

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(EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products (repealed)

TITLE V

RULES APPLICABLE TO IMPORTED PRODUCTS

Article 34

General rules

1 For the purposes of Annex VII(B)(2) to Regulation (EC) No 1493/1999, the labelling of wines originating in third countries, with the exception of sparkling wines and aerated sparkling wines, and the Title II products made in third countries may be supplemented by the following:

- [^{F1}a the name, address and occupation of one or more of the persons involved in marketing, provided that the conditions of use conform to the rules applicable to wine producers in the third country concerned, including those emanating from [^{X1}representative professional organisations];]
- b the product type. Article 16 shall apply *mutatis mutandis*;
- [^{F1}c a specific colour, provided that the conditions of use conform to the rules applicable to wine producers in the third country concerned, including those emanating from [^{X1}representative professional organisations].]

[^{F1}In the case of liqueur wine, semi-sparkling wine, aerated semi-sparkling wine and title II products made in third countries, the indication referred to in point (b) of the first subparagraph may be used provided that the conditions of use conform to the rules applicable to wine producers in the third country concerned, including those emanating from [^{X1}representative professional organisations].]

2 With regard to the particulars referred to in paragraph 1, first subparagraph, point (a), and the indication of the importer or, if bottling takes place in the Community, of the bottler, referred to in Annex VII(A)(3)(b) to Regulation (EC) No 1493/1999, paragraph 1, the first and second subparagraphs of paragraph 2, the first subparagraph of paragraph 3, and paragraph 4 of Article 15 of this Regulation shall apply *mutatis mutandis*.

In the case of products from third countries without a geographical indication, the name of the local administrative area in which the head office of the person or persons referred to in the first subparagraph is located shall appear on the label in characters which are no more than half the size of those of the word 'wine' followed by the name of the third country.

In the case of products from third countries with a geographical indication, the name of the local administrative area in which the head office of the person or persons referred to in the first subparagraph is located shall appear on the label in characters which are no more than half the size of the geographical indication.

The second and third subparagraphs shall not apply in cases where the local administrative area or part thereof is indicated by means of a code as referred to in Annex VII(E) to Regulation (EC) No 1493/1999.

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Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 753/2002 (repealed), TITLE V. (See end of Document for details)

[^{F23} By way of derogation from paragraphs 1 to 3 of Article 9, certain types of bottle listed in Annex I may be used for the presentation of wines originating in third countries, provided that:

- a those countries have submitted a reasoned request to the Commission, and
- b requirements deemed equivalent to those set out in paragraphs 2 and 3 of Article 9 have been met.

The third countries authorised to use each type of bottle are listed in Annex I, together with the rules on their use.

Some bottle types traditionally used in third countries but not included in Annex I may qualify for the protection referred to in this Article for that bottle type with a view to their marketing in the Community, if reciprocal arrangements apply.

The first subparagraph shall be implemented through agreements with the third countries concerned, concluded under the procedure laid down in Article 133 of the Treaty.]

[^{F24} Article 37(1) shall apply *mutatis mutandis* to grape must in fermentation intended for direct human consumption with a geographical indication and wine of over-ripe grapes with a geographical indication.]

[^{F25} Articles 2, 3, 4, 6, 7(c), 8, 12 and 14(1)(a), (b) and (c) shall apply *mutatis mutandis*.]

Editorial Information

- X1** Substituted by [Corrigendum to Commission Regulation \(EC\) No 316/2004 of 20 February 2004 amending Regulation \(EC\) No 753/2002 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 \(Official Journal of the European Union L 55 of 24 February 2004\)](#).

Textual Amendments

- F1** Substituted by [Commission Regulation \(EC\) No 316/2004 of 20 February 2004 amending Regulation \(EC\) No 753/2002 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](#).
- F2** Inserted by [Commission Regulation \(EC\) No 316/2004 of 20 February 2004 amending Regulation \(EC\) No 753/2002 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](#).

Article 35

Names of third countries

The name of the country of origin as referred to in Annex VII(A)(2)(d) to Regulation (EC) No 1493/1999 shall be supplemented by the following:

- (a) the words ‘blend of wines from different countries outside the European Community’ or ‘blend of wines from ...’ citing the names of the third countries in question, for wines made by blending in a third country wines originating in two or more third countries; or
- (b) 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 obtained in another third country.

Article 36

Imported wines with a geographical indication

1 The labelling of an imported wine, including a wine made from overripe grapes or a grape must in fermentation for direct human consumption, from a third country that is a member of the World Trade Organisation may bear the name of a geographical area as referred to in Annex VII(A)(2)(d) to Regulation (EC) No 1493/1999 provided that it serves to identify a wine as originating in the territory of a third country or a region or locality of that third country, where a given quality, reputation or other characteristic of the product essentially attributable to that geographical origin.

However, as regards the indications serving exceptionally to identify a wine as originating in the territory of a third country as a whole, those referred to in Annex IV of this Regulation may be used on the labelling of an imported wine.

2 If a product as referred to in paragraph 1 comes from a third country that is not a member of the World Trade Organisation, in addition to the condition laid down in that paragraph the following further conditions must also be fulfilled:

- a the geographical indication concerned should refer to a well-defined production area that is smaller than the entire wine-growing territory of the third country concerned;
- b the grapes from which the product has been produced should originate in that geographical unit;
- c the grapes from which wines meeting typical quality criteria are produced should be harvested in that geographical unit; and
- d the indication should be used to designate the wine on the domestic market of the third country concerned and assigned to this use by the legislation of the country.

The third country concerned shall forward its legislation to the Commission. If these conditions are met, the name of the third country shall be included on the list in Annex V to this Regulation.

3 Geographical indications as referred to in paragraphs 1 and 2 may not give rise to confusion with a geographical indication used to identify a quality wine psr, a table wine or another imported wine included in the lists in agreements concluded between the Community and third countries.

However, some third country geographical indications as referred to in the first subparagraph that are homonymous geographical indications for a quality wine psr, a table wine or an imported wine may be used subject to practical conditions under which they will be differentiated from each other, taking into account the need to ensure equitable treatment of the producers concerned and that consumers are not misled.

[^{F3}]

These indications, terms and practical conditions shall be as laid down in Annex VI.

[^{F14} The geographical indications referred to in paragraphs 1, 2 and 3 may not be used if, although literally true as to the territory, region or locality in which the goods originate, they falsely represent to the public that the goods originate in another territory.

5 A geographical indication of a third country, as referred to in paragraphs 1 and 2, may be used on the labelling of an imported wine even where only 85 % of the wine in question was obtained from grapes harvested in the production area whose name it bears.]

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Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 753/2002 (repealed), TITLE V. (See end of Document for details)

Textual Amendments

- F1** Substituted by Commission Regulation (EC) No 316/2004 of 20 February 2004 amending Regulation (EC) No 753/2002 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.
- F3** Deleted by Commission Regulation (EC) No 316/2004 of 20 February 2004 amending Regulation (EC) No 753/2002 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.

Article 37

Other particulars which may be included on the labelling of imported wines with a geographical indication

[^{F1} For the purposes of Annex VII(B)(2) to Regulation (EC) No 1493/1999, the labelling of wine originating in third countries (excluding sparkling wines, aerated sparkling wines and aerated semi-sparkling wines but including wines of over-ripe grapes) and grape musts in fermentation made in third countries for direct human consumption bearing a geographical indication in accordance with Article 36 may be supplemented by the following:]

[^{F1}a the vintage year; this may be used provided that the conditions of use conform to the rules applicable to wine producers in the third country concerned, including those emanating from [^{X1}representative professional organisations], and where at least 85 % of the grapes used to make the wine have been harvested in the year concerned, not including the quantity of products used in any sweetening.

For wines traditionally obtained from grapes harvested in winter, the year of the beginning of the current marketing year shall be shown rather than the vintage year;]

b the name of one or more vine varieties; these variety names may be used provided that:

(i) [^{F1}the conditions of use conform to the rules applicable to wine producers in the third country concerned, including those emanating from [^{X1}representative professional organisations];]

(ii) the variety names and their synonyms conform with Article 20(3)(a), (b) and (c) of Commission Regulation (EC) No 1227/2000⁽¹⁾; and

(iii) the requirements of Article 19(1)(c), (d), (e) and (f) of this Regulation are fulfilled; Article 19(2) shall apply *mutatis mutandis*;

c details of awards, medals or competitions won; Article 21 shall apply *mutatis mutandis*;

[^{F1}d particulars concerning the production method, provided that the conditions of use conform to the rules applicable to wine producers in the third country concerned, including those emanating from [^{X1}representative professional organisations];

e in the case of wines of third countries and grape musts in fermentation for direct consumption from third countries, additional traditional indications:

(i) other than those listed in Annex III, in accordance with the rules applicable to wine producers in the third country concerned, including those emanating from [^{X1}representative professional organisations]; and

(ii) listed in Annex III, provided that the conditions of use conform to the rules applicable to wine producers in the third country concerned, including those

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emanating from [^{X1}representative professional organisations], and meet the following requirements:

- these countries have made a substantiated request to the Commission and forwarded the relevant rules justifying recognition of the traditional indications,
- they are specific in themselves,
- they are sufficiently distinctive and/or enjoy an established reputation in the third country concerned,
- they have been traditionally used for at least 10 years in the third country in question,
- they are used for one or more categories of wine of the third country in question,
- the rules laid down by the third country are not such as to mislead consumers about the indication concerned.

In addition, some traditional indications listed in Annex III can be used on the labelling of wines carrying a geographical indication and originating in third countries in the language of the third country of origin or in another language, where use of a language other than the official language of the country is regarded as traditional in connection with a traditional indication if the use of that language is provided for in the legislation of the country concerned and if that language has been used continuously for the traditional indication for at least 25 years.

Article 23 and paragraph 2, paragraph 3, the second subparagraph of paragraph 4 and paragraph 6(c) of Article 24 shall apply *mutatis mutandis*.

For each traditional indication referred to in point (ii) the countries concerned are indicated in Annex III;

- f the name of an undertaking, provided that the conditions of use conform to the rules applicable to wine producers in the third country concerned, including those emanating from [^{X1}representative professional organisations]. Article 25(1) shall apply *mutatis mutandis*;
- g [^{F1}information about bottling, provided that the conditions of use conform to the rules applicable to wine producers in the third country concerned, including those emanating from [^{X1}representative professional organisations]:]
 - (i) either on the producer's holding, by a producer group, in an establishment in the production region;
 - (ii) or in the production region, provided that bottling has taken place in the production region concerned or in establishments located in the immediate proximity of that region provided that the conditions of use are regulated in the third country concerned.

2 The particulars referred to in paragraph 1(a) and (b) may be used together provided at least 85 % of the products in a blend comes from the vine variety and vintage year used to identify the products concerned, not including the quantity of products used in any sweetening.

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Editorial Information

- X1** Substituted by [Corrigendum to Commission Regulation \(EC\) No 316/2004 of 20 February 2004 amending Regulation \(EC\) No 753/2002 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 \(Official Journal of the European Union L 55 of 24 February 2004\)](#).

Textual Amendments

- F1** Substituted by [Commission Regulation \(EC\) No 316/2004 of 20 February 2004 amending Regulation \(EC\) No 753/2002 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](#).
- F3** Deleted by [Commission Regulation \(EC\) No 316/2004 of 20 February 2004 amending Regulation \(EC\) No 753/2002 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](#).

[^{F2}Article 37a

‘[^{X1}Representative professional organisation]’ means any producer organisation or association of producer organisations having adopted the same rules, operating in a given wine-growing area where it includes in its membership at least two thirds of the producers in the specified region in which it operates and accounts for at least two thirds of that region's production.

The third countries concerned shall give the Commission prior notification of the rules referred to in Articles 12(1), 34(1) and 37(1). Third countries shall also communicate a list of the [^{X1}representative professional organisations], with details of their members, as set out in Annex IX.

The Commission shall take all appropriate steps to ensure that these measures are publicised.

Editorial Information

- X1** Substituted by [Corrigendum to Commission Regulation \(EC\) No 316/2004 of 20 February 2004 amending Regulation \(EC\) No 753/2002 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 \(Official Journal of the European Union L 55 of 24 February 2004\)](#).

Textual Amendments

- F2** Inserted by [Commission Regulation \(EC\) No 316/2004 of 20 February 2004 amending Regulation \(EC\) No 753/2002 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](#).

Article 37b

Liqueur wine, semi-sparkling wine, aerated semi-sparkling wine, sparkling wine

1 For the purposes of Annex VII(A)(4) to Regulation (EC) No 1493/1999, the labelling of liqueur wines, semi-sparkling wines and aerated semi-sparkling wines shall include, in addition to the compulsory particulars referred to in A(1) of that Annex, the importer or, where the wine has been bottled in the Community, the bottler.

In the case of the particulars referred to in the first subparagraph, Article 34(1)(a) shall apply *mutatis mutandis* to products made in third countries.

Article 38(2) shall apply *mutatis mutandis*.

2 By way of derogation from Annex VII(C)(3) to Regulation (EC) No 1493/1999, third country wines may bear the terms ‘liqueur wine’, ‘semi-sparkling wine’ or ‘aerated semi-sparkling wine’ if they meet the requirements laid down in points (d), (g) and (h) respectively of Annex XI to Commission Regulation (EC) No 883/2001⁽²⁾.

3 Sparkling wines originating in a third country, as referred to in the third indent of Annex VIII(E)(1) to Regulation (EEC) No 1493/1999, shall be as listed in Annex VIII to this Regulation.]

Textual Amendments

- F2** Inserted by [Commission Regulation \(EC\) No 316/2004 of 20 February 2004 amending Regulation \(EC\) No 753/2002 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.](#)

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- (1) OJ L 143, 16.6.2000, p. 1.
- (2) [^{F2}OJ L 128, 10.5.2001, p. 1.]

Textual Amendments

- F2** Inserted by Commission Regulation (EC) No 316/2004 of 20 February 2004 amending Regulation (EC) No 753/2002 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.

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