceptional measures. The Commission should also report on the situation of sales designations and carcass classification in the sheepmeat and goatmeat sector.
- (69) Provisions concerning the reserve for crises in the agricultural sector laid down in Part V, Chapter III, of Regulation (EU) No 1308/2013 should be deleted, as updated provisions concerning the agricultural reserve are laid down in Regulation (EU) 2021/2116.
- (70) In light of the existing derogation from the sales descriptions to be used for veal with a protected designation of origin or geographical indication registered before 29 June 2007, for consistency reasons and in order to provide for unambiguous information to consumers, Member States should be given the possibility of allowing groups responsible for protected designations of origin or geographical indications registered before the same date to derogate from compulsory carcass classification for veal.
- (71) Rules on assessing conflicts between a name applied for registration as designation of origin or geographical indication under Regulation (EU) No 1151/2012 and the name of a plant variety or animal breed produced in the Union should be laid down in order to reach a fairer balance between the interests at stake.
- (72) To increase the awareness of consumers in respect of protected designations of origin, protected geographical indications and traditional specialities guaranteed under Regulation (EU) No 1151/2012, the obligatory use of the related Union symbols should be extended to the advertising materials.
- (73) Specific derogations that permit the use of other names alongside the registered name of a traditional speciality guaranteed should be provided for. The Commission should fix transitional periods for the use of designations that contain names of traditional specialities guaranteed, in line with the conditions for such transitional periods already in existence for protected designations of origin and protected geographical indications.
- (74) Procedures related to the registration of protected designations of origin, protected geographical indications and traditional specialities guaranteed laid down in Regulation (EU) No 1151/2012 should be streamlined and simplified to ensure that new names can be registered within shorter time periods. The opposition procedure should be simplified. The reasoned statement of opposition should set out all the grounds for opposition and details of those grounds. This should not prevent the authority or person that lodged the opposition from adding and developing further details in the course of the consultations referred to in Article 51(3) of Regulation (EU) No 1151/2012.
- (75) The procedure for the approval of amendments to product specifications laid down in Regulation (EU) No 1151/2012 should be simplified by introducing a distinction between Union amendments and standard amendments. In accordance with the principle of subsidiarity, Member States should be responsible for approving standard amendments and the Commission should retain responsibility for approving Union amendments to product specifications. Provision should be made to ensure that there is sufficient time to facilitate a smooth transition from the rules provided for in Regulation (EU) No 1151/2012 concerning amendments to product specifications to the new rules laid down in this Regulation.

<sup>(20)</sup> Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC (OJ L 173, 12.6.2014, p. 1).

- (76) In light of the increasing demand from Union consumers of beeswax, its growing use in the food sector, and its close link to agricultural products and to the rural economy, the list of agricultural products and foodstuffs laid down in Annex I to Regulation (EU) No 1151/2012 should be extended to cover that product.
- (77) In view of the limited number of registrations of geographical indications of aromatised wine products under Regulation (EU) No 251/2014 of the European Parliament and of the Council <sup>(21)</sup> the legal framework for the protection of geographical indications for those products should be simplified. Aromatised wine products and other alcoholic beverages, with the exceptions of spirit drinks and of grapevine products listed in Annex VII, Part II, to Regulation (EU) No 1308/2013, should have the same legal regime and procedures as other agricultural products and foodstuffs. The scope of Regulation (EU) No 1151/2012 should be extended to cover those products. Regulation (EU) No 251/2014 should be amended to take account of this change as regards its title, scope and definitions and as regards the provisions concerning the labelling of aromatised wine products. A smooth transition for the names protected under Regulation (EU) No 251/2014 should be ensured.
- (78) In order to facilitate trade with third countries, it should be laid down that Member States may allow that aromatised wine products produced for export include on the package or on a label attached thereto sales denominations required by third countries, including in languages other than the official languages of the Union, provided that the appropriate sales denominations set out in Annex II also appear on the package or on a label attached thereto.
- (79) The power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of supplementing the sales denominations and descriptions of aromatised wine products laid down in Annex II to Regulation (EU) No 251/2014 in order to adapt them to take account of technical progress, scientific and market developments, consumer health or consumer needs for information.
- (80) In order to provide a higher level of information to consumers, the compulsory labelling of aromatised wine products with a nutrition declaration and a list of ingredients should be added to Regulation (EU) No 251/2014. However, producers should have the option of limiting the contents of the nutrition declaration on the package or on a label attached thereto to only the energy value and of making the full nutrition declaration and the list of ingredients available by electronic means, provided that they avoid any collection or tracking of user data and do not provide information aimed at marketing purposes. However, the option of not providing a full nutritional declaration on the package or on a label attached thereto should not affect the existing requirement that the label list substances causing allergies or intolerances. The power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of supplementing Regulation (EU) No 251/2014 by laying down detailed rules for the indication and designation of ingredients for aromatised wine products. The marketing of existing stocks of aromatised wine products should be allowed to continue after the dates of application of the new labelling requirements until those stocks are exhausted. Operators should be allowed sufficient time to adjust to the new labelling requirements before they become applicable.
- (81) It is appropriate to allow the addition of a limited quantity of spirit drinks to flavour the aromatised wines in any of the categories laid down in Annex II, point A, to Regulation (EU) No 251/2014. Since technical progress nowadays enables the production of vermouth without the addition of alcohol, it should no longer be required to add alcohol to vermouth. Given consumer demand, it is appropriate to allow the combination of red and white wine to produce Glühwein. In order to take into account an aromatised wine-based drink existing on the Polish market, it is appropriate to create the new category 'wino ziołowe', setting out in Union law the traditional requirements for its production.

<sup>(21)</sup> Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91 (OJ L 84, 20.3.2014, p. 14).

- (82) Given its small size, remoteness and specific situation concerning food security, local markets in Réunion are particularly vulnerable to price fluctuations. Interbranch organisations bring together producers and other operators of different stages of the food supply chain and can play a role in supporting the maintenance and diversification of local production. In the specific context of food security in Réunion, it is appropriate to provide, by way of derogation from Article 165 of Regulation (EU) No 1308/2013, that where rules of a recognised interbranch organisation are extended to operators who are not members of the interbranch organisation, France may decide, after consulting the relevant stakeholders, that operators who are not members of the interbranch organisation are required to pay financial contributions for the activities covered by extended rules which are in the general economic interest of economic operators whose activities are solely carried out in Réunion in relation to products which are destined for the local market.
- (83) Regulations (EU) No 1308/2013, (EU) No 1151/2012, (EU) No 251/2014 and (EU) No 228/2013 should therefore be amended accordingly.
- (84) Transitional arrangements should be put in place for applications for protection and for the registration of protected designations of origin, geographical indications and traditional specialities guaranteed that have been submitted before the date of entry into force of this Regulation, for the expenditure incurred before 1 January 2023 under the aid schemes for olive oil and table olives, fruit and vegetables, wine, apiculture and hops, for operational programmes of recognised producer organisations or their associations in the fruit and vegetables sector and for support programmes in the wine sector established in Articles 29 to 60 of Regulation (EU) No 1308/2013.
- (85) In order to ensure a smooth transition to the new legal framework laid down in Regulation (EU) 2021/2115, the amendments to Regulation (EU) No 1308/2013 linked to that new legal framework should apply from 1 January 2023.
- (86) In order to ensure the smooth implementation of the measures envisaged and as a matter of urgency, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*,

HAVE ADOPTED THIS REGULATION:

#### Article 1

### **Amendments to Regulation (EU) No 1308/2013**

Regulation (EU) No 1308/2013 is amended as follows:

- (1) Article 2 is replaced by the following:

'Article 2

#### **General common agricultural policy (CAP) provisions**

Regulation (EU) 2021/2116 of the European Parliament and of the Council (\*) and the provisions adopted pursuant to it shall apply in relation to the measures set out in this Regulation.

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(\*) Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agriculture policy and repealing Regulation (EU) No 1306/2013 (OJ L 435, 6.12.2021, p. 187).;

- (2) Article 3 is amended as follows:

(a) paragraph 2 is deleted;

(b) paragraphs 3 and 4 are replaced by the following:

'3. The definitions set out in Regulation (EU) 2021/2116 and Regulation (EU) 2021/2115 of the European Parliament and of the Council (\*) apply for the purposes of this Regulation, save as otherwise provided for in this Regulation.

4. The Commission shall be empowered to adopt delegated acts, in accordance with Article 227, amending the definitions concerning the sectors set out in Annex II to the extent necessary to update the definitions in light of market developments without adding new definitions.

(\*) Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the Common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Regulation (EU) No 1307/2013 of the European Parliament and of the Council (OJ L 435, 6.12.2021, p1).;

(3) Article 5 is replaced by the following:

*Article 5*

#### **Conversion rates for rice**

The Commission may adopt implementing acts fixing the conversion rates for rice at various stages of processing.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).;

(4) Article 6 is replaced by the following:

*Article 6*

#### **Marketing years**

The following marketing years shall be established:

- (a) 1 January to 31 December of a given year for the fruit and vegetables, processed fruit and vegetables and banana sectors;
- (b) 1 April to 31 March of the following year for the dried fodder and silkworm sectors;
- (c) 1 July to 30 June of the following year for:
  - (i) the cereals sector;
  - (ii) the seeds sector;
  - (iii) the flax and hemp sector;
  - (iv) the milk and milk products sector;
- (d) 1 August to 31 July of the following year for the wine sector;
- (e) 1 September to 31 August of the following year for the rice sector and with respect to table olives;
- (f) 1 October to 30 September of the following year for the sugar sector and with respect to olive oil.;

(5) Article 12 is replaced by the following:

*Article 12*

#### **Public intervention periods**

Public intervention shall be available for:

- (a) common wheat, from 1 October to 31 May;
- (b) durum wheat, barley and maize, throughout the year;
- (c) paddy rice, throughout the year;

- (d) beef and veal, throughout the year;
  - (e) butter and skimmed milk powder, from 1 February to 30 September.;
- (6) Article 16 is amended as follows:
- (a) the following paragraph is inserted:
    - ‘2a. Member States shall notify to the Commission all the information needed to allow for the monitoring of compliance with the principles laid down in paragraph 1.’;
  - (b) paragraph 3 is replaced by the following:
    - ‘3. Each year the Commission shall publish details of the conditions under which products bought in under public intervention were bought or sold in the previous year. Those details shall include the relevant volumes and the buying and selling prices.’;
- (7) in Article 17, first paragraph, point (b) is replaced by the following:
- ‘(b) olive oil and table olives.’;
- (8) Part II, Title I, Chapter II, is amended as follows:
- (a) the title is replaced by the following:

*‘CHAPTER II*

***Aid for the supply of fruit and vegetables and of milk and milk products in educational establishments’;***

- (b) the heading ‘Section 1’ and its title are deleted;
- (c) in Article 23, paragraph 11 is replaced by the following:
  - ‘11. Member States shall choose the products to be featured in distribution or to be included in accompanying educational measures on the basis of objective criteria which shall include one or more of the following: health and environmental considerations, seasonality, variety and the availability of local or regional produce, giving priority to the extent practicable to products originating in the Union. Member States may encourage in particular local or regional purchasing, organic products, short supply chains or environmental benefits, including sustainable packaging, and, if appropriate, products recognised under the quality schemes established by Regulation (EU) No 1151/2012.

Member States may consider, in their strategies, prioritising sustainability and fair-trade considerations.’;
- (d) Article 23a is amended as follows:
  - (i) paragraph 1 is replaced by the following:
    - ‘1. Without prejudice to paragraph 4 of this Article, the aid under the school scheme allocated for the distribution of products, the accompanying educational measures and the related costs referred to in Article 23(1) shall not exceed EUR 220 804 135 per school year. Within that overall limit, the aid shall not exceed:
      - (a) for school fruit and vegetables: EUR 130 608 466 per school year;
      - (b) for school milk: EUR 90 195 669 per school year.’;
  - (ii) in paragraph 2, third subparagraph, the last sentence is deleted;
  - (iii) in paragraph 4, the first subparagraph is replaced by the following:
    - ‘4. Without exceeding the overall limit of EUR 220 804 135 laid down in paragraph 1, any Member State may transfer once per school year up to 20 % of either one or the other of its indicative allocations.’;
- (e) Sections 2 to 6, containing Articles 29 to 60, are deleted;

- (9) Article 61 is replaced by the following:

*Article 61*

### **Duration**

The scheme of authorisations for vine plantings established in this Chapter shall apply from 1 January 2016 to 31 December 2045, with two mid-term reviews to be undertaken by the Commission in 2028 and 2040 to evaluate the operation of the scheme and, if appropriate, make proposals.;

- (10) Article 62 is amended as follows:

- (a) paragraph 3 is amended as follows:

- (i) the following subparagraph is inserted after the first subparagraph:

'By way of derogation from the first subparagraph, Member States may decide that when replanting takes place on the same parcel or parcels on which the grubbing up was undertaken, the authorisations referred to in Article 66(1) are valid for six years from the date on which they were granted. Such authorisations shall clearly identify the parcel or parcels on which the grubbing up and the replanting will take place.;

- (ii) the second and third subparagraphs are replaced by the following:

'By way of derogation from the first subparagraph, the validity of authorisations granted in accordance with Article 64 and Article 66(1), which expires in the years 2020 and 2021, is extended until 31 December 2022.

Producers who hold authorisations in accordance with Article 64 and Article 66(1) of this Regulation, which expire in 2020 and 2021, shall not, by way of derogation from the first subparagraph of this paragraph, be subject to the administrative penalty referred to in Article 89(4) of Regulation (EU) No 1306/2013 provided that they inform the competent authorities by 28 February 2022 that they do not intend to make use of their authorisation and do not wish to benefit from the extension of their validity as referred to in the third subparagraph of this paragraph. Where producers who hold authorisations, the validity of which was extended until 31 December 2021, have declared to the competent authority by 28 February 2021 that they do not intend to make use of those authorisations, they shall be allowed to retract their declarations by means of a written communication to the competent authority by 28 February 2022 and to make use of their authorisations within the extended validity period provided for in the third subparagraph.;

- (b) paragraph 4 is replaced by the following:

'4. This Chapter shall not apply to the planting or replanting of areas intended for experimental purposes, for setting-up collections of vine varieties intended to preserve genetic resources or for graft nurseries, to areas whose wine or vine products are intended solely for the consumption by the wine-grower's household or to areas to be newly planted as a result of compulsory purchases in the public interest under national law.;

- (11) Article 63 is amended as follows:

- (a) paragraph 1 is replaced by the following:

'1. Member States shall make available each year authorisations for new plantings corresponding to either:

- (a) 1 % of the total area actually planted with vines in their territory, as measured on 31 July of the previous year; or
- (b) 1 % of an area comprising the area actually planted with vines in their territory, as measured on 31 July 2015, and the area covered by planting rights granted to producers in their territory in accordance with Article 85h, Article 85i or Article 85k of Regulation (EC) No 1234/2007 that were available for conversion into authorisations on 1 January 2016, as referred to in Article 68 of this Regulation.;

(b) in paragraph 2, the following subparagraph is added:

‘Member States that limit the issuing of authorisations at regional level for specific areas eligible for the production of wines with a protected designation of origin or for areas eligible for the production of wines with a protected geographical indication in accordance with the first subparagraph, point (b), may require such authorisations to be used in those regions.’;

(c) paragraph 3 is amended as follows:

(i) point (b) is replaced by the following:

‘(b) the need to avoid a well-demonstrated risk of devaluation of a particular protected designation of origin or a protected geographical indication.’;

(ii) the following point is added:

‘(c) the wish to contribute to the development of the products in question while preserving the quality of those products.’;

(d) the following paragraph is inserted:

‘3a. Member States may take any regulatory measures necessary to prevent circumvention by operators of the restrictive measures taken pursuant to paragraphs 2 and 3.’;

(12) Article 64 is amended as follows:

(a) in paragraph 1, second subparagraph, the introductory wording is replaced by the following:

‘Member States may, for the purpose of this Article, apply one or more of the following objective and non-discriminatory eligibility criteria at national or regional level.’;

(b) paragraph 2 is amended as follows:

(i) the introductory wording is replaced by the following:

‘2. If the total area covered by the eligible applications referred to in paragraph 1 in a given year exceeds the area made available by the Member State, authorisations shall be granted according to a pro-rata distribution of hectares to all applicants on the basis of the area for which they have requested the authorisation. Such granting may establish a minimum and/or a maximum area by applicant and also be partially or completely made in accordance with one or more of the following objective and non-discriminatory priority criteria that may apply at national or regional level.’;

(ii) point (b) is replaced by the following:

‘(b) areas where vineyards contribute to the preservation of the environment or the conservation of the genetic resources of vines.’;

(iii) point (f) is replaced by the following:

‘(f) areas to be newly planted which contribute to increasing the production of holdings of the wine-growing sector that show increased cost-efficiency or competitiveness or presence on the markets.’;

(iv) point (h) is replaced by the following:

‘(h) areas to be newly planted in the framework of increasing the size of small and medium-sized vine holdings.’;

(c) the following paragraph is inserted:

‘2b. Member States may take any necessary regulatory measures to prevent the circumvention by operators of the restrictive criteria that they apply pursuant to paragraphs 1, 2 and 2a.’;

(13) in Article 65, the first paragraph is replaced by the following:

‘When applying Article 63(2), a Member State shall take into consideration recommendations presented by recognised professional organisations operating in the wine sector referred to in Articles 152, 156 and 157, by interested groups of producers referred to in Article 95, or by other types of professional organisation recognised on the basis of that Member State’s legislation, provided that those recommendations are preceded by an agreement entered into by the relevant representative parties in the reference geographical area.’;

(14) Article 68 is amended as follows:

(a) the following paragraph is inserted:

‘2a. From 1 January 2023, an area equivalent to the area covered by planting rights that were eligible for conversion into planting authorisations on 31 December 2022 but have not yet been converted into authorisations in accordance to paragraph 1, shall remain at the disposal of the Member States concerned, which may grant authorisations in accordance with Article 64 at the latest by 31 December 2025.’;

(b) paragraph 3 is replaced by the following:

‘3. The areas covered by the authorisations granted pursuant to paragraphs 1 and 2a of this Article shall not be counted for the purposes of Article 63.’;

(15) in Article 81, the following paragraph is added:

‘6. Areas planted for purposes other than wine production with vine varieties which, in the case of Member States other than those referred to in paragraph 3, are not classified or which, in the case of Member States referred to in paragraph 3, do not comply with paragraph 2, second subparagraph, shall not be subject to a grubbing up obligation.

The planting and replanting of the vine varieties referred to in the first subparagraph for purposes other than wine production shall not be subject to the scheme of authorisations for vine planting laid down in Part II, Title I, Chapter III.’;

(16) Article 86 is replaced by the following:

*‘Article 86*

### **Reservation, amendment and cancellation of optional reserved terms**

In order to take account of the expectations of consumers, including as regards production methods and sustainability in the supply chain, developments in scientific and technical knowledge, the situation in the market and developments in marketing standards and in international standards, the Commission shall be empowered to adopt delegated acts in accordance with Article 227:

(a) reserving an additional optional reserved term, laying down its conditions of use;

(b) amending the conditions of use of an optional reserved term; or

(c) cancelling an optional reserved term.’;

(17) Article 90 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. Save as otherwise provided for in international agreements concluded in accordance with the TFEU, the provisions concerning designation of origin and geographical indications and labelling of wine set out in Section 2 of this Chapter, and the definitions, designations and sales descriptions referred to in Article 78 of this Regulation shall apply to products imported into the Union and falling within CN codes 2009 61, 2009 69, 2204 and, where applicable, ex 2202 99 19 (other, de-alcoholised wine with an alcoholic strength by volume not exceeding 0,5 %);

(b) in paragraph 3, the introductory wording is replaced by the following:

‘3. Save as otherwise provided for in international agreements concluded in accordance with the TFEU, the import of the products referred to in paragraph 1 shall be subject to the presentation of:’;

(18) in Part II, Title II, Chapter I, Section 1, the following subsection is inserted:

‘Subsection 4a

Checks and penalties

*Article 90a*

### **Checks and penalties related to marketing rules**

1. Member States shall take measures to ensure that products referred to in Article 119(1) which are not labelled in conformity with this Regulation are not placed on the market or, if they have already been placed on the market, are withdrawn from the market.
2. Without prejudice to any specific provisions which may be adopted by the Commission, imports into the Union of the products specified in Article 189(1), points (a) and (b), shall be subject to checks to determine whether the conditions provided for in paragraph 1 of that Article are met.
3. Member States shall carry out checks, based on a risk analysis, in order to verify whether the products referred to in Article 1(2) conform to the rules laid down in this Section and shall apply administrative penalties as appropriate.
4. Without prejudice to acts concerning the wine sector that have been adopted pursuant to Article 58 of Regulation (EU) 2021/2116, in the event of an infringement of Union rules in the wine sector, Member States shall apply proportionate, effective and dissuasive administrative penalties in accordance with Title IV, Chapter I, of that Regulation. Member States shall not apply such penalties where the non-compliance is of a minor nature.
5. In order to protect Union funds and to protect the identity, provenance and quality of Union wine, the Commission shall be empowered to adopt delegated acts in accordance with Article 227, supplementing this Regulation, relating to:
  - (a) the establishment or maintenance of an analytical databank of isotopic data to help detect fraud to be constructed on the basis of samples collected by Member States;
  - (b) rules governing control bodies and the mutual assistance between them;
  - (c) rules governing the common use of the findings of Member States.
6. The Commission may adopt implementing acts laying down all measures necessary for:
  - (a) the procedures relating to Member States’ respective databanks and to the analytical databank of isotopic data referred to in paragraph 5, point (a);
  - (b) the procedures relating to cooperation and assistance between control authorities and bodies;
  - (c) as regards the obligation referred to in paragraph 3, rules for performing checks on compliance with marketing standards, rules governing the authorities responsible for performing the checks, as well as rules on the content and the frequency of the checks and the marketing stage to which those checks are to apply.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).;

(19) in Article 92(1), the following subparagraph is added:

‘However, the rules laid down in this section do not apply to products referred to in Annex VII, Part II, points (1), (4), (5), (6), (8) and (9), when such products have undergone a total de-alcoholisation treatment in accordance with Annex VIII, Part I, Section E.’;

(20) Article 93 is amended as follows:

(a) in paragraph 1, points (a) and (b) are replaced by the following:

‘(a) “designation of origin” means a name, including a traditionally used name, which identifies a product referred to in Article 92(1):

- (i) whose quality or characteristics are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors;
- (ii) as originating in a specific place, region or, in exceptional cases, country;
- (iii) produced from grapes which originate exclusively from that geographical area;
- (iv) the production of which takes place in that geographical area; and
- (v) which is obtained from vine varieties belonging to *Vitis vinifera* or a cross between the *Vitis vinifera* species and other species of the genus *Vitis*.

(b) “geographical indication” means a name, including a traditionally used name, which identifies a product referred to in Article 92(1):

- (i) whose specific quality, reputation or other characteristics are attributable to its geographical origin;
- (ii) as originating in a specific place, region or, in exceptional cases, country;
- (iii) as having at least 85 % of the grapes used for its production come exclusively from that geographical area;
- (iv) the production of which takes place in that geographical area; and
- (v) which is obtained from vine varieties belonging to *Vitis vinifera* or a cross between the *Vitis vinifera* species and other species of the genus *Vitis*.’;

(b) paragraph 2 is deleted;

(c) paragraph 4 is replaced by the following:

‘4. Production as referred to in paragraph 1, points (a)(iv) and (b)(iv), includes all the operations involved, from the harvesting of the grapes to the completion of the wine-making processes, with the exception of the harvesting of grapes not coming from the geographical area concerned as referred to in paragraph 1, point (b)(iii), and with the exception of any post-production processes.’;

(21) Article 94 is amended as follows:

(a) in paragraph 1, the introductory wording is replaced by the following:

‘Applications for protection of names as designations of origin or geographical indications shall include:’;

(b) paragraph 2 is amended as follows:

(i) point (g) is replaced by the following:

‘(g) the details bearing out the link referred to in Article 93(1), point (a)(i), or, as the case may be, point (b)(i):

- (i) as regards a protected designation of origin, the link between the quality or characteristics of the product and the geographical environment referred to in Article 93(1), point (a)(i); the details concerning the human factors of that geographical environment may, where relevant, be limited to a description of the soil, plant material and landscape management, cultivation practices or any other relevant human contribution to the maintenance of the natural factors of the geographical environment referred to in that point;
- (ii) as regards a protected geographical indication, the link between a specific quality, the reputation or other characteristic of the product, and the geographical origin referred to in Article 93(1), point (b)(i);’;

(ii) the following subparagraphs are added:

'The product specification may contain a description of the contribution of the designation of origin or geographical indication to sustainable development.

Where the wine or wines may be partially de-alcoholised, the product specification shall also contain a description of the partially de-alcoholised wine or wines in accordance with the second subparagraph, point (b), *mutatis mutandis*, and, where applicable, the specific oenological practices used to make the partially de-alcoholised wine or wines, as well as the relevant restrictions on making them.';

(22) Article 96 is amended as follows:

(a) paragraph 5 is replaced by the following:

'5. If the Member State assessing the application considers that the requirements are fulfilled, it shall carry out a national procedure which ensures adequate publication of the product specification at least on the Internet and forward the application to the Commission.

When forwarding an application for protection to the Commission under the first subparagraph of this paragraph, the Member State shall include a declaration that it considers that the application lodged by the applicant meets the conditions for protection under this Section and the provisions adopted pursuant thereto and that it certifies that the single document referred to in Article 94(1), point (d), constitutes a faithful summary of the product specification.

Member States shall inform the Commission of any admissible oppositions submitted under the national procedure.';

(b) the following paragraph is added:

'6. The Member State shall inform the Commission without delay if any proceedings are initiated before a national court or other national body concerning an application for protection that the Member State has forwarded to the Commission, in accordance with paragraph 5, and if the application has been invalidated at national level by an immediately applicable but not final judicial decision.';

(23) in Article 97, paragraphs 2, 3 and 4 are replaced by the following:

'2. The Commission shall examine applications for protection that it receives in accordance with Article 96(5). The Commission shall check that the applications contain the required information and that they do not contain manifest errors, taking into account the outcome of the preliminary national procedure carried out by the Member State concerned. That scrutiny shall focus in particular on the single document referred to in Article 94(1), point (d).

Scrutiny by the Commission should not exceed a period of six months from the date of receipt of the application from the Member State. Where that period is exceeded, the Commission shall inform the applicants of the reasons for the delay, in writing.

3. The Commission shall be exempted from the obligation to meet the deadline to perform the scrutiny referred to in paragraph 2, second subparagraph, and to inform the applicant of the reasons for the delay where it receives a communication from a Member State, concerning an application for registration lodged with the Commission in accordance with Article 96(5), which either:

- (a) informs the Commission that the application has been invalidated at national level by an immediately applicable but not final judicial decision; or
- (b) requests the Commission to suspend the scrutiny referred to in paragraph 2 because national judicial proceedings have been initiated to challenge the validity of the application and the Member State considers that those proceedings are based on valid grounds.

The exemption shall have effect until the Commission is informed by the Member State that the original application has been restored or that the Member State withdraws its request for suspension.

4. Where, on the basis of the scrutiny carried out pursuant to paragraph 2 of this Article, the Commission considers that the conditions laid down in Articles 93, 100 and 101 are met, it shall adopt implementing acts concerning the publication, in the *Official Journal of the European Union*, of the single document referred to in Article 94(1), point (d), and of the reference to the publication of the product specification made in the course of the preliminary national procedure. Those implementing acts shall be adopted without applying the procedure referred to in Article 229(2) or (3).

Where, on the basis of the scrutiny carried out pursuant to paragraph 2 of this Article, the Commission considers that the conditions laid down in Articles 93, 100 and 101 are not met, it shall adopt implementing acts rejecting the application.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).;

(24) Articles 98 and 99 are replaced by the following:

'Article 98

### **Objection procedure**

1. Within three months from the date of publication of the single document referred to in Article 94(1), point (d), in the *Official Journal of the European Union*, the authorities of a Member State or of a third country, or any natural or legal person residing or established in a third country and having a legitimate interest, may submit a reasoned statement of objection to the Commission opposing the proposed protection.

Any natural or legal person residing or established in a Member State other than the Member State that forwarded the application for protection and having a legitimate interest, may submit the statement of objection via the authorities of the Member State in which it is resident or established within a time limit permitting a statement of objections to be submitted pursuant to the first subparagraph.

2. If the Commission considers that the objection is admissible, it shall invite the authority or natural or legal person that lodged the objection and the authority or natural or legal person that lodged the application for protection to engage in appropriate consultations for a reasonable period that shall not exceed three months. The invitation shall be issued within a period of five months from the date on which the application for protection to which the reasoned statement of objection relates was published in the *Official Journal of the European Union*. The invitation shall be accompanied by a copy of the reasoned statement of objection. At any time during these three months, the Commission may extend the deadline for the consultations by a maximum of three months at the request of the authority or natural or legal person that lodged the application.

3. The authority or person that lodged the objection and the authority or person that lodged the application for protection shall start the consultations referred to in paragraph 2 without undue delay. They shall provide each other with the information necessary to assess whether the application for protection complies with this Regulation and the provisions adopted pursuant thereto.

4. If the authority or person that lodged the objection and the authority or person that lodged the application for protection reach an agreement, either the applicant established in the third country or the authorities of the Member State or of the third country from which the application for protection was lodged shall notify the Commission of the results of the consultations and of all the factors which enabled that agreement to be reached, including the opinions of the parties. If the details published pursuant to Article 97(4) have been substantially amended, the Commission shall repeat the scrutiny referred to in Article 97(2) after a national procedure ensuring adequate publication of those amended details has been carried out. Where, following the agreement, there are no amendments to the product specification or where the amendments to the product specification are not substantial, the Commission shall adopt a decision in accordance with Article 99(1) conferring protection on the designation of origin or geographical indication, notwithstanding the receipt of an admissible statement of objection.

5. If no agreement is reached, either the applicant established in the third country or the authorities of the Member State or of the third country from which the application for protection was lodged shall notify the Commission of the results of the consultations carried out and of all the related information and documents. The Commission shall adopt a decision in accordance with Article 99(2) either conferring protection or rejecting the application.

#### Article 99

### Decision on protection

1. Where the Commission has not received an admissible statement of objection in accordance with Article 98, it shall adopt implementing acts conferring protection. Those implementing acts shall be adopted without applying the procedure referred to in Article 229(2) or (3).

2. Where the Commission has received an admissible statement of objection, it shall adopt implementing acts either conferring protection or rejecting the application. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

3. Protection conferred under this Article is without prejudice to the obligation of producers to comply with other Union rules, in particular those relating to the placing of products on the market and to food labelling<sup>1</sup>;

(25) Article 102 is replaced by the following:

#### 'Article 102

### Relationship with trade marks

1. Where a designation of origin or a geographical indication is registered under this Regulation, the registration of a trade mark the use of which would contravene Article 103(2), and which relates to a product falling under one of the categories listed in Annex VII, Part II, shall be refused if the application for registration of the trade mark was submitted after the date of submission of the registration application in respect of the designation of origin or the geographical indication to the Commission.

Trade marks registered in breach of the first subparagraph shall be invalidated.

2. Without prejudice to Article 101(2) of this Regulation, a trade mark the use of which contravenes Article 103(2) of this Regulation, which has been applied for, registered or established by use, if that possibility is provided for by the legislation concerned, in good faith within the territory of the Union, before the date on which the application for protection of the designation of origin or geographical indication was submitted to the Commission, may continue to be used and renewed, notwithstanding the registration of a designation of origin or geographical indication, provided that no grounds for the trade mark's invalidity or revocation exist under Directive (EU) 2015/2436 of the European Parliament and of the Council (\*) or under Regulation (EU) 2017/1001 of the European Parliament and of the Council (\*\*).

In such cases, the use of the designation of origin or geographical indication shall be permitted as well as use of the relevant trade marks.

(\*) Directive (EU) 2015/2436 of the European Parliament and of the Council of 16 December 2015 to approximate the laws of the Member States relating to trade marks (OJ L 336, 23.12.2015, p. 1).

(\*\*) Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (OJ L 154, 16.6.2017, p. 1).<sup>2</sup>

(26) Article 103 is amended as follows:

(a) in paragraph 2, points (a) and (b) are replaced by the following:

'(a) any direct or indirect commercial use of that protected name, including the use for products used as ingredients:

(i) by comparable products not complying with the product specification of the protected name; or

- (ii) in so far as such use exploits, weakens or dilutes the reputation of a designation of origin or a geographical indication;
  - (b) any misuse, imitation or evocation, even if the true origin of the product or service is indicated or if the protected name is translated, transcribed or transliterated or accompanied by an expression such as “style”, “type”, “method”, “as produced in”, “imitation”, “flavour”, “like” or similar, including where those products are used as ingredients;;
- (b) the following paragraph is added:
- ‘4. The protection referred to in paragraph 2 also applies with regard to:
- (a) goods entering the customs territory of the Union without being released for free circulation within the customs territory of the Union; and
  - (b) goods sold by means of distance selling, such as electronic commerce.

For goods entering the customs territory of the Union without being released for free circulation within that territory, the group of producers or any operator that is entitled to use the protected designation of origin or protected geographical indication shall be entitled to prevent all third parties from bringing goods, in the course of trade, into the Union without being released for free circulation there, where such goods, including packaging, come from third countries and bear without authorisation the protected designation of origin or protected geographical indication.’;

- (27) Article 105 is replaced by the following:

‘Article 105

#### **Amendments to product specifications**

1. An applicant satisfying the conditions laid down in Article 95 may apply for approval of an amendment to the product specification of a protected designation of origin or of a protected geographical indication, in particular to take account of developments in scientific and technical knowledge or to modify the demarcation of the geographical area referred to in Article 94(2), second subparagraph, point (d). Applications shall describe and state reasons for the amendments requested.
2. Amendments to a product specification shall be classified into two categories as regards their importance: Union amendments requiring an objection procedure at Union level and standard amendments to be dealt with at Member State or third country level.

For the purposes of this Regulation, “Union amendment” means an amendment to a product specification that:

- (a) includes a change in the name of the protected designation of origin or the protected geographical indication;
- (b) consists of a change, a deletion or an addition of a category of grapevine products referred to in Annex VII, Part II;
- (c) risks voiding the link referred to in Article 93(1), point (a)(i), for protected designations of origin, or the link referred to in Article 93(1), point (b)(i), for protected geographical indications; or
- (d) entails further restrictions on the marketing of the product.

“Standard amendment” means any amendment to a product specification that is not a Union amendment.

“Temporary amendment” means a standard amendment concerning a temporary change in the product specification resulting from the imposition of obligatory sanitary and phytosanitary measures by the public authorities or linked to natural disasters or adverse weather conditions formally recognised by the competent authorities.

3. Union amendments shall be approved by the Commission. The approval procedure shall follow the procedure laid down in Article 94 and Articles 96 to 99, *mutatis mutandis*.

Applications for approval of Union amendments submitted by third countries or by third country producers shall contain proof that the requested amendment complies with the laws on the protection of designations of origin or geographical indications in force in that third country.

Applications for approval of Union amendments shall relate exclusively to Union amendments. If an application for a Union amendment also relates to standard amendments, the parts relating to standard amendments shall be deemed as not having been submitted, and the procedure for Union amendments shall apply only to the parts relating to that Union amendment.

The scrutiny of such applications shall focus on the proposed Union amendments.

4. Standard amendments shall be approved and made public by Member States in whose territory the geographical area of the product concerned is located and communicated to the Commission.

As regards third countries, amendments shall be approved in accordance with the law applicable in the third country concerned.;

(28) Article 106 is replaced by the following:

*'Article 106*

### **Cancellation**

The Commission may, on its own initiative or at the duly substantiated request of a Member State, a third country, or a natural or legal person having a legitimate interest, adopt implementing acts cancelling the protection of a designation of origin or a geographical indication in one or more of the following circumstances:

- (a) where compliance with the corresponding product specification is no longer guaranteed;
- (b) where no product has been placed on the market bearing the designation of origin or geographical indication for at least seven consecutive years;
- (c) where an applicant satisfying the conditions laid down in Article 95 declares that it no longer wishes to maintain the protection of a designation of origin or a geographical indication.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).;

(29) the following Article is inserted:

*'Article 106a*

### **Temporary labelling and presentation**

After an application for the protection of a designation of origin or geographical indication has been forwarded to the Commission, producers may indicate in the labelling and presentation of the product that an application has been filed and use national logos and indications, in compliance with Union law, in particular with Regulation (EU) No 1169/2011.

Union symbols indicating the protected designation of origin or protected geographical indication and the Union indications "protected designation of origin" or "protected geographical indication" may appear on the labelling only after the publication of the decision conferring protection on that designation of origin or geographical indication.

Where an application is rejected, any grapevine products labelled in accordance with the first paragraph may be marketed until the stocks are exhausted.;

(30) Article 111 is deleted;

(31) in Part II, Title II, Chapter I, Section 2, the following Subsection is added:

'Subsection 4

Checks related to designations of origin, geographical indications and traditional terms

*Article 116a*

### **Checks**

1. Member States shall take the necessary steps to stop the unlawful use of protected designations of origin, protected geographical indications and protected traditional terms referred to in this Regulation.
2. Member States shall designate the competent authority responsible for carrying out checks in respect of the obligations laid down in this Section. To that end, Article 4(2) and (4) and Article 5(1), (4) and (5) of Regulation (EU) 2017/625 of the European Parliament and of the Council (\*) shall apply.
3. Within the Union, the competent authority referred to in paragraph 2 of this Article or one or more delegated bodies within the meaning of Article 3, point (5), of Regulation (EU) 2017/625 operating as a product certification body in accordance with the criteria laid down in Title II, Chapter III, of that Regulation, shall verify compliance with product specifications annually, both during the wine production and during or after conditioning.
4. The Commission shall adopt implementing acts concerning the following:
  - (a) the communication to be made by the Member States to the Commission;
  - (b) rules governing the authority responsible for verifying compliance with product specifications, including where the geographical area is in a third country;
  - (c) the actions to be implemented by the Member States to prevent the unlawful use of protected designations of origin, protected geographical indications and protected traditional terms;
  - (d) the checks and verification to be carried out by the Member States, including testing.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

(\*) Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).;

(32) Article 119 is amended as follows:

(a) paragraph 1 is amended as follows:

(i) point (a) is replaced by the following:

‘(a) the designation for the category of the grapevine product in accordance with Annex VII, Part II. For grapevine products categories defined under Annex VII, Part II, points (1) and points (4) to (9), where such products have undergone a de-alcoholisation treatment in accordance with Annex VIII, Part I, Section E, the designation of the category shall be accompanied by:

(i) the term “de-alcoholised” if the actual alcoholic strength of the product is no more than 0,5 % by volume; or

(ii) the term “partially de-alcoholised” if the actual alcoholic strength of the product is above 0,5 % by volume and is below the minimum actual alcoholic strength of the category before de-alcoholisation.’;

(ii) the following points are added:

‘(h) the nutrition declaration pursuant to Article 9(1), point (l), of Regulation (EU) No 1169/2011;

(i) the list of ingredients pursuant to Article 9(1), point (b), of Regulation (EU) No 1169/2011;

(j) in the case of grapevine products which have undergone a de-alcoholisation treatment in accordance with Annex VIII, Part I, Section E and that have an actual alcoholic strength by volume of less than 10 %, the date of minimum durability pursuant to Article 9(1), point (f), of Regulation (EU) No 1169/2011.’;

(b) paragraph 2 is replaced by the following:

‘2. By way of derogation from paragraph 1, point (a), for grapevine products other than those which have undergone a de-alcoholisation treatment in accordance with Annex VIII, Part I, Section E, the reference to the category of the grapevine product may be omitted for wines whose labels include the name of a protected designation of origin or protected geographical indication.’;

(c) the following paragraphs are added:

‘4. By way of derogation from paragraph 1, point (h), the nutrition declaration on the package or on a label attached thereto may be limited to the energy value, which may be expressed by using the symbol “E” for energy. In such cases, the full nutrition declaration shall be provided by electronic means identified on the package or on a label attached thereto. That nutrition declaration shall not be displayed with other information intended for sales or marketing purposes and no user data shall be collected or tracked.

5. By way of derogation from paragraph 1, point (i), the list of ingredients may be provided by electronic means identified on the package or on a label attached thereto. In such cases, the following requirements apply:

(a) no user data shall be collected or tracked;

(b) the list of ingredients shall not be displayed with other information intended for sales or marketing purposes; and

(c) the indication of the particulars referred to in Article 9(1), point (c), of Regulation (EU) No 1169/2011 shall appear directly on the package or on a label attached thereto.

The indication referred to in the first subparagraph, point (c), of this paragraph shall comprise the word “contains” followed by the name of the substance or product as listed in Annex II to Regulation (EU) No 1169/2011.’;

(33) in Article 122, paragraph 1 is amended as follows:

(a) point (b) is amended as follows:

(i) point (ii) is deleted;

(ii) the following point is added:

‘(vi) rules for the indication and designation of ingredients for the application of Article 119(1), point (i).’;

(b) in point (c), the following point is added:

‘(iii) terms referring to a holding and the conditions for their use.’;

(c) in point (d), point (i) is replaced by the following:

‘(i) the conditions of use of certain bottle shapes and of closures, and a list of certain specific bottle shapes.’;

(34) Part II, Title II, Chapter II, Section 1, is amended as follows:

(a) Article 124 is deleted;

(b) the heading ‘Subsection 1’ and its title are deleted;

(c) in Article 125, paragraph 3 is replaced by the following:

‘3. Agreements within the trade shall conform to the purchase terms laid down in Annex X.’;

(d) Subsections 2 and 3, containing Articles 127 to 144, are deleted;

(35) in Article 145(3), the first sentence is replaced by the following:

‘Member States which provide in their CAP strategic plans for restructuring and conversion of vineyards in accordance with Article 58(1), first subparagraph, point (a), of Regulation (EU) 2021/2115, shall on the basis of the vineyard register submit to the Commission by 1 March each year an updated inventory of their production potential.’;

(36) the following Article is inserted:

*‘Article 147a*

#### **Payment delays for sales of wine in bulk**

By way of derogation from Article 3(1) of Directive (EU) 2019/633, Member States may, upon request of an interbranch organisation recognised under Article 157 of this Regulation operating in the wine sector, provide that the prohibition referred to in Article 3(1), first subparagraph, point (a), of Directive (EU) 2019/633 does not apply to payments made under supply agreements between producers or resellers of wine and their direct buyers for sales transactions concerning wine in bulk, provided that:

(a) specific terms that allow payments to be made after 60 days are included in standard contracts for sales transactions concerning wine in bulk which have been made binding by the Member State pursuant to Article 164 of this Regulation before 30 October 2021 and this extension of the standard contracts is renewed by the Member State as from that date without any significant changes to the terms of payment that would be to the disadvantage of suppliers of wine in bulk; and

(b) the supply agreements between suppliers of wine in bulk and their direct buyers are multiannual or become multiannual.’;

(37) in Article 148(2), point (c)(i) is replaced by the following:

‘(i) the price payable for the delivery, which shall:

— be static and be set out in the contract and/or

- be calculated by combining various factors set out in the contract, which may include objective indicators, indices and methods of calculation of the final price that are easily accessible and comprehensible and that reflect changes in market conditions, the volume delivered and the quality or composition of the raw milk delivered; those indicators may be based on relevant prices, production and market costs; to that effect, Member States may determine indicators, in accordance with objective criteria based on studies carried out on production and the food supply chain; the parties to the contracts are free to refer to these indicators or any other indicators which they deem relevant.;

(38) in Article 149(2), point (c)(i) is replaced by the following:

- (i) the volume of raw milk covered by such negotiations does not exceed 4 % of total Union production.;

(39) Article 150 is deleted;

(40) Article 151 is amended as follows:

- (a) the first paragraph is replaced by the following:

‘The first purchasers of raw milk shall declare to the competent national authority the quantity of raw milk that has been delivered to them each month and the average price paid. A distinction shall be made between organic and non-organic milk.’;

- (b) the third paragraph is replaced by the following:

‘Member States shall notify the Commission of the quantities of raw milk and the average prices referred to in the first paragraph.’;

(41) Article 152(1), point (c), is amended as follows:

- (a) point (vii) is replaced by the following:

‘(vii) the management and valorisation of by-products, of residual flows and of waste, in particular to protect the quality of water, soil and landscape, preserving or encouraging biodiversity, and boosting circularity.’;

- (b) point (x) is replaced by the following:

‘(x) managing mutual funds.’;

(42) Article 153 is amended as follows:

- (a) in paragraph 2, point (c) is replaced by the following:

‘(c) rules enabling the producer members to scrutinise democratically their organisation and its decisions as well as its accounts and budgets.’;

- (b) the following paragraph is inserted:

‘2a. The statutes of a producer organisation may provide for the possibility of producer members being in direct contact with purchasers, provided that such direct contact does not jeopardise the concentration of supply and placing of products on the market by the producer organisation. Concentration of supply shall be deemed to have been ensured if the essential elements of the sales such as price, quality and volume are negotiated and determined by the producer organisation.’;

- (c) paragraph 3 is replaced by the following:

‘3. Paragraphs 1, 2 and 2a shall not apply to producer organisations in the milk and milk products sector.’;

(43) in Article 154(1), point (b) is replaced by the following:

- (b) has a minimum number of members and/or covers a minimum volume or value of marketable production, to be laid down by the Member State concerned, in the area where it operates; such provisions shall not prevent the recognition of producer organisations which are dedicated to small-scale production.’;

(44) Article 157 is amended as follows:

- (a) in paragraph 1, the introductory wording is replaced by the following:

‘1. Member States may, on request, recognise interbranch organisations at national and regional levels and at the level of the economic areas referred to in Article 164(2) in a specific sector listed in Article 1(2) which’

(b) in paragraph 1, point (c) is amended as follows:

(i) point (vii) is replaced by the following:

‘(vii) providing the information and carrying out the research necessary to innovate, rationalise, improve and adjust production and, where applicable, the processing and marketing, towards products more suited to market requirements and consumer tastes and expectations, in particular with regard to product quality, including the specific characteristics of products with a protected designation of origin or protected geographical indication, and protection of the environment, climate action, animal health and animal welfare;’;

(ii) point (xiv) is replaced by the following:

‘(xiv) contributing to the management and developing initiatives for the valorisation of by-products and the reduction and management of waste;’;

(iii) point (xvi) is replaced by the following:

‘(xvi) promoting and implementing measures to prevent, control and manage animal health, plant-protection and environmental risks, including by setting up and managing mutual funds or by contributing to such funds with a view to paying financial compensation to farmers for costs and economic losses arising from the promotion and implementation of such measures;’;

(c) paragraph 1a is replaced by the following:

‘1a. Member States may, on request, decide to grant more than one recognition to an interbranch organisation operating in several sectors referred to in Article 1(2) provided the interbranch organisation fulfils the conditions referred to in paragraph 1 for each sector for which it seeks recognition.’;

(d) paragraph 3 is deleted.

(45) Article 158 is amended as follows:

(a) in paragraph 1, the following point is inserted:

‘(ca) strive for a balanced representation of the organisations in the stages of the supply chain referred to in Article 157(1), point (a), that constitute the interbranch organisation;’;

(b) paragraph 4 is replaced by the following:

‘4. Member States may recognise interbranch organisations in all sectors existing prior to 1 January 2014, whether they were recognised on request or established by law, even though they do not fulfil the condition laid down in Article 157(1), point (b).’;

(46) Article 163 is amended as follows:

(a) paragraphs 1 and 2 are replaced by the following:

‘1. Member States may recognise interbranch organisations in the milk and milk products sector provided that such organisations:

(a) fulfil the requirements laid down in Article 157;

(b) carry out their activities in one or more regions in the territory concerned;

(c) account for a significant share of the economic activities referred to in Article 157(1), point (a);

(d) do not themselves engage in the production of, the processing of, or the trade in, products in the milk and milk products sector.

2. Member States may decide that interbranch organisations which have been recognised before 2 April 2012 on the basis of national law and which fulfil the conditions laid down in paragraph 1 of this Article are to be considered to be recognised as interbranch organisations under Article 157(1).’;

(b) in paragraph 3, point (d) is replaced by the following:

‘(d) withdraw recognition if the requirements and conditions for recognition laid down in this Article are no longer fulfilled;’;

(47) Article 164 is amended as follows:

(a) paragraph 2 is replaced by the following:

‘2. For the purposes of this Section, an “economic area” means a geographical zone made up of adjoining or neighbouring production regions in which production and marketing conditions are homogeneous, or, for products with a protected designation of origin or protected geographical indication recognised under Union law, the geographical zone specified in the product specification.’;

(b) paragraph 4 is amended as follows:

(i) points (l), (m) and (n) are replaced by the following:

‘(l) the use of certified seed except when used for organic production within the meaning of Regulation (EU) 2018/848, and the monitoring of product quality;

(m) the prevention and management of phytosanitary, animal health, food safety or environmental risks;

(n) the management and valorisation of by-products.’;

(ii) the second subparagraph is replaced by the following:

‘Those rules shall not cause any damage to other operators, nor prevent the entry of new operators, in the Member State concerned or the Union and shall not have any of the effects listed in Article 210(4) or be otherwise incompatible with Union law or national rules in force.’;

(48) Article 165 is replaced by the following:

*‘Article 165*

#### **Financial contributions of non-members**

Where rules of a recognised producer organisation, a recognised association of producer organisations or a recognised interbranch organisation are extended under Article 164 and the activities covered by those rules are in the general economic interest of economic operators whose activities relate to the products concerned, the Member State which has granted recognition may, after consulting the relevant stakeholders, decide that individual economic operators or groups which are not members of the organisation but which benefit from those activities shall pay the organisation all or part of the financial contributions paid by its members to the extent that such contributions are intended to cover costs directly incurred as a result of pursuing one or more of the activities in question. Any organisation which receives contributions from non-members under this Article, if requested by a member or a non-member that contributes financially to the activities of the organisation, shall make available those parts of its yearly budget which relate to the pursuit of activities listed in Article 164(4).’;

(49) the following Article is inserted:

*‘Article 166a*

#### **Regulation of supply of agricultural products with a protected designation of origin or protected geographical indication**

1. Without prejudice to Articles 167 and 167a of this Regulation, at the request of a producer organisation or association of producer organisations recognised under Article 152(1) or 161(1) of this Regulation, an interbranch organisation recognised under Article 157(1) of this Regulation, a group of operators as referred to in Article 3(2) of Regulation (EU) No 1151/2012 or a group of producers as referred to in Article 95(1) of this Regulation, Member States may lay down, for a limited period of time, binding rules for the regulation of the supply of agricultural products referred to in Article 1(2) of this Regulation benefiting from a protected designation of origin or from a protected geographical indication under Article 5(1) and (2) of Regulation (EU) No 1151/2012 or under Article 93(1), points (a) and (b), of this Regulation.

2. The rules referred to in paragraph 1 of this Article shall be subject to the existence of a prior agreement that is to be concluded between at least two-thirds of the producers of the product as referred to in paragraph 1 of this Article or their representatives, accounting for at least two-thirds of the production of that product in the geographical area referred to in Article 7(1), point (c), of Regulation (EU) No 1151/2012 or Article 93(1), points (a)(iii) and (b)(iv), of this Regulation for wine. Where the production of the product referred to in paragraph 1 of this Article involves processing and the product specification referred to in Article 7(1) of Regulation (EU) No 1151/2012 or in Article 94(2) of this Regulation restricts the sourcing of the raw material to a specific geographical area, Member States shall require, for the purposes of the rules to be laid down according to paragraph 1 of this Article:

- (a) that the producers of that raw material in the specific geographical area be consulted prior to the conclusion of the agreement referred to in this paragraph; or
- (b) that at least two-thirds of the producers of the raw material or their representatives, representing at least two-thirds of the production of the raw material used in the processing in the specific geographical area, are also parties to the agreement referred to in this paragraph.

3. By way of derogation from paragraph 2 of this Article, for the production of cheese benefitting from a protected designation of origin or protected geographic indication, the rules referred to in paragraph 1 of this Article shall be subject to the existence of a prior agreement between at least two-thirds of the milk producers or their representatives representing at least two-thirds of the raw milk used for the production of that cheese and, where relevant, at least two-thirds of the producers of that cheese or their representatives representing at least two-thirds of the production of that cheese in the geographical area referred to in Article 7(1), point (c), of Regulation (EU) No 1151/2012.

For the purpose of the first subparagraph of this paragraph, concerning cheese benefitting from a protected geographical indication, the geographical area of origin of the raw milk, as set in the product specification for the cheese, shall be the same as the geographical area referred to in Article 7(1), point (c), of Regulation (EU) No 1151/2012 relating to that cheese.

4. The rules referred to in paragraph 1:

- (a) shall only cover the regulation of supply of the product concerned and, where applicable, the raw material and shall have the aim of adapting the supply of that product to demand;
- (b) shall have effect only on the product and, where applicable, the raw material, concerned;
- (c) may be made binding for no more than three years, but may be renewed after that period following a new request, as referred to in paragraph 1;
- (d) shall not damage trade in products other than those concerned by those rules;
- (e) shall not relate to any transaction after the first marketing of the product concerned;
- (f) shall not allow for price fixing, including where prices are set for guidance or recommendation;
- (g) shall not render unavailable an excessive proportion of the product concerned that would otherwise be available;
- (h) shall not create discrimination, constitute a barrier for new entrants in the market, or lead to small producers being adversely affected;
- (i) shall contribute to maintaining the quality of the product concerned or to the development of the product concerned.
- (j) shall be without prejudice to Article 149 and Article 152(1a).

5. The rules referred to in paragraph 1 shall be published in an official publication of the Member State concerned.

6. Member States shall carry out checks in order to ensure that the conditions laid down in paragraph 4 are complied with. Where the competent national authorities find that such conditions have not been complied with, Member States shall repeal the rules referred to in paragraph 1.

7. Member States shall notify the Commission forthwith of the rules referred to in paragraph 1 which they have adopted. The Commission shall inform other Member States of any notification of such rules.

8. The Commission may at any time adopt implementing acts requiring that a Member State repeal the rules laid down by that Member State pursuant to paragraph 1 of this Article if the Commission finds that those rules do not comply with the conditions laid down in paragraph 4 of this Article, prevent or distort competition in a substantial part of the internal market or jeopardise free trade or the attainment of the objectives of Article 39 TFEU. Those implementing acts shall be adopted without applying the procedures referred to in Article 229(2) and (3) of this Regulation.;

(50) in Article 168(4), point (c)(i) is replaced by the following:

(i) the price payable for the delivery, which shall:

— be static and be set out in the contract and/or

— be calculated by combining various factors set out in the contract, which may include objective indicators, indices and methods of calculation of the final price, that are easily accessible and comprehensible and that reflect changes in market conditions, the quantities delivered and the quality or composition of the agricultural products delivered; those indicators may be based on relevant prices, production and market costs; to that effect, Member States may determine indicators, in accordance with objective criteria based on studies carried out on production and the food supply chain; the parties to the contracts are free to refer to these indicators or any other indicators which they deem relevant.;

(51) Article 172 is deleted.

(52) Article 172a is replaced by the following:

*Article 172a*

### **Value sharing**

Without prejudice to any specific value-sharing clauses in the sugar sector, farmers, including associations of farmers, may agree with downstream operators on value sharing clauses, including market bonuses and losses, determining how any evolution of relevant market prices for the products concerned or other commodity markets is to be allocated between them.

*Article 172b*

### **Guidance by interbranch organisations for the sale of grapes for wines with a protected designation of origin or protected geographical indication**

By way of derogation from Article 101(1) TFEU, interbranch organisations recognised under Article 157 of this Regulation operating in the wine sector may provide non-mandatory price guidance indicators concerning the sale of grapes for the production of wines with a protected designation of origin or protected geographical indication, provided that such guidance does not eliminate competition in respect of a substantial proportion of the products in question.;

(53) in Article 182(1), the second subparagraph is replaced by the following:

‘The trigger volume shall be equal to either 125 %, 110 % or 105 %, depending on whether market access opportunities, defined as imports expressed as a percentage of the corresponding domestic consumption during the three preceding years, are less than or equal to 10 %, greater than 10 % but less than or equal to 30 %, or greater than 30 %, respectively.

Where domestic consumption is not taken into account, the trigger volume shall be equal to 125 %.’;

- (54) Articles 192 and 193 are deleted;
- (55) in Chapter IV, the following Article is added:

*'Article 193a*

#### **Suspension of import duties for molasses**

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 227 supplementing this Regulation by establishing rules for the suspension of import duties in whole or in part for molasses falling within CN Code 1703.

2. In application of the rules referred to in paragraph 1 of this Article, the Commission may adopt implementing acts to suspend in whole or in part import duties for molasses falling within CN Code 1703, without applying the procedure referred to in Article 229(2) or (3).;

- (56) in Part III, Chapter VI, containing Articles 196 to 204, is deleted;
- (57) in Article 206, the first paragraph is replaced by the following:

*'Save as otherwise provided in this Regulation, and in accordance with Article 42 TFEU, Articles 101 to 106 TFEU and the implementing provisions thereto shall, subject to Articles 207 to 210a of this Regulation, apply to all agreements, decisions and practices referred to in Article 101(1) and Article 102 TFEU which relate to the production of, or trade in, agricultural products.;*

- (58) Article 208 is replaced by the following:

*'Article 208*

#### **Dominant position**

For the purposes of this Chapter, "dominant position" means a position of economic strength enjoyed by an undertaking which enables it to prevent effective competition being maintained in the relevant market by giving it the power to behave to an appreciable extent independently of its competitors, of its suppliers or customers, and ultimately of consumers.;

- (59) Article 210 is amended as follows:

- (a) paragraphs 1 and 2 are replaced by the following:

*'1. Article 101(1) TFEU shall not apply to agreements, decisions and concerted practices of interbranch organisations recognised under Article 157 of this Regulation which are necessary in order to meet the objectives listed in Article 157(1), point (c), of this Regulation or, as regards the olive oil and table olives and tobacco sectors, the objectives listed in Article 162 of this Regulation, and which are not incompatible with Union rules under paragraph 4 of this Article.*

*Agreements, decisions and concerted practices which fulfil the conditions referred to in the first subparagraph of this paragraph shall not be prohibited, no prior decision to that effect being required.*

*2. Recognised interbranch organisations may request an opinion from the Commission concerning the compatibility of agreements, decisions and concerted practices as referred to in paragraph 1 with this Article. The Commission shall send the requesting interbranch organisation its opinion within four months of receipt of a complete request.*

*If the Commission finds at any time after issuing an opinion that the conditions referred to in paragraph 1 of this Article are no longer met, it shall declare that Article 101(1) TFEU shall apply in the future to the agreement, decision or concerted practice in question and inform the interbranch organisation accordingly.*

*The Commission may change the content of an opinion at its own initiative or at the request of a Member State, in particular if the requesting interbranch organisation has provided inaccurate information or misused the opinion.;*

- (b) paragraphs 3, 5 and 6 are deleted;

(60) the following Article is inserted:

*'Article 210a*

#### **Vertical and horizontal initiatives for sustainability**

1. Article 101(1) TFEU shall not apply to agreements, decisions and concerted practices of producers of agricultural products that relate to the production of or trade in agricultural products and that aim to apply a sustainability standard higher than mandated by Union or national law, provided that those agreements, decisions and concerted practices only impose restrictions of competition that are indispensable to the attainment of that standard.

2. Paragraph 1 applies to agreements, decisions and concerted practices of producers of agricultural products to which several producers are party or to which one or more producers and one or more operators at different levels of the production, processing, and trade in the food supply chain, including distribution, are party.

3. For the purposes of paragraph 1, "sustainability standard" means a standard which aims to contribute to one or more of the following objectives:

- (a) environmental objectives, including climate change mitigation and adaptation, the sustainable use and protection of landscapes, water and soil, the transition to a circular economy, including the reduction of food waste, pollution prevention and control, and the protection and restoration of biodiversity and ecosystems;
- (b) the production of agricultural products in ways that reduce the use of pesticides and manage risks resulting from such use, or that reduce the danger of antimicrobial resistance in agricultural production; and
- (c) animal health and animal welfare.

4. Agreements, decisions and concerted practices that fulfil the conditions referred to in this Article shall not be prohibited, no prior decision to that effect being required.

5. The Commission shall issue guidelines for operators concerning the conditions for the application of this Article by 8 December 2023.

6. From 8 December 2023, producers as referred to in paragraph 1 may request an opinion from the Commission concerning the compatibility of agreements, decisions and concerted practices as referred to in paragraph 1 with this Article. The Commission shall send the applicant its opinion within four months of receipt of a complete request.

If the Commission finds at any time after issuing an opinion that the conditions referred to in paragraphs 1, 3 and 7 of this Article are no longer met, it shall declare that Article 101(1) TFEU shall apply in the future to the agreement, decision or concerted practice in question and inform the producers accordingly.

The Commission may change the content of an opinion at its own initiative or at the request of a Member State, in particular if the applicant has provided inaccurate information or misused the opinion.

7. The national competition authority as referred to in Article 5 of Regulation (EC) No 1/2003 may decide in individual cases that, in the future, one or more of the agreements, decisions and concerted practices referred to in paragraph 1 are to be modified, discontinued or not take place at all, if it considers that such a decision is necessary in order to prevent competition from being excluded or if it considers that the objectives set out in Article 39 TFEU are jeopardised.

For agreements, decisions and concerted practices covering more than one Member State, the decision referred to in the first subparagraph of this paragraph shall be taken by the Commission without applying the procedures referred to in Article 229(2) and (3).

When acting under the first subparagraph of this paragraph, the national competition authority shall inform the Commission in writing after initiating the first formal measure of the investigation and shall notify the Commission of any resulting decisions without delay after their adoption.

The decisions referred to in this paragraph shall not apply earlier than the date of their notification to the undertakings concerned.’;

- (61) Article 212 is deleted;
- (62) Article 214a is replaced by the following:

‘Article 214a

#### **National payments for certain sectors in Finland**

Subject to authorisation by the Commission, for the period 2023-2027, Finland may continue to grant national aids which it granted in 2022 to producers on the basis of this Article provided that:

- (a) the total amount of income aid is degressive over the whole period and in 2027 does not exceed 67 % of the amount granted in 2022; and
- (b) prior to any recourse to this possibility, full use has been made of the support schemes under the CAP for the sectors concerned.

The Commission shall adopt its authorisation without applying the procedure referred to in Article 229(2) or (3) of this Regulation.’;

- (63) in Article 218(2), the row for the United Kingdom is deleted;
- (64) Article 219(1) is amended as follows:

- (a) the first subparagraph is replaced by the following:

‘1. In order to react efficiently and effectively against threats of market disturbance caused by significant price rises or falls on internal or external markets or other events and circumstances significantly disturbing or threatening to disturb the market concerned, where that situation, or its effects on the market, is likely to continue or deteriorate, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 to take the measures necessary to address that market situation, while respecting any obligations resulting from international agreements concluded in accordance with the TFEU and provided that any other measures available under this Regulation appear to be insufficient or not suitable.’;

- (b) the fourth subparagraph is replaced by the following:

‘Such measures may to the extent and for the time necessary to address the market disturbance or threat thereof extend or modify the scope, duration or other aspects of other measures provided for under this Regulation, adjust or suspend import duties in whole or in part including for certain quantities or periods as necessary, or take the form of a temporary voluntary production reduction scheme, in particular in cases of oversupply.’;

- (65) Part V, Chapter I, Section 2, is amended as follows:

- (a) the title is replaced by the following:

‘Market support measures related to animal diseases and plant pests and loss of consumer confidence due to public, animal or plant health risks’;

- (b) Article 220 is amended as follows:

- (i) the title is replaced by the following:

‘Measures concerning animal diseases and plant pests and the loss of consumer confidence due to public, animal or plant health risks’;

- (ii) in paragraph 1, point (a) is replaced by the following:

‘(a) restrictions on intra-Union and third-country trade which may result from the application of measures for combating the spread of diseases in animals or the spread of plant pests; and’;

- (iii) in paragraph 2, the following point is inserted:

‘(-a) fruit and vegetables’;

(iv) paragraph 4 is replaced by the following:

‘4. The measures provided for in paragraph 1, first subparagraph, point (a) may be taken only if the Member State concerned has taken health, veterinary or phytosanitary measures quickly to stamp out the disease or to monitor, control and eradicate or contain the pest, and only to the extent and for the duration strictly necessary to support the market concerned.’;

(66) in Part V, the following Chapter and Articles are inserted:

‘Chapter Ia

Market transparency

*Article 222a*

### **Union market observatories**

1. In order to improve transparency within the food supply chain, to inform the choices of economic operators and public authorities, to facilitate the monitoring of market developments and threats of market disturbance, the Commission shall establish Union market observatories.

2. The Commission may decide for which agricultural sectors from those listed in Article 1(2) the Union market observatories shall be established.

3. The Union market observatories shall make available the statistical data and information necessary for the monitoring of market developments and threats of market disturbance, in particular:

- (a) production, supply and stocks;
- (b) prices, costs and, as far as possible, profit margins at all levels of the food supply chain;
- (c) short- and medium-term market forecasts;
- (d) imports and exports of agricultural products, in particular the filling of tariff quotas for the import of agricultural products into the Union.

The Union market observatories shall produce reports containing the elements referred to in the first subparagraph.

4. The Member States shall collect the information referred to in paragraph 3 and provide it to the Commission.

*Article 222b*

### **Commission reporting on market developments**

1. In their reports, Union market observatories established pursuant to Article 222a shall identify threats of market disturbance related to significant price increases or decreases in internal or external markets or to other events or circumstances having similar effects.

2. The Commission shall regularly present to the European Parliament and to the Council information on the market situation for agricultural products, the causes of market disturbances and possible measures to be taken in response to those market disturbances, in particular measures provided for in Part II, Title I, Chapter I, and Articles 219, 220, 221 and 222, as well as the rationale for those measures’;

(67) in Article 223(1), the second subparagraph is replaced by the following:

‘The information obtained may be transmitted or made available to international organisations, Union and national financial market authorities, the competent authorities of third countries and may be made public, subject to the protection of personal data and the legitimate interest of undertakings in the protection of their business secrets, including prices.

The Commission shall cooperate and exchange information with competent authorities designated in accordance with Article 22 of Regulation (EU) No 596/2014 and with the European Securities and Markets Authority (ESMA), to help them fulfil their tasks under Regulation (EU) 596/2014.’;

(68) Article 225 is amended as follows:

- (a) point (a) is deleted;
- (b) points (b) and (c) are deleted;
- (c) point (d) is replaced by the following:
  - '(d) by 31 December 2025, and every seven years thereafter, on the application of the competition rules as laid down in this Regulation to the agricultural sector in all Member States;';
- (d) the following points are inserted:
  - '(da) by 31 December 2023 on the Union market observatories set up in accordance with Article 222a;
  - (db) by 31 December 2023, and every three years thereafter, on the use of the crisis measures in particular adopted pursuant to Articles 219, to 222;
  - (dc) by 31 December 2024 on the use of new information and communication technologies to ensure better market transparency as referred to in Article 223;
  - (dd) by 30 June 2024 on sales designations and carcass classification in the sheepmeat and goatmeat sector;';

(69) in Part V, Chapter III, containing Article 226, is deleted.

(70) Annex I is amended as follows:

- (a) in Part I(a), the first and second row (CN codes 0709 99 60 and 0712 90 19) are deleted;
  - (b) in Part I(d), the entry in the first row (CN code 0714) is replaced by the following:
    - 'ex 0714 - Manioc, arrowroot, salep and similar roots and tubers with high starch or inulin content, fresh, chilled, frozen or dried, whether or not sliced or in the form of pellets, excluding sweet potatoes of subheading 0714 20 and Jerusalem artichokes of subheading ex 0714 90 90; sago pith;';
  - (c) Part IX is amended as follows:
    - (i) the description in the fifth row (CN code 0706) is replaced by the following:
      - 'Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots <sup>(1)</sup>, fresh or chilled

<sup>(1)</sup> This includes swedes.';
  - (ii) the description in the eighth row (CN code ex 07 09) is replaced by the following:
    - 'Other vegetables, fresh or chilled, excluding vegetables of subheadings 0709 60 91, 0709 60 95, ex 0709 60 99 of genus Pimenta, 0709 92 10 and 0709 92 90';
  - (iii) the following rows are inserted:
    - '0714 20 sweet potatoes
    - ex 0714 90 90 Jerusalem artichokes';
- (d) in Part X, the exclusions for sweetcorn are deleted;
- (e) in Part XII, the following entry is added:
  - '(e) ex 2202 99 19: --- Other, de-alcoholised wine with an alcoholic strength by volume not exceeding 0,5 % vol.';
- (f) in Part XXIV, Section 1, the entry '0709 60 99' is replaced by the following:
  - 'ex 0709 60 99: --- Other, of genus Pimenta';

(71) in Annex II, Part II is amended as follows:

- (a) in Section A, point 4, the second sentence is deleted;
- (b) Section B is deleted;

(72) Annex III is amended as follows:

(a) the title is replaced by the following:

‘STANDARD QUALITY OF RICE AND SUGAR AS REFERRED TO IN ARTICLE 1a OF REGULATION (EU) No 1370/2013 (\*)

(\*) Council Regulation (EU) No 1370/2013 of 16 December 2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products (OJ L 346, 20.12.2013, p. 12);’;

(b) in Part B, Section I is deleted;

(73) Annex VI is deleted;

(74) Annex VII is amended as follows:

(a) Part I is amended as follows:

(i) in point II, the following subparagraph is added:

‘At the request of a group referred to in Article 3(2) of Regulation (EU) No 1151/2012, the relevant Member State may decide that the conditions referred to in this point do not apply to the meat of bovine animals with a protected designation of origin or protected geographical indication protected in accordance with Regulation (EU) No 1151/2012 registered before 29 June 2007.’;

(ii) in point III.1(A), the row for the United Kingdom is deleted;

(iii) in point III.1(B), the row for the United Kingdom is deleted;

(b) Part II is amended as follows:

(i) the following introductory wording is added:

‘The categories of grapevine products shall be those set out in points (1) to (17). The categories of grapevine products set out in point (1) and points (4) to (9) may undergo a total or partial de-alcoholisation treatment in accordance with Annex VIII, Part I, Section E, after having fully attained their respective characteristics as described in those points.’;

(ii) in point 3, point (a) is replaced by the following:

‘(a) with an actual alcoholic strength of not less than 15 % by volume and not more than 22 % by volume. Exceptionally, and for wines of prolonged ageing, those limits may differ in certain liqueur wines with a designation of origin or geographical indication on the list established by the Commission by means of delegated acts adopted in accordance with Article 75(2), on the condition that:

- the wines put into the ageing process shall fulfil the definition of liqueur wines; and
- the actual alcoholic strength of the aged wine shall not be less than 14 % by volume.’;

(c) Appendix I is amended as follows:

(i) point 1(c) is replaced by the following:

‘(c) in Belgium, Denmark, Estonia, Ireland, Lithuania, the Netherlands, Poland and Sweden: the wine-growing areas of these Member States’;

(ii) in point 2(g), the word ‘area’ is replaced by ‘wine-growing region’;

(iii) point 4(f) is replaced by the following:

‘(f) in Romania, areas planted with vines in the following wine-growing regions: Dealurile Munteniei și Olteniei with the vineyards Dealurile Buzăului, Dealu Mare, Severinului and Plaiurile Drâncei, Colinele Dobrogei, Terasele Dunării, the South wine region, including sands and other favourable regions.’;

(iv) point 4(g) is replaced by the following:

‘(g) in Croatia, areas planted with vines in the following sub-regions: Hrvatska Istra, Hrvatsko primorje and Dalmatinska zagora;’;

(v) in point 6, the following point is added:

‘(h) in Croatia, areas planted with vines in the following sub-regions: Sjeverna Dalmacija and Srednja i Južna Dalmacija.’;

(75) Annex VIII is amended as follows:

(a) Part I is amended as follows:

(i) the title is replaced by the following:

‘Enrichment, acidification, de-acidification in certain wine-growing zones and de-alcoholisation’;

(ii) in Section B, point 7(b) is replaced by the following:

‘(b) raise the total alcoholic strength by volume of the products referred to in point 6 for the production of wines with a protected designation of origin or protected geographical indication to a level to be determined by Member States.’;

(iii) Section C is replaced by the following:

‘C. Acidification and de-acidification

1. Fresh grapes, grape must, partially fermented grape must, new wine still in fermentation and wine may be subject to acidification and de-acidification.
2. Acidification of the products referred to in point 1 may be carried out only up to a limit of 4 g/l expressed as tartaric acid, or 53,3 milliequivalents per litre.
3. De-acidification of wines may be carried out only up to a limit of 1 g/l expressed as tartaric acid, or 13,3 milliequivalents per litre.
4. Grape must intended for concentration may be partially de-acidified.
5. Acidification and enrichment, except by way of derogation to be adopted by the Commission by means of delegated acts pursuant to Article 75(2), and acidification and de-acidification of one and the same product shall be mutually exclusive processes.’;

(iv) in Section D, point 3 is replaced by the following:

‘3. Acidification and de-acidification of wines shall take place only in the wine-growing zone where the grapes used to produce the wine in question were harvested.’;

(v) the following Section is added:

‘E. De-alcoholisation processes

Each of the de-alcoholisation processes listed below, whether used on its own or in combination with other listed de-alcoholisation processes, shall be allowed in order to reduce part or almost all of the ethanol content in grapevine products referred to in Annex VII, Part II, point 1 and points 4 to 9:

- (a) partial vacuum evaporation;
- (b) membrane techniques;
- (c) distillation.

The de-alcoholisation processes used shall not result in organoleptic defects of the grapevine product. The elimination of ethanol in grapevine products shall not be done in conjunction with an increase of the sugar content in the grape must.’;

(b) in Part II, Section B, point 3 is replaced by the following:

'3. Points 1 and 2 shall not apply to products intended for the production, in Ireland and Poland, of products falling within CN code 2206 00 for which Member States may allow the use of a composite name, including the sales designation "wine".';

(76) in Annex X, point II, paragraph 2 is replaced by the following:

'2. The price referred to in paragraph 1 shall apply to sugar beet of sound, fair and marketable quality having a sugar content of 16 % at the reception point.

The price shall be adjusted by price increases or reductions, agreed by the parties in advance, to allow for deviations from the quality referred to in the first subparagraph.');

(77) in Annex X, point XI, paragraph 1 is replaced by the following:

'1. Agreements within the trade as described in Annex II, Part II, Section A, point 6, shall contain conciliation or mediation mechanisms and arbitration clauses.');

(78) Annexes XI, XII and XIII are deleted.

## Article 2

### Amendments to Regulation (EU) No 1151/2012

Regulation (EU) No 1151/2012 is amended as follows:

(1) in Article 1(2), point (b) is replaced by the following:

'(b) value-adding attributes resulting from the farming or processing methods used in their production, or from the place of their production or marketing, or from their possible contribution to sustainable development.');

(2) in Article 2, paragraphs 2 and 3 are replaced by the following:

'2. This Regulation shall not apply to spirit drinks or grapevine products as defined in Annex VII, Part II, to Regulation (EU) No 1308/2013, with the exception of wine-vinegars.

3. Registrations made pursuant to Article 52 are without prejudice to the obligation of producers to comply with other Union rules, in particular those relating to the placing of products on the market and to food labelling.');

(3) in Article 5, paragraphs 1 and 2 are replaced by the following:

'1. For the purpose of this Regulation, a "designation of origin" is a name, which may be a traditionally used name, which identifies a product:

(a) originating in a specific place, region or, in exceptional cases, country;

(b) whose quality or characteristics are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors; and

(c) the production steps of which all take place in the defined geographical area.

2. For the purpose of this Regulation, a "geographical indication" is a name, including a traditionally used name, which identifies a product:

(a) originating in a specific place, region or country;

(b) whose given quality, reputation or other characteristic is essentially attributable to its geographical origin; and

(c) at least one of the production steps of which takes place in the defined geographical area.');

(4) in Article 6, paragraph 2 is replaced by the following:

'2. A name may not be registered as a designation of origin or geographical indication where it conflicts with a name of a plant variety or an animal breed and is likely to mislead the consumer as to the true origin of the product or to cause confusion between products with the registered designation and the variety or breed in question.

The conditions referred to in the first subparagraph shall be assessed in relation to the actual use of the names in conflict, including the use of the name of the plant variety or animal breed outside its area of origin and the use of the name of a plant variety protected by another intellectual property right.;

(5) in Article 7, paragraph 1 is amended as follows:

(a) point (f) is replaced by the following:

‘(f) details establishing the following:

- (i) as regards a protected designation of origin, the link between the quality or characteristics of the product and the geographical environment referred to in Article 5(1); the details concerning human factors of that geographical environment may, where relevant, be limited to a description of the soil and landscape management, cultivation practices or any other relevant human contribution to the maintenance of the natural factors of the geographical environment referred to in that paragraph;
- (ii) as regards a protected geographical indication, the link between a given quality, the reputation or other characteristic of the product and the geographical origin referred to in Article 5(2);

(b) the following subparagraph is added:

‘The product specification may contain a description of the contribution of the designation of origin or geographical indication to sustainable development.’;

(6) in Article 10(1), the introductory wording is replaced by the following:

‘A reasoned statement of opposition as referred to in Article 51(1) shall be admissible only if it is received by the Commission within the time limit set out in that paragraph and if it:’;

(7) in Article 12, paragraph 3 is replaced by the following:

‘3. In the case of products originating in the Union that are marketed under a protected designation of origin or protected geographical indication registered in accordance with the procedures laid down in this Regulation, the Union symbols associated with them shall appear on the labelling and advertising materials. The labelling requirements set out in Article 13(1) of Regulation (EU) No 1169/2011 for the presentation of mandatory particulars shall apply to the registered name of the product. The indications “protected designation of origin” or “protected geographical indication” or the corresponding abbreviations “PDO” or “PGI” may appear on the labelling.’;

(8) Article 13 is amended as follows:

(a) in paragraph 1, point (a) is replaced by the following:

‘(a) any direct or indirect commercial use of a registered name in respect of products not covered by the registration where those products are comparable to the products registered under that name or where using the name exploits, weakens or dilutes the reputation of the protected name, including when those products are used as an ingredient;’;

(b) the following paragraph is added:

‘4. The protection referred to in paragraph 1 shall also apply with regard to:

- (a) goods entering the customs territory of the Union without being released for free circulation within the customs territory of the Union; and
- (b) goods sold by means of distance selling, such as electronic commerce.

For goods entering the customs territory of the Union without being released for free circulation within that territory, the group or any operator entitled to use the protected designation of origin or protected geographical indication shall be entitled to prevent all third parties from bringing goods, in the course of trade, into the Union without being released for free circulation there, where such goods, including packaging, come from third countries and bear without authorisation the protected designation of origin or protected geographical indication.’;

(9) Article 15 is amended as follows:

(a) in paragraph 1, the second subparagraph is replaced by the following:

‘Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 57(2) except where an admissible statement of opposition is lodged under Article 49(3).’;

(b) in paragraph 2, the introductory wording is replaced by the following:

‘Without prejudice to Article 14, the Commission may adopt implementing acts extending the transitional period mentioned in paragraph 1 of this Article to up to 15 years in duly justified cases where it is shown that:’;

(10) the following Article is inserted:

*‘Article 16a*

### **Existing geographical indications for aromatised wine products**

Names entered in the register established pursuant to Article 21 of Regulation (EU) No 251/2014 of the European Parliament and of the Council (\*) shall automatically be entered in the register referred to in Article 11 of this Regulation as protected geographical indications. The corresponding specifications shall be deemed to be specifications for the purposes of Article 7 of this Regulation.

(\*) Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91 (OJ L 84, 20.3.2014, p. 14).’;

(11) in Article 21(1), the introductory wording is replaced by the following:

‘1. A reasoned statement of opposition as referred to in Article 51(1) shall be admissible only if it is received by the Commission before expiry of the time limit and if it:’;

(12) in Article 23, paragraph 3 is replaced by the following:

‘3. In the case of products originating in the Union that are marketed under a traditional speciality guaranteed registered in accordance with this Regulation, the symbol referred to in paragraph 2 of this Article shall, without prejudice to paragraph 4 of this Article, appear on the labelling and advertising materials. The labelling requirements set out in Article 13(1) of Regulation (EU) No 1169/2011 for the presentation of mandatory particulars shall apply to the registered name of the product. The indication “traditional speciality guaranteed” or the corresponding abbreviation “TSG” may appear on the labelling.

The symbol shall be optional on the labelling of traditional specialities guaranteed which are produced outside the Union.’;

(13) Article 24 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. Registered names shall be protected against any misuse, imitation or evocation, including as regards products used as ingredients, or against any other practice liable to mislead the consumer.’;

(b) the following paragraph is added:

‘4. The protection referred to in paragraph 1 shall also apply with regard to goods sold through means of distance selling, such as electronic commerce.’;

(14) the following Article is inserted:

*'Article 24a*

#### **Transitional periods for use of traditional specialities guaranteed**

The Commission may adopt implementing acts granting a transitional period of up to five years to enable products the designation of which consists of or contains a name that contravenes Article 24(1) to continue to use the designation under which they were marketed on condition that an admissible statement of opposition under Article 49(3) or Article 51 shows that such name has been legally used on the Union market for at least five years preceding the date of the publication provided for in Article 50(2), point (b).

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 57(2) except where an admissible statement of opposition is lodged under Article 49(3).';

(15) in Article 49, the following paragraph is added:

'8. The Member State shall inform the Commission without delay if any proceedings are initiated before a national court or other national body concerning an application lodged with the Commission, in accordance with paragraph 4, and if the application has been invalidated at national level by an immediately applicable but not final judicial decision.';

(16) Article 50 is replaced by the following:

*'Article 50*

#### **Scrutiny by the Commission and publication for opposition**

1. The Commission shall examine applications for registration that it receives in accordance with Article 49(4) and (5). The Commission shall check that the applications contain the required information and that they do not contain manifest errors, taking into account the outcome of the scrutiny and opposition procedure carried out by the Member State concerned.

Scrutiny by the Commission should not exceed a period of six months from the date of receipt of the application from the Member State. Where that period is exceeded, the Commission shall inform the applicant of the reasons for the delay in writing.

The Commission shall, at least each month, publish the list of names for which applications for registration have been submitted to it, as well as the date of their submission.

2. Where, based on the scrutiny carried out pursuant to paragraph 1 of this Article, the Commission considers that the conditions laid down in Articles 5 and 6 are fulfilled as regards registration applications under the scheme set out in Title II, or that the conditions laid down in Article 18(1) and (2) are fulfilled as regards applications under the scheme set out in Title III, it shall publish in the *Official Journal of the European Union*:

(a) for applications under the scheme set out in Title II, the single document and the reference to the publication of the product specification;

(b) for applications under the scheme set out in Title III, the specification.

3. The Commission shall be exempted from the obligation to meet the deadline to perform the scrutiny referred to in paragraph 1 and to inform the applicant of the reasons for the delay where it receives a communication from a Member State concerning an application for registration lodged with the Commission in accordance with Article 49(4) which either:

(a) informs the Commission that the application has been invalidated at national level by an immediately applicable but not final judicial decision; or

- (b) requests the Commission to suspend the scrutiny referred to in paragraph 1 because national judicial proceedings have been initiated to challenge the validity of the application and the Member State considers that those proceedings are based on valid grounds.

The exemption shall have effect until the Commission is informed by the Member State that the original application has been restored or that the Member State withdraws its request for suspension.’;

(17) Article 51 is amended as follows:

- (a) paragraphs 1, 2 and 3 are replaced by the following:

‘1. Within three months from the date of publication in the *Official Journal of the European Union*, the authorities of a Member State or of a third country, or any natural or legal person resident or established in a third country and having a legitimate interest, may lodge a reasoned statement of opposition with the Commission.

Any natural or legal person resident or established in a Member State other than that from which the application was submitted, and having a legitimate interest, may lodge a reasoned statement of opposition with the Member State in which it is resident or established within a time limit permitting an opposition to be lodged pursuant to the first subparagraph.

2. The Commission shall examine the admissibility of the reasoned statement of opposition on the basis of the grounds for opposition laid down in Article 10 as regards protected designations of origin and protected geographical indications and on the basis of the grounds for opposition laid down in Article 21 as regards traditional specialities guaranteed.

3. If the Commission considers that the reasoned statement of opposition is admissible it shall, within five months from the date of publication of the application in the *Official Journal of the European Union*, invite the authority or person that lodged the reasoned statement of opposition and the authority or body that lodged the application with the Commission to engage in appropriate consultations for a reasonable period that shall not exceed three months.

The authority or person that lodged the reasoned statement of opposition and the authority or body that lodged the application shall start such appropriate consultations without undue delay. They shall provide each other with the relevant information to assess whether the application for registration complies with the conditions laid down in this Regulation. If no agreement is reached, this information shall be provided to the Commission.

At any time within the period of consultations, the Commission may, at the request of the applicant, extend the deadline for the consultations by a maximum of three months.’;

- (b) paragraph 5 is replaced by the following:

‘5. The reasoned statement of opposition and other documents which are sent to the Commission in accordance with paragraphs 1, 2 and 3 shall be in one of the official languages of the Union.’;

(18) in Article 52, paragraphs 1 and 2 are replaced by the following:

‘1. Where, on the basis of the information available to the Commission from the scrutiny carried out pursuant to the first subparagraph of Article 50(1), the Commission considers that the conditions laid down in Articles 5 and 6, as regards the quality schemes set out in Title II, or in Article 18, as regards the quality schemes set out in Title III, are not fulfilled, it shall adopt implementing acts rejecting the application. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 57(2).

2. If the Commission receives no admissible reasoned statement of opposition under Article 51, it shall adopt implementing acts, without applying the examination procedure referred to in Article 57(2), registering the name.’;

(19) Article 53 is amended as follows:

(a) the title is replaced by the following:

*'Article 53*

**Amendments to product specifications';**

(b) paragraph 2 is replaced by the following:

'2. Amendments to a product specification shall be classified into two categories as regards their importance: Union amendments, requiring an opposition procedure at the Union level, and standard amendments to be dealt with at Member State or third country level.

For the purposes of this Regulation, "Union amendment" means an amendment to a product specification that:

- (a) includes a change in the name of the protected designation of origin or protected geographical indication, or in the use of that name;
- (b) risks voiding the link referred to in Article 5(1), point (b), for protected designations of origin, or the link referred to in Article 5(2), point (b), for protected geographical indications;
- (c) concerns a traditional speciality guaranteed; or
- (d) entails further restrictions on the marketing of the product.

"Standard amendment" means any amendment to a product specification that is not a Union amendment.

"Temporary amendment" means a standard amendment concerning a temporary change in the product specification resulting from the imposition of obligatory sanitary and phytosanitary measures by the public authorities or a temporary amendment necessary because of a natural disaster or adverse weather conditions formally recognised by the competent authorities.

Union amendments shall be approved by the Commission. The approval procedure shall follow the procedure laid down in Articles 49 to 52, *mutatis mutandis*.

The scrutiny of the application shall focus on the proposed amendment. Where appropriate, the Commission or the Member State concerned may invite the applicant to modify other elements of the product specifications.

Standard amendments shall be approved and made public by the Member State in whose territory the geographical area of the product concerned is located and communicated to the Commission. Third countries shall approve standard amendments in accordance with the law applicable in the third country concerned and communicate them to the Commission.;

(c) paragraph 3 is replaced by the following:

'3. In order to facilitate the administrative process in relation to Union and standard amendments to product specifications, including where an amendment does not involve any change to the single document, the Commission shall be empowered to adopt delegated acts, in accordance with Article 56, complementing the rules of the amendment application process.

The Commission may adopt implementing acts laying down detailed rules on the procedures for, form of and presentation of an amendment application for Union amendments, and on the procedures for and form of standard amendments and their communication to the Commission. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 57(2).;

(20) in Annex I, Point I, the following indents are added:

– aromatised wines as defined in Article 3(2) of Regulation (EU) No 251/2014,

- other alcoholic beverages, except for spirit drinks and grapevine products as defined in Annex VII, Part II, to Regulation (EU) No 1308/2013,
- beeswax.’

### Article 3

#### Amendments to Regulation (EU) No 251/2014

- (1) the title is replaced by the following:

‘Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation and labelling of aromatised wine products and repealing Council Regulation (EEC) No 1601/91’;

- (2) in Article 1, paragraph 1 is replaced by the following:

‘1. This Regulation lays down rules on the definition, description, presentation and labelling of aromatised wine products.’;

- (3) in Article 2, point 3 is deleted;

- (4) Article 5 is amended as follows:

- (a) paragraph 4 is replaced by the following:

‘4. Sales denominations may be supplemented or replaced by a geographical indication of aromatised wine products protected under Regulation (EU) No 1151/2012.’;

- (b) the following paragraphs are added:

‘6. In the case of aromatised wine products produced in the Union that are destined for export to third countries whose legislation requires different sales denominations, Member States may allow those sales denominations to accompany the sales denominations set out in Annex II. Those additional sales denominations may appear in languages other than the official languages of the Union.

7. The Commission shall be empowered to adopt delegated acts in accordance with Article 33 to supplement Annex II in order to take into account technical progress, scientific and market developments, consumer health or consumer needs for information.’;

- (5) the following Article is inserted:

‘Article 6a

#### Nutrition declaration and ingredients list

1. The labelling of aromatised wine products marketed in the Union shall contain the following mandatory particulars:

- (a) the nutrition declaration pursuant to Article 9(1), point (l), of Regulation (EU) No 1169/2011; and
- (b) the list of ingredients pursuant to Article 9(1), point (b), of Regulation (EU) No 1169/2011.

2. By way of derogation from paragraph 1, point (a), the nutrition declaration on the package or on a label attached thereto may be limited to the energy value, which may be expressed by using the symbol “E” for energy. In such cases, the full nutrition declaration shall be provided by electronic means identified on the package or on a label attached thereto. That nutrition declaration shall not be displayed with other information intended for sales or marketing purposes and no user data shall be collected or tracked.

3. By way of derogation from paragraph 1, point (b), the list of ingredients may be provided by electronic means identified on the package or on a label attached thereto. In such cases, the following requirements apply:

- (a) no user data shall be collected or tracked;
- (b) the list of ingredients shall not be displayed with other information intended for sales or marketing purposes; and

- (c) the indication of the particulars referred to in Article 9(1), point (c), of Regulation (EU) No 1169/2011 shall appear directly on the package or on a label attached thereto.

The indication referred to in the first subparagraph, point (c), of this paragraph shall comprise the word “contains” followed by the name of the substance or product as listed in Annex II to Regulation (EU) No 1169/2011.

4. The Commission is empowered to adopt delegated acts in accordance with Article 33 supplementing this Regulation by further specifying the rules for the indication and designation of ingredients for the application of paragraph 1, point (b), of this Article.;

- (6) in Article 8, paragraph 2 is replaced by the following:

‘2. The name of the geographical indication of aromatised wine products protected under Regulation (EU) No 1151/2012 shall appear on the label in the language or languages in which it is registered, even where the geographical indication replaces the sales denomination in accordance with Article 5(4) of this Regulation.

Where the name of a geographical indication of aromatised wine products protected under Regulation (EU) No 1151/2012 is written in a non-Latin alphabet, it may also appear in one or more of the official languages of the Union.;

- (7) Article 9 is deleted;

- (8) Chapter III, containing Articles 10 to 30, is deleted.

- (9) Article 33 is amended as follows:

- (a) the following paragraph is inserted:

‘2a. The power to adopt delegated acts referred to in Article 5(7) shall be conferred on the Commission for a period of five years from 7 December 2021. The power to adopt delegated acts referred to in Article 6a(4) shall be conferred on the Commission for a period of five years from 8 December 2023. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.;

- (b) paragraph 3 is replaced by the following:

‘3. The delegation of power referred to in Article 4(2), Article 5(7), Article 6a(4), Article 28, Article 32(2) and Article 36(1) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect the day following the publication in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of the delegated acts already in force.;

- (c) paragraph 5 is replaced by the following:

‘5. A delegated act adopted pursuant to Article 4(2), Article 5(7), Article 6a(4), Article 28, Article 32(2) and Article 36(1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months on the initiative of the European Parliament or the Council.;

- (10) in Annex I, point (1)(a), the following point is added:

‘(iv) spirit drinks in a quantity not exceeding 1 % of the overall volume.;

- (11) Annex II is amended as follows:

- (a) in Part A, point (3), the first indent is replaced by the following:

‘- to which alcohol may have been added; and’

(b) Part B is amended as follows:

(i) in point (8), the first indent is replaced by the following:

‘- which is obtained exclusively from red or white wine or both;’

(ii) the following point is added:

‘(14) Wino ziołowe

Aromatised wine-based drink:

(a) which is obtained from wine and in which grapevine products represent at least 85 % of the total volume,

(b) which has been flavoured exclusively with flavouring preparations obtained from herbs or spices or both,

(c) which has not been coloured,

(d) which has an actual alcoholic strength by volume of not less than 7 %’.

#### Article 4

### Amendment to Regulation (EU) No 228/2013

The following Article is inserted:

‘Article 22a

#### Interbranch agreements in Réunion

1. Pursuant to Article 349 of the Treaty, by way of derogation from Article 101(1) of the Treaty and notwithstanding Article 164(4), first subparagraph, points (a) to (n), of Regulation (EU) No 1308/2013, where an interbranch organisation recognised pursuant to Article 157 of Regulation (EU) No 1308/2013 operates exclusively in Réunion and is considered to represent the production of, trade in or processing of one specified product, France may, at the request of that organisation, extend to other operators who are not members of that interbranch organisation rules aimed at supporting the maintenance and diversification of local production in order to increase food security in Réunion, provided that those rules apply only to those operators whose activities are solely carried out in Réunion in relation to products which are destined for the local market. Notwithstanding Article 164(3) of Regulation (EU) No 1308/2013, an interbranch organisation is to be regarded as being a representative under this Article where it accounts for at least 70 % of the volume of production, trade or processing of the product or products concerned.

2. By way of derogation from Article 165 of Regulation (EU) No 1308/2013, where the rules of a recognised interbranch organisation operating exclusively in Réunion are extended under paragraph 1 of this Article, and the activities covered by those rules are in the general economic interest of economic operators whose activities are solely carried out in Réunion in relation to products which are destined for the local market, France may, after consulting the relevant stakeholders, decide that individual economic operators or groups which are not members of the organisation but which operate on that local market are to pay the organisation all or part of the financial contributions paid by its members, to the extent that such contributions are intended to cover costs that are directly incurred as a result of pursuing the activities in question.

3. France shall inform the Commission of any agreement whose scope is extended in accordance with this Article.’

#### Article 5

### Transitional provisions

1. The rules applicable before 7 December 2021 shall continue to apply to applications for protection, applications for approval of amendment and requests for cancellation of designations of origin or geographical indications received by the Commission pursuant to Regulation (EU) No 1308/2013 before 7 December 2021 and to applications for registration and requests for cancellation of protected designations of origin, protected geographical indications or traditional specialities guaranteed received by the Commission pursuant to Regulation (EU) No 1151/2012 before 7 December 2021.

2. The rules applicable before 7 December 2021 shall continue to apply to applications for approval of amendment of a product specification of designations of origin or geographical indications or traditional specialities guaranteed received by the Commission pursuant to Regulation (EU) No 1151/2012 before 8 June 2022.

3. The rules applicable before 7 December 2021 shall continue to apply to applications for protection, applications for approval of amendment and requests for cancellation of names of aromatised wines as geographical indication received by the Commission pursuant to Regulation (EU) No 251/2014 before 7 December 2021. However, the decision on registration shall be adopted pursuant to Article 52 of Regulation (EU) No 1151/2012 as amended by Article 2, point (18), of this Regulation.

4. Articles 29 to 38 and 55 to 57 of Regulation (EU) No 1308/2013 shall continue to apply after 31 December 2022 as regards expenditure incurred and payments made for operations implemented before 1 January 2023 within the aid schemes referred to in those Articles.

5. Articles 58 to 60 of Regulation (EU) No 1308/2013 shall continue to apply after 31 December 2022 as regards expenditure incurred and payments made before 1 January 2023 within the aid scheme referred to in those Articles.

6. Recognised producer organisations or their associations in the fruit and vegetables sector having an operational programme as referred to in Article 33 of Regulation (EU) No 1308/2013 that has been approved by a Member State for a duration beyond 31 December 2022 shall, by 15 September 2022, submit a request to that Member State to the effect that its operational programme:

- (a) be modified to meet the requirements of Regulation (EU) 2021/2115; or
- (b) be replaced by a new operational programme approved under Regulation (EU) 2021/2115; or
- (c) continue to operate until its end under the conditions applicable under Regulation (EU) No 1308/2013.

Where such recognised producer organisations or their associations do not submit such requests by 15 September 2022, their operational programmes which were approved under Regulation (EU) No 1308/2013 shall end on 31 December 2022.

7. The support programmes in the wine sector referred to in Article 40 of Regulation (EU) No 1308/2013 shall continue to apply until 15 October 2023. Articles 39 to 54 of Regulation (EU) No 1308/2013 shall continue to apply after 31 December 2022 as regards:

- (a) expenditure incurred and payments made for operations implemented pursuant to that Regulation before 16 October 2023 within the aid scheme referred to in Articles 39 to 52 of that Regulation;
- (b) expenditure incurred and payments made for operations implemented pursuant to Articles 46 and 50 of that Regulation before 16 October 2025, provided that by 15 October 2023 such operations have been partially implemented and the expenditure incurred amounts to at least 30 % of the total planned expenditure and that such operations are fully implemented by 15 October 2025.

8. Wine which meets the labelling requirements of Article 119 of Regulation (EU) No 1308/2013 and aromatised wine products which meet the labelling rules of Regulation (EU) No 251/2014 applicable in both cases before 8 December 2023 and which were produced and labelled before that date may continue to be placed on the market until stocks are exhausted.

#### Article 6

### Entry into force and application

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

Article 1, points (8)(d)(i), (8)(d)(iii), (10)(a)(ii) and (38), shall apply from 1 January 2021.

Article 2, point (19)(b), shall apply from 8 June 2022.

Article 1, points (1), (2)(b), (8)(a), (8)(b), (8)(e), (18), (31), (35), (62), (68)(a), (69) and (73), shall apply from 1 January 2023.

Article 1, points (32)(a)(ii) and (32)(c), and Article 3, point (5), shall apply from 8 December 2023.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 2 December 2021.

*For the European Parliament*  
*The President*  
D. M. SASSOLI

*For the Council*  
*The President*  
J. VRTOVEC

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