

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(EC) No 1782/2003, (EC) No 1290/2005, (EC) No 3/2008 and repealing Regulations (EEC) No 2392/86 and (EC) No 1493/1999 (repealed)

TITLE III

REGULATORY MEASURES

CHAPTER I

General rules

Article 24

Classification of wine grape varieties

1 Subject to paragraph 2, Member States shall classify which wine grape varieties may be planted, replanted or grafted on their territories for the purpose of wine production.

Only wine grape varieties meeting the following conditions may be classified by Member States:

- a the variety concerned belongs to the *Vitis vinifera* or comes from a cross between the species *Vitis vinifera* and other species of the genus *Vitis*;
- b the variety is not one of the following: Noah, Othello, Isabelle, Jacquez, Clinton and Herbemont.

Where a wine grape variety is deleted from the classification referred to in the first subparagraph, grubbing-up of this variety shall take place within 15 years of its deletion.

2 Member States whose wine production does not exceed 50 000 hectolitres per wine year, calculated on the basis of the average production during the latest five wine years, shall be exempted from the classification obligation referred to in paragraph 1.

However, also in the Member States referred to in the first subparagraph only wine grape varieties complying with paragraph 1(a) and (b) may be planted, replanted or grafted for the purpose of wine production.

3 By way of derogation from the first and second subparagraphs of paragraph 1 and the second subparagraph of paragraph 2, the planting, replanting or grafting of the following wine grape varieties shall be allowed for scientific research and experimental purposes:

- a wine grape varieties which are not classified as far as Member States referred to in paragraph 1 are concerned;
- b wine grape varieties which do not comply with paragraph 1(a) and (b) as far as Member States referred to in paragraph 2 are concerned.

4 Areas planted with wine grape varieties for the purpose of wine production planted in contravention of paragraphs 1 to 3 shall be grubbed up.

However, there shall be no obligation to grub up such areas where the relevant production is intended exclusively for consumption by the wine-producers' households.

5 Member States shall take the necessary measures to check compliance by producers with paragraphs 1 to 4.

Article 25

Production and marketing

1 Products listed in Annex IV and produced in the Community shall be made from wine grape varieties classifiable according to Article 24(1).

2 A designation for a category of a grapevine product as provided for in Annex IV may be used in the Community only for the marketing of a product which conforms to the corresponding conditions laid down in that Annex.

However, notwithstanding Article 59(1)(a), Member States may allow the use of the term 'wine' if:

- a it is accompanied by the name of a fruit in the form of a composite name to market products obtained by the fermentation of fruit other than grapes; or
- b it is part of a composite name.

Any confusion with products corresponding to the wine categories in Annex IV shall be avoided.

3 Categories of grapevine products listed in Annex IV may be modified in accordance with the procedure referred to in Article 113(2).

4 Except for bottled wine in respect of which there is evidence that bottling was performed before 1 September 1971, wine produced from wine grape varieties listed in the classifications drawn up in accordance with the first subparagraph of Article 24(1) but not conforming to one of the categories laid down in Annex IV shall be used only for consumption by individual wine-producers' households, for the production of wine vinegar or for distillation.

CHAPTER II

Oenological practices and restrictions

Article 26

Scope

This Chapter concerns the authorised oenological practices and the applicable restrictions applying to the production and commercialisation of products covered by this Regulation as well as the procedure for deciding on those practices and restrictions.

Article 27

Oenological practices and restrictions

1 Only oenological practices authorised under Community law as laid down in Annex V or decided upon in accordance with Articles 28 and 29 shall be used in the production and conservation in the Community of products covered by this Regulation.

The first subparagraph shall not apply to:

- a grape juice and concentrated grape juice;
- b grape must and concentrated grape must intended for the preparation of grape juice.

2 Authorised oenological practices shall only be used for the purposes of ensuring proper vinification, proper preservation or proper refinement of the product.

3 Products covered by this Regulation shall be produced in the Community in accordance with the relevant restrictions laid down in Annex VI.

4 Products covered by this Regulation, which have undergone unauthorised Community oenological practices or, where applicable, unauthorised national oenological practices or which contravene the restrictions laid down in Annex VI, shall not be marketed in the Community.

Article 28

Stricter rules decided by Member States

Member States may limit or exclude the use of certain oenological practices and provide for more stringent restrictions for wines authorised under Community law produced in their territory with a view to reinforcing the preservation of the essential characteristics of wines with a protected designation of origin or protected geographical indication and of sparkling wines and liqueur wines.

Member States shall communicate those limitations, exclusions and restrictions to the Commission, which shall bring them to the attention of the other Member States.

Article 29

Authorisation of oenological practices and restrictions

1 Except for the oenological practices concerning enrichment, acidification and de-acidification laid down in Annex V for the specific products covered therein as well as the restrictions listed in Annex VI, the authorisation of oenological practices and restrictions as regards the production and conservation of products covered by this Regulation shall be decided in accordance with the procedure referred to in Article 113(2).

2 Member States may allow the experimental use of unauthorised oenological practices under conditions to be determined in accordance with the procedure referred to in Article 113(2).

Article 30

Authorisation criteria

When authorising oenological practices in accordance with the procedure referred to in Article 113(2), the Commission shall:

- (a) base itself on the oenological practises recommended and published by the International organisation of vine and wine (OIV) as well as on the results of experimental use of as yet unauthorised oenological practices;
- (b) take into account the protection of human health;

- (c) take into account possible risks of consumers being misled due to their established expectations and perceptions, having regard to the availability and feasibility of informational means to exclude such risks;
- (d) allow the preservation of the natural and essential characteristics of the wine and not cause a substantial change in the composition of the product concerned;
- (e) ensure an acceptable minimum level of environmental care;
- (f) respect the general rules concerning oenological practices and restrictions laid down respectively in Annexes V and VI.

Article 31

Methods of analysis

The methods of analysis for determining the composition of the products covered by this Regulation and the rules whereby it may be established whether these products have undergone processes contrary to the authorised oenological practices shall be those recommended and published by the OIV.

Where there are no methods and rules recommended and published by the OIV, corresponding methods and rules shall be adopted in accordance with the procedure referred to in Article 113(2).

Pending the adoption of such rules, such methods and rules to be used shall be the ones allowed by the Member State concerned.

Article 32

Implementing measures

The measures necessary for the implementation of this Chapter and Annexes V and VI, save as otherwise provided in these Annexes, shall be adopted in accordance with the procedure referred to in Article 113(2).

Those measures may include, in particular:

- (a) provisions to the effect that the Community oenological practices listed in Annex IV to Regulation (EC) No 1493/1999 are considered authorised oenological practices;
- (b) authorised oenological practices and restrictions including enrichment, acidification and de-acidification concerning sparkling wines, quality sparkling wines and quality aromatic sparkling wines;
- (c) authorised oenological practices and restrictions concerning liqueur wines;
- (d) subject to point C of Annex VI, provisions regulating the blending and coupage of musts and wines;
- (e) where Community rules on that matter do not exist, the purity and identification, specification of substances used in oenological practices;
- (f) administrative rules for carrying out the oenological practices authorised;

- (g) the conditions governing the holding, circulation and the use of products not complying with Article 27 and possible exemptions from the requirements of that Article, as well as the establishment of criteria for the purpose of avoiding hardship in individual cases;
- (h) the conditions under which Member States may authorise the holding, circulation and use of products not complying with this Chapter other than Article 27, or with provisions implementing this Chapter.

CHAPTER III

Designations of origin, geographical indications and traditional terms

Article 33

Scope

- 1 Rules relating to designations of origin, geographical indications and traditional terms laid down in Chapters IV and V shall apply to the products referred to in paragraphs 1, 3 to 6, 8, 9, 11, 15 and 16 of Annex IV.
- 2 The rules referred to in paragraph 1 shall be based on:
 - a the protection of legitimate interests of:
 - (i) consumers; and
 - (ii) producers;
 - b ensuring the smooth operation of the common market in the products concerned;
 - c promoting the production of quality products, whilst allowing national quality policy measures.

CHAPTER IV

Designations of origin and geographical indications

Section 1

Definitions

Article 34

Definitions

- 1 For the purposes of this Regulation, the following definitions shall apply:
 - a 'designation of origin' means the name of a region, a specific place or, in exceptional cases, a country used to describe a product referred to in Article 33(1) that complies with the following requirements:
 - (i) its quality and characteristics are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors;

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- (ii) the grapes from which it is produced come exclusively from this geographical area;
 - (iii) its production takes place in this geographical area;
 - (iv) it is obtained from vine varieties belonging to *Vitis vinifera*;
- b 'geographical indication' means an indication referring to a region, a specific place or, in exceptional cases, a country, used to describe a product referred to in Article 33(1) which complies with the following requirements:
- (i) it possesses a specific quality, reputation or other characteristics attributable to that geographical origin;
 - (ii) at least 85 % of the grapes used for its production come exclusively from this geographical area;
 - (iii) its production takes place in this geographical area;
 - (iv) it is obtained from vine varieties belonging to *Vitis vinifera* or a cross between the *Vitis vinifera* species and other species of the genus *Vitis*.
- 2 Certain traditionally used names shall constitute a designation of origin where they:
- a designate a wine;
 - b refer to a geographical name;
 - c meet the requirements referred to in paragraph 1(a)(i) to (iv);
 - d undergo the procedure conferring protection on designations of origin and geographical indications laid down in this Chapter.
- 3 Designations of origin and geographical indications, including those relating to geographical areas in third countries, shall be eligible for protection in the Community in accordance with the rules laid down in this Chapter.

Section 2

Application for protection

Article 35

Content of applications for protection

- 1 Applications for protection of names as designations of origin or geographical indications shall include a technical file containing:
- a the name to be protected;
 - b the name and address of the applicant;
 - c a product specification as referred to in paragraph 2;
 - d a single document summarising the product specification referred to in paragraph 2.
- 2 The product specification shall enable interested parties to verify the relevant conditions of production of the designation of origin or geographical indication. It shall consist at least of:
- a the name to be protected;
 - b a description of the wine(s):

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- (i) for wines with a designation of origin, its principal analytical and organoleptic characteristics;
 - (ii) for wines with a geographical indication, its principal analytical characteristics as well as an evaluation or indication of its organoleptic characteristics;
- c where applicable, the specific oenological practices used to make the wine(s) as well as the relevant restrictions on making the wine(s);
 - d the demarcation of the geographical area concerned;
 - e the maximum yields per hectare;
 - f an indication of the wine grape variety or varieties the wine(s) is obtained from;
 - g the details bearing out the link referred to in Article 34(1)(a)(i) or, as the case may be, in Article 34(1)(b)(i);
 - h applicable requirements laid down in Community or national provisions or, where foreseen by Member States, by an organisation which manages the protected designation of origin or geographical indication, having regard to the fact that such requirements shall be objective and non-discriminatory and compatible with Community law;
 - i the name and address of the authorities or bodies verifying compliance with the provisions of the product specification and their specific tasks.

Article 36

Application for protection relating to a geographical area in a third country

1 Where the application for protection concerns a geographical area in a third country, it shall contain in addition to the elements provided for in Article 35 proof that the name in question is protected in its country of origin.

2 The application shall be sent to the Commission, either directly from the applicant or via the authorities of the third country concerned.

3 The application for protection shall be filed in one of the official languages of the Community or accompanied by a certified translation into one of those languages.

Article 37

Applicants

1 Any interested group of producers, or in exceptional cases a single producer, may apply for the protection of a designation of origin or geographical indication. Other interested parties may participate in the application.

2 Producers may lodge an application for protection only for wines which they produce.

3 In the case of a name designating a trans-border geographical area or a traditional name connected to a trans-border geographical area, a joint application may be lodged.

Section 3

Procedure conferring protection

Article 38

Preliminary national procedure

1 Applications for protection of a designation of origin or a geographical indication of wines in accordance with Article 34 originating in the Community shall be subject to a preliminary national procedure in accordance with this Article.

2 The application for protection shall be filed with the Member State in which territory the designation of origin or geographical indication originates.

3 The Member State shall examine the application for protection as to whether it meets the conditions set out in this Chapter.

The Member State shall carry out a national procedure ensuring adequate publication of the application and providing for a period of at least two months from the date of publication within which any natural or legal person having a legitimate interest and established or resident on its territory may object to the proposed protection by lodging a duly substantiated statement with the Member State.

4 If the Member State considers that the designation of origin or geographical indication does not meet the relevant requirements, including the eventuality that it is incompatible with Community law in general, it shall reject the application.

- 5 If the Member State considers that the relevant requirements are met, it shall
- a publish the single document and the product specification at least on the Internet; and
 - b forward to the Commission an application for protection containing the following information:
 - (i) the name and address of the applicant;
 - (ii) the single document referred to in Article 35(1)(d);
 - (iii) a declaration by the Member State that it considers that the application lodged by the applicant meets the conditions of this Regulation;
 - (iv) the reference to publication, as referred to in (a).

This information shall be forwarded in one of the official languages of the Community or accompanied by a certified translation into one of those languages.

6 Member States shall introduce the laws, regulations or administrative provisions necessary to comply with this Article by 1 August 2009.

7 Where a Member State has no national legislation concerning the protection of designations of origin and geographical indications, it may, on a transitional basis only, grant protection in accordance with the terms of this Chapter at national level to the name with effect from the day the application is lodged with the Commission. Such transitional national protection shall cease on the date on which a decision on registration or refusal under this Chapter is taken.

Article 39

Scrutiny by the Commission

1 The Commission shall make the date of submission of the application for protection of the designation of origin or geographical indication public.

2 The Commission shall examine whether the applications for protection referred to in Article 38(5) meet the conditions laid down in this Chapter.

3 Where the Commission considers that the conditions laid down in this Chapter are met, it shall publish in the *Official Journal of the European Union* the single document referred to in Article 35(1)(d) and the reference to the publication of the product specification referred to in Article 38(5).

Where this is not the case, it shall be decided, in accordance with the procedure referred to in Article 113(2), to reject the application.

Article 40

Objection procedure

Within two months from the date of publication provided for in the first subparagraph of Article 39(3), any Member State or third country, or any natural or legal person having a legitimate interest, established or resident in a Member State other than that applying for the protection or in a third country, may object to the proposed protection by lodging a duly substantiated statement relating to the conditions of eligibility as laid down in this Chapter with the Commission.

In the case of natural or legal persons established or resident in a third country, such statement shall be lodged, either directly or via the authorities of the third country concerned, within the time limit of two months referred to in the first paragraph.

Article 41

Decision on protection

On the basis of the information available to the Commission, it shall be decided, in accordance with the procedure referred to in Article 113(2), either to confer protection on the designation of origin or geographical indication which meets the conditions laid down in this Chapter and is compatible with Community law, or to reject the application where those conditions are not satisfied.

Section 4

Specific cases

Article 42

Homonyms

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

A homonymous name which misleads the consumer into believing that products come from another territory shall not be registered even if the name is accurate as far as the actual territory, region or place of origin of the products in question is concerned.

The use of a registered homonymous name shall be subject to there being a sufficient distinction in practice between the homonym registered subsequently and the name already on the register, having regard to the need to treat the producers concerned in an equitable manner and not to mislead the consumer.

2 Paragraph 1 shall apply *mutatis mutandis* if a name, for which an application is lodged, is wholly or partially homonymous with a geographical indication protected as such under the legislation of Member States.

Member States shall not register non-identical geographical indications for protection under their respective legislation on geographical indications if a designation of origin or geographical indication is protected in the Community by virtue of the Community law relevant to designations of origin and geographical indications.

3 Save as otherwise provided for in Commission implementing measures, where the name of a wine grape variety contains or consists of a protected designation of origin or geographical indication that name shall not be used for purposes of labelling the products covered by this Regulation.

4 The protection of designations of origin and geographical indications for products covered in Article 34 shall be without prejudice to protected geographical indications applying in relation to spirit drinks within the meaning of Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks⁽¹⁾ and vice versa.

Article 43

Grounds for refusal of protection

1 Names that have become generic shall not be protected as a designation of origin or geographical indication.

For the purposes of this Chapter, a 'name that has become generic' means the name of a wine which, although it relates to the place or the region where this product was originally produced or marketed, has become the common name of a wine in the Community.

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

- a the existing situation in the Community, notably in areas of consumption;
- b the relevant national or Community legal provisions.

2 A name shall not be protected as a designation of origin or geographical indication where, in the light of a trademark's reputation and renown, protection is liable to mislead the consumer as to the true identity of the wine.

Article 44

Relationship with trademarks

1 Where a designation of origin or a geographical indication is protected under this Regulation, the registration of a trademark corresponding to one of the situations referred to in Article 45(2) and relating to a product falling under one of the categories listed in Annex IV shall be refused if the application for registration of the trademark is submitted after the date of submission of the application for protection of the designation of origin or geographical indication to the Commission and the designation of origin or geographical indication is subsequently protected.

Trademarks registered in breach of the first subparagraph shall be invalidated.

2 Without prejudice to Article 43(2), a trademark the use of which corresponds to one of the situations referred to in Article 45(2), 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 the date on which the application for protection of the designation of origin or geographical indication is submitted to the Commission, may continue to be used and renewed notwithstanding the protection of a designation of origin or geographical indication, provided that no grounds for the trademark's invalidity or revocation exist as specified by the First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks⁽²⁾ or Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark⁽³⁾.

In such cases the use of the designation of origin or geographical indication shall be permitted alongside the relevant trademarks.

Section 5

Protection and control

Article 45

Protection

1 Protected designations of origins and geographical indications may be used by any operator marketing a wine which has been produced in conformity with the corresponding product specification.

2 Protected designations of origins and geographical indications and the wines using those protected names in conformity with the product specification shall be protected against:

- a any direct or indirect commercial use of a protected name:

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- (i) by comparable products not complying with the product specification of the protected name; or
 - (ii) in so far as such use exploits the reputation of a designation of origin or a geographical indication;
- b any misuse, imitation or evocation, even if the true origin of the product or service is indicated or if the protected name is translated or accompanied by an expression such as 'style', 'type', 'method', 'as produced in', 'imitation', 'flavour', 'like' or similar;
 - c any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product, on the inner or outer packaging, advertising material or documents relating to the wine product concerned, and the packing of the product in a container liable to convey a false impression as to its origin;
 - d any other practice liable to mislead the consumer as to the true origin of the product.
- 3 Protected designations of origin or protected geographical indications shall not become generic in the Community within the meaning of Article 43(1).
- 4 Member States shall take the steps necessary to stop unlawful use of protected designations of origin and geographical indications as referred to in paragraph 2.

Article 46

Register

The Commission shall establish and maintain an electronic register of protected designations of origin and geographical indications for wine which shall be publicly accessible.

Article 47

Designation of competent control authority

- 1 Member States shall designate the competent authority or authorities responsible for controls in respect of the obligations established by this Chapter in accordance with the criteria laid down in Article 4 of Regulation (EC) No 882/2004.
- 2 Member States shall ensure that any operator complying with this Chapter is entitled to be covered by a system of controls.
- 3 Member States shall inform the Commission of the competent authority or authorities referred to in paragraph 1. The Commission shall make their names and addresses public and update them periodically.

Article 48

Verification of compliance with specifications

- 1 In respect of protected designations of origin and geographical indications relating to a geographical area within the Community, annual verification of compliance with the product specification, during the production and during or after conditioning of the wine, shall be ensured by:
- a the competent authority or authorities referred to in Article 47(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 costs of such verification shall be borne by the operators subject to it.

2 In respect of protected designations of origin and geographical indications relating to a geographical area in a third country, annual verification of compliance with the product specification, during the production and during or after conditioning of the wine, shall be ensured by:

- a one or more public authorities designated by the third country; or
- b one or more certification bodies.

3 The certification bodies referred to in paragraphs 1(b) and 2(b) 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).

4 Where the authority or authorities referred to in paragraphs 1(a) and 2(a), verify compliance with the product specification, they shall offer adequate guarantees of objectivity and impartiality, and have at their disposal the qualified staff and resources needed to carry out their tasks.

Article 49

Amendments to product specifications

1 An applicant satisfying the conditions of Article 37 may apply for approval of an amendment to the product specification of a protected designation of origin or geographical indication, in particular to take account of developments in scientific and technical knowledge or to redefine the geographical area referred to in (d) of the second subparagraph of Article 35(2). Applications shall describe and give reasons for the amendments requested.

2 Where the proposed amendment involves one or more amendments to the single document referred to in Article 35(1)(d), Articles 38 to 41 shall apply *mutatis mutandis* to the amendment application. However, if the proposed amendment is only minor, it shall be decided, in accordance with the procedure referred to in Article 113(2), whether to approve the application without following the procedure laid down in Article 39(2) and Article 40 and in the case of approval, the Commission shall proceed to publication of the elements referred to in Article 39(3).

3 Where the proposed amendment does not involve any change to the single document, the following rules shall apply:

- a where the geographical area is in a given Member State, that Member State shall express its position on the amendment and, if it is in favour, shall publish the amended product specification and inform the Commission of the amendments approved and the reasons for them;
- b where the geographical area is in a third country, the Commission shall determine whether to approve the proposed amendment.

Article 50

Cancellation

It may be decided, in accordance with the procedure referred to in Article 113(2), at the initiative of the Commission or at a duly substantiated request of a Member State, of a third country or of a natural or legal person having a legitimate interest, to cancel the protection of a designation of origin or a geographical indication if compliance with the corresponding product specification is no longer ensured.

Articles 38 to 41 shall apply *mutatis mutandis*.

Article 51

Existing protected wine names

1 Wine names, which are protected in accordance with Articles 51 and 54 of Regulation (EC) No 1493/1999 and Article 28 of Regulation (EC) No 753/2002, shall automatically be protected under this Regulation. The Commission shall list them in the register provided for in Article 46 of this Regulation.

2 Member States shall, in respect of existing protected wine names referred to in paragraph 1, transmit to the Commission:

- a the technical files as provided for in Article 35(1);
- b the national decisions of approval.

3 Wine names referred to in paragraph 1, for which the information referred to in paragraph 2 is not submitted by 31 December 2011, shall lose protection under this Regulation. The Commission shall take the corresponding formal step of removing such names from the register provided for in Article 46.

4 Article 50 shall not apply in respect of existing protected wine names referred to in paragraph 1.

It may be decided, until 31 December 2014, at the initiative of the Commission and in accordance with the procedure referred to in Article 113(2), to cancel protection of existing protected wine names referred to in paragraph 1 if they do not meet the conditions laid down in Article 34.

Section 6

General provisions

Article 52

Implementing measures

The measures necessary for the implementation of this Chapter shall be adopted in accordance with the procedure referred to in Article 113(1).

Those measures may in particular include derogations from the applicability of the rules and requirements laid down in this Chapter:

- (a) in so far as pending applications for protection of designations of origin or geographical indications are concerned;
- (b) in so far as the production of certain wines with a protected designation of origin or geographical indication in a geographical area in proximity of the geographical area where the grapes originate is concerned;
- (c) in so far as traditional production practices of certain wines with a protected designation of origin are concerned.

Article 53

Fees

Member States may charge a fee to cover their costs, including those incurred in examining applications for protection, statements of objections, applications for amendments and requests for cancellations under this Regulation.

CHAPTER V

Traditional terms

Article 54

Definition

1 'Traditional term' shall mean a term traditionally used in Member States for products referred to in Article 33(1) to designate:

- a that the product has a protected designation of origin or geographical indication under Community or Member State law;
- b the production or ageing method or the quality, colour, type of place, or a particular event linked to the history, of the product with a protected designation of origin or geographical indication.

2 Traditional terms shall be recognised, defined and protected in accordance with the procedure referred to in Article 113(1).

Article 55

Protection

1 A protected traditional term may only be used for a product which has been produced in conformity with the definition referred to in Article 54(2).

Traditional terms shall be protected against unlawful use.

Member States shall take the steps necessary to stop the unlawful use of protected traditional terms.

- 2 Traditional terms shall not become generic in the Community.

Article 56

Implementing measures

The measures necessary for the implementation of this Chapter shall be adopted in accordance with the procedure referred to in Article 113(1), in particular concerning:

- (a) the procedure conferring protection;
- (b) the specific level of protection.

CHAPTER VI

Labelling and presentation

Article 57

Definitions

For the purposes of this Regulation:

- (a) 'labelling' shall mean any words, particulars, trademarks, brand name, pictorial matter or symbol placed on any packaging, document, notice, label, ring or collar accompanying or referring to a given product;
- (b) 'presentation' shall mean any information conveyed to consumers by virtue of the packaging of the product concerned including the form and type of bottles.

Article 58

Applicability of horizontal rules

Save as otherwise provided for in this Regulation, Directive 89/104/EEC, Council Directive 89/396/EEC of 14 June 1989 on indications or marks identifying the lot to which a foodstuff belongs⁽⁴⁾, Directive 2000/13/EC 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⁽⁵⁾ shall apply to the labelling and presentation of products falling within their scopes.

Article 59

Compulsory particulars

1 Labelling and presentation of the products referred to in paragraphs 1 to 11, 13, 15 and 16 of Annex IV marketed in the Community or for export shall contain the following compulsory particulars:

- a the designation for the category of the grapevine product in accordance with Annex IV;
- b for wines with a protected designation of origin or geographical indication:

- (i) the term ‘protected designation of origin’ or ‘protected geographical indication’; and
 - (ii) the name of the protected designation of origin or geographical indication;
- c the actual alcoholic strength by volume;
 - d an indication of provenance;
 - e an indication of the bottler or, in the case of sparkling wine, aerated sparkling wine, quality sparkling wine or quality aromatic sparkling wine, the name of the producer or vendor;
 - f an indication of the importer in the case of imported wines;
 - g in the case of sparkling wine, aerated sparkling wine, quality sparkling wine or quality aromatic sparkling wine, an indication of the sugar content.
- 2 By way of derogation from paragraph 1(a) the reference to the category of the grapevine product may be omitted for wines whose labels include the protected name of a designation of origin or geographical indication.
- 3 By way of derogation from paragraph 1(b) the reference to the terms ‘protected designation of origin’ or ‘protected geographical indication’ may be omitted in the following cases:
- a where a traditional term as referred to in Article 54(1)(a) is displayed on the label;
 - b where, in exceptional circumstances to be determined in accordance with the procedure referred to in Article 113(1), the name of the protected designation of origin or protected geographical indication is displayed on the label.

Article 60

Optional particulars

- 1 Labelling and presentation of products referred to in Article 59(1) may in particular contain the following optional particulars:
- a the vintage year;
 - b the name of one or more wine grape varieties;
 - c in the case of wines other than the ones referred to in Article 59(1)(g), terms indicating the sugar content;
 - d for wines with a protected designation of origin or geographical indication, traditional terms as referred to in Article 54(1)(b);
 - e the Community symbol indicating the protected designation of origin or geographical indication;
 - f terms referring to certain production methods;
 - g for wines bearing a protected designation of origin or geographical indication the name of another geographical unit that is smaller or larger than the area underlying the designation of origin or geographical indication.
- 2 Without prejudice to Article 42(3), as regards the use of particulars referred to in paragraph 1(a) and (b) for wines without a protected designation of origin or geographical indication:
- a Member States shall introduce laws, regulations or administrative provisions to ensure certification, approval and control procedures so as to guarantee the veracity of the information concerned;

- b Member States may, on the basis of non-discriminatory and objective criteria and with due regard to loyal competition, for wine produced from wine grape varieties on their territory, draw-up lists of excluded wine grape varieties, in particular if:
 - (i) there is a risk of confusion of consumers as to the true origin of the wine due to the fact that the given wine grape variety forms an integral part of an existing protected designation of origin or geographical indication;
 - (ii) the relevant controls would not be cost-effective due to the fact that the given wine grape variety represents a very small part of the Member State vineyard;
- c mixtures of wines from different Member States shall not give rise to labelling of the wine grape variety or varieties unless the Member States concerned agree otherwise and ensure the feasibility of the relevant certification, approval and control procedures.

Article 61

Languages

1 Compulsory and optional particulars referred to in Articles 59 and 60 shall, where expressed in words, appear in one or more of the official languages of the Community.

2 Notwithstanding paragraph 1, the name of a protected designation of origin or geographical indication or a traditional term as referred to in Article 54(1)(a) shall appear on the label in the language or languages for which the protection applies.

In the case of protected designations of origin or geographical indications or national specific designations using a non-Latin alphabet, the name may also appear in one or more official languages of the Community.

Article 62

Enforcement

The competent authorities of the Member States shall take measures to ensure that a product referred to in Article 59(1) not labelled in conformity with this Chapter is not placed on, or is withdrawn from, the market.

Article 63

Implementing measures

The measures necessary for the implementation of this Chapter shall be adopted in accordance with the procedure referred to in Article 113(1).

Those measures may in particular include:

- (a) details on the indication of provenance of the relevant product;
- (b) the terms of use of the optional particulars listed in Article 60;
- (c) specific requirements relating to the indications concerning the vintage year and the wine grape variety displayed on labels as referred to in Article 60(2);

- (d) further derogations in addition to those referred to in Article 59(2) which provide that the reference to the category of the grapevine product may be omitted;
- (e) rules concerning protection to be conferred in relation to the presentation of a given product.

CHAPTER VII

Producer and inter-branch organisations

Article 64

Producer organisations

- 1 Member States may recognise producer organisations which:
 - a are constituted by producers of products covered by this Regulation;
 - b are formed on the initiative of producers;
 - c pursue a specific aim, which may in particular relate to one or more of the following:
 - (i) adapting production jointly to the requirements of the market and improving the product;
 - (ii) promoting concentration of supply and the placing on the market of the products produced by its members;
 - (iii) promoting the rationalisation and improvement of production and processing;
 - (iv) reducing production costs and market management costs and stabilising producer prices;
 - (v) promoting and providing technical assistance for the use of environmentally respectful cultivation practices and production techniques;
 - (vi) promoting initiatives for the management of by-products of wine making and the management of waste in particular to protect the quality of water, soil and landscape and preserving or encouraging biodiversity;
 - (vii) carrying out research into sustainable production methods and market developments;
 - (viii) contributing to the achievement of support programmes as referred to in Chapter I of Title II;
 - d apply rules of association which require their members, in particular, to:
 - (i) apply the rules adopted by the producer organisation relating to production reporting, production, marketing and protection of the environment;
 - (ii) provide the information requested by the producer organisation for statistical purposes, in particular on growing areas and market evolution;
 - (iii) pay penalties for infringement of obligations under the rules of association;
 - e have lodged an application for recognition as a producer organisation with the Member State concerned and the application contains the following items:
 - (i) evidence that the entity meets the requirements laid down in (a) to (d);

- (ii) evidence that it has a minimum number of members, to be laid down by the Member State concerned;
- (iii) evidence that it covers a minimum volume of marketable production in the area where the organisation operates, to be laid down by the Member State concerned;
- (iv) evidence that it can carry out its activities properly, both over time and in terms of effectiveness and concentration of supply;
- (v) evidence that it effectively enables its members to obtain technical assistance in using environmentally sound cultivation practices.

2 Producer organisations recognised in accordance with Regulation (EC) No 1493/1999 shall be considered as recognised producer organisations under this Article.

Article 65

Inter-branch organisations

- 1 Member States may recognise inter-branch organisations which:
- a are made up of representatives of economic activities in the production of, trade in, or processing of products covered by this Regulation;
 - b are formed on the initiative of all or some of the representatives referred to in (a);
 - c carry out one or more of the following measures in one or more regions of the Community, taking account of public health and the interests of consumers:
 - (i) improving knowledge and transparency of production and the market;
 - (ii) helping to better coordinate the way products are placed on the market, in particular by means of research and market studies;
 - (iii) drawing up standard forms of contract compatible with Community rules;
 - (iv) exploiting more fully the potential of production;
 - (v) providing the information and carrying out the research necessary to adjust production towards products more suited to market requirements and consumer tastes and expectations, in particular with regard to product quality and protection of the environment;
 - (vi) providing information on particular characteristics of wine with a protected designation of origin or geographical indication;
 - (vii) seeking ways of restricting the use of plant-health products and other inputs and ensuring product quality and soil and water conservation;
 - (viii) promoting integrated production or other environmentally sound production methods;
 - (ix) encouraging moderate and responsible consumption of wine and informing on the harm linked to hazardous consumption patterns;
 - (x) carrying out promotion actions for wine, especially in third countries;

- (xi) developing methods and instruments for improving product quality at all stages of production, vinification and marketing;
 - (xii) exploiting, protecting and promoting the potential of organic farming;
 - (xiii) exploiting, protecting and promoting quality labels and protected designations of origin and geographical indications;
- d have lodged an application for recognition with the Member State concerned and the application contains the following items:
- (i) evidence that the entity meets the requirements laid down in (a) to (c);
 - (ii) evidence that the entity carries out its activities in one or more regions in the territory concerned;
 - (iii) evidence that the entity represents a significant share of the production of or trade in products covered by this Regulation;
 - (iv) evidence that the entity does not engage in the production or processing or marketing of products covered by this Regulation.

2 Organisations meeting the criteria set-out in paragraph 1, which have been recognised by Member States, shall be considered as recognised inter-branch organisations under this Article.

Article 66

Recognition procedure

1 Applications for recognition as a producer organisation or inter-branch organisation shall be lodged with and examined by the Member State where the organisation has its headquarters.

2 Member States shall take the decision whether to grant or refuse recognition of the organisation within four months of the lodging of the application.

Article 67

Marketing rules

1 In order to improve and stabilise the operation of the common market in wines including the grapes, musts and wines from which they derive, producer Member States, particularly by way of implementing decisions taken by inter-branch organisations, may lay down marketing rules to regulate supply.

Such rules shall be proportionate to the objective pursued and shall not:

- a relate to any transaction after the first marketing of the produce concerned;
- b allow for price fixing, including where prices are set for guidance or recommendation;
- c render unavailable an excessive proportion of the vintage that would otherwise be available;
- d provide scope for refusing to issue the national and Community certificates required for the circulation and marketing of wines where such marketing is in accordance with those rules.

2 The rules referred to in paragraph 1 must be brought to the attention of operators by publication *in extenso* in an official publication of the Member State concerned.

Article 68

Monitoring

Member States shall:

- (a) carry out checks at regular intervals to ascertain that producer organisations and inter-branch organisations comply with the terms and conditions for recognition laid down in Articles 64 and 65;
- (b) withdraw recognition if a producer or inter-branch organisation no longer complies with the relevant requirements and impose penalties on such organisations in the event of non-compliance or irregularities.

Article 69

Communication

By 1 March each year and for the first time by 1 March 2009 Member States shall report to the Commission the decisions or actions they have taken in accordance with Articles 66, 67 and 68 during the previous calendar year.

- (1) OJ L 39, 13.2.2008, p. 16.
- (2) OJ L 40, 11.2.1989, p. 1. Directive as amended by Decision 92/10/EEC (OJ L 6, 11.1.1992, p. 35).
- (3) OJ L 11, 14.1.1994, p. 1. Regulation as last amended by Regulation (EC) No 1891/2006 (OJ L 386, 29.12.2006, p. 14).
- (4) OJ L 186, 30.6.1989, p. 21. Directive as last amended by Directive 92/11/EEC (OJ L 65, 11.3.1992, p. 32).
- (5) OJ L 247, 21.9.2007, p. 17.