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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

on the exercise of power to adopt delegated acts pursuant to Article 46(3) of Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008

1. INTRODUCTION

Regulation (EU) 2019/787 of the European Parliament and of the Council¹, of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008, establishes a common legal framework for spirit drinks produced in the Union. In particular, it provides rules on the definition, description, presentation and labelling of spirit drinks and for their control and supervision and it is the basic act for EU schemes on geographical indications in spirit drinks sector.

That Regulation aligns EU legislation on spirit drinks with the Treaty on the Functioning of the European Union (TFEU) as regards the provisions to be adopted by the Commission (delegated and implementing acts).

Besides the alignment with the TFEU, the Regulation improves and updates the framework for the protection of spirit drinks geographical indications that was already regulated under Regulation (EC) No 110/2008 of the European Parliament and of the Council², of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89. It replaces the existing rules on protection and the procedures for registration, amendment and cancellation of geographical indications in the spirit drinks sector, as well as for the register, with new rules and procedures modelled on the more exhaustive and well tested procedures for agricultural products and foodstuffs.

Regulation (EU) 2019/787 empowers the Commission to adopt delegated acts supplementing or amending some of those rules and – for certain among them – imposes on the Commission an obligation to report to the co-legislators on the exercise of the delegated powers it contains.

In particular, in accordance with Article 46(3) of Regulation (EU) 2019/787, the Commission is conferred on the power to adopt delegated acts for a period of five years, starting from 24 May 2019, under:

- a) Article 33(1): to establish a publicly accessible electronic register of geographical indications of spirit drinks recognised under this scheme ('the register');
- b) Article 33(2), fourth subparagraph: to lay down further detailed rules on the form and content of the register of geographical indications of spirit drinks;
- c) Article 41(1)(a): to set out further conditions to be followed, including in cases where a geographical area includes more than one country, in respect of applications for the registration of a geographical indication, as referred to in Articles 23 and 24 of that

¹ OJ L 130, 17.5.2019, p. 1, ELI: <http://data.europa.eu/eli/reg/2019/787/oj>.

² OJ L 39, 13.2.2008, p. 16, ELI: [http://data.europa.eu/eli/reg/2008/110\(1\)/oj](http://data.europa.eu/eli/reg/2008/110(1)/oj).

Regulation;

- d) Article 41(1)(b): to set out further conditions to be followed, including in cases where a geographical area includes more than one country, in respect of preliminary national procedures as referred to in Article 24 of that Regulation, scrutiny by the Commission, the opposition procedure, and the cancellation of geographical indications;
- e) Article 41(2): to establish conditions and requirements for the procedure concerning the Union amendments and standard amendments, including temporary amendments, to product specifications as referred to in Article 31 of that Regulation.

The Commission has the obligation to adopt the delegated act establishing a publicly accessible electronic register (Article 33(1)), by 8 June 2021.

The Commission is required to draw up a report in respect of these delegations of powers not later than nine months before the end of the five-year period. The delegation of power must be 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.

Regulation (EU) 2019/787 entered into force on 24 April 2019. It was generally applicable as of 25 May 2021 but all the provisions concerning the geographical indications, with the exclusion of some provisions concerning the national stage of the registration procedure (Article 24(4) third subparagraph and Article 24(5 to 7)), were applicable as of 8 June 2019.

This report describes the Commission's activity in the period starting from 8 June 2019.

2. EXERCISE OF DELEGATION

The power to adopt delegated acts was exercised to ensure the correct and efficient functioning of Regulation (EU) No 2019/787 and to ensure a smooth transition to the new scheme from Council Regulation (EC) No 110/2008.

The Commission has used that power with restraint, by adopting one regulation, the Commission Delegated Regulation (EU) 2021/1235³ of 12 May 2021 supplementing Regulation (EU) 2019/787 of the European Parliament and of the Council with rules concerning applications for registration of geographical indications of spirit drinks, amendments to product specifications, cancellation of the registration and the register.

Commission Delegated Regulation (EU) No 2021/1235 provides for specific rules on additional requirements for the single document (Article 2, Delegated power Article 41(1)(a) of Regulation (EU) 2019/787), Member State's application dossier (Article 3, Delegated power Article 41(1)(a) of Regulation (EU) 2019/787), admissibility of the application (Article 4, Delegated power Article 41(1)(b) of Regulation (EU) 2019/787), national transitional period (Article 5, Delegated power Article 41(1)(b) of Regulation (EU)

³ OJ L 270, 29.7.2021, p. 1, ELI: http://data.europa.eu/eli/reg_del/2021/1235/oj.

2019/787), applications for Union amendments to product specifications (Article 6, Delegated power Article 41(2) of Regulation (EU) 2019/787), admissibility of applications for approval of Union amendments (Article 7, Delegated power Article 41(2) of Regulation (EU) 2019/787), standard amendments to product specifications (Article 8, Delegated power Article 41(2) of Regulation (EU) 2019/787), relationship between Union and standard amendments (Article 9, Delegated power Article 41(2) of Regulation (EU) 2019/787), temporary amendments to product specifications (Article 10, Delegated power Article 41(2) of Regulation (EU) 2019/787), cancellation procedure (Article 11, Delegated power Article 41(1)(b) of Regulation (EU) 2019/787), admissibility of cancellation requests (Article 12, Delegated power Article 41(1)(b) of Regulation (EU) 2019/787), and register (Article 13, Delegated power Article 33(1) and (2) of Regulation (EU) 2019/787).

During the preparation of the acts, experts designated by each Member State were consulted in the Expert Group for spirit drinks. The Commission ensured a simultaneous, timely and appropriate transmission of the relevant documents to the European Parliament and to the Council.

The Commission adopted Commission Delegated Regulation (EU) 2021/1235 on 12 May 2021, respecting the deadline for the establishment of the Register of geographical indication in the spirit drinks sectors set out in Article 33(1). The adopted Delegated Regulation was then notified to the European Parliament and the Council to allow these Institutions to express objection within two months from the notification of the act.

Neither the European Parliament nor the Council issued any objection to the Delegated Regulation. After the expiry of the period, the Commission Delegated Regulation (EU) 2021/1235 was published in the Official Journal of the European Union L 270 of 29 July 2021 and entered into force on 1st of August 2021.

3. CURRENT SITUATION

The above-mentioned Delegated Regulation has satisfactorily reached the objective of supplementing and amending Regulation (EU) 2019/787 with rules necessary for its proper and efficient functioning.

No request has been received from Member States as to delegated powers possibly be additionally conferred to the Commission or substracted. There were no expectations raised for a change of the balance of powers set out in Regulation (EU) 2019/787. Likewise, no request for amendment of the two Delegated Regulations has been received during the period.

The process of progressive harmonization of the EU procedural and protection rules concerning the geographical indications in the agricultural sectors, of which Regulation (EU) 2019/787 was a first step, was then completed with the adoption of Regulation (EU) 2024/1143 of the European Parliament and of the Council⁴, of 11 April 2024, on geographical indications for wine, spirit drinks and agricultural products, as well as

⁴ OJ L 2024/1143, 23.4.2024, ELI: <http://data.europa.eu/eli/reg/2024/1143/oj>.

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. Regulation (EU) 2024/1143 establishes a single Union framework for geographical indications in all the agricultural sectors, i.e. for wine, spirit drinks and agricultural products, setting out a single set of protection and procedural rules applicable to the three sectors. It amended Regulation (EU) 2019/787 to the extent that the provisions on protection, procedures (for registration, amendments and cancellation of a geographical indication) and the register of the geographical indications of spirit drinks are now provided for only in Regulation (EU) 2024/1143.

Regulation (EU) 2024/1143 repealed Article 33(1) and (2) of Regulation (EU) 2019/787.

It did not repeal Article 41 of Regulation (EU) 2019/787 because this legal basis was necessary to repeal Commission Delegated Regulation (EU) No 2021/1235 in view of the adoption of a new Commission Delegated Regulation supplementing Regulation (EU) 2024/1143 generally applying to the three agricultural sectors.

Therefore, on 30 October 2024, two Commission Delegated Regulations were adopted: Commission Delegated Regulation (EU) 2025/27⁵, of 30 October 2024 supplementing Regulation (EU) 2024/1143 of the European Parliament and of the Council with rules concerning the registration and the protection of geographical indications, traditional specialities guaranteed and optional quality terms and repealing Delegated Regulation (EU) No 664/2014 and Commission Delegated Regulation (EU) 2025/29⁶, of 30 October 2024 repealing Delegated Regulation (EU) 2021/1235 supplementing Regulation (EU) 2019/787 of the European Parliament and of the Council with rules concerning applications for registration of geographical indications of spirit drinks, amendments to product specifications, cancellation of the registration and the register.

Provisions on the procedures for registration, amendment and cancellation of the geographical indications in the spirit drinks sector, which were in Commission Delegated Regulation (EU) 2021/1235 have been repealed and replaced by the corresponding provisions of Commission Delegated Regulation (EU) 2025/27. Provisions on the Register of the geographical indication in spirit drinks sector, which were in Commission Delegated Regulation (EU) 2021/1235 have been repealed and replaced by the corresponding provisions of Commission Implementing Regulation (EU) 2025/26⁷ of 30 October 2024 laying down rules for the application of Regulation (EU) 2024/1143 of the European Parliament and of the Council as regards registrations, amendments, cancellations, enforcement of the protection, labelling and communication in respect of geographical indications and traditional specialities guaranteed, and amending Implementing Regulation (EU) 2019/34 as regards geographical indications in the wine sector, and repealing Implementing Regulations (EU) No 668/2014 and (EU) 2021/1236.

⁵ OJ L 2025/27, 15.1.2025, ELI: http://data.europa.eu/eli/reg_del/2025/27/oj.

⁶ OJ L 2025/29, 15.1.2025, ELI: http://data.europa.eu/eli/reg_del/2025/29/oj.

⁷ OJ L 2025/26, 15.1.2025, ELI: http://data.europa.eu/eli/reg_impl/2025/26/oj.

In conclusion, Articles 31 of Regulation (EU) 2019/787 has been repealed. Article 41 of Regulation (EU) 2019/787 is to be considered as obsolete as containing empowerments that will no longer be used because replaced by the corresponding empowerments in Regulation (EU) 2024/1143. Commission Delegated Regulation (EU) No 2021/1235, which was the only delegated act adopted on the basis of the empowerments provided for in Article 46(3), was repealed.

In the light of the above, no further use of the empowerment under Articles 46(3) of Regulation (EU) 2019/787 empowering the Commission to adopt delegated acts may be envisaged by the Commission.

For these reasons, the Commission does not request any extension of the delegation of powers.

4. CONCLUSION

In the period covered by this report, the Commission exercised the delegated powers conferred upon it by Articles 33(1), 33(2), 41(1)(a), 41(1)(b) and 41(2) of Regulation (EU) 2019/787. Commission Delegated Regulation (EU) No 2021/1235 was adopted on the basis of these empowerments, which has since been repealed by Commission Delegated Regulation (EU) 2025/29. Article 33 of Regulation (EU) 2019/787 has been repealed. Article 41 is to be considered as obsolete. The Commission does not request any extension of the delegation of such powers and invites the European Parliament and the Council to take note of this report.