# Commission Implementing Regulation (EU) 2019/1920 of 18 November 2019 conferring protection under Article 99 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council on the name 'Ambt Delden' (PDO)

## COMMISSION IMPLEMENTING REGULATION (EU) 2019/1920

## of 18 November 2019

## conferring protection under Article 99 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council on the name 'Ambt Delden' (PDO)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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[(1)], and in particular Article 99 thereof,

Whereas:

(1) In accordance with Article 97(2) and (3) of Regulation (EU) No 1308/2013, the Commission has examined the application to register the name 'Ambt Delden' as a Protected Designation of Origin (PDO) sent by the Netherlands on 12 February 2016, and has published it in the *Official Journal of the European Union*[(2)].

(2) An objection was received from the Italian Ministry of Agriculture in line with Articles 98 of Regulation (EU) No 1308/2013 and 14 of Commission Regulation (EC) No 607/2009[(3)], on 8 May 2018. The Commission deemed the objection admissible according to Article 15 of Regulation (EC) No 607/2009.

(3) By letter dated 5 July 2018, the Commission forwarded this objection to the Dutch authorities and invited them to submit their related observations within two months, in line with Article 16(1) of Regulation (EC) No 607/2009. The Netherlands sent its observations within the required deadline, on 4 September 2018.

(4) As provided for in Article 16(1) of Regulation (EC) No 607/2009, the Commission communicated the observations from the Dutch authorities by letter of 2 October 2018 to the objector, the Italian Ministry of Agriculture, who was given two months for possible comments. The Commission received no further reaction from the Italian Ministry of Agriculture.

(5) In accordance with Article 16(3) of Regulation (EC) No 607/2009, the Commission should take a decision on the basis of the evidence available to it.

(6) The objector claims that certain vine varieties used for the production of 'Ambt Delden', namely 'Souvignier Gris B', 'Pinotin N', 'Solaris B', 'Regent N' and 'Johanniter B', are obtained from cross-breeding the species Vitis vinifera with other species of the genus Vitis. The objector is of the opinion that this is in clear contradiction with Article 93(1)

(a)(iv) of Regulation (EU) No 1308/2013 which lays down that PDO wines must be produced from vine varieties belonging to Vitis vinifera. It also claims that all Member States, like Italy, can classify their wine grape varieties (both those belonging to the species Vitis vinifera and cross-bred varieties) on the basis of precise scientific evidence and data and that in no case a variety obtained from an interspecies cross could be considered as belonging to the species Vitis vinifera.

(7) The Commission has assessed the arguments provided by the objector and the applicant, and concluded that the name 'Ambt Delden' should be registered as Protected Designation of Origin for the following reasons.

(8) As regards the allegations that the product is not obtained from vine varieties belonging to *Vitis vinifera*, several elements have to be taken into account. Firstly, there is no harmonised classification of vine varieties belonging to *Vitis vinifera* at EU level. In addition, there is no reference list or scientific document available from any official competent body, such as the International Organisation of Vine and Wine (OIV), which currently would allow to clearly categorize *Vitis vinifera* species or a cross between the *Vitis vinifera* species and other species of the genus *Vitis*, or to distinguish between them. Against this background, the issue of scientific definition should primarily be addressed in the preliminary national assessment conducted by the Member States in accordance with Article 96 of Regulation (EU) No 1308/2013. For this, the Netherlands rely on the classification included in the Vitis International Variety Catalogue (VIVC)[(4)], where all five wine grape varieties in question are classified as belonging to *Vitis vinifera*. Secondly, pursuant to Article 16(3) of Regulation (EC) No 607/2009 regarding the scrutiny of an objection, the Commission shall take any decision to reject or register the designation of origin on the basis of the evidence available to it. In the case at hand the objector refers to the German national register of vine varieties kept by the Bundessortenamt (German Federal Plant Variety Office) and to the information in the VIVC which indicates that all five varieties used for the production of 'Ambt Delden' wine were created using a certain degree of crossing between different species of the genus Vitis. Nevertheless, this does not prevent the VIVC website from classifying these five varieties as Vitis vinifera. Lastly, when taking its decisions the Commission has to take into account the principle of non-discrimination. In this regard the Commission notes that currently the wine grape varieties in question are used in production of wines with Protected Designation of Origin in several Member States.

(9) For the above reasons, it is not possible to conclude that the product referred to by the name 'Ambt Delden' is obtained from vine varieties not belonging to Vitis vinifera. The objections made on that ground therefore have to be rejected.

(10) In the light of the above and in accordance with Article 99 of Regulation (EU) No 1308/2013, the Commission considers that the name 'Ambt Delden' should be protected and entered in the register referred to in Article 104 of that Regulation.

(11) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION: