Commission Implementing Regulation (EU) No 670/2011 of 12 July 2011 amending Regulation (EC) No 607/2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products

COMMISSION IMPLEMENTING REGULATION (EU) No 670/2011

of 12 July 2011

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THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 on the common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)[(1)], and in particular points (k), (l) and (m) of the first paragraph of Article 121 and Article 203b, in conjunction with Article 4 thereof,

Whereas:

(1) Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the Member States' notification to the Commission of information and documents in implementation of the common organisation of the markets, the direct payments regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands[(2)] lays down common rules for notifying information and documents by the competent authorities of the Member States to the Commission. Those rules cover in particular the obligation for the Member States to use the information systems made available by the Commission and the validation of the access rights of the authorities or individuals authorised to send notifications. In addition, that Regulation sets common principles applying to the information systems so that they guarantee the authenticity, integrity and legibility over time of the documents and provides for personal data protection.

(2) The Commission has developed, in its own internal working procedures and in its relations with the authorities involved in the management of protected designations of origin, protected geographical indications and traditional terms, in accordance with Section Ia of Chapter I of Title II of Regulation (EC) No 1234/2007, an information system allowing the management by electronic means of the documents and procedures required under Regulation (EC) No 1234/2007 and Commission Regulation (EC) No 607/2009 of 14 July 2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain

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wine sector products[3], both with the competent authorities in Member States and third countries and with the trade organisations and natural or legal persons that have an interest in the framework of this Regulation.

(3) It is considered that this system, in accordance with Regulation (EC) No 792/2009 or by applying *mutatis mutandis* the principles that it sets out, enables certain communications provided for by Regulation (EC) No 607/2009, in particular as regards procedures applicable to the protection of geographical indications, designations of origin and traditional terms, the maintenance of the database of the designations concerned and the registers foreseen for the protection of these designations.

(4) Furthermore, the information systems that have already been put in place operationally by the Commission for communicating information regarding the authorities and bodies responsible for the controls to be carried out under the common agricultural policy allow the specific objectives in this area to be met as regards geographical indications, designations of origin and traditional terms. These systems should be made applicable for the communication of information concerning the authorities responsible for examining applications for the protection of designations at the level of Member States or third countries, as well as for the communication of information concerning the authorities responsible for certifying wines that do not have a protected designation of origin or a protected geographical indication.

(5) In the interests of effective administrative management and taking account of the experience acquired through the use of information systems put in place by the Commission, communications should be simplified and the way in which information is managed and made available should be improved under Regulation (EC) No 607/2009 in accordance with Regulation (EC) No 792/2009. To this end, with a view to giving the competent authorities of the Member States the means of becoming familiar with the legislative, regulatory and administrative provisions, introduced at national level in accordance with Articles 118z(2) and 120a of Regulation (EC) No 1234/2007, and to simplifying and facilitating the controls and the cooperation between Member States, provided for by Commission Regulation (EC) No 555/2008[4], Member States should be asked to communicate to the Commission certain information that is of specific interest for the certification of products, with a view to the Commission's making this information available to the competent authorities and to the public, where this information is useful for the consumer.

(6) Furthermore, it is appropriate, in the interests of clarity and reducing the administrative burden, to determine the content of certain communications provided for by Regulation (EC) No 607/2009 and to simplify the procedures.

(7) The transitional measures adopted in order to facilitate the transition from the provisions of Council Regulations (EC) No 1493/1999[5] and (EC) No 479/2008[6] to those of Regulation (EC) No 1234/2007 present difficulties of interpretation as regards the scope and duration of the applicable procedures. Moreover the scope of the provisions of Article 118s of Regulation (EC) No 1234/2007, taken together with those of Article 118q, as regards the nature of the amendments covered, the reference periods and the duration of the transitional period should be made more precise.

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(8) Regulation (EC) No 607/2009 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 607/2009 is hereby amended as follows:

(1) Article 3 is replaced by the following:

Article 3

Application for protection

An application for the protection of a designation of origin or of a geographical indication shall comprise the documents required in Articles 118c and 118d of Regulation (EC) No 1234/2007, the product specification and the single document.

The application and the single document shall be communicated to the Commission in accordance with Article 70a(1) of this Regulation.;

(2) Article 9 is replaced by the following:

Article 9

Filing of the application

1 The date of submission of an application to the Commission shall be the date on which the application is received by the Commission.

2 The Commission shall confirm receipt of the application to the competent authorities of the Member State or those of the third country or the applicant established in the third country in question and shall attribute a file number to the application.

The confirmation of receipt shall include at least the following:

a the file number;

b the name to be registered;

c the date of receipt of the request.;

(3) Article 11 is replaced by the following:

Article 11

Admissibility of the application

1 An application shall be admissible when the single document is duly completed and the supporting documents are enclosed. The single document shall be considered to be duly completed when all the mandatory fields, as presented in the information systems referred to in Article 70a, have been filled in.

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In this case, the application shall be considered admissible on the date on which it is received by the Commission. The applicant shall be informed.

This date shall be made known to the public.

2 If the application has not been completed or has been partially completed, or if the supporting documents referred to in paragraph 1 have not been submitted at the same time as the application or some are missing, the application shall be inadmissible.

3 Where the application is inadmissible, the competent authorities of the Member State or those of the third country or the applicant established in the third country in question shall be informed of the reasons for its inadmissibility and that they are entitled to submit another application duly completed.;

(4) Article 12(1) is replaced by the following:

1. If an admissible application does not meet the requirements laid down in Articles 118b and 118c of Regulation (EC) No 1234/2007, the Commission shall inform the Member State or authorities of the third country or the applicant established in the third country in question of the grounds for refusal, setting a deadline of at least 2 months for the withdrawal or amendment of the application or for the submission of comments.;

(5) Article 14 is replaced by the following:

Article 14

Submission of objections under Community procedure

1 The objections referred to in Article 118h of Regulation (EC) No 1234/2007 shall be communicated in accordance with Article 70a(1) of this Regulation. The date of submission of an objection to the Commission shall be the date on which the objection is received by the Commission. This date shall be made known to the authorities and persons concerned by the present Regulation.

2 The Commission shall confirm receipt of the objection and assign a file number to the objection.

The confirmation of receipt shall include at least the following:

a the file number;

b the date of receipt of the objection.;

(6) Article 18 is replaced by the following:

Article 18

Register

1 A “register of protected designations of origin and protected geographical indications”, hereinafter “the Register”, is established and kept updated by the Commission in accordance with Article 118n of Regulation (EC) No 1234/2007. It is established in the electronic database “E-Bacchus” on the basis of the decisions granting protection to the designations in question.

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2 A designation of origin or geographical indication that has been accepted shall be recorded in the Register.

In the case of names registered under Article 118s(1) of Regulation (EC) No 1234/2007, the Commission shall enter in the Register the data provided for in paragraph 3 of this Article.

3 The Commission shall enter the following data in the Register:

a the protected designation;

b the file number;

c a record of the fact that the name is protected as either a geographical indication or designation of origin;

d the name of the country or countries of origin;

e the date of registration;

f the reference to the legal instrument protecting the name;

g the reference to the single document.

4 The register shall be made available to the public.;

(7) paragraphs 1, 2 and 3 in Article 20 are replaced by the following:

1. An application for approval of amendments to the product specification submitted by an applicant as referred to in Article 118e of Regulation (EC) No 1234/2007 of a protected designation of origin or geographical indication shall be communicated in accordance with Article 70a(1) of this Regulation.

2 An application for the approval of the amendment of a product specification under Article 118q(1) of Regulation (EC) No 1234/2007 shall be admissible if the information required under Article 118c(2) of that Regulation and the request duly drawn up have been communicated to the Commission.

3 For the purposes of applying the first sentence of Article 118q(2) of Regulation (EC) No 1234/2007, Articles 9 to 18 of this Regulation shall apply *mutatis mutandis*.;

(8) Article 21 is replaced by the following:

Article 21

Submission of a request for cancellation

1 A request for cancellation submitted in accordance with Article 118r of Regulation (EC) No 1234/2007 shall be communicated in accordance with Article 70a(1) of this Regulation. The date of submission of request for cancellation to the Commission shall be the date on which the request is received by the Commission. This date shall be made known to the public.

2 The Commission shall confirm receipt of the request and assign a file number to the request.

The confirmation of receipt shall include at least the following:

a the file number;

b the date of receipt of the request.