EUROPEAN
COMMISSION

Brussels, 27.9.2019
COM(2019) 434 final

REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

On the exercise of the power to adopt delegated acts conferred on the Commission pursuant to 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

REGULATION (EU) NO 251/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON AROMATISED WINE PRODUCTS

1.1. Introduction

Regulation (EU) No 251/2014 of the European Parliament and of the Council[1] lays down rules on the definition, description, presentation and labelling of aromatised wine products as well as on the protection of geographical indications of aromatised wine products.

Article 4(2) empowers the Commission to adopt delegated acts concerning the establishment of authorised production processes for obtaining aromatised wine products, taking into account consumers' expectations and the production processes recommended and published by the International Organisation of Vine and Wine (OIV).

Article 28(1) empowers the Commission to adopt delegated acts concerning:

(a) criteria for the demarcation of the geographical area; and
(b) rules, restrictions and derogations related to the production in the demarcated geographical area.

Article 28(2) empowers the Commission to adopt delegated acts establishing the conditions under which product specifications may include additional requirements to those referred to in Article 10(2) (f) in order to ensure product quality and traceability.

Article 28(3) empowers the Commission to adopt delegated acts in order to:

(a) determine the cases in which a single producer may apply for the protection of a geographical indication;
(b) determine the restrictions governing the type of applicant that may apply for the protection of a geographical indication;
(c) establish the conditions to be followed in respect of an application for the protection of a geographical indication, scrutiny by the Commission, the objection procedure, and procedures for amendment and cancellation of geographical indications;
(d) establish the conditions applicable to transborder applications;
(e) set the date of submission of an application or a request;
(f) set the date from which protection shall run;
(g) establish the conditions under which an amendment is to be considered as minor as referred to in Article 24(2);
(h) set the date on which an amendment shall enter into force;
(i) establish the conditions relating to the applications for, and approval of, amendments to the product specification of a geographical indication protected under this Regulation, where

[1] 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

such amendments do not involve any change to the single document referred to in point (d) of Article 10(1).

Article 28(4) empowers the Commission to adopt delegated acts concerning the restrictions regarding the protected name.

Article 32(2) empowers the Commission to adopt delegated acts to lay down:

(a) the nature and type of the information to be notified;
(b) the methods of notification;
(c) the rules related to the access rights to the information or information systems made available;
(d) the conditions and means of publication of the information.

Article 36(1) empowers the Commission, in order to facilitate the transition from the rules provided for in Regulation (EEC) No 1601/91[2] to those established by Regulation (EU) No 251/2014, to adopt, where appropriate, delegated acts concerning the adoption of measures to amend or derogate from Regulation (EU) No 251/2014, which shall remain in force until 28 March 2018.

1.2. Legal Basis

The report is required under Article 33(2). Pursuant to this provision, the power to adopt delegated acts referred to in Articles 4(2), 28, 32(2) and 36(1) shall be conferred on the Commission for a period of five years from 27 March 2014. 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 is 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.

1.3. Exercise of Delegation

The Commission has adopted one delegated act on the basis of Article 4(2): **Commission Delegated Regulation (EU) 2017/670**[3]. This delegated act establishes the authorised production processes for obtaining aromatised wine products, taking into account consumers' expectations and the production processes recommended and published by the OIV.

In line with the common understanding on delegated acts, Member States' experts were consulted in the Expert Group for Agricultural Markets. The Commission adopted Delegated Regulation (EU) 2017/670 on 31 January 2017 and the Regulation was notified to the European Parliament and the Council. Neither the European Parliament nor the Council issued any objection to the Delegated Regulation. After the expiry of the two-month period, the Commission Delegated

[2] Council Regulation (EEC) No 1601/91 of 10 June 1991 laying down general rules on the definition, description and presentation of aromatized wines, aromatized wine- based drinks and aromatized wine-product cocktails, OJ L 149, 14.6.1991, p. 1

[3] Commission Delegated Regulation (EU) 2017/670 of 31 January 2017 supplementing Regulation (EU) No 251/2014 of the European Parliament and of the Council as regards the authorised production processes for obtaining aromatised wine product, OJ L 97, 8.4.2017, p. 5

Regulation (EU) 2017/670 was published in the Official Journal of the European Union L 97 of 8 April 2017 and entered into force on 28 April 2017.

The empowerments of Articles 28, 32(2) and 36(1) have not been used.

The empowerments of Article 28 have not been used, because the Commission considered that the priority was to conclude the procedures for the validation of the existing geographical indications first. Then, in view of the limited number of registrations of geographical indications for aromatised wines under Regulation (EU) No 251/2014, the Commission proposed[4] that geographical indications for aromatised wines should be subject to the same legal framework as other agricultural products and foodstuffs.

The empowerments of Article 32(2) and 36(1) have not been used, since the Commission has not identified any need in this regard.

The Commission does not intend to use the empowerments in the near future, but it cannot be excluded that it will become necessary.

1.4. Conclusions

The Commission has exercised its delegated powers correctly. It cannot be excluded that the empowerments will be needed in future.

The Commission invites the European Parliament and the Council to take note of this Report.

[4] Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL 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, (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union and (EU) No 229/2013 laying down specific measures for agriculture in favour of the smaller Aegean islands, COM/2018/394 final/2