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COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

No. Cion doc.:	C(2017) 3398 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 19.5.2017 amending Regulation (EC) No 607/2009 as regards the wine grape varieties and their synonyms that may appear on wine labels

Delegations will find attached document C(2017) 3398 final.

Encl.: C(2017) 3398 final



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COMMISSION DELEGATED REGULATION (EU) .../...

of 19.5.2017

amending Regulation (EC) No 607/2009 as regards the wine grape varieties and their synonyms that may appear on wine labels

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products (CMO Regulation) authorises the Commission to adopt delegated acts.

The objective of this delegated act is to amend Commission Regulation (EC) No 607/2009¹ in order to allow Croatian wine producers to continue to use in the labelling of their wines the name of the ‘Teran’ wine grape variety, traditionally used in this region before Croatia’s accession to the Union on 1 July 2013, provided that it applies exclusively to the Protected Designation of Origin ‘Hrvatska Istra’.

The delegated act also aims at specifying the conditions under which the name of the ‘Teran’ variety may appear in the labelling of products covered by the designation of origin.

The adoption of this delegated act does not entail financial implications.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Consultations involving experts from the 28 Member States have been conducted within the Expert Group for the wine sector. The text was presented at the Expert Group’s meeting on 24 January 2017 so that it could be finalised.

On 17 March 2017, the draft delegated act was published on the page of the Commission’s portal on better regulation for a period of four weeks in order to allow the public to submit comments. Contributions were received from 11 participants, including six NGOs, two groups of EU citizens, one academic/research institution, one public authority and one professional association.

Most of the responses received set out views already expressed during the correspondence at different levels between the Slovenian authorities and wine sector, on the one hand, and the Commission, on the other, concerning, in particular: the questioning of the *acquis* relating to the Teran PDO, the absence of any tradition of using the name ‘Teran’ in Croatia, the risk of misleading consumers and the risk of extending the area where the name ‘Teran’ is used in Croatia.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The delegated act specifies the amendments to be made to Regulation (EC) No 607/2009 in order to allow Croatian wine producers to label their wines covered by the Protected Designation of Origin ‘Hrvatska Istra’ with the name of the ‘Teran’ wine grape variety.

¹ 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).

COMMISSION DELEGATED REGULATION (EU) .../...

of 19.5.2017

amending Regulation (EC) No 607/2009 as regards the wine grape varieties and their synonyms that may appear on wine labels

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007,¹ and in particular Article 100(3) thereof,

Whereas:

- (1) Croatia acceded to the European Union on 1 July 2013.
- (2) With a view to its accession to the European Union on 1 July 2013, Croatia requested that its national list of recognised wine grape varieties be added to the list of wine grape varieties that include a geographical indication and may appear on wine labels, a list which was contained in Annex II to Commission Regulation (EC) No 753/2002² and is currently found in Annex XV to Commission Regulation (EC) No 607/2009³. In accordance with Regulation (EC) No 1234/2007 of the European Parliament and of the Council⁴, the Commission informed Croatia that the national list of varieties need not be approved at EU level and that each Member State might decide on its own list. Likewise, the Commission informed Croatia that, in accordance with the practice followed in previous accessions and, in particular, with regard to Commission Regulation (EC) No 1429/2004⁵ amending Annex II to Regulation (EC) No 753/2002, the names of Croatian wine grape varieties would be added to Annex XV to

¹ OJ L 347, 20.12.2013, p. 671.

² 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 (OJ L 118, 4.5.2002, p. 1).

³ 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).

⁴ Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ L 299, 16.11.2007, p. 1).

⁵ Commission Regulation (EC) No 1429/2004 of 9 August 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 (OJ L 263, 10.08.2004, p. 11).

Regulation (EC) No 607/2009 after Croatia's accession. On the basis of this information, Croatia withdrew this request from its negotiating position.

- (3) Annex XV to Commission Regulation (EC) No 607/2009 was amended by Commission Regulation (EU) No 753/2013⁶ in order to include, in particular, the names of wine grape varieties used traditionally for the marketing of wines produced in the territory of Croatia that contain or consist of a designation of origin or geographical indication protected in the Union, so that they may continue to appear on the labels of Croatian wines covered by a protected designation of origin or protected geographical indication. In light of the sensitivity of the matter for Slovenia, the name of the 'Teran' wine grape variety, which is a homonym of the Slovenian Protected Designation of Origin 'Teran' (PDO-SI-A1581), has not been included in the Regulation pending the negotiation of a position between Croatia and Slovenia.
- (4) Croatia has limited its request to use the name of the 'Teran' wine grape variety to wines covered by the Protected Designation of Origin 'Hrvatska Istra' (PDO-HR-A1652). Despite the geographical limitation of the requested authorisation and the Commission's sustained efforts, it has not been possible to reach a compromise solution between Croatia and Slovenia.
- (5) In the absence of a negotiated solution, despite the Commission's efforts to reconcile the positions of Croatia and Slovenia, and following a verification of the information available to the Commission on existing labelling practices concerning the 'Teran' wine grape variety, the name of that variety should be entered in Part A of Annex XV to Regulation (EC) No 607/2009 in connection with the Protected Designation of Origin 'Hrvatska Istra'.
- (6) However, due to Slovenia's concerns over the alleged risk of consumers being misled and in order to find a solution that might satisfy all the producers concerned and obtain the backing of the Member States in question, the Commission considers it appropriate to specify the conditions under which the name of the 'Teran' variety may appear in the labelling of products covered by the designation of origin in question, taking account of the conditions that Croatia itself plans to impose on its producers.
- (7) Regulation (EC) No 607/2009 should therefore be amended accordingly.
- (8) Croatia's entry in Part A of Annex XV to Regulation (EC) No 607/2009 as regards the use of the name of the 'Teran' wine grape variety should take effect on the date of Croatia's accession to the Union on 1 July 2013, since Croatia's request was made before that date, the traditional use of the wine grape variety name 'Teran' when marketing wines products produced on the territory of Croatia was a practice existing at the time of accession, and since the adoption of this Regulation was postponed solely pending a negotiated solution. For the same reasons, a transitional provision should be issued for wines produced before the entry into force of this Regulation,

⁶ Commission Implementing Regulation (EU) No 753/2013 of 2 August 2013 amending Regulation (EC) No 607/2009 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 210, 6.8.2013, p. 21).

HAS ADOPTED THIS REGULATION:

Article 1

In Part A of Annex XV to Regulation (EC) No 607/2009, the following row 55 is added:

55	Teran (SI)	Teran	Croatia (3)
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(3) *Solely for the “Hrvatska Istra” PDO (PDO-HR-A1652), on condition that “Hrvatska Istra” and “Teran” appear in the same visual field and that the font size of the name “Teran” is smaller than that of the words “Hrvatska Istra”.*

Article 2

Wines with the protected designation of origin ‘Hrvatska Istra’ (PDO-HR-A1652), produced before the date of entry into force of this Regulation pursuant to the applicable legislation, may be marketed until stocks are exhausted, even if they do not comply with the labelling conditions provided for in row 55 of Part A of Annex XV to Regulation (EC) No 607/2009, as added by Article 1 of this Regulation.

Article 3

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

It shall apply from 1 July 2013.

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

Done at Brussels, 19.5.2017

For the Commission
The President
Jean-Claude JUNCKER