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CONTRIBUTION

From:	General Secretariat of the Council
To:	Delegations
N° Cion doc.:	7639/22 + ADD 1-3
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on European Union geographical indications for wine, spirit drinks and agricultural products, and quality schemes for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2017/1001 and (EU) 2019/787 and repealing Regulation (EU) No 1151/2012 - Comments from the Hungarian delegation

Delegations will find attached the comments of the Hungarian delegation on the consolidated Presidency drafting suggestions set out in 7881/23.

HU COMMENTS ON DOC.7881/23

	COMMENTS	SUGGESTIONS
Article 8		
<i>paragraph 1</i>	Paragraph 1 of Article 8 introduces the concept of the applicant producer group. We can agree with this in the event that the sentence following point (c) of paragraph 1 of Article 32 is amended.	See Article 32(1).
Article 17		
<i>paragraph 3 and 4a</i>	Regarding the second sentence of paragraph 3 of Article 17, we do not agree that 6 months should be available for the Commission's second round of assessment. The member states are given 2 months to answer the Commission's questions, and interested parties who wish to submit an opposition have a maximum of 3 months to lodge opposition. Therefore, we recommend setting the duration of the Commission's second round of assessment at 3 months, and moving the sentence beginning "Where the Commission addresses..." to Article 4a.	4a. Scrutiny shall, as a general rule, not exceed a period of 6 months. <i>Where the Commission addresses to the applicant such a request according to paragraph 3, the scrutiny period referred to in paragraph 4a shall be extended by 3 months from the day of the reply of the applicant.</i> In the event that the scrutiny period exceeds or is likely to exceed 6 months the period according to this paragraph , the Commission shall inform the applicant of the reasons for the delay in writing.
Article 28		
<i>paragraph 2</i>	We agree that Article 28(2) has been supplemented with some elements of the Commission's guidelines on ingredients. We have only one drafting suggestion for point b) of paragraph 2: for the sake of better understanding, we recommend deleting the term " concerned " at the end of the sentence (in connection with "processed product"). The word " concerned " is already used in connection with "product ingredient", so its repeated use in another context may be misleading.	b) the concerned product ingredient is used in sufficient quantities to confer an essential characteristic on the processed product concerned ; and
Article 32		
<i>paragraph 1</i>	The new text proposal for Article 32, paragraph 1, is not specific enough. It says that 'These criteria shall be met at the latest at the moment of registration'. What kind of	' <u>In relation to the applicant producer group</u> these criteria shall be met at the

	COMMENTS	SUGGESTIONS
	registration is involved and for whom the criteria must be met? Since this sentence is not at all clear, we recommend that it be clearly stated that these criteria shall be also met by the applicant producer group; at the latest when the geographical indication is registered.	latest at the moment of registration <u>of the geographical indication.</u>
Article 33		
<i>paragraph 2</i>	<p>Hungary continues to propose amending the last sentence of Article 33 (2) in such a way that the recognition of the producer group can be suspended or withdrawn not only if the producer group no longer meets the recognition criteria, but also if it refuses to exercise</p> <ul style="list-style-type: none"> - a task undertaken from those listed in Article 32 or - a task assigned to the group in Articles 25 and 26. 	If a producer group ceases to fulfil the recognition criteria <u>or refuses to exercise a task undertaken from those listed in Article 32 or a task assigned to the group in Articles 25 and 26,</u> the recognition shall be suspended or withdrawn.
Article 45	<p>We see a contradiction between paragraph 1 of article 39 and point b) of paragraph 1 of article 45. In our opinion, the list according to Article 39(1) 1 and the list according to Article 45(1)b are the same list, or at least they are meant to perform the same task. We believe that technically there should be only one list, because the basis of the two lists is the same: compliance with the product specification. If the competent authority has to create two different lists, it really creates an administrative burden for them.</p> <p>Another important observation is that while in Article 39 the perator is required to notify the competent authorities, in Article 45 inclusion in the list is done at the request of the operator. In our opinion, this is disadvantageous for the economic operators and means an extra administrative burden, because they have to separately request a measure that the authority could take ex officio.</p> <p>In our opinion, therefore, in Article 45(1), only the attestation according to point a) should be issued at the <i>request</i> of the operator, while the inclusion in the list should be done automatically, with the appropriate addition of the list in Article 39.</p> <p>We also believe that in order to more effectively protect and enforce the rights to geographical indications, it should be possible to make the list of operators available to the public.</p>	<p>An operator whose product, following the verification of compliance referred to in Article 39, is found to comply with the product specification of a geographical indication protected in accordance with this Regulation shall be, on request either</p> <p>a) be accorded <u>on request</u> an attestation, which may be a certified copy, certifying compliance of its production with the product specification, or</p> <p>b) be included <u>automatically as approved operator</u> in at the list of approved operators established by the competent authority <u>according to Article 39(1)</u> the relevant extract (listing) of which shall be made publicly available to each approved operator".</p>
<i>paragraph 1</i>		