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## **CONTRIBUTION**

From:	General Secretariat of the Council
To:	Delegations
Subject:	Regulation on geographical indications and quality schemes - Comments from the German delegation

Delegations will find attached written comments from the German delegation on the Presidency drafting suggestions set out in 8598/23 REV1.

**Remarks**  
**regarding Document 8598/23**  
**on behalf of the German delegation**  
**as of 3 May 2023**

- **Recital 38** mentions only one of the two options provided for in Article 45, namely the attestation of compliance. This is irritating. The second option, i.e. the inclusion in a list, should be mentioned as well.
- **Recital 59** still mentions Regulation (EU) 2017/1001 as a regulation to be amended. Since Article 82 is deleted, this has to be rectified.
- Two remarks on **Article 8** paragraph (4):
  - In the first sentence, instead of “producer groups” it should read “applicant producer groups”.
  - The second sentence might be better placed at the beginning of paragraph (7a) of Article 9.
- We suggest aligning the wording of **Article 9** paragraph (6) with that of Article 16 paragraph (1). This is to say that the word “lodge” in Article 9 paragraph (6) should be exchanged for the word “submit”.
- The logical relationship between **Article 14** paragraph (1) and **Article 15** paragraph (1) should be clarified: According to Article 14 paragraph (1), certain documentation shall *accompany* the application, and according to Article 15 paragraph (1), the application shall *comprise* such accompanying documentation. It seems difficult to grasp how one and the same documentation can, at the same time, accompany an application *and* be comprised by it.
- In the second subparagraph of **Article 16** paragraph (2), it still reads “producer group which works with a product”, while similar wordings in Articles 8, 25 and 32 have been amended.
- **Article 17** paragraph (3) and Article 60 paragraph (3) are not clear: In accordance with the second sentence, “the scrutiny period ... shall be extended by 6 months”. This is an inflexible, rigid provision as to the exact time by which the period is to be extended: 6 months. But the third sentence reads: “In the event that that extension exceeds or is likely to exceed 6 months ...”. The two sentences do not fit together and have to be aligned.
- The content of **Article 19a** should better be placed as Article 20a in order not to separate Articles 19 and 20.
- The contents of **Article 25** paragraph (5) and the necessity for such a provision are not clear. The wording suggests that it is a definition or a

legal fiction (“shall be considered as”) but it seems to have no observable consequences. In how far is there a need for a definition of the term “temporary amendment”? This term is not used in the whole regulation, except in paragraphs (5) and (8) of Article 25. Moreover, why does paragraph (8) of Article 25 read “standard amendments *or* temporary amendments”, when temporary amendments are only a subset of standard amendments?

- Two remarks on **Article 36**:
  - With a view to the definition in the second subparagraph of Article 1 paragraph (1), the word “registered” in the first and the third subparagraph should be deleted.
  - In the second subparagraph, the wording suggests that only operators complying with all the provisions set out in Title II of the regulation have to be covered by the verification of compliance of the product specification. The reverse conclusion would be that this does not apply to operators not complying with one or more of those provisions. What is probably meant is that all operators *for whom* the provision set out in Title II *are applicable* have to be covered. This should be clarified linguistically.
- **Article 39** paragraph 3, last sentence: “(...) *carried out annually, covering both wine production and conditioning*”. What does “*conditioning*” mean and how does it relate to the annual verification in accordance with Article 19 of Commission Implementing Regulation (EU) 2019/34<sup>1</sup>?
- While Article 15 paragraph (7) refers only to “Union applications” (*meant: “applications [for registration] at Union stage*”), **Article 58** paragraph (4) is not explicitly restricted to the Union stage but might be read in a way that the Commission is empowered to make such prescriptions for the national level as well. The text should be clarified

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<sup>1</sup> [https://eur-lex.europa.eu/eli/reg\\_impl/2019/34/oj?locale=en](https://eur-lex.europa.eu/eli/reg_impl/2019/34/oj?locale=en)

#### *Article 19*

#### **Annual verification**

1. The annual verification (...) shall consist of:

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

The annual verification shall be conducted in the Member State in which production takes place in accordance with the product specification and (...).

by adding the words “at Union stage” after “applications for registration” in Article 58 paragraph (4).

- The latest improvement in Article 45 paragraph (1) – i.e. the addition of the clause “and depending on the applied system in the Member State” – has to be applied to **Article 73e** paragraph (1) as well.