

AT COMMENTS ON DOC.7881/23

	COMMENTS	SUGGESTIONS
Recital 6d	<p>“... is to be published in the Official Journal in order to allow potential opponent to challenge its legitimate interest to apply for the Union amendment.”:</p> <p>The legitimate interest is no longer required for an amendment. Therefore it cannot be a criterion for the admissibility of the publication of personal data.</p>	
Recital 20	The recital still refers to the consent of the producers and therefore needs to be adapted.	
Recital 27	<p>Recital 27 is not consistent with the legal text. The recital still speaks of "producer", whereas Article 36 speaks of "operator".</p> <p>Moreover, Article 36 explicitly states that the name may be used if the product specification is complied with. Contrary to what the recital implies, it is therefore not sufficient that the single document or an equivalent document is complied with. Consequently, the single document and the equivalent document must be deleted from the recital - as made already in Article 36.</p> <p>The explanation of the equivalent document, on the other hand, belongs in recital 35 (see proposal).</p>	<p>Recital 27:</p> <p>(27) ... any produceroperator, including a third-country produceroperator, should ..., provided that the product concerned complies with the requirements of the relevant product specification or single document or an equivalent to the latter, such as the summary of the product specification for agricultural products and the main specifications of the technical file for spirit drinks. The system set up by the Member States should also guarantee that producers complying with the rules are entitled to be covered by the verification of compliance of the product specification.</p> <p>Recital 35:</p> <p>„operators or competent authorities to ensure compliance with the product specification or single document or</p>

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		<u>an equivalent to the latter, such as the summary of the product specification</u> , and appropriate administrative ...”
Recital 36	Editorial remark: “... for qualification of illegal the content”	
Recital 38	Recital 38 must be adapted to Article 45: instead of "certificate" and "proof of certification" it should read "attestation of compliance”.	
Article 15		
<i>paragraph 1</i>	<p>Point (ca):</p> <p>If point (ca) refers only to oppositions related to the national transition period, a different wording is needed. The current text does not express this connectivity.</p> <p>We do not support a general transmission of information on oppositions. National procedures and EU procedures are independent procedures and the national procedure falls under the exclusive competence of the Member States. The Commission therefore does not need any information on the opposition in general.</p>	(ca) information on any admissible opposition at national level and any transitional period granted or proposed by the national authorities following the national scrutiny and opposition procedure <u>as well as information on the relevant admissible opposition;</u> ”
Article 17		
<i>paragraph 3 and 4a</i>	<p>We are against the extension of the deadline to 6 months.</p> <p>We understand that the Commission needs some time to consider the reply. However, we doubt that the examination of the reply has the same extent as the examination of the whole application. As a general rule, 6 months is therefore too long - 2 or 3 months should be sufficient.</p> <p>And the deadline should be moved to paragraph 4a.</p>	<p>4a. Scrutiny shall, as a general rule, not exceed a period of 6 months. Where the Commission addresses to the applicant such a request <u>according to paragraph 3</u>, the scrutiny period referred to in paragraph 4a shall be extended by 2/3 months from the day of the reply of the applicant. In the event that the scrutiny period exceeds or is likely to exceed 6 months <u>the period according to this paragraph</u>, the Commission shall</p>

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		inform the applicant of the reasons for the delay in writing.
Article 39		
<i>paragraph 1 and 5</i>	Supara. 2 of para. 1 speaks of “participate in any activity covered by the product specification” whereas para. 5 speaks of an “ operation covered by the product specification”. Does this mean the same thing?	
Article 56a		
<i>paragraph 2</i>	<p>Although the tasks mentioned in para. 2 are not exhaustive ("in particular"), the enumeration is not sufficient.</p> <p>The group is responsible for the TSG - it takes care that the TSG is put into life and becomes known and that it is not misused. With the assignment of tasks we hence also express the role of the group.</p> <p>The following tasks – taken from Article 45 of Reg. 1151/2012 - should therefore also be explicitly mentioned:</p> <ul style="list-style-type: none"> – take action to ensure adequate legal protection (point b of Art. 45 of Reg. 1151/2012), – develop information and promotion activities aiming at communicating the value-adding attributes of the product to consumers (point c of Art. 45 of Reg. 1151/2012) and – take measures to enhance the value of products including taking steps to prevent or counter any measures detrimental to the image of those products (point f of Art. 45 of Reg. 1151/2012). 	
Article 57		
<i>paragraph 3</i>	<p>Why is the national procedure still regulated differently from that for geographical indications?</p> <p>For geographical indications, there are also</p> <ul style="list-style-type: none"> – detailed rules for this national opposition procedure, namely publication of the application, opposition period, legitimation for filing an opposition (Article 9(4)); – an explicit mandate to the Member State to define rules: e.g. criteria for admissibility and specifications for the consultation procedure; 	

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	<ul style="list-style-type: none"> – a reference to the consideration of the examination and the results of the opposition (Article 9(6)). <p>Why isn't this also in Art. 57?</p>	
Article 58		
<i>paragraphe 1</i>	<p>Point b:</p> <ol style="list-style-type: none"> 1. See comments to Article 15(1) (ca). 2. Point b refers to a "transitional period granted". Is the MS allowed to grant a transitional period at all? Unlike Article 21(6), Article 64 does not contain any provision for nationally granted transitional periods. 	
Article 69	<p>Whereas in the case of GIs there is a Commission communication on ingredients, there is no such thing in the case of traditional specialties guaranteed. However, the use of products with a protected designation as an ingredient also exists for traditional specialties guaranteed and thus the need for rules.</p> <p>For GIs, there are now rules in the regulation - in Art. 28 and in Art. 37 para. 6. For TSGs there is again nothing and continue to have the problems but no rules for them. Therefore, we also need rules for TSGs.</p>	
Article 71		
<i>paragraph 1</i>	<p>Para. 1 says “A Union symbol shall be established for use in the labelling ...”: Para. 3, on the other hand, contains the obligation to use the logo in the labeling and in advertising material. Thus, para. 2 contradicts para. 3.</p> <p>The 1st sentence should therefore be aligned with Art. 37(1).</p>	<p>„A Union symbol <u>designed to mark and publicise traditional specialties guaranteed</u> shall be established.”</p>
<i>paragraph 4</i>	<p>The fact that the logo is not obligatory but only optional for products from outside the EU is already clear from paragraph 3. What should be regulated here is the right to use the logo ("may be used").</p>	<p>« The Union symbol shallmay be optionalused in the labelling of traditional specialties guaranteed which are produced outside the Union. »</p>

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Article 73	For GIs, the content of Article 73 is dealt with in 3 articles; this is much easier to read. At least the provisions in paragraphs 7-9 and 11 should therefore be dealt with in a separate article.	
<i>paragraph 1b</i>	Shouldn't it also read "natural persons <u>to which certain tasks have been delegated</u> " as in Article 38(3)?	
Article 81		
<i>paragraph 2</i>	<p><u>Article 94 para. 1:</u></p> <p>Since the category of wine products must be indicated in the single document, it should also be included in the product specification.</p> <p>It is inconsistent to require something in the single document that does not exist in the product specification. Recital 42 expresses the idea that the single document is a summary statement of the specification. This recital is not restricted to food and spirits in this regard. This idea should therefore also be the basis for wine.</p>	
article 86		
<i>paragraph 2a</i>	Shouldn't it also read "date of application" here instead of "date of entry into force"?	



Council of the European Union
General Secretariat

**Interinstitutional files:
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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 Austrian delegation

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

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