

This document is meant purely as a documentation tool and the institutions do not assume any liability for its contents

► **B**

**COMMISSION REGULATION (EC) No 607/2009**

**of 14 July 2009**

**laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products**

(OJ L 193, 24.7.2009, p. 60)

Amended by:

		Official Journal		
		No	page	date
► <b><u>M1</u></b>	Commission Regulation (EU) No 401/2010 of 7 May 2010	L 117	13	11.5.2010
► <b><u>M2</u></b>	Commission Regulation (EU) No 538/2011 of 1 June 2011	L 147	6	2.6.2011
► <b><u>M3</u></b>	Commission Implementing Regulation (EU) No 670/2011 of 12 July 2011	L 183	6	13.7.2011
► <b><u>M4</u></b>	Commission Implementing Regulation (EU) No 428/2012 of 22 May 2012	L 132	10	23.5.2012

Corrected by:

► **C1** Corrigendum, OJ L 248, 22.9.2010, p. 67 (401/2010)



**COMMISSION REGULATION (EC) No 607/2009**  
**of 14 July 2009**

**laying down certain detailed rules for the implementation of  
Council Regulation (EC) No 479/2008 as regards protected  
designations of origin and geographical indications, traditional  
terms, labelling and presentation of certain wine sector products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 479/2008 of 29 April 2008 on the common organisation of the market in wine, amending Regulations (EC) No 1493/1999, (EC) No 1782/2003, (EC) No 1290/2005, (EC) No 3/2008 and repealing Regulations (EEC) No 2392/86 and (EC) No 1493/1999 <sup>(1)</sup>, and in particular Articles 52, 56, 63 and 126(a) thereof,

Whereas:

- (1) Chapter IV of Title III of Regulation (EC) No 479/2008 lays down the general rules for protecting the designations of origin and geographical indications of certain wine sector products.
- (2) To ensure that Community-registered designations of origin and geographical indications meet the conditions laid down in Regulation (EC) No 479/2008, applications should be examined by the national authorities of the Member State concerned, in the context of a preliminary national objection procedure. Subsequent checks should be carried out to ensure that applications meet the conditions laid down by this Regulation, that the approach is uniform across the Member States and that registrations of designations of origin and geographical indications do not harm third parties. Consequently, the detailed implementing rules on application, examination, objection and cancellation procedures for the designations of origin and geographical indications of certain wine sector products should be established.
- (3) The conditions in which a natural or legal person may apply for registration should be defined. Particular attention should be paid to defining the area concerned, taking into account the production zone and the characteristics of the product. Any producer established in the demarcated geographical area should be able to use the registered name provided the conditions laid down in the product specification are met. The demarcation of the area should be detailed, precise and unambiguous so that producers, the competent authorities and the control bodies can ascertain whether operations are being carried out within the demarcated geographical area.

<sup>(1)</sup> OJ L 148, 6.6.2008, p. 1.

**▼B**

- (4) Specific rules should be established concerning the registration of designations of origin and geographical indications.
- (5) The fact of restricting the packaging of a wine sector product with a designation of origin or a geographical indication, or operations connected with the presentation of the product, to a defined geographical area constitutes a restriction on the free movement of goods and freedom to provide services. In the light of the case-law of the Court of Justice, such restrictions may be imposed only if they are necessary, proportionate and suitable to protecting the reputation of the designation of origin or geographical indication. Any restriction should be duly justified from the point of view of the free movement of goods and the freedom to provide services.
- (6) Provisions should be made concerning the condition relating to the production in the demarcated area. Indeed, a limited number of derogations exists in the Community.
- (7) The details bearing out the link with the characteristics of the geographical area and their influence on the final product should also be defined.
- (8) Entry in a Community register of designations of origin and geographical indications should also provide those involved in the trade and consumers with information. In order to ensure that it is accessible to all, it should be available electronically.
- (9) In order to preserve the particular character of wines with protected designations of origin and geographical indications and to approximate the legislation of the Member States with a view to establishing a level playing field for competition within the Community, a Community legal framework governing checks on such wines, with which the specific provisions adopted by the Member States must comply, should be laid down. Such checks should make it possible to improve the traceability of the products in question and to specify the aspects which checks must cover. In order to prevent distortions of competition, checks should be carried out on an ongoing basis by independent bodies.
- (10) In order to ensure that Regulation (EC) No 479/2008 is implemented in a consistent manner, models should be drawn up for applications, objections, amendments and cancellations.
- (11) Chapter V of Title III of Regulation (EC) No 479/2008 lays down the general rules regarding the use of protected traditional terms in connection with certain wine sector products.

**▼B**

- (12) The use, regulation and protection of certain terms (other than designations of origin and geographical indications) to describe wine sector products is a long-established practice in the Community. Such traditional terms evoke in the minds of consumers a production or ageing method or a quality, colour or type of place or a particular event linked to the history of the wine. So as to ensure fair competition and avoid misleading consumers, a common framework should be laid down regarding the definition, the recognition, protection and use of such traditional terms.
- (13) The use of traditional terms on third countries' products is allowed provided they fulfil the same or equivalent conditions to those required from Member States in order to ensure that consumers are not misled. Furthermore, given that several third countries do not have the same level of centralised rules as the community legal system, some requirements for 'representative professional organisations' of third countries should be laid down to ensure the same guarantees as those provided for in the Community rules.
- (14) Chapter VI of Title III of Regulation (EC) No 479/2008 lays down the general rules for the labelling and presentation of certain wine sector products.
- (15) Certain rules on the labelling of foodstuffs are laid down in First Council Directive 89/104/EEC <sup>(1)</sup>, Council Directive 89/396/EEC of 14 June 1989 on indications or marks identifying the lot to which a foodstuff belongs <sup>(2)</sup>, Directive 2000/13/EC of the European Parliament and of the Council <sup>(3)</sup> and Directive 2007/45/EC of the European Parliament and of the Council of 5 September 2007 laying down rules on nominal quantities for prepacked products <sup>(4)</sup>. Those rules also apply to wine sector products, except where expressly excluded by the Directives concerned.
- (16) Regulation (EC) No 479/2008 harmonises the labelling for all wine sector products and allows the use of terms other than those expressly covered by Community legislation, provided that they are accurate.
- (17) Regulation (EC) No 479/2008 provides for conditions to be laid down for the use of certain terms referring, among others, to the provenance, bottler, producer, importer, etc. For some of these terms, Community rules are necessary for the smooth functioning of the internal market. Such rules should, in general, be based on existing provisions. For other terms, the Member States should lay down the rules for wine produced in their territory — which should be compatible with Community law — so as to allow for those rules to be adopted as close as possible to the producer. The transparency of such rules should nevertheless be assured.

<sup>(1)</sup> OJ L 40, 11.2.1989, p. 1.

<sup>(2)</sup> OJ L 186, 30.6.1989, p. 21.

<sup>(3)</sup> OJ L 109, 6.5.2000, p. 29.

<sup>(4)</sup> OJ L 247, 21.9.2007, p. 17.

**▼B**

- (18) To assist consumers, certain mandatory information should be grouped in a single visual field on the container, tolerance limits should be set for the indication of the actual alcoholic strength and account should be taken of the specific character of the products concerned.
- (19) The existing rules on the use of indications or marks on labelling identifying the lot to which a foodstuff belongs have proved useful and should therefore be retained.
- (20) Terms referring to the organic production of grapes are governed solely by Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products <sup>(1)</sup> and apply to all wine sector products.
- (21) The use of lead-based capsules to cover the closing devices of containers holding products covered by Regulation (EC) No 479/2008 should continue to be banned, in order to avoid any risk, firstly, of contamination, in particular by accidental contact with such capsules and, secondly, of environmental pollution from waste containing lead from such capsules.
- (22) In the interests of product traceability and transparency, new rules on 'indication of provenance' should be introduced.
- (23) The use of indications relating to wine grape varieties and vintage year for wines without designation of origin and geographical indications require specific implementing rules.
- (24) The use of certain types of bottle for certain products is a long-established practice in the Community and third countries. Such bottles can evoke certain characteristics or a certain origin of products in the minds of consumers due to their long-established use. Such bottles types should therefore be reserved for the wines in question.
- (25) The rules for labelling third-country wine sector products circulating on the Community market should also be harmonised as far as possible with the approach laid down for Community wine sector products in order to avoid misleading consumers and unfair competition for producers. However, consideration should be given to the differences in production conditions, winemaking traditions and legislation in third countries.

<sup>(1)</sup> OJ L 189, 20.7.2007, p. 1.

**▼B**

- (26) In view of the differences between products covered by this Regulation and their markets, and the expectations of consumers, the rules should be differentiated according to the products concerned, in particular as far as certain optional particulars used for wines without protected designation of origin and geographical indication which nevertheless bear wine grapes varieties' names and vintage years if they conform with a certification accreditation (so-called 'varietal wines'). Therefore, in order to distinguish, within the category of wines without PDO/PGI, those which fall under the sub-category 'varietal wines' from those which do not benefit from this openness, specific rules on the use of optional particulars, should be established on one hand for wines with protected designations of origin and geographical indications, and on the other hand for wines without protected designation of origin and geographical indication, bearing in mind that also covers 'varietal wines'.
- (27) Measures to ease the transition from the previous wine sector legislation to this Regulation (notably Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine <sup>(1)</sup>) should be adopted, so as to avoid unnecessary burdens on operators. In order to allow economic operators established in the Community and in third countries to comply with the labelling requirements, a transitional adaptation period should be granted. Therefore, provisions should be enacted to ensure that products labelled in accordance with the existing rules may continue to be marketed during a transitional period.
- (28) Due to administrative burdens, certain Member States are not able to introduce the laws, regulation, or administrative provisions necessary to comply with Article 38 of Regulation (EC) No 479/2008 by 1 August 2009. In order to ensure that economic operators and competent authorities are not prejudiced by this deadline, a transitional period should be granted and transitional provisions should be established.
- (29) The provisions of this Regulation should be without prejudice to any specific rules negotiated under agreements with third countries concluded under the procedure provided for in Article 133 of the Treaty.
- (30) The new detailed rules for the implementation of Chapters IV, V and VI of Title III of Regulation (EC) No 479/2008 should replace the existing legislation, implementing Regulation (EC) No 1493/1999, Commission Regulation (EC) No 1607/2000 of 24 July 2000 laying down detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine in particular the Title relating to quality wine produced in specified regions <sup>(2)</sup> and Commission Regulation (EC) No 753/2002 of 29 April 2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products <sup>(3)</sup> should therefore be repealed.

<sup>(1)</sup> OJ L 179, 14.7.1999, p. 1.

<sup>(2)</sup> OJ L 185, 25.7.2000, p. 17.

<sup>(3)</sup> OJ L 118, 4.5.2002, p. 1.

**▼B**

- (31) Article 128 of Regulation (EC) No 479/2008 repeals the existing Council legislation in the wine sector, including that dealing with aspects covered by this Regulation. In order to avoid any trade difficulties, to allow a smooth transition for the economic operators and a reasonable period for Member States to adopt a number of implementing measures, transitional periods need to be established.
- (32) The detailed rules provided for in this Regulation should apply as from the same date as that on which Chapters IV, V and VI of Title III of Regulation (EC) No 479/2008 apply.
- (33) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

CHAPTER I  
**INTRODUCTORY PROVISIONS**

*Article 1*

**Subject matter**

This Regulation lays down detailed rules for the implementation of Title III of Regulation (EC) No 479/2008 as regards in particular:

- (a) the provisions contained in Chapter IV of that Title which relate to protected designations of origin and geographical indications of the products referred to in Article 33(1) of Regulation (EC) No 479/2008;
- (b) the provisions contained in Chapter V of that Title which relate to the traditional terms of the products referred to in Article 33(1) of Regulation (EC) No 479/2008;
- (c) the provisions contained in Chapter VI of that Title which relate to the labelling and presentation of certain wine sector products.

CHAPTER II  
**PROTECTED DESIGNATIONS OF ORIGIN AND GEOGRAPHICAL INDICATIONS**

*SECTION 1*

***Application for protection***

*Article 2*

**Applicant**

1. A single producer may be an applicant within the meaning of Article 37(1) of Regulation (EC) No 479/2008 if it is shown that:

- (a) the person in question is the only producer in the demarcated geographical area; and

**▼B**

(b) where the relevant demarcated geographical area is surrounded by areas with designations of origin or geographical indications, this relevant area possesses features which are substantially different from those of the surrounding demarcated areas or characteristics of the product differ from those of the products obtained in the surrounding demarcated areas.

2. A Member State or third country, or the respective authorities thereof shall not be an applicant within the meaning of Article 37 of Regulation (EC) No 479/2008.

**▼M3***Article 3***Application for protection**

An application for the protection of a designation of origin or of a geographical indication shall comprise the documents required in Articles 118c and 118d of Regulation (EC) No 1234/2007, the product specification and the single document.

The application and the single document shall be communicated to the Commission in accordance with Article 70a(1) of this Regulation.

**▼B***Article 4***Name**

1. The name to be protected shall be registered only in the language(s) used to describe the product in question in the demarcated geographical area.

2. The name shall be registered with its original spelling(s).

*Article 5***Demarcation of the geographical area**

The area shall be demarcated in a detailed, precise and unambiguous manner.

*Article 6***Production in the demarcated geographical area**

1. For the purpose of application of Article 34(1)(a)(iii) and (b)(iii) of Regulation (EC) No 479/2008 and of this Article 'production' covers all the operations involved, from the harvesting of the grapes to the completion of the wine-making process, with the exception of any post-production processes.

2. For products with a protected geographical indication, the portion of grapes, of up to 15 %, which may originate outside the demarcated geographical area as provided for in Article 34(1)(b)(ii) of Regulation (EC) No 479/2008, shall come from the Member State or third country concerned in which the demarcated area lies.

3. By way of derogation from Article 34(1)(a)(ii) of Regulation (EC) No 479/2008, Annex III, Part B, paragraph 3 of Commission Regulation (EC) No 606/2009 <sup>(1)</sup> on wine-making practices and restrictions applies.

<sup>(1)</sup> See page 1 of this Official Journal.



**▼B**

4. By way of derogation from Article 34(1)(a)(iii) and (1)(b)(iii) of Regulation (EC) No 479/2008, and on condition that the product specification so provides, a product with a protected designation of origin or geographical indication may be made into wine either:

- (a) in an area in the immediate proximity of the demarcated area concerned; or
- (b) in an area located within the same administrative unit or within a neighbouring administrative unit, in conformity with national rules; or
- (c) in the case of a trans-border designation of origin or geographical indication, or where an agreement on control measures exists between two or more Member States or between one or more Member State(s) and one or more third country(-ies), a product with a protected designation of origin or geographical indication may be made into wine in an area situated in the immediate proximity of the demarcated area in question.

By way of derogation from Article 34(1)(b)(iii) of Regulation (EC) No 479/2008, and on condition that the product specification so provides, wines with a protected geographical indication may continue to be made into wine beyond the immediate proximity of the demarcated area in question until 31 December 2012.

By way of derogation from Article 34(1)(a)(iii) of Regulation (EC) No 479/2008, and on condition that the product specification so provides, a product may be made into sparkling wine or semi-sparkling wine with a protected designation of origin beyond the immediate proximity of the demarcated area in question if this practice was in use prior to 1 March 1986.

*Article 7***Link**

1. The details bearing out the geographical link referred to in Article 35(2)(g) of Regulation (EC) No 479/2008 shall explain to what extent the features of the demarcated geographical area influence the final product.

In case of applications covering different categories of grapevine products, the details bearing out the link shall be demonstrated for each of the grapevine products concerned.

2. In the case of a designation of origin, the product specification shall set out:

- (a) details of the geographical area, and in particular natural and human factors, relevant to the link;
- (b) details of the quality or characteristics of the product essentially or exclusively attributable to the geographical environment;
- (c) a description of the causal interaction between the details referred to in point (a) and those referred to in point (b).

**▼B**

3. In the case of a geographical indication, the product specification shall set out:

- (a) details of the geographical area relevant to the link;
- (b) details of the quality, reputation or other specific characteristics of the product attributable to its geographical origin;
- (c) a description of the causal interaction between the details referred to in point (a) and those referred to in point (b).

4. The product specification for a geographical indication shall state whether it is based on a specific quality or reputation or other characteristics linked to its geographical origin.

*Article 8***Packaging in the demarcated geographical area**

If a product specification indicates that packaging of the product must take place within the demarcated geographical area or in an area in the immediate proximity of the demarcated area in question, in accordance with a requirement referred to in Article 35(2)(h) of Regulation (EC) No 479/2008, justification for this requirement shall be given in respect of the product concerned.

*SECTION 2**Commission examination procedure***▼M3***Article 9***Filing of the application**

1. The date of submission of an application to the Commission shall be the date on which the application is received by the Commission.
2. The Commission shall confirm receipt of the application to the competent authorities of the Member State or those of the third country or the applicant established in the third country in question and shall attribute a file number to the application.

The confirmation of receipt shall include at least the following:

- (a) the file number;
- (b) the name to be registered;
- (c) the date of receipt of the request.

**▼B***Article 10***Submission of a trans-border application**

1. In the case of a trans-border request, a joint application may be submitted for a name designating a trans-border geographical area by more than one group of producers representing that area.

**▼B**

2. Where only Member States are concerned, the preliminary national procedure referred to in Article 38 of Regulation (EC) No 479/2008 applies in all the Member States concerned.

For the purposes of application of Article 38(5) of Regulation (EC) No 479/2008, a trans-border application shall be forwarded to the Commission by one Member State on behalf of the others, and shall include an authorisation from each of the other Member States concerned authorising the Member State forwarding the application to act on its behalf.

3. Where a trans-border application involves only third countries, the application shall be forwarded to the Commission either by one of the applicant groups on behalf of the others or by one of the third countries on behalf of the others and shall include:

- (a) the elements proving that the conditions laid down in Articles 34 and 35 of Regulation (EC) No 479/2008 are fulfilled;
- (b) the proof of protection in the third countries concerned; and
- (c) an authorisation as referred to in paragraph 2 from each of the other third countries concerned.

4. Where a trans-border application involves at least one Member State and at least one third country, the preliminary national procedure referred to in Article 38 of Regulation (EC) No 479/2008 applies in all the Member States concerned. The application shall be forwarded to the Commission by one of the Member States or third countries or by one of the third-country applicant groups and shall include:

- (a) the elements proving that the conditions laid down in Articles 34 and 35 of Regulation (EC) No 479/2008 are fulfilled;
- (b) the proof of protection in the third countries concerned; and
- (c) an authorisation as referred to in paragraph 2 from each of the other Member States or third countries concerned.

5. The Member State, third countries or groups of producers established in third countries which forwards to the Commission a trans-border application as referred to in paragraphs 2, 3 and 4 of this Article, becomes the consignee of any notification or decision issued by the Commission.

**▼M3***Article 11***Admissibility of the application**

1. An application shall be admissible when the single document is duly completed and the supporting documents are enclosed. The single document shall be considered to be duly completed when all the mandatory fields, as presented in the information systems referred to in Article 70a, have been filled in.

In this case, the application shall be considered admissible on the date on which it is received by the Commission. The applicant shall be informed.

This date shall be made known to the public.

**▼M3**

2. If the application has not been completed or has been partially completed, or if the supporting documents referred to in paragraph 1 have not been submitted at the same time as the application or some are missing, the application shall be inadmissible.

3. Where the application is inadmissible, the competent authorities of the Member State or those of the third country or the applicant established in the third country in question shall be informed of the reasons for its inadmissibility and that they are entitled to submit another application duly completed.

**▼B***Article 12***Scrutiny of the conditions of validity****▼M3**

1. If an admissible application does not meet the requirements laid down in Articles 118b and 118c of Regulation (EC) No 1234/2007, the Commission shall inform the Member State or authorities of the third country or the applicant established in the third country in question of the grounds for refusal, setting a deadline of at least 2 months for the withdrawal or amendment of the application or for the submission of comments.

**▼B**

2. If the obstacles to registration are not remedied by the Member State or third-country authorities or the applicant established in the third country in question within the deadline, the Commission shall reject the application in accordance with Article 39(3) of Regulation (EC) No 479/2008.

3. Any decision to reject the designation of origin or geographical indication concerned shall be taken by the Commission on the basis of the documents and information available to it. Such decision on rejection shall be notified to the Member State or the third-country authorities or the applicant established in the third country in question.

*SECTION 3****Objection procedures****Article 13***National objection procedure in case of trans-border applications**

For the purposes of Article 38(3) of Regulation (EC) No 479/2008 where a trans-border application involves only Member States or at least one Member State and at least one third country, the objection procedure shall be applied in all the Member States concerned.

**▼M3***Article 14***Submission of objections under Community procedure**

1. The objections referred to in Article 118h of Regulation (EC) No 1234/2007 shall be communicated in accordance with Article 70a(1) of this Regulation. The date of submission of an objection to the Commission shall be the date on which the objection is received by the Commission. This date shall be made known to the authorities and persons concerned by the present Regulation.

**▼M3**

2. The Commission shall confirm receipt of the objection and assign a file number to the objection.

The confirmation of receipt shall include at least the following:

- (a) the file number;
- (b) the date of receipt of the objection.

**▼B***Article 15***Admissibility under Community procedure**

1. For the purposes of determining whether an objection is admissible, in accordance with Article 40 of Regulation (EC) No 479/2008, the Commission shall verify that the objection mentions the prior right(s) claimed and the ground(s) for the objection and was received by the Commission within the deadline.
2. If the objection is based on the existence of an earlier trademark of reputation and renown, in accordance with Article 43(2) of Regulation (EC) No 479/2008, the objection shall be accompanied by proof of the filing, registration or use of that earlier trademark, such as the certificate of registration or proof of its use, and proof of its reputation and renown.
3. Any duly substantiated objection shall contain details of the facts, evidence and comments submitted in support of the objection, accompanied by the relevant supporting documents.

The information and evidence to be produced in support of the use of an earlier trademark shall comprise particulars of the location, duration, extent and nature of the use made of the earlier trademark, and of its reputation and renown.

4. If the details of the prior right(s) claimed, ground(s), facts, evidence or comments, or the supporting documents, as referred to in paragraphs 1 to 3, have not been produced at the same time as the objection or if some are missing, the Commission shall inform the opponent accordingly and shall invite him to remedy the deficiencies noted within a period of two months. If the deficiencies are not remedied before the time limit expires, the Commission shall reject the objection as inadmissible. The decision on inadmissibility shall be notified to the objector and to the Member State or the third-country authorities or the applicant established in the third country in question.
5. An objection that is deemed admissible shall be notified to the Member State or the third-country authorities or the applicant established in the third country in question.



#### *Article 16*

##### **Scrutiny of an objection under Community procedure**

1. If the Commission has not rejected the objection in accordance with Article 15(4), it shall communicate the objection to the Member State or the third-country authorities or the applicant established in the third country in question and shall invite him to file observations within two months from the issuance date of such communication. Any observations received within this two months period shall be communicated to the objector.

In the course of the scrutiny of an objection, the Commission shall request the parties to submit comments, if appropriate, within a period of two months from the issuance date of such request, on the communications received from the other parties.

2. If the Member State or the third-country authorities or the applicant established in the third country in question or the objector files no observations in response, or does not respect the time periods, the Commission gives a ruling on the opposition.

3. Any decision to reject or register the designation of origin or geographical indication concerned shall be taken by the Commission on the basis of the evidence available to it. The decision on rejection shall be notified to the objector and to the Member State or the third-country authorities or the applicant established in the third country in question.

4. In the event of multiple objectors, following a preliminary examination of one or more such objections, it may not be possible to accept the application for registration; in such cases, the Commission may suspend the other objection procedures. The Commission shall inform the other objectors of any decision affecting them which was taken in the course of the procedure.

Where an application is rejected, objection procedures which have been suspended shall be deemed to be closed and the objectors concerned shall be duly informed.

#### *SECTION 4*

##### ***Protection***

#### *Article 17*

##### **Decision on protection**

1. Unless applications for protection of designations of origin or geographical indications are rejected pursuant to Articles 11, 12, 16 and 28, the Commission shall decide to protect the designations of origin or geographical indications.

2. Decisions on protection taken pursuant to Article 41 of Regulation (EC) No 479/2008 shall be published in the *Official Journal of the European Union*.

**▼M3***Article 18***Register**

1. A 'register of protected designations of origin and protected geographical indications', hereinafter 'the Register', is established and kept updated by the Commission in accordance with Article 118n of Regulation (EC) No 1234/2007. It is established in the electronic database 'E-Bacchus' on the basis of the decisions granting protection to the designations in question.

2. A designation of origin or geographical indication that has been accepted shall be recorded in the Register.

In the case of names registered under Article 118s(1) of Regulation (EC) No 1234/2007, the Commission shall enter in the Register the data provided for in paragraph 3 of this Article.

3. The Commission shall enter the following data in the Register:

- (a) the protected designation;
- (b) the file number;
- (c) a record of the fact that the name is protected as either a geographical indication or designation of origin;
- (d) the name of the country or countries of origin;
- (e) the date of registration;
- (f) the reference to the legal instrument protecting the name;
- (g) the reference to the single document.

4. The register shall be made available to the public.

**▼B***Article 19***Protection**

1. Protection of a designation of origin or geographical indication shall run from the date on which it is entered in the Register.

2. In the event of unlawful use of a protected designation of origin or geographical indication, the competent authorities of the Member States shall on their own initiative, pursuant to Article 45(4) of Regulation (EC) No 479/2008, or at the request of a party, take the steps necessary to stop such unlawful use and to prevent any marketing or export of the products at issue.

3. The protection of a designation of origin or geographical indication shall apply to the whole denomination including its constitutive elements provided they are distinctive in themselves. A non-distinctive or generic element of a protected designation of origin or geographical indication shall not be protected.

**▼B**

## SECTION 5

**Amendments and cancellation**

## Article 20

**Amendment to the product specification or single document****▼M3**

1. An application for approval of amendments to the product specification submitted by an applicant as referred to in Article 118e of Regulation (EC) No 1234/2007 of a protected designation of origin or geographical indication shall be communicated in accordance with Article 70a(1) of this Regulation.
2. An application for the approval of the amendment of a product specification under Article 118q(1) of Regulation (EC) No 1234/2007 shall be admissible if the information required under Article 118c(2) of that Regulation and the request duly drawn up have been communicated to the Commission.
3. For the purposes of applying the first sentence of Article 118q(2) of Regulation (EC) No 1234/2007, Articles 9 to 18 of this Regulation shall apply *mutatis mutandis*.

**▼B**

4. An amendment is considered to be minor if:
  - (a) it does not relate the essential characteristics of the product;
  - (b) it does not alter the link;
  - (c) it does not include a change in the name or any part of the name of the product;
  - (d) it does not affect the demarcated geographical area;
  - (e) it does not entail any further restrictions on the marketing of the product.
5. Where the application for approval of amendments to the product specification is submitted by an applicant other than the initial applicant, the commission shall communicate the application to the initial applicant.
6. Where the Commission decides to accept an amendment to the product specification that affects or comprises an amendment to the information recorded in the Register, it shall delete the original data from the Register and enter the new data with effect from the date on which the relevant decision takes effect.

**▼M3**

## Article 21

**Submission of a request for cancellation**

1. A request for cancellation submitted in accordance with Article 118r of Regulation (EC) No 1234/2007 shall be communicated in accordance with Article 70a(1) of this Regulation. The date of submission of request for cancellation to the Commission shall be the date on which the request is received by the Commission. This date shall be made known to the public.



**▼M3**

2. The Commission shall confirm receipt of the request and assign a file number to the request.

The confirmation of receipt shall include at least the following:

- (a) the file number;
- (b) the date of receipt of the request.

3. Paragraphs 1 and 2 do not apply when the cancellation is initiated by the Commission.

**▼B***Article 22***Admissibility**

1. For the purposes of determining whether a request of cancellation is admissible, in accordance with Article 50 of Regulation (EC) No 479/2008, the Commission shall verify that the request:

- (a) mentions the legitimate interest, the reasons and justification of the author of the request of cancellation;
- (b) explains the ground for cancellation; and
- (c) refers to a statement from the Member State or third country where the residence or registered office of the author of the request is located supporting the request for cancellation.

2. Any request for cancellation shall contain details of the facts, evidence and comments submitted in support of the cancellation, accompanied by the relevant supporting documents.

3. If detailed information concerning the grounds, facts, evidence and comments, as well as the supporting documents referred to in paragraphs 1 and 2, have not been produced at the same time as the request of cancellation, the Commission shall inform the author of the request of cancellation accordingly and shall invite him to remedy the deficiencies noted within a period of two months. If the deficiencies are not remedied before the time limit expires, the Commission shall reject the request as inadmissible. The decision on inadmissibility shall be notified to the author of the request of cancellation and to the Member State or the third-country authorities or the author of the request of cancellation established in the third country in question.

4. Any request of cancellation that is deemed admissible, as well as a Commission own-initiative cancellation procedure, shall be notified to the Member State or the third-country authorities or the applicants established in the third country whose designation of origin or geographical indication is affected by the cancellation.

**▼M3**

5. The communications to the Commission referred to in paragraph 3 shall be carried out in accordance with Article 70a(1).

**▼B***Article 23***Scrutiny of a cancellation**

1. If the Commission has not rejected the request of cancellation in accordance with Article 22(3), it shall communicate the cancellation to the Member State or the third-country authorities or the producers concerned established in the third country in question and shall invite him to file observations within two months from the issuance date of such communication. Any observations received within this two months period shall be communicated, where applicable, to the author of the request of cancellation.

In the course of the scrutiny of a cancellation, the Commission shall request the parties to submit comments, if appropriate, within a period of two months from the issuance date of such request, on the communications received from the other parties.

**▼M3**

The communications to the Commission referred to in the first and second subparagraphs shall be carried out in accordance with Article 70a(1).

**▼B**

2. If the Member State or the third-country authorities or the applicant established in the third country in question or the author of a request of cancellation files no observations in response, or does not respect the time periods, the Commission decides upon the cancellation.

3. Any decision to cancel the designation of origin or geographical indication concerned shall be taken by the Commission on the basis of the evidence available to it. It shall consider whether compliance with the product specification for a wine sector product covered by a protected designation of origin or geographical indication is no longer possible or can no longer be guaranteed, particularly if the conditions laid down in Article 35 of Regulation (EC) No 479/2008 are no longer fulfilled or may no longer be fulfilled in the near future.

Such decision on cancellation shall be notified to the author of the request of cancellation and to the Member State or the third-country authorities or the applicant established in the third country in question.

4. In the event of multiple requests of cancellation, following a preliminary examination of one or more such requests of cancellation, it may not be possible to accept to continue to protect a designation or origin or geographical indication, in which case the Commission may suspend the other cancellation procedures. In this case the Commission shall inform the other authors of the requests of cancellation of any decision affecting them which was taken in the course of the procedure.

Where a protected designation of origin or geographical indication is cancelled, cancellation procedures which have been suspended shall be deemed to be closed and the authors of the request of cancellation concerned shall be duly informed.

5. When a cancellation takes effect, the Commission shall delete the name from the Register.

**▼ B***SECTION 6**Checks***▼ M1***Article 24***Notification of operators**

Each operator wishing to participate in all or part of the production or packaging of a product with a protected designation of origin or geographical indication shall be notified to the competent control authority referred to in Article 118o of Regulation (EC) No 1234/2007.

**▼ B***Article 25***Annual verification**

1. The annual verification carried out by the competent control authority as referred to in Article 48(1) of Regulation (EC) No 479/2008 shall consist of:

- (a) an organoleptic and analytical testing for products covered by a designation of origin;
- (b) either analytical testing only or both organoleptic and analytical testing for products covered by a geographical indication; and
- (c) a check on the conditions set out in the product specification.

**▼ M1**

The annual verification shall be conducted in the Member State in which production took place in accordance with the product specification and shall be carried out either through:

- (a) random checks based on a risk analysis; or
- (b) sampling; or
- (c) systematically; or
- (d) a combination of any of the above.

**▼ B**

In the case of random checks, Member States shall select the minimum number of operators to be subjected to those checks.

In the case of sampling, Member States shall ensure that by their number, nature and frequency of controls, they are representative of the whole of the demarcated geographical area concerned and correspond to the volume of wine-sector products marketed or held with a view to their marketing.

**▼ M1**

\_\_\_\_\_

**▼ B**

2. The testing referred to in paragraph 1, first subparagraph, points (a) and (b) shall be performed on anonymous samples, demonstrate that the product tested complies with the characteristics and qualities described in the product specification for the relevant designation of origin or geographical indication, and be carried out at any stage in the production process, including even the packaging stage, or later. Each sample taken shall be representative of the relevant wines held by the operator.

**▼B**

3. For the purposes of checking compliance with the product specification referred to in paragraph 1, first subparagraph, point (c), the control authority shall check:

- (a) the premises of operators, consisting in checking that the operators are actually able to meet the conditions laid down in the product specification; and
- (b) the products at any stage of the production process, including the packaging stage, on the basis of an inspection plan which is drawn up in advance by the control authority and of which operators are aware, covering every stage of production of the product.

4. The annual verification shall ensure that a product cannot use the protected designation of origin or geographical indication relating to it unless:

**▼M1**

- (a) the results of the testing referred to in paragraph 1, first subparagraph, points (a) and (b) and in paragraph 2 prove that the product in question complies with the conditions in the specification and possesses all the appropriate characteristics of the designation of origin or geographical indication concerned;

**▼B**

- (b) the other conditions listed in the product specification are met in accordance with the procedures laid down in paragraph 3.

5. Any product failing to meet the conditions set out in this Article may be placed on the market, but without the relevant designation of origin or geographical indication, provided that the other legal requirements are satisfied.

6. In the case of a protected trans-border designation of origin or geographical indication, the verification may be performed by a control authority of either of the Member States affected by this designation of origin or geographical indication.

7. In the case where annual verification is carried out at the packaging stage of the product in the territory of a Member State which is not the Member State where the production took place, Article 84 of Commission Regulation (EC) No 555/2008 <sup>(1)</sup> applies.

8. Paragraphs 1 to 7 apply to wines bearing a designation of origin or a geographical indication, whose designation of origin or geographical indication concerned meet the requirements as referred to in Article 38(5) of Regulation (EC) No 479/2008.

*Article 26***Analytical and organoleptic testing**

The analytical and organoleptic testing referred to in the first subparagraph of paragraph 1 under (a) and (b) of Article 25 consists of:

- (a) an analysis of the wine in question measuring the following characteristic properties:

- (i) determined on the basis of a physical and chemical analysis:

- total and actual alcoholic strength,

<sup>(1)</sup> OJ L 170, 30.6.2008, p. 1.

**▼B**

- total sugars expressed in terms of fructose and glucose (including any sucrose, in the case of semi-sparkling and sparkling wines),
  - total acidity,
  - volatile acidity,
  - total sulphur dioxide;
- (ii) determined on the basis of an additional analysis:
- carbon dioxide (semi-sparkling and sparkling wines, excess pressure in bar at 20 °C),
  - any other characteristic properties provided for in Member States legislation or product specifications of protected designations of origin and geographical indications concerned;
- (b) an organoleptic test covering visual appearance, odour and taste.

*Article 27***Checks on products originating in third countries**

If third country's wines benefit from the protection of a protected designation of origin or geographical indication, the third country concerned shall send the Commission, at its request, information on the competent authorities referred to in Article 48(2) of Regulation (EC) No 479/2008 and on the aspects covered by the check, as well as proof that the wine in question fulfils the conditions of the relevant designation of origin or geographical indication.

*SECTION 7****Conversion into a geographical indication****Article 28***Request**

1. A Member State or third country authority or the applicant established in the third country in question may request the conversion of a protected designation of origin into a protected geographical indication if the compliance with the product specification of a protected designation of origin is no longer possible or can no longer be guaranteed.

**▼M3**

The application shall be communicated in accordance with Article 70a(1). The date of submission of an application for conversion to the Commission shall be the date on which the application is received by the Commission.

**▼B**

2. If the request for conversion into a geographical indication does not meet the requirements laid down in Articles 34 and 35 of Regulation (EC) No 479/2008, the Commission shall inform the Member State or the third-country authorities or the applicant established in the third country in question of the grounds for refusal, and shall invite him to withdraw or amend the request or submit comments within a period of two months.

**▼B**

3. If the obstacles to the conversion into a geographical indication are not remedied by the Member State or third-country authorities or the applicant established in the third country in question before the time limit expires, the Commission shall reject the request.
4. Any decision to reject the conversion request shall be taken by the Commission on the basis of the documents and information available to it. Such decision on rejection shall be notified to the Member State or the third-country authorities or the applicant established in the third country in question.
5. Articles 40 and 49(1) of Regulation (EC) No 479/2008 shall not apply.

## CHAPTER III

## TRADITIONAL TERMS

## SECTION 1

*Application**Article 29***Applicants**

1. Competent authorities of Member States or third countries or representative professional organisations established in third countries may submit to the Commission an application for protection of traditional terms within the meaning of Article 54(1) of Regulation (EC) No 479/2008.

2. ‘*Representative professional organisation*’ shall mean any producer organisation or association of producer organisations having adopted the same rules, operating in a given or more wine designation of origin or geographical indication area(s) where it includes in its membership at least two thirds of the producers in the designation of origin or geographical indication area(s) in which it operates and accounts for at least two thirds of that areas’ production. A representative professional organisation may lodge an application for protection only for wines which it produces.

**▼M3***Article 30***Application for protection**

1. The application for protection of a traditional term shall be communicated by the competent authorities of the Member States or those of the third countries or by the representative trade organisations in accordance with Article 70a(1). The application shall be accompanied by the legislation of the Member States or rules applicable to wine producers in third countries governing the use of the term in question and the reference to that legislation or those rules.

2. In the case of a request submitted by a representative trade organisation established in a third country, the applicant shall communicate to the Commission the information regarding the representative trade organisation and its members, in accordance with Article 70a(1). The Commission shall make this information public.

**▼B***Article 31***Language**

1. The term to be protected shall be either:
  - (a) in the official language(s), regional language(s) of the Member State or third country where the term originates; or
  - (b) in the language used in commerce for this term.

The term used in a certain language shall refer to specific products referred to in Article 33(1) of Regulation (EC) No 479/2008.

2. The term shall be registered with its original spelling(s).

**▼M2***Article 32***Rules on traditional terms of third countries**

1. The definition of traditional terms provided for in Article 118u(1) of Regulation (EC) No 1234/2007 shall apply *mutatis mutandis* to terms traditionally used in third countries for wine products covered by geographical indications or names of origin under the legislation of those third countries.
2. Wines originating in third countries whose labels bear traditional indications other than the traditional terms listed in the electronic database 'E-Bacchus' may use these traditional indications on wine labels in accordance with the rules applicable in the third countries concerned, including those emanating from representative professional organisations.

**▼B***SECTION 2****Examination procedure*****▼M3***Article 33***Filing of the application**

1. The date of submission of an application to the Commission shall be the date on which the application is received by the Commission.
2. The Commission shall confirm receipt of the application to the authorities of the Member State or of the third country or the applicant established in the third country in question and shall attribute a file number to the application.

The confirmation of receipt shall include at least the following:

- (a) the file number;
- (b) the traditional term;
- (c) the date of receipt of the request.

**▼ M3***Article 34***Admissibility**

1. An application shall be admissible where the application form is duly filled in and the documents required in accordance with the provisions of Article 30 are enclosed with the application. The application form shall be considered to be duly filled in when all the mandatory fields, as presented in the information systems referred to in Article 70a, have been filled in.

In this case, the application shall be considered admissible on the date on which it is received by the Commission. The applicant shall be informed.

This date shall be made known to the public.

2. If the form has not been completed or has only been partially completed, or if the documents referred to in paragraph 1 were not submitted at the same time as the application or some are missing, the application shall be inadmissible.

3. Where the application is inadmissible, the authorities of the Member State or those of the third country or the applicant established in the third country in question shall be informed of the reasons for its inadmissibility and that they are entitled to submit another application duly completed.

**▼ B***Article 35***Conditions of validity**

1. The recognition of a traditional term shall be accepted if:
  - (a) it fulfils the definition as laid down in Article 54(1)(a) or (b) of Regulation (EC) No 479/2008 and the conditions laid down in Article 31 of this Regulation;
  - (b) the term exclusively consists of either:
    - (i) a name traditionally used in commerce in a large part of the territory of the Community or of the third country concerned, to distinguish specific categories of grapevine products referred to in Article 33(1) of Regulation (EC) No 479/2008; or
    - (ii) a reputed name traditionally used in commerce in at least the territory of the Member State or third country concerned, to distinguish specific categories of grapevine products referred to in Article 33(1) of Regulation (EC) No 479/2008;
  - (c) the term shall:
    - (i) not be generic;
    - (ii) be defined and regulated in the Member State's legislation; or



**▼B**

- (iii) be subject to conditions of use as provided for by rules applicable to wine producers in the third country concerned, including those emanating from representative professional organisations.
2. For the purpose of paragraph (1), point (b), traditional use means:
- (a) at least five years in case of terms filed in language(s) referred to in Article 31(a) of this Regulation;
  - (b) at least 15 years in case of terms filed in a language referred to in Article 31(b) of this Regulation.
3. For the purpose of paragraph (1), point (c)(i), ‘generic’ means the name of a traditional term although it relates to a specific production method or ageing method, or the quality, colour, type of place, or a particular linked to the history of a grapevine product, has become the common name of the grapevine product in question in the Community.
4. The condition listed in paragraph 1(b) of this Article does not apply to traditional terms referred to in Article 54(1)(a) to Regulation (EC) No 479/2008.

*Article 36***Grounds for refusal**

1. If an application for a traditional term does not meet the definition laid down in Article 54(1) of Regulation (EC) No 479/2008 and the requirements laid down in Articles 31 and 35, the Commission shall inform the applicant of the grounds for refusal, setting a deadline of two months from the issuance date of such communication, for the withdrawal or amendment of the application or for the submission of comments.

The Commission shall decide on the protection based on the information available to it.

2. If the obstacles are not remedied by the applicant within the deadline referred to in paragraph 1, the Commission shall reject the application. Any decision to reject the traditional term concerned shall be taken by the Commission on the basis of the documents and information available to it. Such decision on rejection shall be notified to the applicant.

*SECTION 3****Objection procedures****Article 37***Submission of a request of objection**

1. Within two months from the date of publication provided for in the first sub-paragraph of Article 33, any Member State or third country, or any natural or legal person having a legitimate interest may object to the proposed recognition by lodging a request of objection.

**▼M3**

2. The objection shall be communicated in accordance with Article 70a(1). The date of submission of an objection to the Commission shall be the date on which the application is received by the Commission.

3. The Commission shall confirm receipt of the objection and assign a file number to the objection.

The confirmation of receipt shall include at least the following:

(a) the file number;

(b) the date of receipt of the objection.

**▼B***Article 38***Admissibility**

1. For the purposes of determining whether an objection is admissible, the Commission shall verify that the request of objection mentions the prior right(s) claimed and the ground(s) for the objection and was received by the Commission within the deadline provided for in the first paragraph of Article 37.

2. If the objection is based on the existence of an earlier trademark of reputation and renown, in accordance with Article 41(2), the request of objection shall be accompanied by proof of the filing, registration or use of that earlier trademark, such as the certificate of registration and proof of its reputation and renown.

3. Any duly substantiated request of objection shall contain details of the facts, evidence and comments submitted in support of the objection, accompanied by the relevant supporting documents.

The information and evidence to be produced in support of the use of an earlier trademark shall comprise particulars of the location, duration, extent and nature of the use made of the earlier trademark, and of its reputation and renown.

4. If the details of the prior right(s) claimed, ground(s), facts, evidence or comments, or the supporting documents, as referred to in paragraphs 1 to 3, have not been produced at the same time as the request of objection or if some are missing, the Commission shall inform the opponent accordingly and shall invite him to remedy the deficiencies noted within a period of two months. If the deficiencies are not remedied before the time limit expires, the Commission shall reject the request as inadmissible. The decision on inadmissibility shall be notified to the objector and to the Member State or the third-country authorities or the representative professional organisation established in the third country in question.

5. Any request of objection that is deemed admissible shall be notified to the Member State or the third-country authorities or the representative professional organisation in the third country in question.

**▼ B***Article 39***Scrutiny of an objection**

1. If the Commission has not rejected the request of opposition in accordance with Article 38(4), it shall communicate the objection to the Member State or the third-country authorities or the representative professional organisation established in the third country in question and shall invite him to file observations within two months from the issuance date of such communication. Any observations received within this two months period shall be communicated to the objector.

In the course of its scrutiny of an objection, the Commission shall request the parties to submit comments, if appropriate, within a period of two months from the issuance date of such request, on the communications received from the other parties.

2. If the Member State or the third-country authorities or the representative professional organisation established in the third country in question or the objector files no observations in response, or does not respect the time periods, the Commission gives ruling on the opposition.

3. Any decision to reject or recognise the traditional term concerned shall be taken by the Commission on the basis of the evidence available to it. It shall consider whether the conditions referred to in Article 40(1), or laid down in Articles 41(3) or 42 are not fulfilled. The decision on rejection shall be notified to the objector and to the Member State or the third-country authorities or the representative professional organisation established in the third country in question.

4. In the event of multiple requests of objection, following a preliminary examination of one or more such requests of objection, it may not be possible to accept the application for recognition; in such cases, the Commission may suspend the other objection procedures. The Commission shall inform the other objectors of any decision affecting them which was taken in the course of the procedure.

Where an application is rejected, objection procedures which have been suspended shall be deemed to be closed and the objectors concerned shall be duly informed.

*SECTION 4****Protection*****▼ M3***Article 40***General protection**

1. If a traditional term for which protection is requested meets the conditions set out in Article 118u(1) of Regulation (EC) No 1234/2007 and in Articles 31 and 35 of this Regulation and is not rejected by virtue of Articles 36, 38 and 39 of this Regulation, the traditional term is listed and defined in the 'E-Bacchus' database, in accordance with Article 118u(2) of Regulation (EC) No 1234/2007 on the basis of the information communicated to the Commission in accordance with Article 70a(1) of this Regulation, mentioning the following:

- (a) the language referred to in Article 31(1);
- (b) the grapevine product category or categories concerned by the protection;

**▼ M3**

- (c) a reference to the national legislation of the Member State or third country in which the traditional term is defined and regulated, or to the rules applicable to wine producers in the third country, including those originating from representative trade organisations, in the absence of national legislation in those third countries;
- (d) a summary of the definition or conditions of use;
- (e) the name of the country or countries of origin;
- (f) the date of inclusion in the electronic database 'E-Bacchus'.

2. The traditional terms listed in the electronic database 'E-Bacchus', shall be protected only in the language and for the categories of grape vine products claimed in the application, against:

- (a) any misuse even if the protected term is accompanied by an expression such as 'style', 'type', 'method', 'as produced in', 'imitation', 'flavour', 'like' or similar;
- (b) any other false or misleading indication as to the nature, characteristics or essential qualities of the product, on the inner or outer packaging, advertising material or documents relating to it;
- (c) any other practice liable to mislead the consumer, in particular to give the impression that the wine qualifies for the protected traditional term.

3. The traditional terms listed in the electronic database 'E-Bacchus' shall be made known to the public.

**▼ B***Article 41***Relationship with trademarks****▼ M2**

1. Where a traditional term is protected under this Regulation, the registration of a trademark, the use of which would contravene Article 40(2), shall be assessed in accordance with Directive 2008/95/EC of the European Parliament and of the Council <sup>(1)</sup> or Council Regulation (EC) No 207/2009 <sup>(2)</sup>.

Trademarks registered in breach of the first subparagraph shall be declared invalid upon request in accordance with the applicable procedures as specified by Directive 2008/95/EC or Regulation (EC) No 207/2009.

**▼ B**

2. A trademark, which corresponds to one of the situations referred to in Article 40 of this Regulation, and which has been applied for, registered or established by use, if that possibility is provided for by the legislation concerned, in the territory of the Community before 4 May 2002 or before the date of submission of the application for protection of the traditional term to the Commission, may continue to be used and renewed notwithstanding the protection of the traditional term.

<sup>(1)</sup> OJ L 299, 8.11.2008, p. 25.

<sup>(2)</sup> OJ L 78, 24.3.2009, p. 1.

**▼B**

In such cases the use of the traditional term shall be permitted alongside the relevant trademark.

3. A name shall not be protected as a traditional term, where in the light of a trademark's reputation and renown, such protection is liable to mislead the consumer as to the true identity, nature, characteristic or quality of the wine.

*Article 42***Homonyms****▼M2**

1. A term, for which an application is lodged and which is wholly or partially homonymous with that of a traditional term already protected under this Chapter shall be protected with due regard to local and traditional usage and the risk of confusion.

A homonymous term which misleads consumers as to the nature, quality or the true origin of the products shall not be registered even if the term is accurate.

**▼M3**

The use of a protected homonymous term shall be subject to there being a sufficient distinction in practice between the homonym protected subsequently and the traditional term listed in the electronic database 'E-Bacchus', having regard to the need to treat the producers concerned in an equitable manner and not to mislead the consumer.

**▼B**

2. Paragraph 1 shall apply *mutatis mutandis* for traditional terms protected before 1 August 2009, which are partially homonymous with a protected designation of origin or geographical indication or a wine grape variety name or its synonym listed in Annex XV.

**▼M2***Article 42a***Modification**

An applicant as referred to in Article 29 may apply for an approval of a modification of a traditional term, the language indicated, the wine or wines concerned or of the summary of the definition or conditions of use of the traditional term concerned.

Articles 33 to 39 apply *mutatis mutandis* to applications for modification.

**▼B***Article 43***Enforcement of the protection**

For the purposes of the application of Article 55 of Regulation (EC) No 479/2008, in case of illegal use of protected traditional terms, competent national authorities, on their own initiative or at the request of a party, take all measures to stop the marketing, including any export, of the products concerned.

**▼B***SECTION 5****Cancellation procedure****Article 44***Grounds of cancellation**

The grounds for cancelling a traditional term shall be that it no longer meets the definition laid down in Article 54(1) of Regulation (EC) No 479/2008 or the requirements laid down in Articles 31, 35, 40(2), 41(3) or 42.

**▼M3***Article 45***Submission of a request for cancellation**

1. A duly substantiated request for cancellation may be communicated to the Commission by a Member State, a third country or a natural or legal person having a legitimate interest in accordance with Article 70a(1). The date of submission of a request to the Commission shall be the date on which the request is received by the Commission. This date shall be made known to the public.

2. The Commission shall confirm receipt of the request and assign a file number to the request.

The confirmation of receipt shall include at least the following:

(a) the file number;

(b) the date of receipt of the request.

3. Paragraphs 1 and 2 do not apply when the cancellation is initiated by the Commission.

**▼B***Article 46***Admissibility**

1. For the purposes of determining whether a request of cancellation is admissible, the Commission shall verify that the request:

(a) mentions the legitimate interest of the author of the request of cancellation;

(b) the ground(s) for cancellation; and

(c) refers to a statement from the Member State or third country where the residence or registered office of the author of the request is located explaining the legitimate interest, reasons and justification of the author of the cancellation.

2. Any request for cancellation shall contain details of the facts, evidence and comments submitted in support of the cancellation, accompanied by the relevant supporting documents.

**▼B**

3. If detailed information concerning the grounds, facts, evidence and comments, as well as the supporting documents referred to in paragraphs 1 and 2, have not been produced at the same time as the request of cancellation, the Commission shall inform the author of the request of cancellation accordingly and shall invite him to remedy the deficiencies noted within a period of two months. If the deficiencies are not remedied before the time limit expires, the Commission shall reject the request as inadmissible. The decision on inadmissibility shall be notified to the author of the request of cancellation and to the Member State or the third-country authorities or the author of the request of cancellation established in the third country in question.

4. Any request of cancellation that is deemed admissible, including Commission own-initiative cancellation procedure, shall be notified to the Member State or the third-country authorities or the author of the request of cancellation established in the third country whose traditional term is affected by the cancellation.

*Article 47***Scrutiny of a cancellation**

1. If the Commission has not rejected the request of cancellation in accordance with Article 46(3), it shall communicate the request of cancellation to the Member State or the third-country authorities or the applicant established in the third country in question and shall invite him to file observations within two months from the issuance date of such communication. Any observations received within this two months period shall be communicated to the author of the request of cancellation.

In the course of the scrutiny of a cancellation, the Commission shall request the parties to submit comments, if appropriate, within a period of two months from the issuance date of such request, on the communications received from the other parties.

2. If the Member State or the third-country authorities or the applicant established in the third country in question or the author of a request of cancellation files no observations in response, or does not respect the time periods, the Commission gives ruling on the cancellation.

3. Any decision to cancel the traditional term concerned shall be taken by the Commission on the basis of the evidence available to it. It shall consider whether the conditions referred to in Article 44 are no longer fulfilled.

Such decision on cancellation shall be notified to the author of the request of cancellation and to the Member State or the third-country authorities in question.

4. In the event of multiple requests of cancellation, following a preliminary examination of one or more such requests of cancellation, it may not be possible to accept to continue to protect a traditional term, in which case the Commission may suspend the other cancellation procedures. In this case the Commission shall inform the other authors of the request of cancellation of any decision affecting them which was taken in the course of the procedure.

**▼B**

Where a traditional term is cancelled, cancellation procedures which have been suspended shall be deemed to be closed and the authors of the request of cancellation concerned shall be duly informed.

**▼M3**

5. When a cancellation takes effect, the Commission shall remove the name concerned from the list set out in the electronic database 'E-Bacchus'.

**▼B***SECTION 6****Existing protected traditional terms****Article 48***Existing protected traditional terms**

Traditional terms, which are protected in accordance with Articles 24, 28 and 29 of Regulation (EC) No 753/2002, shall automatically be protected under this Regulation, provided:

- (a) a summary of the definition or the conditions of use was submitted to the Commission by 1 May 2009;
- (b) Member States or third countries have not ceased to protect certain traditional terms.

## CHAPTER IV

**LABELLING AND PRESENTATION***Article 49***Common rule to all labelling particulars**

Save as otherwise provided for in this Regulation, the labelling of the products referred to in paragraphs 1 to 11, 13, 15 and 16 of Annex IV to Regulation (EC) No 479/2008 (hereinafter 'products') may not be supplemented by any particulars other than those provided for in Article 58 and those regulated in Article 59(1) and 60(1) of that Regulation, unless they satisfy the requirements of Article 2(1)(a) of Directive 2000/13/EC.

*SECTION 1****Compulsory particulars****Article 50***Presentation of the compulsory particulars**

1. Compulsory particulars referred to in Article 58 of Regulation (EC) No 479/2008 as well as those listed in Article 59 thereof shall appear in the same field of vision on the container, in such a way as to be simultaneously readable without having to turn the container.



**▼B**

However, the compulsory particulars of the lot number and those referred to in Articles 51 and 56(4) of this Regulation may appear outside the visual field in which the other compulsory particulars appear.

2. The compulsory particulars referred to in paragraph 1 and those applicable by virtue of the legal instruments mentioned in Article 58 of Regulation (EC) No 479/2008 shall be presented in indelible characters and shall be clearly distinguishable from surrounding text or graphics.

*Article 51***Application of certain horizontal rules**

1. Where one or more of the ingredients listed in Annex IIIa to Directive 2000/13/EC are present in one of the products referred to in Annex IV to Regulation (EC) No 479/2008, they must be indicated on the labelling, preceded by the term 'contains'. For sulphites, the following terms may be used: 'sulphites', 'sulfites', 'sulphur dioxide' or 'sulfur dioxide'.

2. The labelling obligation referred to in paragraph 1 may be accompanied by the use of the pictogram included in Annex X to this Regulation.

*Article 52***Marketing and export**

1. Products whose label or presentation does not conform to the corresponding conditions as laid down in this Regulation cannot be marketed in the Community or exported.

2. By way of derogation from Chapters V and VI of Regulation (EC) No 479/2008, where the products concerned are to be exported, Member States may allow that particulars, which conflict with labelling rules as provided for by Community legislation, appear on the label of wines for export, when they are required by the legislation of the third country concerned. These particulars may appear in languages other than the official Community languages.

*Article 53***Prohibition of lead-based capsules or foil**

The closing devices for products as referred to in Article 49 shall not be enclosed in lead-based capsules or foil.

*Article 54***Actual alcoholic strength**

1. The actual alcoholic strength by volume referred to in Article 59(1)(c) to Regulation (EC) No 479/2008 shall be indicated in percentage units or half units.

The figure shall be followed by '% vol' and may be preceded by 'actual alcoholic strength', 'actual alcohol' or 'alc'.

**▼ B**

Without prejudice to the tolerances set for the reference analysis method used, the strength shown may not differ by more than 0,5 % vol from that given by analysis. However, the alcoholic strength of products with protected designations of origin or geographical indications stored in bottles for more than three years, sparkling wines, quality sparkling wines, aerated sparkling wines, semi-sparkling wines, aerated semi-sparkling wines, liqueur wines and wines of overripe grapes, without prejudice to the tolerances set for the reference analysis method used, may not differ by more than 0,8 % vol from that given by analysis.

2. The actual alcoholic strength shall appear on the label in characters at least 5 mm high if the nominal volume is over 100 cl, at least 3 mm high if it is equal to or less than 100 cl but more than 20 cl and 2 mm high if it is 20 cl or less.

**▼ M2**

3. In case of partially fermented grape must or new wine still in fermentation, the actual and/or total alcoholic strength by volume shall appear on the label. When the total alcoholic strength by volume appears on the label, the figures shall be followed by ‘% vol’ and may be preceded by words ‘total alcoholic strength’ or ‘total alcohol’.

**▼ B***Article 55***Indication of the provenance**

1. The indication of provenance as referred to in Article 59(1)(d) of Regulation (EC) No 479/2008, shall be indicated as follows:

(a) for wines referred to in paragraphs 1, 2, 3, 7 to 9, 15 and 16 of Annex IV to Regulation (EC) No 479/2008, without protected designation of origin or geographical indication, one of the following:

(i) the words ‘*wine of (...)*’, ‘*produced in (...)*’, or ‘*product of (...)*’, or expressed in equivalent terms, supplemented by the name of the Member State or third country where the grapes are harvested and turned into wine in that territory;

In the case of a trans-border wine produced from certain wine grapes varieties as referred to in Article 60(2)(c) of Regulation (EC) No 479/2008, only the name of one or more Member State(s) or third country(ies) may be mentioned.

(ii) either the words ‘*European Community wine*’, or expressed in equivalent terms, or ‘*blend of wines from different countries of the European Community*’ in the case of wine resulting from a blending of wines originating in a number of Member States, or

**▼B**

the words ‘*blend of wines from different countries outside the European Community*’ or ‘*blend from (...)*’ citing the names of the third countries in question, in the case if wine resulting from a blending of wines originating in a number of third countries;

- (iii) either the words ‘*European Community wine*’, or expressed in equivalent terms, or ‘*wine obtained in (...) from grapes harvested in (...)*’, supplemented by the names of the Member States concerned in the case of wines produced in a Member State from grapes harvested in another Member State, or

the words ‘*wine obtained in (...) from grapes harvested in (...)*’ citing the names of the third countries in question, for wines made in a third country from grapes harvested in another third country;

- (b) for wines referred to in paragraph 4, 5 and 6 to Annex IV of Regulation (EC) No 479/2008, without protected designation of origin or geographical indication, one of the following:

- (i) the words ‘*wine of (...)*’, ‘*produced in (...)*’, ‘*product of (...)*’ or ‘*sekt of (...)*’, or expressed in equivalent terms, supplemented by the name of the Member State or third country where the grapes are harvested and turned into wine in that territory;

- (ii) the words ‘*produced in (...)*’, or expressed in equivalent terms, supplemented by the name of the Member State where the second fermentation takes place;

- (c) for wines with protected designation of origin or geographical indication, the words ‘*wine of (...)*’, ‘*produced in (...)*’ or ‘*product of (...)*’, or expressed in equivalent terms, supplemented by the name of the Member State or third country where the grapes are harvested and turned into wine in that territory.

In the case of a trans-border protected designation of origin or geographical indication, only the name of one or more Member State(s) or third country(ies) shall be mentioned.

This paragraph is without prejudice to Articles 56 and 67.

2. The indication of provenance as referred to in Article 59(1)(d) of Regulation (EC) No 479/2008, on labels of grape must, grape must in fermentation, concentrated grape must or new wine still in fermentation shall be indicated as follows:

- (a) ‘*must of (...)*’ or ‘*must produced in (...)*’ or expressed in equivalent terms, supplemented by the name of the Member State, an individual country forming part of the Member State where the product is produced;

**▼B**

- (b) ‘blend made from the produce of two or more European Community countries’ in case of coupage of products produced in two or more Member States;
  - (c) ‘must obtained in (...) from grapes harvested in (...)’ in case of grape must which has not been made in the Member State where the grapes used were harvested.
3. In the case of United Kingdom, the name of the Member State may be replaced by the name of an individual country forming part of United Kingdom.

*Article 56***Indication of the bottler, producer, importer and vendor**

1. For the purposes of the application of Article 59(1)(e) and (f) of Regulation (EC) No 479/2008 and of this Article:

**▼M1**

- (a) ‘bottler’ means a natural or legal person or a group of such persons established in the European Union and carrying out bottling or having bottling carried out on their behalf;

**▼B**

- (b) ‘bottling’ means putting the product concerned in containers of a capacity *not* exceeding 60 litres for subsequent sale;
- (c) ‘producer’ means a natural or legal person or a group of such persons by whom or on whose behalf the processing of the grapes, grape musts and wine into sparkling wines, aerated sparkling wine, quality sparkling wine or quality aromatic sparkling wines is carried out;
- (d) ‘importer’ means a natural or legal person or group of such persons established within the Community assuming responsibility for bringing into circulation non-Community goods within the meaning of Article 4(8) of Council Regulation (EEC) No 2913/92 <sup>(1)</sup>;
- (e) ‘vendor’ means a natural or legal person or a group of such persons, not covered by the definition of producer, purchasing and then putting sparkling wines, aerated sparkling wine, quality sparkling wine or quality aromatic sparkling wines into circulation;

**▼M1**

- (f) ‘address’ means the indications of the local administrative area and the Member State or third country in which the head office of the bottler, producer, vendor or importer is situated.

**▼B**

2. The name and address of the bottler shall be supplemented either,
- (a) by the words ‘bottler’ or ‘bottled by (...)’; or

<sup>(1)</sup> OJ L 302, 19.10.1992, p. 1.

**▼B**

- (b) by terms, whose conditions of use are defined by Member States, where bottling of wines with protected designation of origin or geographical indication takes place:
- (i) on the producer's holding; or
  - (ii) on the premises of a producer group; or
  - (iii) in an enterprise located in the demarcated geographical area or in the immediate proximity of the demarcated geographical area concerned.

In case of contract bottling, the indication of the bottler shall be supplemented by the words '*bottled for (...)*' or, where the name, address of the person who has carried out the bottling on behalf of a third party are indicated, by the words '*bottled for (...) by (...)*'.

Where bottling takes place in another place than that of the bottler, the particulars referred to in this paragraph shall be accompanied by a reference to the exact place where the operation took place and, if it is carried out in another Member State, the name of that State.  
**►M2** These requirements do not apply where bottling is carried out in a place of immediate proximity to that of the bottler. ◀

In case of containers other than bottles, the words '*packager*' and '*packaged by (...)*' shall replace the words '*bottler*' and '*bottled by (...)*' respectively, except when the language used does not indicate by itself such a difference.

**▼M2**

3. The name and address of the producer or vendor shall be supplemented by the terms '*producer*' or '*produced by*' and '*vendor*' or '*sold by*', or equivalent.

Member States may decide to:

- (a) make compulsory the indication of the producer;
- (b) allow the replacement of the terms '*producer*' or '*produced by*' by '*processor*' respectively '*processed by*'.

**▼B**

4. The *name* and address of the importer shall be preceded by the words '*importer*' or '*imported by (...)*'.

5. The indications referred to in paragraphs 2, 3 and 4 can be grouped together, if they concern the same natural or legal person.

One of these indications may be replaced by a code determined by the Member State in which the bottler, producer, importer or vendor has its head office. The code shall be supplemented by a reference to the Member State in question. The name and address of another natural or legal person involved in the commercial distribution other than the bottler, producer, importer or vendor indicated by a code shall also appear on the wine label of the product concerned.

**▼B**

6. Where the name or the address of the bottler, producer, importer or vendor consists of or contains a protected designation of origin or geographical indication, it shall appear on the label:

- (a) in characters which are no more than half the size of those used either for the protected designation of origin or geographical indications or for the designation of the category of the grapevine product concerned; or
- (b) by using a code as provided for in paragraph 5, second sub-paragraph.

Member States may decide which option applies to products produced in their territories.

*Article 57***Indication of the holding**

1. The terms referring to a holding listed in Annex XIII, other than the indication of the name of the bottler, producer or vendor, shall be reserved for wines with protected designation of origin or geographical indication provided that:

- (a) the wine is made exclusively from grapes harvested in vineyards exploited by that holding;
- (b) the winemaking is entirely carried out on that holding;
- (c) Member States regulate the use of their respective terms listed in Annex XIII. Third countries establish the rules on use applicable to their respective terms listed in Annex XIII, including those emanating from representative professional organisations.

2. The name of a holding may be used by other operators involved in the marketing of the product only where the holding in question agrees to that use.

*Article 58***Indication of the sugar content**

1. The terms listed in Part A of Annex XIV to this Regulation indicating the sugar content shall appear on the label of the products provided for in Article 59(1)(g) of Regulation (EC) No 479/2008.

2. If the sugar content of the products, expressed in terms of fructose and glucose (including any sucrose), justifies the use of two of the terms listed in Part A of Annex XIV, only one of those two terms shall be chosen.

3. Without prejudice to the conditions of use described in Part A of Annex XIV, the sugar content may not differ by more than 3 grams per litre from what appears on the product label.

▼ B*Article 59***Derogations**

In accordance with Article 59(3)(b) to Regulation (EC) No 479/2008, the terms '*protected designation of origin*' may be omitted for wines bearing the following protected designations of origin, provided this possibility is regulated in the Member State legislation or in the rules applicable in the third country concerned, including those emanating from representative professional organisations:

- |               |   |
|---------------|---|
| (a) Cyprus:   | Κουμανδαρία (Commandaria);                      |
| (b) Greece:   | Σάμος (Samos);                                  |
| (c) Spain:    | Cava,<br>Jerez, Xérès or Sherry,<br>Manzanilla; |
| (d) France:   | Champagne;                                      |
| (e) Italy:    | Asti,<br>Marsala,<br>Franciacorta;              |
| (f) Portugal: | Madeira or Madère,<br>Port or Porto.            |

*Article 60***Specific rules for aerated sparkling wine, aerated semi-sparkling wine and quality sparkling wine**

1. The terms '*aerated sparkling wine*' and '*aerated semi-sparkling wine*' as referred to in Annex IV to Regulation (EC) No 479/2008 shall be supplemented in characters of the same type and size by the words '*obtained by adding carbon dioxide*' or '*obtained by adding carbon anhydride*', except when the language used indicates by itself that carbon dioxide has been added.

The words '*obtained by adding carbon dioxide*' or '*obtained by adding carbon anhydride*' shall be indicated even where Article 59(2) of Regulation (EC) No 479/2008 applies.

2. For quality sparkling wines, the reference to the category of the grapevine product may be omitted for wines whose labels include the term '*Sekt*'.

*SECTION 2****Optional particulars****Article 61***Vintage year**

1. The vintage year referred to in Article 60(1)(a) of Regulation (EC) No 479/2008 may appear on the labels of products as referred to in Article 49 provided that at least 85 % of the grapes used to make the products have been harvested in the year in question. This does not include:

- (a) any quantity of products used in sweetening, '*expedition liqueur*' or '*tirage liqueur*' or

**▼B**

(b) any quantity of product as referred to in Annex IV(3)(e) and (f) to Regulation (EC) No 479/2008.

2. For products traditionally obtained from grapes harvested in January or February, the vintage year to appear on the label of wines shall be that of the previous calendar year.

3. Products without protected designation of origin or geographical indication shall also comply with the requirements laid down in paragraphs 1 and 2 of this Article and in Article 63.

*Article 62***Name of wine grape variety**

1. The names of the wine grape varieties or their synonyms referred to in Article 60(1)(b) of Regulation (EC) No 479/2008 used for the production of products as referred to in Article 49 of this Regulation may appear on the labels of the products concerned under the conditions laid down in points (a) and (b) of this Article.

(a) For wines produced in the European Community, the names of the wine grape varieties or their synonyms shall be those mentioned in the wine grape varieties classification as referred to in Article 24(1) of Regulation (EC) No 479/2008.

For Member States exempted from the classification obligation as provided for in Article 24(2) of Regulation (EC) No 479/2008, the names of the wine grape varieties or synonyms shall be mentioned in the 'International list of vine varieties and their synonyms' managed by the International Organisation of Vine and Wine (OIV).

(b) For wines originating in third countries, the conditions of use of the names of the wine grape varieties or their synonyms shall conform with the rules applicable to wine producers in the third country concerned, including those emanating from representative professional organisations and the names of the wine grape varieties or their synonyms are mentioned in at least one of the following lists:

(i) the International Organisation of Vine and Wine (OIV);

(ii) the Union for the Protection of Plant Varieties (UPOV);

(iii) the International Board for Plant Genetic Resources (IBPGR).

(c) For products with protected designation of origin or geographical indication or with a geographical indication of a third country, the names of the wine grape varieties or their synonyms may be mentioned:

(i) if only one wine grape variety or its synonym is named, at least 85 % of the products have been made from that variety, not including:

— any quantity of products used in sweetening, 'expedition liqueur' or 'tirage liqueur'; or

— any quantity of product as referred to in Annex IV(3)(e) and (f) to Regulation (EC) No 479/2008;



**▼B**

(ii) if two or more wine grape varieties or their synonyms are named, 100 % of the products concerned have been made from these varieties, not including:

— any quantity of products used in sweetening, ‘*expedition liqueur*’ or ‘*tirage liqueur*’; or

— any quantity of product as referred to in Annex IV(3)(e) and (f) of Regulation (EC) No 479/2008.

In the case referred to in point (ii), the wine grape varieties must appear in descending order of the proportion used and in characters of the same size.

(d) For products without protected designation of origin or geographical indication, the names of the wine grape varieties or their synonyms may be mentioned provided the requirements laid down in points (a) or (b), and (c) of paragraph 1 and in Article 63 are fulfilled.

2. In the case of sparkling wines and quality sparkling wines, the wine grape variety names used to supplement the description of the product, namely, ‘*pinot blanc*’, ‘*pinot noir*’, ‘*pinot meunier*’ or ‘*pinot gris*’ and the equivalent names in the other Community languages, may be replaced by the synonym ‘*pinot*’.

3. By way of derogation from Article 42(3) of Regulation (EC) No 479/2008, the wine grape variety names and their synonyms listed in Part A of Annex XV to this Regulation, that consist of or contain a protected designation of origin or geographical indication may only appear on the label of a product with protected designation of origin or geographical indication or geographical indication of a third country if they were authorised under Community rules in force on 11 May 2002 or on the date of accession of Member States, whichever is later.

4. The wine grape variety names and their synonyms listed in Part B of Annex XV to this Regulation, that partially contain a protected designation of origin or geographical indication and directly refers to the geographical element of the protected designation of origin or geographical indication in question, may only appear on the label of a product with protected designation of origin or geographical indication or geographical indication of a third country.

*Article 63***Specific rules on wine grape varieties and vintage years for wines without protected designation of origin or geographical indication.****▼M3**

1. Member States shall designate the competent authority or authorities responsible for ensuring certification as provided for in Article 118z(2)(a) of Regulation (EC) No 1234/2007, in accordance with the criteria laid down in Article 4 of Regulation (EC) No 882/2004 of the European Parliament and of the Council (1).

(1) OJ L 165, 30.4.2004, p. 1.

**▼ M3**

Each Member State shall communicate to the Commission the following details before 1 October 2011, as well as any amendments to those details in accordance with Article 70a(1) of this Regulation:

- (a) the name, address and contact points, including e-mail addresses, of the authority or authorities responsible for the application of this Article;
- (b) where applicable, the name, address and contact points, including e-mail addresses, of all the bodies authorised by an authority for the application of this Article;
- (c) the measures they have taken to implement this Article, where those measures are of specific value for the purposes of cooperation between Member States as referred to in Regulation (EC) No 555/2008;
- (d) the wine grape varieties concerned by the application of Articles 118z(2) and 120a of Regulation (EC) No 1234/2007.

The Commission shall draw up and keep up-to-date a list containing the names and addresses of the competent authorities and authorised bodies, as well as the authorised wine grape varieties, based on information communicated by the Member States. The Commission shall make this list known to the public.

**▼ B**

2. Certification of wine, at any stage of the production, including during the conditioning of the wine, shall be ensured either by:

- (a) the competent authority or authorities referred to in paragraph 1; or,
- (b) one or more control bodies within the meaning of point 5 of the second subparagraph of Article 2 of Regulation (EC) No 882/2004 operating as a product certification body in accordance with the criteria laid down in Article 5 of that Regulation.

The authority or authorities referred to in paragraph 1 shall offer adequate guarantees of objectivity and impartiality, and have at their disposal the qualified staff and resources needed to carry out their tasks.

The certification bodies referred to in point (b) of the first subparagraph shall comply with, and from 1 May 2010 be accredited in accordance with, the European standard EN 45011 or ISO/IEC Guide 65 (General requirements for bodies operating product certification systems).

**▼ M1**

The costs of the certification shall be borne by the operators subject to it, save where Member States decide otherwise.

**▼ B**

3. The Certification procedure as provided for in Article 60(2)(a) of Regulation (EC) No 479/2008 shall ensure administrative evidence to support the veracity of the wine grape variety(-ies) or the vintage year shown on the label of the wine(s) concerned.

**▼B**

In addition, producing Member States may decide on:

- (a) an organoleptic test of the wine relating to the odour and the taste with the view to verifying that the essential characteristic of the wine is due to the wine grape variety(-ies) used may be carried out and shall concern anonymous samples;
- (b) an analytical test in case of a wine made from a single wine grape variety.

The certification procedure shall be carried out by competent authority(-ies) or control body(-ies) as referred to in paragraphs 1 and 2 in the Member State in which production took place.

The certification shall be carried out either through:

- (a) random checks based on a risk analysis;
- (b) sampling; or
- (c) systematically.

In the case of random checks, they shall be based on a control plan pre-established by the authority(-ies) covering different stages of production of the product. The control plan shall be known by the operators. Member States shall select randomly the minimum number of operators to be subjected to this check.

In the case of sampling, Member States shall ensure that by their number, nature and frequency controls, they are representative of the whole of their territory and correspond to the volume of wine-sector products marketed or held with a view to their marketing.

Random checks may be combined with sampling.

4. As regards Article 60(2)(a) of Regulation (EC) No 479/2008, producing Member States shall ensure that producers of the wines in question are approved by the Member State where the production takes place.

5. As regards control, including traceability, producing Member States shall ensure that Title V of Regulation (EC) No 555/2008 and Regulation (EC) No 606/2009 apply.

6. In case of a trans-border wine as referred to in Article 60(2)(c) of Regulation (EC) No 479/2008, certification can be carried out by either one of the authority(-ies) of the Member States concerned.

7. For wines produced in accordance with Article 60(2) of Regulation (EC) No 479/2008, Member States may decide to use the terms '*varietal wine*' supplemented by the name(s) of:

- (a) the Member State(s) concerned;
- (b) the wine grape variety(-ies).

**▼B**

For wines without protected designation of origin, protected geographical indication or geographical indication produced in third countries which bear on labels the name of one or more wine grape varieties or the vintage year, third countries may decide to use the terms ‘*varietal wine*’ supplemented by the name(s) of the third country(ies) concerned.

In the case of the indication of the name(s) of the Member State(s) or third country(ies), Article 55 of this Regulation shall not apply.

**▼M1**

In the case of United Kingdom, the name of the Member State may be replaced by the name of an individual country forming part of United Kingdom.

**▼B**

8. Paragraphs 1 to 6 shall apply for products produced from grapes harvested as from and including 2009.

*Article 64***Indication of the sugar content**

1. Save as otherwise provided for in Article 58 of this Regulation, the sugar content expressed as fructose and glucose as provided for in Part B of Annex XIV to this Regulation, may appear on the label of the products as referred to in Article 60(1)(c) of Regulation (EC) No 479/2008.

2. If the sugar content of the products justifies the use of two of the terms listed in Part B of Annex XIV to this Regulation, only one of those two terms shall be chosen.

3. Without prejudice to the conditions of use described in Part B of Annex XIV to this Regulation, the sugar content may not differ by more than 1 gram per litre from what appears on the product label.

**▼M1**

4. Paragraph 1 shall not apply to products referred to in paragraphs 3, 8 and 9 of Annex XIb to Regulation (EC) No 1234/2007 provided that the conditions of the use of the indication of the sugar content are regulated by the Member State or established in rules applicable in the third country concerned, including, in the case of third countries, rules emanating from representative professional organisations.

**▼B***Article 65***Indication of the Community symbols**

1. The Community symbols referred to in Article 60(1)(e) of Regulation (EC) No 479/2008 may appear on labels of wines as laid down in Annex V to Commission Regulation (EC) No 1898/2006 <sup>(1)</sup>. Notwithstanding Article 59, the indications ‘*PROTECTED DESIGNATION OF ORIGIN*’ and ‘*PROTECTED GEOGRAPHICAL INDICATION*’ within the symbols may be replaced by the equivalent terms in another official language of the Community as laid down in the aforesaid Annex.

<sup>(1)</sup> OJ L 369, 23.12.2006, p. 1.

**▼B**

2. Where the Community symbols or the indications referred to in Article 60(1)(e) of Regulation (EC) No 479/2008 appear on the label of a product, they shall be accompanied by the corresponding protected designation of origin or geographical indication.

*Article 66***Terms referring to certain production methods**

1. In Accordance with Article 60(1)(f) of Regulation (EC) No 479/2008, wines marketed in the Community may bear indications referring to certain production methods, among others, those which are laid down in paragraphs 2, 3, 4, 5 and 6 of this Article.

2. The indications listed in Annex XVI are the only terms which may be used to describe a wine with protected designations of origin or geographical indications or with a geographical indication of a third country that has been fermented, matured or aged in a wood container. Member States and third countries may, however, establish other indications equivalent to those laid down in Annex XVI for such wines.

Use of one of the indications referred to in the first subparagraph shall be permitted where the wine has been aged in a wood container in accordance with the national rules in force, even when the ageing process continues in another type of container.

The indications referred to in the first subparagraph may not be used to describe a wine that has been produced with the aid of oak chips, even in association with the use of a wood container or wood containers.

3. The expression '*bottle-fermented*' may be used only to describe sparkling wines with protected designations of origin or geographical indication of a third country or quality sparkling wines provided that:

- (a) the product was made sparkling by a second alcoholic fermentation in a bottle;
- (b) the length of the production process, including ageing in the undertaking where the product was made, calculated from the start of the fermentation process designed to make the *cuvée* sparkling, has not been less than nine months;
- (c) the process of fermentation designed to make the *cuvée* sparkling and the presence of the *cuvée* on the lees lasted at least 90 days; and
- (d) the product was separated from the lees by filtering in accordance with the racking method or by disgorging.

4. The expressions '*bottle-fermented by the traditional method*' or '*traditional method*' or '*classical method*' or '*classical traditional method*' may be used only to describe sparkling wines with protected designations of origin or with a geographical indication of a third country or quality sparkling wines provided the product:

- (a) was made sparkling by a second alcoholic fermentation in the bottle;

**▼B**

(b) stayed without interruption in contact with the lees for at least nine months in the same undertaking from the time when the cuvée was constituted;

(c) was separated from the lees by disgorging.

5. The expression ‘*Crémant*’ may only be used for white or ‘*rosé*’ quality sparkling wines with protected designations of origin or with a geographical indication of a third country provided:

(a) the grapes shall be harvested manually;

(b) the wine is made from must obtained by pressing whole or destemmed grapes. The quantity of must obtained shall not exceed 100 litres for every 150 kg of grapes;

(c) the maximum sulphur dioxide content does not exceed 150 mg/l;

(d) the sugar content is less than 50 g/l;

(e) the wine complies with the requirements laid down in paragraph 4; and

(f) without prejudice to Article 67, the term ‘*Crémant*’ shall be indicated on labels of quality sparkling wines in combination with the name of the geographical unit underlying the demarcated area of the protected designation of origin or the a geographical indication of a third country in question.

Points (a) and (f) does not apply to producers who own trademarks containing the term ‘*crémant*’ registered before 1 March 1986.

6. References to the organic production of grapes are governed by Council Regulation (EC) No 834/2007 <sup>(1)</sup>.

#### *Article 67*

#### **Name of a smaller or larger geographical unit than the area underlying the designation of origin or geographical indication and geographical area references**

1. As regards Article 60(1)(g) to Regulation (EC) No 479/2008 and without prejudice to Articles 55 and 56 of this Regulation, the name of a geographical unit and geographical area references may only appear on labels of wines with protected designation of origin or geographical indication or with a geographical indication of a third country.

2. ► **M1** For the use of the name of a smaller geographical unit than the area underlying the designation of origin or geographical indication the area of the geographical unit in question shall be well defined. Member States may establish rules concerning the use of these geographical units. At least 85 % of the grapes from which the wine has been produced shall originate in that smaller geographical unit. This does not include:

(a) any quantity of products used in sweetening, ‘*expédition liqueur*’ or ‘*tirage liqueur*’; or

<sup>(1)</sup> OJ L 189, 20.7.2007, p. 1.

**▼B**

- (b) any quantity of product as referred to in Annex XIb (3) points (e) and (f) of Regulation (EC) No 1234/2007.

The remaining 15 % of the grapes shall originate in the geographical demarcated area of the designation of origin or geographical indication concerned. ◀

Member States may decide, in the case of registered trademarks or trademarks established by use before 11 May 2002 which contain or consist of a name of a smaller geographical unit than the area underlying the designation of origin or geographical indication and geographical area references of the Member States concerned, not to apply the requirements laid down in the third and fourth sentences of the first subparagraph.

3. The name of a smaller or larger geographical unit than the area underlying the designation of origin or geographical indication or a geographical area references shall consist of:

- (a) a locality or group of localities;
- (b) a local administrative area or part thereof;
- (c) a wine-growing sub-region or part thereof;
- (d) an administrative area.

*SECTION 3****Rules on certain specific bottle shapes and closures and additional provisions laid down by the producer Member States****Article 68***Conditions of use of certain specific bottle shapes**

To qualify for inclusion in the list of specific types of bottle set out in Annex XVII, a bottle type shall meet the following requirements:

- (a) it shall have been exclusively, genuinely and traditionally used for the last 25 years for a wine with a particular protected designation of origin or geographical indication; and
- (b) its use shall evoke for consumers a wine with a particular protected designation of origin or geographical indication.

Annex XVII indicates the conditions governing the use of the recognised specific types of bottles.

**▼M2***Article 69***Rules on presentation for certain products**

1. Sparkling wine, quality sparkling wine and quality aromatic sparkling wine produced in the European Union shall be marketed or exported in 'sparkling wine'-type glass bottles closed with:

- (a) for bottles with a nominal volume more than 0,20 litres: a mushroom-shaped stopper made of cork or other material permitted to come into contact with foodstuffs, held in place by a fastening, covered, if necessary, by a cap and sheathed in foil completely covering the stopper and all or part of the neck of the bottle;

**▼M2**

- (b) for bottles with a nominal volume content not exceeding 0,20 litres: any other suitable closure.

Other products produced in the Union shall not be marketed or exported in either 'sparkling wine'-type glass bottles or with a closure as described in point (a) of the first subparagraph.

2. By way of derogation from the second subparagraph of paragraph 1, Member States may decide that the following products may be marketed or exported in 'sparkling wine'-type glass bottles and/or with a closure as described in point (a) of the first subparagraph of paragraph 1:

- (a) products traditionally bottled in such bottles and which:
- (i) are listed in Article 113d(1)(a) of Regulation (EC) No 1234/2007;
  - (ii) are listed in points 7, 8 and 9 of Annex XIb to Regulation (EC) No 1234/2007;
  - (iii) are listed in Council Regulation (EEC) No 1601/1991 <sup>(1)</sup>; or
  - (iv) have an actual alcoholic strength by volume no greater than 1,2 % vol;
- (b) products other than those referred to in point (a) provided that they do not mislead consumers with regard to the real nature of the product.

**▼B***Article 70***Additional provisions laid down by the producer Member States relating to labelling and presentation**

1. For wines with protected designation of origin or geographical indication produced on their territory, the particulars referred to in Articles 61, 62 and 64 to 67 may be rendered compulsory, prohibited or limited as regards their use by introducing conditions stricter than those laid down in this Chapter through the corresponding product specifications of those wines.

2. As regards wines without protected designation of origin or geographical indication produced on their territory, Member States may render compulsory the particulars referred to in Articles 64 and 66.

3. For control purposes, Member States may decide to define and regulate other particulars than those listed in Articles 59(1) and 60(1) of Regulation (EC) No 479/2008 for wines produced in their territories.

4. For control purposes, Member States may decide to render applicable Article 58, 59 and 60 of Regulation (EC) No 479/2008 for wines bottled in their territories but not marketed or exported yet.

<sup>(1)</sup> OJ L 149, 14.6.1991, p. 1.



**▼B**

## CHAPTER V

## GENERAL, TRANSITIONAL AND FINAL PROVISIONS

**▼M3***Article 70a***Method applicable to communications between the Commission, the Member States, third countries and other operators**

1. As regards the present paragraph, the documents and information required for the implementation of this Regulation shall be communicated to the Commission in accordance with the following method:

- (a) for the competent authorities of Member States, through the intermediary of the information system made available to them by the Commission in accordance with the provisions of Regulation (EC) No 792/2009;
- (b) for the competent authorities and representative trade organisations of third countries, as well as natural or legal persons who have a legitimate interest under this Regulation, through electronic means, using the methods and forms made available to them by the Commission and made accessible under the conditions specified in Annex XVIII to this Regulation.

However, paper-based communication is also possible, using those forms.

The filing of an application and the content of the communications is a matter for the competent authorities designated by the third countries, or the representative trade organisations, or the legal or natural persons that are involved, as the case may be.

2. Information shall be communicated and made available by the Commission to the authorities and persons affected by this Regulation and, where applicable, to the public, through the information systems put in place by the Commission.

The authorities and persons affected by this Regulation may contact the Commission, in accordance with Annex XIX, in order to obtain information on the practicalities of accessing the information systems, of communication and of making information available.

3. Article 5(2) and Articles 6, 7 and 8 of Regulation (EC) No 792/2009 apply *mutatis mutandis* to the communication and making available of information, referred to in paragraph 1(b) and paragraph 2 of this Article.

4. As regards the implementation of paragraph 1(b), the rights to access the information systems for the competent authorities and the representative trade organisations of third countries, as well as for natural or legal persons who have a legitimate interest under this Regulation, shall be assigned by those responsible for the information systems in the Commission.

Those who are responsible for the information systems in the Commission shall approve access rights, as appropriate, on the basis of:

- (a) information regarding the competent authorities designated by the third country with their contact points and e-mail addresses, held by the Commission under international agreements or communicated to the Commission in accordance with these agreements;

▼ **M3**

- (b) an official request from a third country specifying information regarding the authorities responsible for the communication of the documents and information required for the implementation of paragraph 1(b), as well as the contact points and e-mail addresses of the authorities concerned;
- (c) a request from a representative trade organisation in a third country or a legal or natural person, with proof of identity, evidence of its legitimate interest and an e-mail address.

After access rights have been approved, they shall be activated by those responsible for the information systems in the Commission.

*Article 70b***Communication and provision of information regarding the authorities responsible for examining applications at national level**

1. Member States shall communicate to the Commission before 1 October 2011, in accordance with Article 70a(1), the name, address and contact points, including e-mail addresses of the authorities responsible for the implementation of Article 118f(2) of Regulation (EC) No 1234/2007 as well as any changes to these details.
2. The Commission shall draw up and maintain a list containing the names and addresses of the competent authorities of the Member States or third countries on the basis of information communicated by the Member States in accordance with paragraph 1 or by third countries in accordance with international agreements concluded with the EU. The Commission shall make this list known to the public.

*Article 71***Wine names protected under Regulation (EC) No 1493/1999**

1. The documents referred to in Article 118s(2) of Regulation (EC) No 1234/2007, hereinafter 'the file' and the amendments to a product specification referred to in Article 73(1)(c) and (d) and 73(2) of this Regulation, shall be sent by the Member States in accordance with Article 70a(1) of this Regulation in accordance with the following rules and procedures:
  - (a) the Commission shall confirm receipt of the file or of the amendment, as indicated in Article 9 of this Regulation;
  - (b) the file or amendment shall be considered as admissible on the date on which it is received by the Commission, under the conditions set out in Article 11 of this Regulation and provided that they are received by the Commission at the latest on 31 December 2011;
  - (c) the Commission shall confirm the registration of the designation of origin or the geographical indication in question in the register in accordance with Article 18 of this Regulation, with any amendments, and assigns it a file number;

**▼ M3**

(d) the Commission shall examine the validity of the application file, taking account where applicable of the amendments received, in accordance with the time-limit laid down in Article 12(1) of this Regulation.

2. The Commission may decide to withdraw the designation of origin or geographical indication concerned in accordance with Article 118s(4) of Regulation (EC) No 1234/2007 on the basis of the documents available to it under Article 118s(2) of that Regulation.

**▼ M2**

3. By way of derogation from Article 2(2) of this Regulation, in respect of the transmission of the technical files as referred to in point (a) of Article 118s(2) of Regulation (EC) No 1234/2007 the authorities of the Member States may be considered as applicants for the purpose of the application of point (b) of Article 118c(1) of that Regulation.

**▼ B***Article 72***Temporary labelling**

1. By way of derogation from Article 65 of this Regulation, wines bearing a designation of origin or a geographical indication, whose designation of origin or geographical indication concerned meet the requirements as referred to in Article 38(5) of Regulation (EC) No 479/2008, shall be labelled in accordance with the provisions laid down in Chapter IV of this Regulation.

2. Where the Commission decides not to confer protection to a designation of origin or geographical indication pursuant to Article 41 of Regulation (EC) No 479/2008, wines labelled in accordance with paragraph 1 of this Article shall be withdrawn from the market or re-labelled in accordance with Chapter IV of this Regulation.

**▼ M3***Article 73***Transitional provisions**

1. The procedure set out in Article 118s of Regulation (EC) No 1234/2007 shall apply in the following cases:

- (a) for any wine designation submitted to a Member State as a designation of origin or geographical indication and approved by that Member State before 1 August 2009;
- (b) for any wine designation submitted to a Member State as a designation of origin or geographical indication before 1 August 2009, and approved by that Member State before 31 December 2011;
- (c) for any modification to the product specification submitted to a Member State before 1 August 2009 and sent to the Commission by that Member State before 31 December 2011;
- (d) for any minor modification to the product specification submitted to a Member State on or after 1 August 2009 and sent to the Commission by that Member State before 31 December 2011.

**▼M3**

2. The procedure set out in Article 118q of Regulation (EC) No 1234/2007 does not apply to amendments to a product specification submitted to a Member State on or after 1 August 2009 and sent to the Commission by that Member State before 30 June 2014, where these amendments are concerned exclusively with bringing the product specification sent to the Commission under Article 118s(2) of Regulation (EC) No 1234/2007 into compliance with Article 118c of Regulation (EC) No 1234/2007 of this Regulation.

3. Wines placed on the market or labelled before 31 December 2010 that comply with the relevant provisions applicable before 1 August 2009 may be marketed until stocks are exhausted.

**▼B***Article 74***Repeal**

Regulations (EC) No 1607/2000 and (EC) No 753/2002 are hereby repealed.

*Article 75***Entry into force**

This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 August 2009.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

▼ M3

▼ B

*ANNEX X*

**PICTOGRAM REFERRED TO IN ARTICLE 51(2)**



▼ M3▼ B

## ANNEX XIII

## TERMS REFERRING TO A HOLDING

Member States or third countries	Terms
Austria	Burg, Domäne, Eigenbau, Familie, Gutswein, Güterverwaltung, Hof, Hofgut, Kloster, Landgut, Schloss, Stadtgut, Stift, Weinbau, Weingut, Weingärtner, Winzer, Winzermeister
Czech Republic	Sklep, vinařský dům, vinařství
Germany	Burg, Domäne, Kloster, Schloss, Stift, Weinbau, Weingärtner, Weingut, Winzer
France	Abbaye, Bastide, Campagne, Chapelle, Château, Clos, Commanderie, Cru, Domaine, Mas, Manoir, Mont, Monastère, Monopole, Moulin, Prieuré, Tour
Greece	Αγρέπαυλη (Agrepavlis), Αμπελι (Ampeli), Αμπελώνας(-ες) (Ampelonas(-es)), Αρχοντικό (Archontiko), Κάστρο (Kastro), Κτήμα (Ktima), Μετόχι (Metochi), Μοναστήρι (Monastiri), Ορεινό Κτήμα (Orino Ktima), Πύργος (Pyrgos)
Italy	abbazia, abtei, ansitz, burg, castello, kloster, rocca, schlofl, stift, torre, villa
Cyprus	Αμπελώνας (-ες) (Ampelonas (-es), Κτήμα (Ktima), Μοναστήρι (Monastiri), Μονή (Moni)
Portugal	Casa, Herdade, Paço, Palácio, Quinta, Solar
Slovakia	Kaštieľ, Kúria, Pivnica, Vinárstvo, Usadlosť
Slovenia	Klet, Kmetija, Posestvo, Vinska klet



## ANNEX XIV

## INDICATION OF THE SUGAR CONTENT

Terms	Conditions of use
<b>PART A — List of terms to be used for sparkling wine, aerated sparkling wine, quality sparkling wine or quality aromatic sparkling wine</b>	
brut nature, naturherb, bruto natural, pas dosé, dosage zéro, natūralusis briutas, īsts bruts, přírodně tvrdé, popolnoma suho, dosaggio zero, брют натюр, brut natur	If its sugar content is less than 3 grams per litre; these terms may be used only for products to which no sugar has been added after the secondary fermentation.
extra brut, extra herb, ekstra briutas, ekstra brut, ekstra bruts, zvláště tvrdé, extra bruto, izredno suho, ekstra wytrawne, екстра брют	If its sugar content is between 0 and 6 grams per litre.
brut, herb, briutas, bruts, tvrdé, bruto, zelo suho, bardzo wytrawne, брют	If its sugar content is less than 12 grams per litre.
extra dry, extra trocken, extra seco, labai sausas, ekstra kuiv, ekstra sausais, különlegesen száraz, wytrawne, suho, zvláště suché, extra suché, екстра cyxo, extra sec, ekstra tør	If its sugar content is between 12 and 17 grams per litre.
sec, trocken, secco, asciutto, dry, tør, ξηρός, seco, torr, kuiva, sausas, kuiv, sausais, száraz, półwytrawne, polsuho, suché, cyxo	If its sugar content is between 17 and 32 grams per litre.
demi-sec, halbtrocken, abboccato, medium dry, halvtør, ημίξηρος, semi seco, meio seco, halvtorr, puolikuiva, pusiau sausas, poolkuiv, pussausais, félszáraz, półslodkie, polsladko, polosuché, polosladké, полусухо	If its sugar content is between 32 and 50 grams per litre.
doux, mild, dolce, sweet, sød, γλυκός, dulce, doce, söt, makea, saldus, magus, édes, helu, słodkie, sladko, sladké, сладко, dulce, saldaís	If its sugar content is greater than 50 grams per litre.
<b>PART B — List of terms to be used for other products than those listed in Part A</b>	
cyxo, seco, suché, tør, trocken, kuiv, ξηρός, dry, sec, secco, asciutto, sausais, sausas, száraz, droog, wytrawne, seco, sec, suho, kuiva	If its sugar content does not exceed: <ul style="list-style-type: none"> <li>— 4 grams per litre, or</li> <li>— 9 grams per litre, provided that the total acidity expressed as grams of tartaric acid per litre is not more than 2 grams below the residual sugar content.</li> </ul>

▼B

Terms	Conditions of use
<p>полусухо, semiseco, polosuché, halvtør, halbtrocken, poolkuiv, ημίξηρος, medium dry, demi-sec, abboccato, pussausais, pusiau sausas, félszáraz, halfdroog, półwytrawne, meio seco, adamado, demisec, polsuho, puolikuiva, halvtorr</p>	<p>If its sugar content exceeds the maximum set at above but not exceeds:</p> <ul style="list-style-type: none"> <li>— 12 grams per litre, or</li> <li>— 18 grams per litre, provided that the total acidity expressed as grams of tartaric acid per litre is not more than 10 grams below the residual sugar content.</li> </ul>
<p>полусладко, semidulce, polosladké, halvsød, lieblich, poolmagus, ημίγλυκός, medium, medium sweet, moelleux, amabile, pussaldais, pusiau saldus, félédes, halfzoet, półsłodkie, meio doce, demidulce, polsladko, puolimakea, halvsött</p>	<p>If its sugar content is higher than the maximum set at above but not more than 45 grams per litre.</p>
<p>сладко, dulce, sladké, sød, süss, magus, γλυκός, sweet, doux, dolce, saldais, saldus, édes, helu, zoet, słodkie, doce, dulce, sladko, makea, sött.</p>	<p>If its sugar content is of at least 45 grams per litre.</p>





## ANNEX XV

**LIST OF WINE GRAPE VARIETIES AND THEIR SYNONYMS THAT MAY APPEAR ON THE LABELLING OF WINES**

**PART A: List of wine grape varieties and their synonyms that may appear on the labelling of wines in accordance with Article 62(3)**

	Name of a protected designation of origin or geographical indication	Variety name or its synonyms	Countries that may use the variety name or one of its synonyms <sup>(1)</sup>
1	Alba (IT)	<b>Albarossa</b>	Italy°
2	Alicante (ES)	<b>Alicante Bouschet</b>	<b>Greece°</b> , <b>Italy°</b> , <b>Portugal°</b> , <b>Algeria°</b> , <b>Tunisia°</b> , <b>United States°</b> , <b>Cyprus°</b> , South Africa <i>N.B.: The name 'Alicante' may not be used on its own to designate wine.</i>
3		<b>Alicante Branco</b>	<b>Portugal°</b>
4		<b>Alicante Henri Bouschet</b>	<b>France°</b> , <b>Serbia and Montenegro (6)</b>
5		<b>Alicante</b>	<b>Italy°</b>
6		Alikant Buse	Serbia and Montenegro (4)
7	Avola (IT)	Nero d'Avola	Italy
8	Bohotin (RO)	<b>Busuioacă de Bohotin</b>	<b>Romania</b>
9	Borba (PT)	<b>Borba</b>	<b>Spain°</b>
10	Bourgogne (FR)	Blauburgunder	Former Yugoslav Republic of Macedonia (13-20-30), Austria (18-20), Canada (20-30), Chile (20-30), Italy (20-30), Switzerland
11		<b>Blauer Burgunder</b>	<b>Austria (10-13)</b> , <b>Serbia and Montenegro (17-30)</b>
12		<b>Blauer Frühburgunder</b>	<b>Germany (24)</b>
13		<b>Blauer Spätburgunder</b>	<b>Germany (30)</b> , Former Yugoslav Republic of Macedonia (10-20-30), Austria (10-11), Bulgaria (30), Canada (10-30), Chile (10-30), Romania (30), Italy (10-30)
14		<b>Burgund Mare</b>	<b>Romania (35, 27, 39, 41)</b>
15		<b>Burgundac beli</b>	<b>Serbia and Montenegro (34)</b>
16		Burgundac Crni	Croatia°
17		<b>Burgundac crni</b>	<b>Serbia and Montenegro (11-30)</b>
18		<b>Burgundac sivi</b>	Croatia°, <b>Serbia and Montenegro°</b>
19		<b>Burgundec bel</b>	<b>Former Yugoslav Republic of Macedonia°</b>
20		<b>Burgundec crn</b>	<b>Former Yugoslav Republic of Macedonia (10-13-30)</b>

▼ **M1**

	Name of a protected designation of origin or geographical indication	Variety name or its synonyms	Countries that may use the variety name or one of its synonyms <sup>(1)</sup>
21		<b>Burgundec siv</b>	<b>Former Yugoslav Republic of Macedonia</b> <sup>o</sup>
22		<b>Early Burgundy</b>	<b>United States</b> <sup>o</sup>
23		Fehér Burgundi, Burgundi	Hungary (31)
24		Frühburgunder	Germany (12), <b>Netherlands</b> <sup>o</sup>
25		Grauburgunder	Germany, Bulgaria, Hungary <sup>o</sup> , Romania (26)
26		Grauer Burgunder	Canada, Romania (25), Germany, <b>Austria</b>
27		Grossburgunder	Romania (37, 14, 40, 42)
28		Kisburgundi kék	Hungary (30)
29		<b>Nagyburgundi</b>	Hungary <sup>o</sup>
30		Spätburgunder	Former Yugoslav Republic of Macedonia (10-13-20), Serbia and Montenegro (11-17), Bulgaria (13), Canada (10-13), Chile, Hungary (29), Moldavia <sup>o</sup> , Romania (13), Italy (10-13), <b>United Kingdom</b> , Germany (13)
31		Weißburgunder	South Africa (33), Canada, Chile (32), Hungary (23), Germany (32, 33), Austria (32), United Kingdom <sup>o</sup> , Italy
32		<b>Weißer Burgunder</b>	<b>Germany</b> (31, 33), <b>Austria</b> (31), Chile (31), Slovenia, Italy
33		<b>Weissburgunder</b>	South Africa (31), Germany (31, 32), United Kingdom, Italy, <b>Switzerland</b> <sup>o</sup>
34		Weisser Burgunder	Serbia and Montenegro (15)
35	Calabria (IT)	Calabrese	<b>Italy</b>
36	Cotnari (RO)	<b>Grasă de Cotnari</b>	<b>Romania</b>
37	Franken (DE)	<b>Blaufränkisch</b>	Czech Republic (39), Austria <sup>o</sup> , Germany, Slovenia ( <b>Modra frankinja</b> , Frankinja), Hungary, Romania (14, 27, 39, 41)
38		<b>Frâncușă</b>	<b>Romania</b>
39		<b>Frankovka</b>	<b>Czech Republic</b> (37), Slovakia (40), Romania (14, 27, 38, 41)
40		<b>Frankovka modrá</b>	<b>Slovakia</b> (39)
41		<b>Kékfrankos</b>	Hungary, Romania (37, 14, 27, 39)
42	Friuli (IT)	Friulano	Italy
43	Graciosa (PT)	<b>Graciosa</b>	<b>Portugal</b> <sup>o</sup>
44	Мелник (BU) <i>Melnik</i>	<b>Мелник</b> <i>Melnik</i>	<b>Bulgaria</b>

▼ **M1**

	Name of a protected designation of origin or geographical indication	Variety name or its synonyms	Countries that may use the variety name or one of its synonyms (1)
45	Montepulciano (IT)	<b>Montepulciano</b>	<b>Italy°</b>
46	Moravské (CZ)	Cabernet Moravia	<b>Czech Republic°</b>
47		Moravia dulce	<b>Spain°</b>
48		Moravia agria	<b>Spain°</b>
49		<b>Muškat moravský</b>	<b>Czech Republic°, Slovakia</b>
50	Odobești (RO)	<b>Galbenă de Odobești</b>	<b>Romania</b>
51	Porto (PT)	<b>Portoghese</b>	<b>Italy°</b>
52	Rioja (ES)	<b>Torrontés riojano</b>	<b>Argentina°</b>
53	Sardegna (IT)	Barbera Sarda	Italy
54	Sciaccia (IT)	Sciaccarello	France

**PART B: List of wine grape varieties and their synonyms that may appear on the labelling of wines in accordance with Article 62(4)**

	Name of a protected designation of origin or geographical indication	Variety name or its synonyms	Countries that may use the variety name or one of its synonyms (1)
1	Mount Athos — Agioritikos (GR)	<b>Agiorgitiko</b>	<b>Greece°, Cyprus°</b>
2	Aglianico del Taburno (IT)	<b>Aglianico</b>	<b>Italy°, Greece°, Malta°, United States</b>
3	Aglianico del Vulture (IT)	<b>Aglianicone</b>	<b>Italy°</b>
4	Aleatico di Gradoli (IT) Aleatico di Puglia (IT)	<b>Aleatico</b>	<b>Italy, Australia, United States</b>
5	Ansonica Costa dell'Argentario (IT)	<b>Ansonica</b>	<b>Italy, Australia</b>
6	Conca de Barbera (ES)	<b>Barbera Bianca</b>	<b>Italy°</b>
7		<b>Barbera</b>	<b>South Africa°, Argentina°, Australia°, Croatia°, Mexico°, Slovenia°, Uruguay°, United States°, Greece°, Italy°, Malta°</b>
8		<b>Barbera Sarda</b>	<b>Italy°</b>
9	Malvasia di Castelnuovo Don Bosco (IT) Bosco Eliceo (IT)	<b>Bosco</b>	<b>Italy°</b>
10	Brachetto d'Acqui (IT)	<b>Brachetto</b>	<b>Italy, Australia</b>

▼ **M1**

	Name of a protected designation of origin or geographical indication	Variety name or its synonyms	Countries that may use the variety name or one of its synonyms <sup>(1)</sup>	
11	Etyek-Buda (HU)	<b>Budai</b>	<b>Hungary<sup>o</sup></b>	
12	Cesanese del Piglio (IT) Cesanese di Olevano Romano (IT) Cesanese di Affile (IT)	<b>Cesanese</b>	<b>Italy, Australia</b>	
13	Cortese di Gavi (IT) Cortese dell'Alto Monferrato (IT)	<b>Cortese</b>	<b>Italy, Australia, United States</b>	
14	Duna (HU)	<b>Duna gyöngye</b>	<b>Hungary</b>	
15	Dunajskostredský (SK)	<b>Dunaj</b>	<b>Slovakia</b>	
16	Côte de Duras (FR)	<b>Durasa</b>	<b>Italy</b>	
17	Korinthos-Korinthiakos (GR)	<b>Corinto Nero</b>	<b>Italy<sup>o</sup></b>	
18		<b>Korinthiaki</b>	<b>Greece<sup>o</sup></b>	
19	Fiano di Avellino (IT)	<b>Fiano</b>	<b>Italy, Australia, United States</b>	
20	Fortana del Taro (IT)	<b>Fortana</b>	<b>Italy, Australia</b>	
21	Freisa d'Asti (IT) Freisa di Chieri (IT)	<b>Freisa</b>	<b>Italy, Australia, United States</b>	
22	Greco di Bianco (IT) Greco di Tufo (IT)	<b>Greco</b>	<b>Italy, Australia</b>	
23	Grignolino d'Asti (IT) Grignolino del Monferrato Casalese (IT)	<b>Grignolino</b>	<b>Italy, Australia, United States</b>	
24	Izsáki Arany Sárfehér (HU)	<b>Izsáki Sáfeher</b>	<b>Hungary</b>	
25	Lacrima di Morro d'Alba (IT)	<b>Lacrima</b>	<b>Italy, Australia</b>	
26	Lambrusco Grasparossa di Castelvetro	<b>Lambrusco grasparossa</b>	<b>Italy</b>	
27		<b>Lambrusco</b>	<b>Italy, Australia <sup>(?)</sup>, United States</b>	
28				Lambrusco di Sorbara (IT)
29				Lambrusco Mantovano (IT)
30				Lambrusco Salamino di Santa Croce (IT)
31		<b>Lambrusco Salamino</b>	<b>Italy</b>	
32	Colli Maceratesi	Maceratino	<b>Italy, Australia</b>	
33	Nebbiolo d'Alba (IT)	<b>Nebbiolo</b>	<b>Italy, Australia, United States</b>	

▼ **M1**

	Name of a protected designation of origin or geographical indication	Variety name or its synonyms	Countries that may use the variety name or one of its synonyms <sup>(1)</sup>
34	Colli Orientali del Friuli Picolit (IT)	<b>Picolit</b>	<b>Italy</b>
35		<b>Pikolit</b>	<b>Slovenia</b>
36	Colli Bolognesi Classico Pignoletto (IT)	<b>Pignoletto</b>	<b>Italy, Australia</b>
37	Primitivo di Manduria	<b>Primitivo</b>	<b>Italy, Australia, United States</b>
38	Rheingau (DE)	<b>Rajnai rizling</b>	<b>Hungary (41)</b>
39	Rheinhessen (DE)	Rajnski rizling	Serbia and Montenegro (40-41- <b>46</b> )
40		Renski rizling	Serbia and Montenegro (39-43- <b>46</b> ), <b>Slovenia</b> <sup>o</sup> (45)
41		Rheinriesling	Bulgaria <sup>o</sup> , Austria, Germany (43), Hungary ( <b>38</b> ), Czech Republic ( <b>49</b> ), Italy (43), Greece, Portugal, Slovenia
42		Rhine Riesling	South Africa <sup>o</sup> , Australia <sup>o</sup> , Chile (44), Moldavia <sup>o</sup> , New Zealand <sup>o</sup> , <b>Cyprus, Hungary</b> <sup>o</sup>
43		Riesling renano	Germany (41), Serbia and Montenegro (39-40- <b>46</b> ), <b>Italy</b> (41)
44		<b>Riesling Renano</b>	Chile (42), <b>Malta</b> <sup>o</sup>
45		Radgonska ranina	<b>Slovenia</b>
46		<b>Rizling rajnski</b>	<b>Serbia and Montenegro (39-40-43)</b>
47		<b>Rizling Rajnski</b>	<b>Former Yugoslav Republic of Macedonia</b> <sup>o</sup> , <b>Croatia</b> <sup>o</sup>
48		<b>Rizling rýnsky</b>	<b>Slovakia</b> <sup>o</sup>
49		<b>Ryzlink rýnský</b>	<b>Czech Republic (41)</b>
50	Rossese di Dolceacqua (IT)	<b>Rossese</b>	<b>Italy, Australia</b>
51	Sangiovese di Romagna (IT)	<b>Sangiovese</b>	<b>Italy, Australia, United States</b>
52	Štajerska Slovenija (SV)	Štajerska belina	<b>Slovenia</b>
53	Teroldego Rotaliano (IT)	Teroldego	<b>Italy, Australia, United States</b>
54	Vinho Verde (PT)	<b>Verdea</b>	<b>Italy</b> <sup>o</sup>
55		<b>Verdeca</b>	<b>Italy</b>
56		<b>Verdese</b>	<b>Italy</b> <sup>o</sup>
57	Verdicchio dei Castelli di Jesi (IT) Verdicchio di Matelica (IT)	<b>Verdicchio</b>	<b>Italy, Australia</b>

▼ M1

	Name of a protected designation of origin or geographical indication	Variety name or its synonyms	Countries that may use the variety name or one of its synonyms <sup>(1)</sup>
▼ <u>M4</u>			
58	Vermentino di Gallura (IT) Vermentino di Sardegna (IT)	<b>Vermentino</b>	<b>Italy, Australia, United States of America</b>
▼ <u>M1</u>			
59	Vernaccia di San Gimignano (IT) Vernaccia di Oristano (IT) Vernaccia di Serrapetrona (IT)	<b>Vernaccia</b>	<b>Italy, Australia</b>
60	Zala (HU)	<b>Zalagyöngye</b>	<b>Hungary</b>

(\*) *LEGEND:*

- terms in italic: reference to the synonym for the wine grape variety
- “o” no synonym
- terms in bold: column 3: name of the wine grape variety  
column 4: country where the name corresponds to a variety and reference to the variety
- terms not in bold: column 3: name of the synonym of a vine variety  
column 4: name of country using the synonym of a vine variety

<sup>(1)</sup> For the states concerned, the derogations provided for in this Annex are authorised only in the case of wines bearing a protected designation of origin or geographical indication produced with the varieties concerned.

<sup>(2)</sup> Use authorised in accordance with the provisions of Article 22(4) of the Agreement of 1 December 2008 between the European Community and Australia on trade in wine (OJ L 28, 30.1.2009, p. 3).

**▼B***ANNEX XVI***Indications authorised for use on wine labelling pursuant to Article 66(2)**

barrel fermented	barrel matured	barrel aged
[...]-cask fermented <i>[indicate the type of wood]</i>	[...]-cask matured <i>[indicate the type of wood]</i>	[...]-cask aged <i>[indicate the type of wood]</i>
cask fermented	cask matured	cask aged

**▼B***ANNEX XVII***RESERVATION OF CERTAIN SPECIFIC TYPES OF BOTTLE****1. 'Flûte d'Alsace':**

(a) type: a glass bottle consisting of a straight cylindrical body with a long neck, with approximately the following proportions:

- total height/diameter at base = 5:1,
- height of the cylindrical body = total height/3;

(b) the wines for which this type of bottle is reserved, in the case of wines produced from grapes harvested in French territory, are the following wines with designations of origin:

- 'Alsace' or 'vin d'Alsace', 'Alsace Grand Cru',
- 'Crépy',
- 'Château-Grillet',
- 'Côtes de Provence', red and rosé,
- 'Cassis',
- 'Jurançon', 'Jurançon sec',
- 'Béarn', 'Béarn-Bellocq', rosé,
- 'Tavel', rosé.

However, the restriction on the use of bottles of this type shall apply only to wines produced from grapes harvested in French territory.

**2. 'Bocksbeutel' or 'Cantil':**

(a) type: short-necked glass bottle, pot-bellied but flattened in shape; the base and the cross-section of the bottle at the point of greatest convexity are ellipsoidal:

- the ratio between the long and short axes of the ellipsoidal cross-section = 2:1,
- the ratio of the height of the convex body to the cylindrical neck of the bottle = 2.5:1;

(b) wines for which this type of bottle is reserved:

(i) German wines with designations of origin of:

- Franken,
- Baden:
  - originating in Taubertal and Schüpfergrund,
  - originating in the following parts of the local administrative area of Baden-Baden: Neuweier, Steinbach, Umweg and Varnhalt;

(ii) Italian wines with designations of origin of:

- Santa Maddalena (St. Magdalener),
- Valle Isarco (Eisacktaler), made from the Sylvaner and Müller-Thurgau varieties,
- Terlaner, made from the Pinot bianco variety,



**▼B**

- Bozner Leiten,
- Alto Adige (Südtiroler), made from the Riesling, Müller-Thurgau, Pinot nero, Moscato giallo, Sylvaner, Lagrein, Pinot blanco (Weissburgunder) and Moscato rosa (Rosenmuskateller) varieties,
- Greco di Bianco,
- Trentino, made from the Moscato variety;

## (iii) Greek wines:

- Agioritiko,
- Rombola Kefalonias,
- wines from the island of Kefalonia,
- wines from the island of Paros,
- wines with protected geographical indication from Peloponnese;

## (iv) Portuguese wines:

- rosé wines and only those other wines with designations of origin and geographical indications which can be proven to have already been correctly and traditionally presented in 'cantil'-type bottles before they were classified as wines with designations of origin and geographical indications.

## 3. 'Clavelin':

- (a) type: a short-necked glass bottle containing 0,62 litres, consisting of a cylindrical body with broad shoulders, giving the bottle a squat appearance, with approximately the following proportions:

- total height/diameter at base = 2,75,
- height of the cylindrical part = total height/2;

- (b) wines for which this type of bottle is reserved:

- French wines with protected designations of origin of:
  - Côte du Jura,
  - Arbois,
  - L'Etoile,
  - Château Chalon.

## 4. 'Tokaj':

- (a) type: a straight, long-necked, colourless glass bottle consisting of a cylindrical body with the following proportions:

- height of cylindrical body / total height = 1:2,7,
- total height / diameter at base = 1:3,6,
- capacity: 500 ml; 375 ml, 250 ml, 100 ml or 187,5 ml (in case of exporting to a third country),
- a seal made of the material of the bottle referring to the wine region or the producer may be placed on the bottle;

**▼B**

(b) wines for which this type of bottle is reserved:

Hungarian and Slovak wines with protected designations of origin of:

**▼M1**

- Tokaj,
- Vinohradnícka oblasť Tokaj,

**▼B**

supplemented by one of the following traditional terms:

- aszú/výber,
- aszúeszencia/esencia výberova,
- eszencia/esencia,
- másas/másláš,
- fordítás/forditáš,
- szamorodni/samorodné.

However, the restriction on the use of bottles of this type shall apply only to wines produced from grapes harvested in Hungarian or Slovakian territory.

▼ **M3**

*ANNEX XVIII*

**Access to the methods and electronic forms referred to in Article 70a(1)(b)**

The methods and electronic forms referred to in Article 70a(1)(b) are freely accessible through the 'E-Bacchus' electronic database by the Commission through its information systems:

<http://ec.europa.eu/agriculture/markets/wine/e-bacchus/>

▼ M3

*ANNEX XIX*

**Practicalities of communication and making information available referred to in Article 70a(2)**

In order to obtain information as to the practicalities of accessing information systems, of communications and of making information available, the authorities and persons affected by this Regulation should contact the Commission at the following address:

Functional mailbox: [AGRI-CONTACT-EBACCHUS@ec.europa.eu](mailto:AGRI-CONTACT-EBACCHUS@ec.europa.eu)