

When the interested parties reach an agreement, the authorities of the Member State or of the third country from which the application was submitted shall notify the Commission of all the factors which enabled that agreement to be reached, including the opinions of the applicant and of the authorities of a Member State or of a third country, or of other natural and legal persons having submitted an opposition.

Irrespective of whether an agreement has been reached or not, the notification to the Commission shall be made within one month from the end of the consultations.

At any time during those three months, the Commission may, at the request of the applicant extend the deadline for the consultations by a maximum of three months.

4. Where, following the appropriate consultations referred to in paragraph 3 of this Article, the details published in accordance with Article 26(2) have been substantially amended, the Commission shall repeat the scrutiny referred to in Article 26.

5. The notice of opposition, the reasoned statement of opposition and the related documents which are sent to the Commission in accordance with paragraphs 1 to 4 shall be in one of the official languages of the Union.

#### Article 28

##### **Grounds for opposition**

1. A reasoned statement of opposition as referred to in Article 27(2) shall be admissible only if it is received by the Commission within the time limit set out in that Article and if it shows that:

- (a) the proposed geographical indication does not comply with the definition in point (4) of Article 3 or with the requirements referred to in Article 22;
- (b) the registration of the proposed geographical indication would be contrary to Article 34 or 35;
- (c) the registration of the proposed geographical indication would jeopardise the existence of an entirely or partly identical name or of a trade mark or the existence of products which have been legally on the market for at least five years preceding the date of the publication provided for in Article 26(2); or
- (d) the requirements referred to in Articles 31 and 32 are not complied with.

2. The grounds for opposition shall be assessed in relation to the territory of the Union.

#### Article 29

##### **Transitional periods for use of geographical indications**

1. The Commission may adopt implementing acts granting a transitional period of up to five years to enable spirit drinks originating in a Member State or a third country, and the name of which contravenes Article 21(2), to continue to use the designation under which they were marketed on condition that an admissible statement of opposition under Article 24(6) or Article 27 shows that the registration of the name would jeopardise the existence of:

- (a) an entirely identical name or of a compound name, one term of which is identical to the name to be registered; or
- (b) other names similar to the name to be registered which refer to spirit drinks which have been legally on the market for at least five years preceding the date of the publication provided for in Article 26(2).

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 47(2).

2. Without prejudice to Article 36, the Commission may adopt implementing acts extending the transitional period granted under paragraph 1 up to 15 years, or allowing continued use for up to 15 years in duly justified cases, provided it is shown that:

- (a) the designation referred to in paragraph 1 has been in legal use consistently and fairly for at least 25 years before the application for protection was submitted to the Commission;

- (b) the purpose of using the designation referred to in paragraph 1 has not, at any time, been to profit from the reputation of the registered geographical indication; and
- (c) the consumer has not been nor could have been misled as to the true origin of the product.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 47(2).

3. When using a designation referred to in paragraphs 1 and 2, the indication of the country of origin shall clearly and visibly appear on the labelling.

#### Article 30

##### Decision on registration

1. Where, on the basis of the information available to the Commission from the scrutiny carried out pursuant to the first subparagraph of Article 26(1), the Commission considers that the conditions for the registration of a proposed geographical indication are not fulfilled, it shall inform the Member State or third country applicant concerned of the reasons for rejection and shall give it two months to submit observations. If the Commission receives no observations or if, despite the observations received, it still considers that the conditions for registration are not fulfilled it shall, by means of implementing acts, reject the application unless the application is withdrawn. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 47(2).
2. If the Commission receives no notice of opposition or no admissible reasoned statement of opposition under Article 27, it shall adopt implementing acts, without applying the procedure referred to in Article 47(2), to register the name.
3. If the Commission receives an admissible reasoned statement of opposition, it shall, following the appropriate consultations referred to in Article 27(3), and taking into account the results thereof, either:
  - (a) if an agreement has been reached, register the name by means of implementing acts adopted without applying the procedure referred to in Article 47(2), and, if necessary, amend the information published pursuant to Article 26(2) provided such amendments are not substantial; or
  - (b) if an agreement has not been reached, adopt implementing acts deciding on the registration. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 47(2).
4. Acts of registration and decisions on rejection shall be published in the *Official Journal of the European Union*.

The act of registration shall grant the protection referred to in Article 21 to the geographical indication.

#### Article 31

##### Amendment to a product specification

1. Any group having a legitimate interest may apply for approval of an amendment to a product specification.

Applications shall describe and give reasons for the amendments requested.

2. Amendments to a product specification shall be classified into two categories as regards their importance:

- (a) Union amendments requiring an opposition procedure at Union level;
- (b) standard amendments to be dealt with at Member State or third country level.

3. An amendment shall be considered a Union amendment if it:

- (a) includes a change in the name or any part of the name of the geographical indication registered under this Regulation;
- (b) consists of a change of the legal name or the category of the spirit drink;