



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate F – Outreach, Research & Geographical Indications
The Director

Brussels
AGRI.F.3/

Subject: Query relating to national opposition procedure

Dear Madam,

We refer to your email of 24 September 2024 (Ares(2024)6779147) relating to national opposition procedures.

Article 10(4) of Regulation (EU) 2024/1143 sets out the obligation for Member States to carry out national opposition procedures ensuring reasonable deadlines. Article 10(5) of the same Regulation obliges Member State to establish the modalities of the national opposition procedure without specifying a mandatory content for those modalities. Both these provisions will apply from 1 January 2025.

In the meantime, in accordance with Article 49(3) first subparagraph of Regulation (EU) No 1151/2012 (which is still applicable in accordance with Article 91, point (c), of Regulation (EU) 2024/1143), Member States have in any event the obligation to carry out national opposition procedures in relation to applications for registration or amendment of geographical indications in the agricultural products sector. The obligation to examine the admissibility of the national oppositions in the light of the criteria established for the oppositions at EU level (set out in Article 49(3) second subparagraph of Regulation (EU) No 1151/2012) is no longer into force.

Therefore, at present an obligation to carry out national opposition procedures exists, but there is no obligation to apply or establish any admissibility criteria.

Although Member States are not obliged to establish and apply admissibility criteria until the end of 2024, they are not prevented from doing so. The normal management of the national opposition procedure would logically require the application of admissibility criteria. It would be, therefore, logical that Member States apply their own national criteria until the entry into force of the provisions under Article 10(4) and (5) of Regulation (EU) 2024/1143.

Furthermore, the regulatory context will not change after 1 January 2025. Under Article 10(4), Member States will have the obligation to carry out an opposition procedure and

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establish its modalities. However, the inclusion of admissibility criteria as part of such modalities will not be obligatory.

The above information is based solely on the facts set out in your email of 24 September 2024, expresses the view of the Commission services and does not commit the European Commission. In the event of a dispute involving Union law it is, under the Treaty on the Functioning of the European Union, ultimately for the Court of Justice of the European Union to provide a definitive interpretation of the applicable Union law.

Yours sincerely,



Diego CANGA FANO