



Rules and procedures for submitting an objection

Objection procedure for European protection

Procedure for submitting an application for registration

The procedure for applying for European protection is as follows:

- The producer or producer organisation submits to the advisory committee an application to register a product (product specification). There is a standard template for this.
- The secretary of the advisory committee supports the application and examines whether the product specification meets the requirements of the EU Regulation.
- The case is then submitted to the Adviescommissie Wijn (Advisory Committee on Wine). If the Advisory Committee approves the application for registration, it is published in the Government Gazette (Staatscourant). After that, the national period of objection starts.
- If no objections are received, the application will be accompanied by a positive opinion from the Advisory Committee. The Advisory Committee forwards the application to the Ministry of Agriculture, Nature and Food Quality (LNV).
- The Ministry then forwards the application to the European Commission (EC) in Brussels.
- The EC examines whether the case meets all the requirements of the Regulation. It will then have the case translated into all EU languages and published in the Official Journal of the EU.
- If the EC has not received any objections 2 months after this publication, it will include the product in the register.
- The producer or producer organisation concerned must join the inspection body set out in the product specification.

Submitting an objection

Legitimate interest

The person submitting an objection must have a legitimate interest in the matter. In practice, this means that the interested party will or may suffer damage if no objection is raised. Therefore, in the application for submitting an objection, you must demonstrate to the Ministry of Economic Affairs and Climate Policy what interest will be impaired if no objection is submitted. You must also demonstrate what the consequences would be.

Parts of the objection

The objection must be sufficiently legally substantiated. In all cases, it must describe the following:

- what economic damage will or may occur if no objection is raised; and
- to what extent the product for which protection is requested has been processed/packaged or marketed under the same name by the objectors, and what economic value this brings.

Objections can be submitted at two stages:

- during the national objection procedure (objection by the interested party); or
- during the European objection procedure (objection by the Member State – in this case, the Netherlands).

Submitting an objection during the national procedure

After the Advisory Committee on Wine has approved the application for registration, it is published in the Staatscourant for the national objection procedure. After that, anyone with a legitimate interest has 2 months to object to this application for registration. You can send an objection by email to [naar info.wijn@rvo.nl](mailto:info.wijn@rvo.nl).

Submission of an objection by a Member State (the Netherlands)

If a specification has been submitted to the European Commission by a Member State other than the Netherlands, an objection to this application for registration can be submitted.

The rules here are as follows:

1. The Ministry only submits an objection if requested to do so by parties with a demonstrable economic interest in doing so.
2. The objection can be submitted within 2 months of the publication of the application for registration. This means that the objection must be with the EC in Brussels by this deadline. The Ministry must have the objection in its possession 1 month earlier. To file an objection like this, you can use the template in Annex I. The objection can be submitted by the Netherlands Enterprise Agency (RVO). You can send it by email to info.wijn@rvo.nl.
3. The Ministry investigates the objection and forwards it to the EC in Brussels.
4. The EC examines whether the objection is admissible. If it is, the EC must, within 2 months of receiving the reasoned objection, ask the Member States (the objecting Member State and the Member State in which the application for registration was submitted) to consult appropriately. The maximum time allowed for this is 3 months. This period may be extended if both parties request.
5. Have the Member States found a solution within the defined consultation period of 3 months (or within an extended period)? Have they reached an agreement or compromise? If so, the EC will be notified.
6. Have the Member States not found a solution within the 3-month consultation period (or extension)? Have they not reached an agreement or compromise? Then the EC will make a decision. The application for registration will then be submitted to the Committee on Wine in Brussels for a vote.

Procedure for amending or cancelling an existing registration

Only the holders of a product specification (the applicants) may submit a request to amend or cancel (withdraw) a product specification.

Amending a product specification

An amendment to a product specification may be minor (at standard level), non-minor (at EU level) or temporary (in special circumstances). In all cases, the system at the European Commission must be used.

Minor amendment (at Member State level)

In the event of a minor amendment (the Member State indicates this, but it is ultimately the EC that decides whether it is actually a minor amendment), the EC must respond within 3 months of receiving the minor amendment. If the EC cannot approve the minor amendment, it must inform the Member State.

Has the EC not responded after 3 months? Then the minor amendment has been approved by the EC and will be published in the Official Journal of the EU.

Non-minor amendment (at EU level)

This amendment application follows the same procedure as a regular application for registration. It starts with submitting the amendment application to the EC. It will then be published in the Official Journal of the EU (C Series) for the purpose of the objection procedure. If no objections are received by the Commission, the amendment application will be recognised through publication in the Official Journal of the European Union (L Series).

Temporary amendment

Temporary amendments may involve temporary measures in the field of sanitary and phytosanitary matters, or formal recognition of natural disasters or adverse weather conditions. You must also describe the reasons why these measures are being taken. In addition, there must be a link between these measures and the approved temporary amendment. As this often concerns urgent matters, the amendment will take effect as soon as the Member State has sent it to the EC. The EC therefore 'tacitly approves' temporary amendments.

Cancellation

The Commission may, on its own initiative or at the request of any natural or legal person with a legitimate interest, cancel the registration of a product. The template under Annex II must be used for this purpose.

A cancellation can be requested, for example, if the conditions of the specification can no longer be met or if no product has been placed on the market under the name registered as a protected designation of origin or a protected geographical indication for at least 7 years.

If you have any questions, you can contact the secretariat of the Advisory Committee on Wine at any time. Send an email to info.wijn@rvo.nl.

ANNEX I

REASONED STATEMENT OF OPPOSITION

[Tick:] PDO PGI

1. PRODUCT NAME

[as stated in the publication in the Official Journal (OJ)]

...

2. OFFICIAL REFERENCE NUMBER

[as stated in the publication in the Official Journal (OJ)]

Reference number: ...

Date of publication in the OJ:

3. NAME OF THE OBJECTOR (person, organisation, Member State or third country)

...

4. CONTACT INFORMATION

Contact person: Title (Mr, Mrs, etc.): ...

Name: ...

Group/organisation/individual: ...

Or national authority:

Service: ...

Address:

Telephone: + ...

Email address: ...

5. LEGITIMATE INTEREST (not required for national authorities)

Please provide a statement explaining the legitimate interest of the objector. National authorities are exempt from this requirement.

6. REASON FOR THE OBJECTION

The application for protection, amendment or cancellation is incompatible with the rules on designation of origin and geographical indication because it would be contrary to Articles 92 to 95 or Article 105 or 106 of Regulation (EU) No 1308/2013 and the provisions adopted pursuant thereto.

The application for protection or amendment is incompatible with the rules on designation of origin and geographical indication because the registration of the proposed name would be contrary to Article 100 or 101 of Regulation (EU) No 1308/2013.

The application for protection or amendment is incompatible with the rules on designation of origin and geographical indication because the registration of the proposed name would affect the rights of a trade mark proprietor or of a user of a completely homonymous name or of a compound name of which one term is identical to the name to be registered, or the existence of partially homonymous names or other names similar to the name to be registered referring to wine sector products that have been legally on the market for at least 5 years before the date of publication referred to in Article 97(3) of Regulation (EU) No 1308/2013.

7. DETAILS OF THE OBJECTION

Please provide substantiated justification, detailed facts, evidence and observations to support the objection. Please provide the necessary documents in the event of an objection raised because a trade mark of repute and renown already exists (Article 8(1) of Implementing Regulation (EU) 2019/34).

8. LIST OF SUPPORTING DOCUMENTS

Please provide a list of the documents sent in support of the objection.

9. DATE AND SIGNATURE

[Name]

[Service/organisation]

[Address]

[Telephone +]

[E-mail address:]

ANNEX II

CANCELLATION REQUEST

[Registered name:] "..."

EU No: [to be completed by the EU]

[Tick:] PGI PDO

1. REGISTERED NAME FOR WHICH CANCELLATION IS PROPOSED

...

2. MEMBER STATE OR THIRD COUNTRY TO WHICH THE DEMARCATED AREA BELONGS

...

3. PERSON OR BODY REQUESTING CANCELLATION

[Name, address, telephone number and email address of the natural persons, legal persons or producers requesting the cancellation (for requests concerning names from third countries, please also provide the name and address of the authorities or certification bodies verifying compliance with the product specification). Please also provide a statement explaining the legitimate interest of the natural or legal person requesting cancellation (this is not required for national authorities with legal personality).]

...

4. GROUNDS FOR CANCELLATION

Compliance with the corresponding product specification is no longer guaranteed (Article 106 of Regulation (EU) No 1308/2013).

Compliance with the corresponding product specification is no longer guaranteed for the specific reason that no product with the protected name has been placed on the market in the last 7 consecutive years (Article 106 of Regulation (EU) No 1308/2013, in conjunction with Article 20 of Delegated Regulation (EU) 2019/33).

5. DETAILS OF THE CANCELLATION REQUEST

[Please provide substantiated reasons justifying the cancellation request, detailed facts, evidence and observations supporting the cancellation. Please provide supporting documentation as necessary.]

6. LIST OF SUPPORTING DOCUMENTATION

[Please provide a list of the documentation sent in support of the cancellation request.]

7. DATE AND SIGNATURE

[Name]

[Service/organisation]

[Address]

[Telephone +]

[E-mail address:]