



EUROPEAN COMMISSION
 DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT
 Directorate F – Outreach, Research & Geographical Indications
 The Director

Brussels
 AGRI.F.3/

Subject : Request of interpretation of various provisions of Regulation (EU) 2024/1143

Dear Sir,

Thank you for your letter of 2 July 2024 raising a number of questions of interpretation of Regulation (EU) 2024/1143 ⁽¹⁾.

As regards your first question, the Regulation has no transitional provisions concerning national applications. Member States should deal with applications pending at national level in a way to allow compliance of those applications with the provisions of Regulation (EU) 2024/1143 once submitted to the Commission. For example, if the application is submitted to the Commission after 13 May 2024, it will have to comply with the rules of Regulation (EU) 2024/1143 even if the national procedure has followed the rules of Regulation (EU) No 1151/2012. This does not mean that the procedure at national level is invalid and has to be started again, but only that the Member States, before submitting new applications to the Commission, will have to check that they comply in substance with the new rules. This approach applies to all national acts, applications for registration and for Union amendments as well as approval and communications of standard amendments.

Concerning your second question, in principle, applicants that have lawfully undertaken the national part of the procedure for registration or Union amendment in accordance with the previous rules (Regulations (EU) No 1151/2012, No 1308/2013 and 2019/787) but that do not comply with the rules of Regulation (EU) 2024/1143 should not be allowed to accede to the Union stage of the procedure (unless the application was sent on 12 May at the latest to the Commission). However, the

⁽¹⁾ Regulation (EU) 2024/1143 of the European Parliament and of the Council, of 11 April 2024, on geographical indications for wine, spirit drinks and agricultural products, as well as traditional specialities guaranteed and optional quality terms for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2019/787 and (EU) 2019/1753 and repealing Regulation (EU) No 1151/2012.

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assessment of the eligibility of applications in the national part of the procedure is made by the Member States. In the absence of a transitional rule, it is for the Member States to decide how to deal with cases in which a group applying for registration or for Union amendment, eligible under the previous Union legislation on GI, is not eligible under the rules of Regulation (EU) 2024/1143. For the reasons you have explained, we understand that Member States may apply proportionate flexibility.

In any event, those cases should be the exception. The conditions for groups to apply for registration are in practice the same as before. The requirement of being democratically organised may not be considered a big change (normally this requirement is complied with by the large majority of the groups that applied under the previous legislation) and we do not recall examples in the past of applications for amendment from groups that are not the producer group of the product designated by the geographical indication.

On your third question, the definition of field of vision is to be taken from the general regulation on labelling which is Regulation (EU) No 1169/2011 (FIC, food information for consumers). Therefore, 'field of vision' means all the surfaces of a package that can be read from a single viewing point (Article 2(2)(k)). According to Regulation (EU) 2024/1143, the Union symbol shall appear in the same field of vision (i.e. viewing point) as the geographical indication (Article 37(3)). Moreover, the name of the producer (for food and spirit drinks sectors) or of the operator (for the food sector only) and the geographical indication should be visible from a single viewing point at least once. It seems reasonable to conclude that, for the objectives of Regulation (EU) 2024/1143, it is not necessary to always include the name of the producer together with the geographical indication. In order to increase the visibility of producers, it is sufficient to mention such a particular once. The kind of information concerned is not for the protection of the consumer (which is the objective of the FIC Regulation) but to give visibility to the producers.

Concerning your fourth question, please note that in its reply provided by letter dated 7 February 2024 (ref. Ares(2024)924542) the Commission considers that, in accordance with the provisions of Article 13(5) of the Regulation (EU) No. 1169/2011, whenever the name of a spirit drink (i.e. its legal name) or the geographical indication that may replace or supplement it appears on the product's label (in the front and/or in the back), then also the volume and the alcoholic strength need to be indicated. It is not sufficient that these three particulars appear together in the same field of vision only once. The fact that the Spirit Drinks Regulation (EU) 2019/787 specifies explicitly when the common indication is to be made each time by using the term 'always', does not imply that the FIC Regulation should use that term as well where it envisages to provide that the indication of the particulars should always occur in a certain way.

As for your last question, Regulation (EU) 2024/1143 does not contain a definition of producer. There is maximum flexibility as to the criteria to be applied to identify the producer with reference to spirit drinks. Article 37(5) requires the indication of 'the producer', singular. If a product is produced by plenty of producers, as for the case of severance distilleries you referred to, either one only among all the producers may be indicated on the label or the one responsible for the stage of production at which the finished spirit drink acquires its character and essential final characteristics (e.g. the blending). Please note that bottling may not be considered as a production step.

The present opinion is provided based on the facts as set out in your letter and expresses the view of the Commission services and does not commit the European Commission. In the event of a dispute involving European Union law, it is for the Court of Justice of the European Union to provide a definitive interpretation of the applicable European Union law.

Yours faithfully,



DIEGO CANGA FANO