

- (c) risks voiding the given quality, reputation or other characteristic of the spirit drink that is essentially attributable to its geographical origin; or
- (d) entails further restrictions on the marketing of the product.

Any other amendments shall be considered standard amendments.

A standard amendment shall also be considered a temporary amendment when it concerns a temporary change in the product specification resulting from the imposition of obligatory sanitary and phytosanitary measures by the public authorities or is linked to natural disasters or adverse weather conditions formally recognised by the competent authorities.

- 4. Union amendments shall be approved by the Commission. The approval procedure shall follow, *mutatis mutandis*, the procedure laid down in Article 24 and Articles 26 to 30. Applications for Union amendments submitted by a third country or by third country producers shall contain proof that the requested amendment complies with the laws applicable in that third country to the protection of geographical indications.
- 5. Standard amendments shall be approved by the Member State in whose territory the geographical area of the product concerned is located. As regards third countries, amendments shall be approved in accordance with the law applicable in the third country concerned.
- 6. The scrutiny of the application for amendment shall only address the proposed amendment.

Article 32

Cancellation

- 1. The Commission may, on its own initiative or at the request of any natural or legal person having a legitimate interest, adopt implementing acts to cancel the registration of a geographical indication in either of the following cases:
 - (a) where compliance with the requirements for the product specification can no longer be ensured;
 - (b) where no product has been placed on the market under the geographical indication for at least seven consecutive years.

Articles 24, 26, 27, 28 and 30 shall apply *mutatis mutandis* to the cancellation procedure.

- 2. Notwithstanding paragraph 1, the Commission may, at the request of the producers of the spirit drink marketed under the registered geographical indication, adopt implementing acts cancelling the corresponding registration.
- 3. In the cases referred to in paragraphs 1 and 2, before adopting the implementing act, the Commission shall consult the authorities of the Member State, the authorities of the third country or, where possible, the third country producer which had originally applied for the registration of the geographical indication concerned, unless the cancellation is directly requested by those original applicants.
- 4. The implementing acts referred to in this Article shall be adopted in accordance with the examination procedure referred to in Article 47(2).

Article 33

Register of geographical indications of spirit drinks

- 1. The Commission shall adopt, by 8 June 2021, delegated acts in accordance with Article 46 supplementing this Regulation by establishing a publicly accessible electronic register, which is kept up to date, of geographical indications of spirit drinks recognised under this scheme ('the register').
- 2. The name of a geographical indication shall be registered in its original script. Where the original script is not in Latin characters, a transcription or transliteration in Latin characters shall be registered together with the name in its original script.

For geographical indications registered under this Chapter, the register shall provide direct access to the single documents and shall also contain the publication reference of the product specification.

For geographical indications registered before 8 June 2019, the register shall provide direct access to the main specifications of the technical file as set out in Article 17(4) of Regulation (EC) No 110/2008.

The Commission shall adopt delegated acts in accordance with Article 46 supplementing this paragraph by laying down further detailed rules on the form and content of the register.

3. Geographical indications of spirit drinks produced in third countries that are protected in the Union pursuant to an international agreement to which the Union is a contracting party may be entered in the register as geographical indications.

Article 34

Homonymous geographical indications

1. If a name for which an application is submitted is a whole or partial homonym of a name already registered under this Regulation, the name shall be registered with due regard to local and traditional usage and any risk of confusion.
2. A homonymous name which misleads the consumer into believing that products come from another territory shall not be registered even if the name is accurate as far as the actual territory, region or place of origin of those products is concerned.
3. The use of a registered homonymous geographical indication shall be subject to there being a sufficient distinction in practice between the homonym registered subsequently and the name already in the register, having regard to the need to treat the producers concerned in an equitable manner and not to mislead the consumer.
4. The protection of geographical indications of spirit drinks referred to in Article 21 of this Regulation shall be without prejudice to the protected geographical indications and designations of origin of products under Regulations (EU) No 1308/2013 and (EU) No 251/2014.

Article 35

Specific grounds for refusal of protection

1. A generic name shall not be protected as a geographical indication.

To establish whether or not a name has become a generic name, account shall be taken of all relevant factors, in particular:

- (a) the existing situation in the Union, in particular in areas of consumption;
- (b) the relevant Union or national legislation.

2. A name shall not be protected as a geographical indication where, in the light of a trade mark's reputation and renown, protection could mislead the consumer as to the true identity of the spirit drink.
3. A name shall only be protected as a geographical indication if the production steps which give the spirit drink the quality, reputation or other characteristic that is essentially attributable to its geographical origin, take place in the relevant geographical area.

Article 36

Relationship between trade marks and geographical indications

1. The registration of a trade mark the use of which corresponds or would correspond to one or more of the situations referred to in Article 21(2) shall be refused or invalidated.