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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**amending Council Regulation (EC) No 1234/2007
as regards marketing standards**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

The Quality Package consists of a set of proposals designed to put in place a coherent agricultural product quality policy aimed at assisting farmers to better communicate the qualities, characteristics and attributes of agricultural product, and at ensuring appropriate consumer information. The Quality Package includes:

- a proposal for a Regulation of the European Parliament and of the Council on agricultural product quality schemes [COM(2010) XXXX];
- a proposal to modify Regulation (EC) No 1234/2007 (the single Common Market Organisation) concerning marketing standards for agricultural products [COM(2010) XXXX];
- guidelines setting out best practice for the development and operation of certification schemes relating to agricultural products and foodstuffs [C(2010) XXXX], and
- guidelines on the labelling of foodstuffs using Protected Designation of Origin (PDO) and Protected Geographical Indications (PGI) as ingredients [C(2010) XXXX].

1.1. Grounds for and objectives of the proposal

Farmers and producers of agricultural products face competitive pressure resulting from policy reform, globalisation, the concentration of bargaining power in the retail sector, and the state of the economy. At the same time, consumers increasingly look for authentic products produced using specific and traditional methods. In meeting this demand, the diversity and quality of European Union agricultural production should be an important strength and source of competitive advantage for Union farmers.

However, in order for consumers and buyers to be properly informed about the characteristics and farming attributes of agricultural product, they need to receive accurate and trustworthy labelling information. Providing producers with the right tools to communicate product characteristics and farming attributes to buyers and consumers, and to protect them against unfair trading practices, is at the heart of European Union agricultural product quality policy.

Most tools already exist at European Union level. Analysis and discussion with stakeholders has shown that they may be improved, simplified and made more coherent. The Quality Package aims to improve the Union legislation in the field of quality, as well as in the operation of national and private certification schemes, in order to make them simpler, more transparent and easier to understand, adaptable to innovation, and less burdensome for producers and administrations.

1.2. General context

Since the 1990s, Union agricultural product quality policy has been closely identified with three Union schemes, namely for protected designations of origin and protected geographical indications, for organic farming, and for traditional specialties guaranteed. In addition, Union marketing standards have provided a legislative framework for fair competition and smooth functioning of the market since the inception of the common agricultural policy. These Union standards and schemes have been joined in the last decade by an upsurge in the number of certification schemes in the private sector – seeking to guarantee to consumers value-adding characteristics and attributes, as well as respect for baseline standards through quality assurance certification.

In 2006, in the context of a recast of the scheme for protected designations of origin and protected geographical indications, the Commission committed to undertake a future policy review of the operation of the Regulation and its future development¹.

In 2007 a major conference was held bringing together all types of quality schemes: ‘Food quality certification—adding value to farm produce’. The Conference led to the 2008 Green Paper on agricultural product quality², which elicited over 560 detailed stakeholder responses and provided the input for the Communication on agricultural product quality policy³ in 2009. This set out the following strategic orientations:

- improve communication between farmers, buyers and consumers about agricultural product qualities;
- increase the coherence of European Union agricultural product quality policy instruments; and
- reduce complexity to make it easier for farmers, producers and consumers to use and understand the various schemes and labelling terms.

1.3. Existing provisions on this area

European Union legislation provides for protection of designations of origin and geographical indications system in respect of agricultural products and foodstuffs. A harmonised regulatory system in the European Union was created in 1992 to register valuable names of agricultural products and foodstuffs produced according to a specification in a given geographical area by producers with recognised know-how⁴.

¹ Addendum to draft minutes; 2720th meeting of the Council of the European Union (Agriculture and Fisheries), 20.3.2006 (7702/06 ADD1).

² COM(2008) 641, 15.10.2008

³ COM(2009) 234, 28.05.2009

⁴ Regulation (EC) No 510/2006 of the Council on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (OJ L 93, 31.3.2006, p. 12). which repealed and replaced Regulation (EEC) No 2081/92. Schemes for geographical indications are also established in the wine sector, and for spirit drinks and for aromatized wines.

Also in 1992, the scheme for traditional specialties guaranteed set up a register of names of food specialties having a traditional character, stemming either from their traditional composition or traditional production methods used⁵.

As regards marketing standards, there is an extensive body of legislation that has developed mostly on a sectoral basis, in the form of regulations and directives adopted both at the level of Council and the Commission.

In addition, optional quality terms, regulated within the marketing standards, ensure that terms describing value adding characteristics, or farming or processing attributes are not misused in the marketplace and can be relied on by consumers in identifying different qualities of product.

1.4. Consistency with other policies

Agricultural product quality policy forms part of the common agricultural policy. The recent Communication⁶ from the Commission on policy in the period post-2013 has identified several key challenges including maintaining the diversity of agricultural activities in rural areas and enhancing competitiveness, to which agricultural product quality policy will contribute. The policy also is in line with the priorities for the European Union set out in the 2020 Communication⁷, in particular the aims of promoting a more competitive economy, as quality policy is one of the flagships of EU agriculture's competitiveness.

This proposal is linked to and consistent with policies on consumer protection and information, single market and competition, as well as external trade policy.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

2.1. Consultations

Stakeholders have been widely consulted. The main avenues for consultation were the Advisory Group on the quality of agricultural production, and the Green Paper consultation⁸, which concluded with a high-level conference in March 2009, organised by the Czech Presidency. The Council of Ministers adopted conclusions⁹ on the Communication in its meeting in June 2009. The European Parliament adopted the resolution, 'Agricultural product quality policy: what strategy to follow?'¹⁰ in March 2010. Opinions were adopted by the European Economic and

⁵ Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialties guaranteed (OJ L 93 31.3.2006 p.1-11)

⁶ COM(2010)672 final, 18.11.2010

⁷ COM(2010) 2020, 3.3.2010

⁸ From 15 October to 31 December 2008

⁹ <http://register.consilium.europa.eu/pdf/en/09/st10/st10722.en09.pdf>

¹⁰ <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2010-0088&language=EN&ring=A7-2010-0029>

Social Committee in January 2010¹¹ and the Committee of the Regions in February 2010¹².

2.2. Main outcome of the consultations

Overall, stakeholders welcomed the orientations set out in the 2009 Communication. The main views expressed were the following:

- For designations of origin and geographical indications, simplification of the scheme by merging the two instruments (the ‘protected designation of origin’ and the ‘protected geographical indication’) was opposed. Merger of the existing systems (for wine, spirits, aromatised wines and agricultural products and foodstuffs) was viewed positively by most stakeholders, except for those in the wine and spirits sectors. The Commission was encouraged to further simplify, clarify and streamline the systems, and to enhance international recognition of designations of origin and geographical indications.
- For traditional specialties guaranteed, almost unanimous support was expressed by stakeholders for continuation of the TSG scheme, underlining its potential and importance for producers of traditional product that does not qualify under the geographical indications scheme. Some stakeholders called for the scheme to be simplified, in particular by discontinuing the possibility to register names without reserving it, and streamlined. Stakeholders representing producers of product covered by designations of origin and geographical indications suggested the scheme could provide an outlet for such product particularly where they are used in recipes.
- For marketing standards, in general stakeholders welcomed the simplification of marketing standards, place of farming labelling, and further development of optional quality terms.
- the need to address the needs of small-scale producers for whom the Union designations of origin and geographical indication and traditional specialties guaranteed schemes are too burdensome was raised.

2.3. Impact assessment

Following the 2009 Communication and the main responses to it, two impact assessments were prepared with a view to exploring the options identified in the Communication. These covered designations of origin and geographical indications, and traditional specialties guaranteed.

Concerning **geographical indications**, the analysis showed strong justification for a Union-level geographical indications scheme and discarded alternatives to a European Union scheme for reasons of low efficiency and effectiveness (including co-regulation and self-regulation by the sector, no action at European Union level,

¹¹ http://eescopinions.eesc.europa.eu/EESCopinionDocument.aspx?identifier=ces\nat\nat448\ces105-2010_ac.doc&language=EN

¹² http://coropinions.cor.europa.eu/CORopinionDocument.aspx?identifier=cd\deve-iv\dossiers\deve-iv-048\cdr315-2009_fin_ac.doc&language=EN

protection through the international Lisbon Agreement¹³, replacement by a notification system for national geographical indications, and protection through the existing Community collective trade mark). The impact assessment identified considerable ground for reducing complexity and facilitating enforcement by merging the agricultural product and foodstuffs scheme with those in the alcoholic beverages sectors, while assuring the specificities of each system. However, the impact assessment acknowledged the opposition of certain stakeholders to this option.

Analysis of price data showed that producer returns for protected designations of origin (PDOs) and protected geographical indications (PGIs) are higher than for non-designated product and that the PDO label commands a higher price than the PGI label. The overall value of agricultural products and foodstuffs sold under PDOs and PGIs is 14.2 € billion (1997) at wholesale prices, and estimated at 21 € billion at consumer prices. Concerning trade in the internal market, 18.4% of PDO and PGI products are marketed outside their Member State of production.

The impact assessment found that merging the instruments for protected designation of origin (PDO) and protected geographical indication (PGI) would diminish the added-value benefits of the PDO identification. Concerning environmental impacts, studies show that some PDO and PGI products come from low intensity farming systems associated with high environmental value. These PDOs and PGIs provide an economic underpinning to the environmental public goods. Under the options retained for analysis producers can include environmental conditions in appropriate cases.

Concerning **traditional specialities guaranteed**, three options were analysed: introducing the term 'traditional' as optional quality term and abolishing the current scheme; no EU action; and simplifying the current scheme (allowing only registration with reservation of the name). The impact assessment showed that eliminating the TSG scheme would lead for protected names to loss of the economic and social benefits of EU-wide protection and was found to be unacceptable to stakeholders and to the EU legislator. In addition, the option to protect names throughout the single market was identified as a function that can only be undertaken effectively at Union level. The current low uptake of the traditional speciality guaranteed (TSG) scheme meant that data was limited. Case studies and surveys show positive economic and social impacts, including the preservation of traditional forms of production, access to derogations from hygiene rules for traditional methods, and value adding economic benefits of TSG registration.

Concerning the non-protected names however, little economic or social impact was shown for the abolition option as this function could be taken up by national or regional schemes and is already successfully achieved by several national schemes; the case for Union action in this regard was therefore difficult to justify on grounds of subsidiarity.

¹³ Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (1958)

In social terms, the designations of PDO, PGI and TSG were found to contribute to the continuation of traditional forms of production to the benefit of both producers and consumers.

However, both the impact assessments for geographical indications and for traditional specialities guaranteed highlighted the widespread failure of these schemes to attract participation of very **small-scale producers**, notwithstanding that small-scale producers are often associated with artisanal product, traditional methods and local marketing, the European Union schemes are seen as burdensome in terms of application, necessitate costly controls, and require adherence to a specification. Therefore, further study and analysis will be carried out in order to assess the problems faced by small-scale producers in participating in Union quality schemes. On the basis of the results of this analysis, the Commission may propose appropriate follow-up.

Concerning **marketing standards**, in addition to the impact assessment work already done in the context of the 2009 Communication, further impact assessment work will be associated as appropriate to the proposals on the specific standards in the context of delegated powers for which a legal framework has been provided within the alignment of Regulation 1234/2007 to the Treaty of Lisbon.

The texts of the impact assessments can be found on the following website:

http://ec.europa.eu/agriculture/quality/policy/backdocuments-links/index_en.htm

3. LEGAL ELEMENTS OF THE PROPOSAL

3.1. Summary of the proposed action

The single Regulation for agricultural product quality schemes presents three complementary schemes (designations of origin and geographical indications; traditional specialities guaranteed; optional quality terms) in a single regulatory structure, overseen by a single quality policy committee. A separate Regulation covers the Marketing Standards.

3.1.1. *Designations of origin and geographical indications, excluding wines, aromatised wines and spirits.*

The proposal maintains and reinforces the scheme for agricultural products and foodstuffs, but does not bring together the geographical indications schemes for wines, for spirits, or for aromatized wines. In the light of relatively recent reforms of the wine and spirits legislation, at this stage, the schemes should remain distinct. This issue can be reconsidered at a later date. In the meantime, the rules for the scheme for agricultural products and foodstuffs will be converged, where appropriate, to those for wines.

The main elements designed to strengthen and simplify the scheme are the following:

- recognition of the roles and responsibilities of groups¹⁴ applying for registration of names with regard to monitoring, promotion and communication;
- the reinforcement and clarification of the level of protection of registered names and the common Union symbols;
- the procedure to register names is shortened;
- the respective roles of Member States and groups applying for registration have been clarified with regard to the enforcement of protection of the registered names throughout the European Union, and
- the definitions of designations of origin and geographical indications are more closely aligned to international usage.

The proposal streamlines the current process of registration of designations of origin and geographical indications by shortening time delays. In addition, certain legal issues are clarified and terminology aligned with the recently adopted legislation on geographical indications for wine. Minimum common rules on official controls to ensure product follows the specification and to ensure correct labelling in the marketplace are also laid down. The scope of the Regulation is maintained (agricultural products for human consumption and certain other products), while dark chocolate is added.

3.1.2. *Traditional specialities guaranteed*

The proposal maintains the scheme for reservation of names of traditional specialities guaranteed across the European Union, but discontinues the option of registering names without reservation. The function of giving publicity, but not protection, to traditional products is best accomplished at national (or regional) level, and European Union action cannot be justified. The renewed European Union scheme for traditional specialities guaranteed is simplified (registration process streamlined by shortening delays, procedures aligned on PDO-PGI ones) and targeted in several respects: the criterion of tradition is extended to 50 years (from 25 years) to reinforce the credibility of the scheme; the scheme is restricted to prepared meals and processed product; and definitions and procedural requirements are substantially simplified to improve understanding of the scheme.

3.1.3. *Optional quality terms*

Concerning the optional quality terms, which have in common with the quality schemes that they are optional and assist farmers to identify value-adding characteristics and attributes of product in the marketplace, it is proposed to bring these into the present regulation. The optional quality terms are not amended in content, but adapted to the legislative framework of the Treaty on the Functioning of the European Union.

¹⁴ any association, irrespective of its legal form or composition, of producers or processors working with the same product

3.1.4. *Marketing standards*

Following the Communication from the Commission on agricultural product quality policy and subsequent debates, it is clear that marketing standards can contribute to improving the economic conditions for the production and marketing as well as the quality of such products. A minimum requirement of "sound, fair and marketable" already exists in market management measures. Extending these minimum requirements to those products not covered by specific standards can be useful for reassuring the consumers about the basic quality of the products they buy.

The proposal also takes into account the necessity of the alignment to the Treaty on the Functioning of the European Union, and thus the powers to adopt and develop standards in future will be delegated to the Commission.

Under this new framework, a legal basis for compulsory labelling of place of farming will be introduced for all sectors. This allows the Commission, following appropriate impact assessments and on a case by case basis, to adopt delegated acts concerning possible mandatory labelling on place of farming at the appropriate geographical level in order to satisfy the consumers' demands for transparency and information. One of the first sectors to be examined will be the dairy sector. At the same time the Commission envisages that for the future the mandatory indication of origin, for those sectors in which it already exists, will be maintained.

3.2. **Legal basis (if necessary, justify choice of legal basis)**

Treaty on the Functioning of the European Union, Article 43(2).

3.3. **Subsidiarity and proportionality principles**

Concerning **subsidiarity**, the schemes for *designations of origin and geographical indications*, *traditional specialties guaranteed* and *optional quality terms*, provide for the protection or reservation of value-adding names and terms throughout the territory of the European Union. This has the effect that non-qualifying producers are constrained from using the terms. If protected by Member States individually, the terms and names would enjoy different levels of protection in each Member State, which could mislead consumers, impede intra-Union trade, and make way for unequal competition in marketing products identified by quality names and terms. The determination of such rights across the European Union can only be done effectively and efficiently at Union level. 18% of the value of products sold under the PDO and PGI scheme are traded outside their Member State of origin and rely on the intellectual property protection afforded by EU-wide scheme. For the protected names under the TSG scheme, sales in the internal market are significant for the producers concerned. Optional quality terms also apply to significant intra-Union trade flows and divergent definitions and meanings would impede the operation of the market.

The schemes for *designations of origin and geographical indications*, and *traditional specialties guaranteed* rely on Union symbols designed to convey information about the nature of each quality scheme. In order to ensure recognition of the symbols by consumers across the European Union, and thereby facilitate understanding of the scheme and trade in quality products across borders, the symbols need to be established at Union level.

The processing and analysis of applications for *designations of origin and geographical indications* and *traditional specialities guaranteed* is a task that need not be performed at European Union level, except in so far as certain elements are concerned. These include assessing eligibility for the protection of names across the European Union, upholding the rights of prior users of the names (especially those outside the Member State of application), and checking applications for manifest errors. The primary detailed analysis of an application however, can be more efficiently and effectively undertaken at national level.

The operation of labelling schemes designed to identify product having certain qualities, but which do not effect the protection or reservation of names across the European Union, can be most effectively done by national authorities. For this reason the proposed revision of the *traditional specialities guaranteed* scheme discontinues the option to register names that are not protected.

The task of controls of all schemes is, in line with Regulation (EC) No 882/2004 on official feed and food controls, to be undertaken in the first place under the responsibility of national competent authorities. Supervision of Member State control activities needs to be undertaken at Union level in order to maintain credibility in the food law schemes across the European Union, in line with the principles laid down in that regulation.

Concerning **proportionality**, the schemes for *designations of origin and geographical indications* and for *traditional specialities guaranteed* entail adherence to a strict product specification and effective controls on production that can be burdensome for producers. However, this is necessary and proportionate to underpin the creditability of the scheme and provide the consumer with an effective guarantee of compliance. Without that guarantee, the consumer cannot be expected to pay a fair price for the quality products offered. By contrast the schemes for *optional quality terms* rely primarily on producers' own declarations of conformity, backed up by normal agricultural controls by Member States, based on risk assessment. As the conditions of participation in these schemes are lighter than in the case of the designations of origin and geographical indications and traditional specialities guaranteed, the less-burdensome system of participation and controls is proportionate.

The quality schemes are an essential part of the strategy of development of the common agricultural policy to enable and encourage European Union farmers to develop their expertise in marketing high quality product that has value adding characteristics and production attributes. As such it is vital that all farmers have access to the schemes. Therefore, while farmers must make a considered choice to take on the burdens and commitment to market quality product under the schemes, equally the policy benefits for the agricultural sector and for consumers can only be achieved if every farmer who wishes, has access to the schemes. For this reason, it is proportionate to the objective that the schemes must be applied by each Member State throughout their territories.

3.4. Choice of instruments

The proposal for a Regulation of the European Parliament and of the Council on marketing standards consists of a modification of Council Regulation (EC) No 1234/2007 aligned to the rules of the TFEU.

The regulation is accompanied by a parallel legislative proposal for agricultural product quality schemes replacing existing Council Regulations (EC) No 509/2006 and (EC) No 510/2006, and incorporating existing provisions relating to optional quality terms currently in Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products¹⁵ and in Directive 2001/110/EC related to honey¹⁶.

4. BUDGETARY IMPLICATION

This proposal does not bear budgetary implications.

5. OPTIONAL ELEMENTS: SIMPLIFICATION

The proposed regulation simplifies administration of the schemes by bringing different quality schemes for agricultural products as well as the optional quality terms, into one legislative instrument. It ensures coherence between the instruments and makes the schemes more easily understandable for stakeholders. The proposal clarifies and simplifies provisions for Member States, which are primarily responsible for the implementation and control of the schemes.

The main elements of simplification are:

- combination where possible of rules for application processes and controls, with benefits in terms of coherence of rules across schemes, ending current divergences in procedures;
- procedures are shortened and streamlined where possible;
- clarifications are introduced in particular in relation to intellectual property rights;
- simpler concepts more easily understood by consumers are introduced, notably in the traditional specialities guaranteed scheme;
- a single committee (the quality policy committee) is established for all schemes. This replaces two committees currently operating for the schemes for designations of origin and geographical indications, and for traditional specialities guaranteed.

¹⁵ OJ L 299, 16.11.2007, p. 45.

¹⁶ OJ L 10, 12.1.2002, p. 47.

For marketing standards, the proposed modification of Regulation (EC) No 1234/2007 will represent a simplification in terms of procedures and it will increase the transparency as far as marketing standards provisions are concerned.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**amending Council Regulation (EC) No 1234/2007
as regards marketing standards**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Economic and Social Committee¹⁷,

Having regard to the opinion of the Committee of the Regions¹⁸

After transmission of the proposal to the national Parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The "Communication on agricultural product quality policy "presented by the Commission on 28 May 2009 lays down strategic orientations to improve the agricultural product quality policy of the Union¹⁹. This Communication and the subsequent discussions of its main elements by the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, as well as numerous contributions arising from public consultation should be taken into account. In particular it is deemed appropriate to maintain marketing standards by sectors or products, in order to take account of the expectations of the consumers and to contribute to the improvement of the economic conditions for the production and marketing of agricultural products as well as to their quality.
- (2) 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)²⁰ has maintained the sectoral approach provided by the previous Common Market Organisations on the marketing standards. Marketing standards have evolved on a piecemeal basis, instrument by instrument or product by product. A more coherent approach would help to make them more understandable for the consumers and help producers to easily communicate the characteristics and

¹⁷ OJ C ..., p. ...

¹⁸ OJ C..., p.

¹⁹ COM (2009) 234, 28.5.2009

²⁰ OJ L 299, 16.11.2007, p.45.

attributes of their products. It is therefore appropriate to introduce therein provisions of a horizontal nature.

- (3) Regulation (EC) No 1234/2007 confers powers to the Commission in order to implement some of the provisions on marketing standards.
- (4) As a consequence of the entry into force of the Lisbon Treaty, the Commission powers conferred for the implementation of the provisions on marketing standards provided for in Regulation (EC) No 1234/2007 need therefore to be aligned to Articles 290 and 291 of the Treaty on the Functioning of the European Union (TFEU).
- (5) The Commission should have the power to adopt delegated acts in accordance with Article 290 TFEU in order to supplement or amend certain non-essential elements of Section I of Chapter I of Title II of Part II of Regulation (EC) No 1234/2007. The elements for which that power may be exercised should be defined, as well as the conditions to which that delegation is to be subject.
- (6) In order to guarantee a uniform application of marketing standards in all Member States, the Commission should be empowered to adopt implementing acts in accordance with Article 291 TFEU. Save where explicitly provided otherwise, the Commission should adopt those implementing acts in accordance with the provisions of Regulation (EU) No [xxxx/yyyy] of the European Parliament and the Council on... *[to be completed following the adoption of the regulation on control mechanisms, as referred to in Article 291(2) of the TFEU, currently the subject of discussion by the European Parliament and the Council]*.
- (7) The application of standards for the marketing of agricultural products can contribute to improving the economic conditions for the production and marketing as well as the quality of such products. The application of such standards is therefore in the interest of producers, traders and consumers.
- (8) In order to guarantee that all products are of sound, fair and marketable quality, and without prejudice to provisions adopted in the food sector and, in particular, general food law contained in Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety²¹ and principles and requirements thereof, a basic general marketing standard as envisaged in the aforementioned Communication of the Commission should be appropriate for products not covered by marketing standards by sectors or products. When such products conform to an applicable international standard, as appropriate, those products should be considered as conforming with the general marketing standard.
- (9) For some sectors and/or products, definitions, designations and/or sales descriptions are an important element for the determination of conditions of competition. Therefore, it is appropriate to lay down definitions, designations and sales descriptions for those sectors and/or products, which should only be used in the Union for the marketing of products which comply with the corresponding requirements.

²¹ OJ L 31, 1.2.2002, p. 1.

- (10) Under Regulation (EC) No 1234/2007 the Commission has, so far, been entrusted with the adoption of the provisions on marketing standards for certain sectors. Given their detailed technical character and the need to constantly improve their effectiveness and to adapt them to evolving trade practices, it is appropriate to extend this approach to all marketing standards, while specifying the criteria to be taken into account in setting out the relevant rules.
- (11) Marketing standards should apply to enable the market to be supplied with products of standardised and satisfactory quality. They should relate, in particular, to definitions, grading into classes, presentation and labelling, packaging, production method, conservation, transport, information on producers, content of certain substances, related administrative documents, storage, certification, marketing and time limits.
- (12) In particular, taking into account the interest of consumers to receive adequate and transparent product information, it should be possible to determine appropriate indications of place of farming, on a case by case approach at the appropriate geographical level, while taking into account the specificities of some sectors, in particular concerning processed agricultural products.
- (13) It is appropriate to determine certain oenological practices and restrictions for the production of wine.
- (14) The Commission, when defining marketing standards by sectors or products, should take into account the expectations of the consumers, the specificity of each sector and recommendations of International Bodies. In order to meet the international standards, for further oenological practices the Commission should as a general rule base itself on the oenological practices recommended by the International Organisation of Vine and Wine (OIV).
- (15) Specific measures, in particular methods of analysis, may need to be adopted to avoid abuses as regards the quality and authenticity of the products presented to the consumers. To guarantee compliance with the marketing standards, there is a need for controls and the application of penalties in case of non-compliance with such obligations. Member States will have to assume the responsibility of such controls.
- (16) Marketing standards should, in principle, apply to all products marketed in the Union. It is appropriate to provide special rules in respect of products imported from third countries according to which special provisions in force in certain third countries may justify derogations from the marketing standards if their equivalence to Union legislation is guaranteed. Provisions concerning wine should be applied in the light of the agreements concluded under Article 218 TFEU.
- (17) It is appropriate to set up rules for the classification of wine grape varieties, according to which Member States producing more than 50 000 hectolitres per year should continue to be responsible for classifying the wine grape varieties from which wine may be made on their territories. Certain wine grape varieties should be excluded.
- (18) As regards spreadable fats, it is appropriate to introduce the possibility for Member States to maintain or adopt certain national rules on quality levels.
- (19) For the wine sector, Member States should be allowed to limit or to exclude the use of certain oenological practices and keep more stringent restrictions for wines produced

in their territory, as well as experimental use of unauthorized oenological practices under conditions to be defined.

- (20) Regulation (EC) No 1234/2007 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1234/2007 is amended as follows:

- (1)* A new Article 4a is inserted:

"Article 4a

[Adoption of delegated and implementing acts]

Where powers are conferred upon the Commission, it shall act in accordance with the procedure referred to in Article 196a in the case of delegated acts, and in accordance with the procedure referred to in Article 196b in the case of implementing acts, save where explicitly provided otherwise in this Regulation."

- (2) In Part II, Title II, Chapter I, Section I the following new articles are inserted before Article 113:

"Article 112a

Scope

Without prejudice to any other provisions applicable to products listed in Annex I and to agricultural ethyl alcohol as referred to in Part I of Annex II, as well as the provisions adopted in the veterinary and food sectors to ensure that products comply with hygiene and health standards and to protect animal and human health, this Section lays down the rules concerning the general marketing standard and marketing standards by sector and/or product for products listed in Annex I and agricultural ethyl alcohol as referred to in Part I of Annex II."

Article 112b

Conformity with the general marketing standard

1. For the purposes of this Regulation a product complies with the "general marketing standard" if it is of sound, fair and marketable quality.
2. Where no marketing standards as referred to in Articles 112e, 112f and 112h and in Council Directives 2000/36/EC*, 2001/112/EC**, 2001/113/EC***, 2001/114/EC****, 2001/110/EC*****, 2001/111/EC*****, were established, products listed in Annex I to this Regulation which are ready for retail sale as

human food as referred to in Article 3(7) of Regulation (EC) No 178/2002 of the European Parliament and of the Council***** may only be marketed if they conform to the general marketing standard.

3. A product shall be considered as conforming to the general marketing standard where the product intended to be marketed is in conformity with an applicable standard, as appropriate, adopted by any of the international organisations listed in Annex XIIb.

Article 112c

Delegated powers concerning general marketing standard

In order to address changes in the market situation, taking into account the specificity of each sector, the Commission may, by means of delegated acts, adopt, modify and derogate from requirements related to the general marketing standard referred to in Article 112b(1), and rules concerning the conformity referred to in paragraph 3 of that Article .

Article 112d

Marketing standards by sectors or products

The products for which marketing standards by sectors or products have been laid down may be marketed in the Union only in accordance with such standard.

Article 112e

Establishment and content of marketing standards by sectors or products

1. In order to take account of the expectations of consumers and to contribute to the improvement of the economic conditions for the production and marketing of agricultural products as well as to their quality, the Commission may, by means of delegated acts, adopt marketing standards by sector or product referred to in Article 112a, at all stages of the marketing, as well as derogations and exemptions from the application of such standards in order to adapt to the constantly changing market conditions, to the evolving consumer demands, as well as in order to take account of developments in relevant international standards and avoid creating obstacles to product innovation.
2. The marketing standards referred to in paragraph 1 may relate where appropriate to the requirements for:
 - (a) the definition, designation and/or sales descriptions other than those set out in this Regulation and lists of carcasses and parts thereof to which Annex XIIa applies;
 - (b) classification criteria such as grading into classes, weight, sizing, age and category;

- (c) the plant variety or animal race or the commercial type;
- (d) the presentation, sales descriptions, labelling linked to obligatory marketing standards, packaging, rules to be applied in relation to packing centres, marking, wrapping, year of harvesting and use of specific terms;
- (e) criteria such as appearance, consistency, conformation, product characteristics;
- (f) specific substances used in production, or components or constituents, including their quantitative content, purity and identification;
- (g) the type of farming and production method including oenological practices and related administrative rules, and operating circuit;
- (h) coupage of must and wine including definitions thereof, blending and restrictions thereof;
- (i) the conservation method and temperature;
- (j) the place of farming and/or origin;
- (k) the frequency of collection, delivery, preservation and handling;
- (l) the identification or registration of the producer and/or the industrial facilities in which the product has been prepared or processed;
- (m) the percentage of water content;
- (n) restrictions as regards the use of certain substances and/or practices;
- (o) specific use;
- (p) commercial documents, accompanying documents and registers to be kept;
- (q) storage, transport;
- (r) the certification procedure;
- (s) the conditions governing the disposal, the holding, circulation and use of products not in conformity to the marketing standards by sectors or products as referred to in paragraph 1 and/or to the definitions, designations and sales descriptions referred to in Article 112f, as well as the disposal of by-products;
- (t) time limits;
- (u) notifications by the Member States, notifications from different establishments to the competent authorities of the Member States and rules for obtaining statistical information on the markets in different products.

3. The marketing standards by sectors or by products referred to in paragraph 1 shall be established without prejudice to the provisions on Optional Quality Terms of Regulation of the European Parliament and of the Council***** [Regulation on agricultural product quality schemes], and taking into account:
- (a) the specificities of the products concerned;
 - (b) the need to ensure the conditions for a smooth placing of those products on the market;
 - (c) the interest of consumers to receive adequate and transparent product information, including the place of farming to be determined on a case by case approach at the appropriate geographical level;
 - (d) where appropriate the methods used for determining their physical, chemical and organoleptic characteristics;
 - (e) the standard recommendations adopted by international bodies.

Article 112f

Definition, designation and/or sale description for certain sectors and/or products

1. The definitions, designations and/or sale descriptions provided for in Annex XIIa shall apply to the following sectors or products:
- (a) olive oil and table olives ,
 - (b) wine,
 - (c) beef and veal ,
 - (d) milk and milk products intended for human consumption ,
 - (e) poultrymeat,
 - (f) spreadable fats intended for human consumption
2. A definition, designation or sale description provided for in Annex XIIa may be used in the Union only for the marketing of a product which complies with the corresponding requirements laid down in Annex XIIa.
3. In order to adapt to evolving consumer demands, and in order to take technical progress into account and avoid creating obstacles to product innovation, the Commission may, by means of delegated acts, adopt any necessary modification, derogation or exemption to the definitions and sales descriptions provided for in Annex XIIa.

Article 112g

Tolerance

In order to take into account the specificity of each sector, the Commission may, by means of delegated acts, adopt a tolerance for each standard beyond which the entire batch of products will be considered as not respecting the standard.

Article 112h

Oenological practices

1. Where the International Organisation of Vine and Wine (OIV) has recommended and published methods of analysis for determining the composition of products and rules whereby it may be established whether products have undergone processes contrary to the authorised oenological practices, these should be the methods and rules applicable.

Where there are no methods and rules recommended and published by the OIV, corresponding methods and rules shall be adopted by the Commission as referred to in point(g) of Article 112e(2).

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

2. Only oenological practices authorised in accordance with Annex XIIc and provided for in point (g) of Article 112e(2) and in Article 112k(2) and (3) shall be used in the production and conservation in the Union of products of the wine sector.

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.

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

Products of the wine sector shall be produced in the Union in accordance with the relevant restrictions laid down in Annex XIIc.

Products of the wine sector listed in Part II of Annex XIIa, which have undergone unauthorised Union oenological practices or, where applicable, unauthorised national oenological practices or which contravene the restrictions laid down in Annex XIIc, shall not be marketed in the Union.

3. When authorising oenological practices for wine as referred to in point(g) of Article 112e(2), the Commission shall:

- (a) base itself on the oenological practices and methods of analyses recommended and published by the 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 the possible risk 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 in Annex XIIc.

Article 112i

Wine grape varieties

1. Products listed in Part II of Annex XIIa and produced in the Union shall be made from wine grape varieties classifiable according to paragraph 2 of this Article.
2. Subject to paragraph 3, 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.

3. 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 the first subparagraph of paragraph 2.

However, also in the Member States referred to in the first subparagraph, only wine grape varieties complying with the second subparagraph of paragraph 2 may be planted, replanted or grafted for the purpose of wine production.

4. By way of derogation from the first and third subparagraphs of paragraph 2 and the second subparagraph of paragraph 3, the planting, replanting or grafting of the following wine grape varieties shall be allowed by the Member States for scientific research and experimental purposes:
 - (a) wine grape varieties which are not classified as far as Member States referred to in paragraph 3 are concerned;
 - (b) wine grape varieties which do not comply with points (a) and (b) of the second subparagraph of paragraph 2 as far as Member States referred to in paragraph 3 are concerned.
5. Areas planted with wine grape varieties for the purpose of wine production planted in breach of paragraphs 2, 3 and 4 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.

6. Member States shall take the necessary measures to check compliance by producers with paragraphs 2 to 5.

Article 112j

Specific use of wine

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 112i(2) but not conforming to one of the categories laid down in Part II of Annex XIIa, shall be used only for consumption by individual wine-producers' households, for the production of wine vinegar or for distillation.

Article 112k

National rules for certain products and/or sectors

1. Notwithstanding Article 112e(1), Member States may adopt or maintain national rules laying down different quality levels for spreadable fats. Such rules shall allow those quality levels to be assessed on the basis of criteria relating in particular to the raw materials used, the organoleptic characteristics of the products and their physical and microbiological stability.

Member States making use of this option provided for in the first subparagraph shall ensure that other Member States' products which comply with the criteria laid down by those national rules may, under non-discriminatory conditions,

use terms which, by virtue of those rules, state that those criteria are complied with.

2. Member States may limit or exclude the use of certain oenological practices and provide for more stringent restrictions for wines authorised under Union 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 a 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.

3. Member States may allow the experimental use of unauthorised oenological practices under conditions specified by the Commission by means of delegated acts adopted pursuant to paragraph 4.
4. In order to ensure the correct and transparent application, the Commission may, by means of delegated acts, specify the conditions for the application of paragraphs 1, 2 and 3 as well as the conditions for the holding, circulation and use of the products obtained from the experimental practices as referred to in paragraph 3.

Article 112l

Marketing standards related to import and export

In order to take account of the specificities in trade between the Union and certain third countries and of the special character of some agricultural products, the Commission may, by means of delegated acts, define the conditions under which imported products are considered as providing an equivalent level of compliance with the Union requirements concerning marketing standards and which allow for measures derogating from Article 112d and determine the rules relating to the application of the marketing standards to products exported from the Union.

Article 112m

Special provisions for the imports of wine

1. Save as otherwise provided for in agreements concluded pursuant to Article 218 TFEU the provisions concerning designation of origin and geographical indications and labelling of wine set out in the Subsection I of Section Ia of this Chapter and in the definitions and sales descriptions referred to in Article 112f of this Regulation shall apply to products falling under CN codes 2009 61, 2009 69 and 2204 which are imported into the Union.
2. Save as otherwise provided for in agreements concluded pursuant to Article 218 of the TFEU, products referred to in paragraph 1 of this Article shall be produced in accordance with oenological practices recommended and

published by the OIV or authorised by the Union pursuant to this Regulation and measures adopted pursuant to this Regulation.

3. The import of the products referred to in paragraph 1 shall be subject to the presentation of:
 - (a) a certificate evincing compliance with the provisions referred to in paragraphs 1 and 2, to be drawn up by a competent body, included on a list to be made public by the Commission, in the product's country of origin;
 - (b) an analysis report drawn up by a body or department designated by the product's country of origin, in so far as the product is intended for direct human consumption.

Article 112n

National checks

Member States shall carry out checks, based on a risk analysis, in order to verify whether products conform to the rules laid down in this Section and shall apply administrative penalties as appropriate.

Article 112o

Implementing powers

The Commission may, by means of implementing acts, adopt all necessary measures related to this Section and in particular:

- (a) lay down rules for the implementation of the general marketing standard;
- (b) lay down rules for the implementation of the definitions and sales descriptions provided for in Annex XIIa;
- (c) draw up the list of the products referred to in the second paragraph of point 5 of Part III of Annex XIIa and in point (a) of the sixth paragraph of Part VI of Annex XIIa, on the basis of indicative lists of products which Member States regard as corresponding in their territory to the products referred to in the second paragraph of the point 5 of Part III of Annex XIIa and in point (a) of the sixth paragraph of Part VI of Annex XIIa and which Member States shall send to the Commission;
- (d) lay down rules for the implementation of the marketing standards by sectors or products including the detailed rules for the taking of samples and the methods of analysis for determining the composition of products;
- (e) lay down rules whereby it may be established whether products have undergone processes contrary to the authorised oenological practices;

- (f) lay down rules for performing the checks of compliance with the marketing standards by sectors or products;
- (g) lay down rules for fixing of the tolerance level;
- (h) adopt provisions related to the authorities responsible for performing the checks for compliance as well as to the content, the frequency and the marketing stage to which those checks shall apply;
- (i) adopt the necessary measures for the implementation of the derogation provided for in Article 112l.

* OJ L 197, 3.8.2000, p. 19

** OJ L 10, 12.1.2002, p. 58

*** OJ L 10, 12.1.2002, p. 67

**** OJ L 15, 17.1.2002, p. 19

***** OJ L 10, 12.1.2002, p. 47

***** OJ L 10, 12.1.2002, p. 53

***** OJ L 31, 1.2.2002, p. 1.

*****"

- (3) Article 113 is deleted.
- (4) Article 113a is amended as follows:
- (a) Paragraph 2 is replaced by the following:
- "2. The marketing standards referred to in paragraph 1 and any marketing standard applicable to the fruit and vegetables and the processed fruit and vegetables sectors shall apply at all marketing stages including import and export unless otherwise provided for by the Commission."
- (b) In paragraph 4, the first sentence is replaced by the following:
- "Without prejudice to any specific provisions which may be adopted by the Commission in accordance with Article 194, in particular on the consistent application in the Member States of the conformity checks, Member States shall, in respect of the fruit and vegetables and the processed fruit and vegetables sectors, check selectively, based on a risk analysis, whether the products concerned conform to the respective marketing standards. These checks shall be focused on the stage prior to dispatch from the production areas when the products are being packed or loaded. For products from third countries, checks shall be done prior to release for free circulation."
- (5) Articles 113d, 118, 120, 120a to 120g, points (a)(b)(c)(d)(e)(f)(g)(h)(i)(j), of the first paragraph, as well as the second, third and fourth paragraph of Article 121 and Article 158a are deleted.
- (6) In Chapter I of Part VII, the following Articles 196a and 196b are added:

"Article 196a

Delegated acts

1. The powers to adopt the delegated acts referred to in this Regulation shall be conferred on the Commission for an indeterminate period of time. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
2. The delegation of power referred to in paragraph 1 may be revoked at any time by the European Parliament or by the Council.

The institution which has commenced an internal procedure for deciding whether to revoke the delegation of power shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated powers which could be subject to revocation and possible reasons for a revocation.

The decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect immediately or at a later date

specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the Official Journal of the European Union.

3. The European Parliament and the Council may object to the delegated act within a period of two months from the date of notification. At the initiative of the European Parliament or the Council this period shall be extended by one month.

If, on the expiry of that period, neither the European Parliament nor the Council has objected to the delegated act it shall be published in the Official Journal of the European Union and shall enter into force at the date stated therein.

The delegated act may be published in the Official Journal of the European Union and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections. If the European Parliament or the Council objects to a delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.

Article 196b

Implementing acts-Committee

[Where implementing acts are adopted pursuant to this Regulation, the Commission shall be assisted by the Committee referred to in Article 195 of this Regulation and the procedure provided for in Article [5] of Regulation (EU) No [xxxx/yyyy](*to be completed following the adoption of the regulation on control mechanisms, as referred to in Article 291(2) of the TFEU, currently the subject of discussion by the European Parliament and the Council*) shall apply.]"

- (7) Annexes XIa, XIb, XII, XIII, XIV, XV, XVa, XVb, XVI are deleted subject to the Article 2(1) of this Regulation.
- (8) New Annexes XIIa XIIb and XIIc are inserted, the text of which is set out in Annex I to this Regulation.

Article 2

1. Articles 113a, 113b, 114, 115, 116, 117 (1) to (4) of Regulation (EC) No 1234/2007 as well as Annexes XIa (II) second paragraph, XIa (IV to IX); XII (IV)(2), XIII (VI) second paragraph, XIV(A), XIV (B)(I) (2) and (3), XIV (B)(III) and XIV (C), XV (II), (III), (IV) and (VI), to that Regulation, for the purpose of applying those Articles, shall continue to apply until the date to be determined pursuant to paragraph 2.
2. In order to ensure legal certainty as regards the application of marketing rules, the Commission shall, by means of delegated acts, determine the date on which the provisions of Regulation (EC) No 1234/2007 referred to in the paragraph 1 of this

Article or parts thereof cease to apply to the sector concerned. That date shall be the date of application of the corresponding marketing rules to be established pursuant to the delegated acts provided for in the amendments introduced by point (2) of Article 1 of this Regulation.

Article 3

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

However, Article 112b of Regulation (EC) No 1234/2007 as inserted by point (2) of Article 1 of this Regulation shall apply from [.../one year after the entry into force].

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEX I

‘Annex XIIa

Definitions, designations and sales description of products referred to Article 112f

For the purposes of this Annex, the sale description is the name under which a foodstuff is sold, within the meaning of Article 5(1) of Directive 2000/13/EC of the European Parliament and of the Council *

PART I. MEAT OF BOVINE ANIMALS AGED 12 MONTHS OR LESS

I. Definition

For the purposes of this Part of the Annex, “meat” means all carcasses, meat on the bone or boned, and offal, whether or not cut, intended for human consumption, obtained from bovine animals aged 12 months or less, presented fresh, frozen or deep-frozen, whether or not wrapped or packed.

On slaughter, all bovine animals aged 12 months or less shall be classified by the operators, under the supervision of the competent authority, in one of the following two categories:

(A) Category V: bovine animals aged 8 months or less

Category identification letter: V;

(B) Category Z: bovine animals aged more than 8 months but not more than 12 months

Category identification letter: Z.

II. Sales descriptions

1. The meat of bovine animals aged 12 months or less shall only be marketed in the Member States under the following sales description(s) laid down for each Member State:

(A) For the meat of bovine animals aged 8 months or less (category identification letter V):

Country of marketing	Sales descriptions to be used
Belgium	veau, viande de veau/kalfsvlees/Kalbfleisch
Bulgaria	месо от малки телета
Czech Republic	Telecí

Denmark	Lyst kalvekød
Germany	Kalbfleisch
Estonia	Vasikaliha
Greece	μοσχάρι γάλακτος
Spain	Ternera blanca, carne de ternera blanca
France	veau, viande de veau
Ireland	Veal
Italy	vitello, carne di vitello
Cyprus	μοσχάρι γάλακτος
Latvia	Teļa gaļa
Lithuania	Veršiena
Luxembourg	veau, viande de veau/Kalbfleisch
Hungary	Borjúhús
Malta	Vitella
Netherlands	Kalfsvlees
Austria	Kalbfleisch
Poland	Cielęcina
Portugal	Vitela
Romania	carne de vițel
Slovenia	Teletina
Slovakia	Teľacie mäso
Finland	vaalea vasikanliha/ljust kalvkött
Sweden	ljust kalvkött
United Kingdom	Veal

(B) For the meat of bovine animals in category aged more than 8 months but not more than 12 months (category identification letter Z):

Country of marketing	Sales descriptions to be used
Belgium	jeune bovin, viande de jeune bovin / jongrundvlees/ Jungrindfleisch
Bulgaria	Телешко месо
Czech Republic	hovězí maso z mladého skotu
Denmark	Kalvekød
Germany	Jungrindfleisch
Estonia	noorloomaliha
Greece	νεαρό μοσχάρι
Spain	Ternera, carne de ternera
France	jeune bovin, viande de jeune bovin
Ireland	rosé veal
Italy	vitellone, carne di vitellone
Cyprus	νεαρό μοσχάρι
Latvia	jaunlopa gaļa
Lithuania	Jautiena
Luxembourg	jeune bovin, viande de jeune bovin/Jungrindfleisch
Hungary	Növendék marha húsa
Malta	Vitellun
Netherlands	rosé kalfsvlees
Austria	Jungrindfleisch
Poland	młoda wołowina
Portugal	Vitelão
Romania	carne de tineret bovin
Slovenia	meso težjih telet

Slovakia	mäso z mladého dobytká
Finland	vasikanliha/kalvkött
Sweden	Kalvkött
United Kingdom	Beef

2. The sales descriptions referred to in point 1 may be supplemented by an indication of the name or designation of the pieces of meat or offal concerned.
3. The sales descriptions listed for category V in point A of the table set-out in point 1 and any new name derived from those sales descriptions shall only be used if the requirements of this Annex are met.

In particular, the terms “veau”, “telecí”, “Kalb”, “μσχάρι”, “ternera”, “kalv”, “veal”, “vitello”, “vitella”, “kalf”, “vitela” and “teletina” shall not be used in a sales description or be indicated on the labelling of the meat of bovine animals aged more than 12 months.

4. The conditions referred to in 1 shall not apply to the meat of bovine animals for which a protected designation of origin or geographical indication has been registered in accordance with Regulation (EC) No 510/2006 **, before 29 June 2007.

PART II. GRAPEVINE PRODUCTS

(1) Wine

Wine shall be the product obtained exclusively from the total or partial alcoholic fermentation of fresh grapes, whether or not crushed, or of grape must.

Wine shall:

- (a) have, whether or not following application of the processes specified in Section B of Part I of Annex XIIc, an actual alcoholic strength of not less than 8,5% volume provided that the wine derives exclusively from grapes harvested in wine-growing zones A and B referred to in the Appendix to this Annex, and of not less than 9 % volume in other wine-growing zones;
- (b) have, by way of derogation from the otherwise applicable minimum actual alcoholic strength, where it has a protected designation of origin or a protected geographical indication, whether or not following application of the processes specified in Section B of Part I of Annex XIIc, an actual alcoholic strength of not less than 4,5 % volume;
- (c) have a total alcoholic strength of not more than 15 % volume. However, by way of derogation:
 - the upper limit for the total alcoholic strength may reach up to 20 % volume for wines which have been produced without any enrichment from certain wine-growing areas of the Union, to be determined by the Commission by means of delegated acts pursuant to Article 112e(1),
 - the upper limit for the total alcoholic strength may exceed 15 % volume for wines with a protected designation of origin which have been produced without enrichment;
- (d) have, subject to derogations which may be adopted by the Commission by means of delegated acts pursuant to Article 112e(1), a total acidity content, expressed as tartaric acid, of not less than 3,5 grams per litre or 46,6 milliequivalents per litre.

“Retsina” shall be wine produced exclusively in the geographical territory of Greece using grape must treated with resin from the Aleppo pine. The use of Aleppo pine resin is permitted solely for the purpose of obtaining “Retsina” wine under the conditions laid down in Greece’s applicable provision.

By way of derogation from point (b) “Tokaji eszencia” and “Tokajská esencia” are considered wine.

However, notwithstanding Article 112f(2), Member States may allow the use of the term “wine” if:

- 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

- it is part of a composite name.

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

(2) New wine still in fermentation

New wine still in fermentation shall be the product in which the alcoholic fermentation is not yet complete and which is not yet separated from its lees.

(3) Liqueur wine

Liqueur wine shall be the product:

- (a) which has an actual alcoholic strength of not less than 15 % volume and not more than 22 % volume;
- (b) which has a total alcoholic strength of not less than 17,5 % volume, except for certain liqueur wines with a designation of origin or with a geographical indication appearing on a list to be drawn up by the Commission by means of delegated acts pursuant to Article 112e(1);
- (c) which is obtained from:
 - grape must in fermentation,
 - wine,
 - a combination of the above products, or
 - grape must or a mixture thereof with wine for certain liqueur wines with a protected designation of origin or a protected geographical indication, to be determined by the Commission by means of delegated acts pursuant to Article 112e(1);
- (d) which has an initial natural alcoholic strength of not less than 12 % volume except for certain liqueur wines with a protected designation of origin or a protected geographical indication appearing on a list to be drawn up by the Commission by means of delegated acts pursuant to Article 112e(1);
- (e) to which the following has been added:
 - (i) individually or in combination:
 - neutral alcohol of vine origin, including alcohol produced from the distillation of dried grapes, having an actual alcoholic strength of not less than 96 % volume,
 - wine or dried grape distillate, having an actual alcoholic strength of not less than 52 % volume and not more than 86 % volume;
 - (ii) together with one or more of the following products where appropriate:

- concentrated grape must,
 - a combination of one of the products referred to in point (e)(i) with a grape must referred to in the first and fourth indent of point (c);
- (f) to which, by way of derogation from point (e), has been added, in so far as certain liqueur wines with a protected designation of origin or a protected geographical indication are concerned which appear on a list to be drawn up by the Commission by means of delegated acts pursuant to Article 112e(1):
- (i) either of products listed in point (e)(i) individually or in combination; or
 - (ii) one or more of the following products:
 - wine alcohol or dried grape alcohol with an actual alcoholic strength of not less than 95 % volume and not more than 96 % volume,
 - spirits distilled from wine or from grape marc, with an actual alcoholic strength of not less than 52 % volume and not more than 86 % volume,
 - spirits distilled from dried grapes, with an actual alcoholic strength of not less than 52 % volume and of less than 94,5 % volume; and
 - (iii) one or more of the following products, where appropriate:
 - partially fermented grape must obtained from raisined grapes,
 - concentrated grape must obtained by the action of direct heat, complying, with the exception of this operation, with the definition of concentrated grape must,
 - concentrated grape must,
 - a combination of one of the products listed in point (f)(ii) with a grape must referred to in the first and fourth indents of point (c).

(4) Sparkling wine

Sparkling wine shall be the product:

- (a) which is obtained by first or second alcoholic fermentation:
 - from fresh grapes,
 - from grape must, or,
 - from wine;
- (b) which, when the container is opened, releases carbon dioxide derived exclusively from fermentation;

- (c) which has an excess pressure, due to carbon dioxide in solution, of not less than 3 bar when kept at a temperature of 20 °C in closed containers; and
- (d) for which the total alcoholic strength of the cuvées intended for their preparation shall not be less than 8,5 % volume.

(5) Quality sparkling wine

Quality sparkling wine shall be the product:

- (a) which is obtained by first or second alcoholic fermentation:
 - from fresh grapes,
 - from grape must, or
 - from wine;
- (b) which, when the container is opened, releases carbon dioxide derived exclusively from fermentation;
- (c) which has an excess pressure, due to carbon dioxide in solution, of not less than 3,5 bar when kept at a temperature of 20 °C in closed containers; and
- (d) for which the total alcoholic strength of the cuvées intended for their preparation shall not be less than 9 % volume.

(6) Quality aromatic sparkling wine

Quality aromatic sparkling wines shall be the quality sparkling wine:

- (a) which is obtained only by making use, when constituting the cuvée, of grape must or grape must in fermentation which is derived from specific wine grape varieties on a list to be drawn up by the Commission by means of delegated acts pursuant to Article 112e(1).

Quality aromatic sparkling wines traditionally produced using wines when constituting the cuvée, shall be determined by the Commission by means of delegated acts pursuant to in Article 112e(1);

- (b) which has an excess pressure, due to carbon dioxide in solution, of not less than 3 bar when kept at a temperature of 20°C in closed containers;
- (c) of which the actual alcoholic strength may not be less than 6 % volume; and
- (d) of which the total alcoholic strength may not be less than 10 % volume.

(7) Aerated sparkling wine

Aerated sparkling wine shall be the product which:

- (a) is obtained from wine without a protected designation of origin or a protected geographical indication;

- (b) releases, when the container is opened, carbon dioxide derived wholly or partially from an addition of that gas; and
- (c) has an excess pressure, due to carbon dioxide in solution, of not less than 3 bar when kept at a temperature of 20 °C in closed containers.

(8) Semi-sparkling wine

Semi-sparkling wine shall be the product which:

- (a) is obtained from wine provided that such wine has a total alcoholic strength of not less than 9 % volume;
- (b) has an actual alcoholic strength of not less than 7 % volume;
- (c) has an excess pressure, due to endogenous carbon dioxide in solution of not less than 1 bar and not more than 2,5 bar when kept at a temperature of 20 °C in closed containers; and
- (d) is placed in containers of 60 litres or less.

(9) Aerated semi-sparkling wine

Aerated semi-sparkling wine shall be the product which:

- (a) is obtained from wine;
- (b) has an actual alcoholic strength of not less than 7 % volume and a total alcoholic strength of not less than 9 % volume;
- (c) has an excess pressure of not less than 1 bar and not more than 2,5 bar when kept at a temperature of 20 °C in closed containers due to carbon dioxide in solution which has been wholly or partially added; and
- (d) is placed in containers of 60 litres or less.

(10) Grape must

Grape must shall be the liquid product obtained naturally or by physical processes from fresh grapes. An actual alcoholic strength of the grape must of not more than 1 % volume is permissible.

(11) Partially fermented grape must

Grape must in fermentation shall be the product obtained from the fermentation of grape must which has an actual alcoholic strength of more than 1 % volume but less than three fifths of its total alcoholic strength by volume.

(12) Partially fermented grape must extracted from raisined grapes

Grape must in fermentation extracted from raisined grapes shall be the product obtained from the partial fermentation of grape must obtained from raisined grapes, the total sugar content of which before fermentation is at least 272 grams per litre

and the natural and actual alcoholic strength of which shall not be less than 8 % volume. However, certain wines, to be determined by the Commission by means of delegated acts pursuant to Article 112e(1), that meet these requirements shall not be considered as grape must in fermentation extracted from raisined grapes.

(13) Concentrated grape must

Concentrated grape must shall be uncaramelised grape must which is obtained by partial dehydration of grape must carried out by any authorised method other than by direct heat in such a way that the figure indicated by a refractometer used in accordance with a method to be prescribed in accordance with the third subparagraph of Article 112h(1) and point (d) of Article 112o at a temperature of 20 °C is not less than 50,9 %.

An actual alcoholic strength of the concentrated grape must of not more than 1 % volume is permissible.

(14) Rectified concentrated grape must

Rectified concentrated grape must shall be the liquid uncaramelised product which:

- (a) is obtained by partial dehydration of grape must carried out by any authorised method other than direct heat in such a way that the figure indicated by a refractometer used in accordance with a method to be prescribed in accordance with the third subparagraph of Article 112h(1) and point (d) of Article 112o at a temperature of 20 °C is not less than 61,7 %;
- (b) has undergone authorised treatment for de-acidification and elimination of constituents other than sugar;
- (c) has the following characteristics:
 - a pH of not more than 5 at 25 Brix,
 - an optical density at 425 nm for a thickness of 1 cm of not more than 0,100 in grape must concentrated at 25 Brix,
 - a sucrose content undetectable by a method of analysis to be defined,
 - a Folin-Ciocalteu index of not more than 6,00 at 25 °Brix,
 - a titratable acidity of not more than 15 milliequivalents per kilogram of total sugars,
 - a sulphur dioxide content of not more than 25 milligrams per kilogram of total sugars,
 - a total cation content of not more than 8 milliequivalents per kilogram of total sugars,
 - a conductivity at 25 °Brix and 20 °C of not more than 120 micro-Siemens/cm,

- a hydroxymethylfurfural content of not more than 25 milligrams per kilogram of total sugars,
- presence of mesoinositol.

An actual alcoholic strength of the rectified concentrated grape must of not more than 1 % volume is permissible.

(15) Wine from raisined grapes

Wine from raisined grapes shall be the product which:

- (a) is produced without enrichment, from grapes left in the sun or shade for partial dehydration;
- (b) has a total alcoholic strength of at least 16 % volume and an actual alcoholic strength of at least 9 % volume; and
- (c) has a natural alcoholic strength of at least 16 % volume (or 272 grams sugar/litre).

(16) Wine of overripe grapes

Wine of overripe grapes shall be the product which:

- (a) is produced without enrichment;
- (b) has a natural alcoholic strength of more than 15 % volume; and
- (c) has a total alcoholic strength of not less than 15 % volume and an actual alcoholic strength of not less than 12 % volume.

Member States may prescribe a period of ageing for this product.

(17) Wine vinegar

Wine vinegar shall be vinegar which:

- (a) is obtained exclusively by acetous fermentation of wine; and
- (b) has a total acidity of not less than 60 grams per litre expressed as acetic acid.

PART III. MILK AND MILK PRODUCTS

1. The term 'milk' means exclusively the normal mammary secretion obtained from one or more milkings without either addition thereto or extraction therefrom.

However, the term 'milk' may be used:

- (a) for milk treated without altering its composition or for milk the fat content of which is standardised under Part IV of this Annex;

- (b) in association with a word or words to designate the type, grade, origin and/or intended use of such milk or to describe the physical treatment or the modification in composition to which it has been subjected, provided that the modification is restricted to an addition and/or withdrawal of natural milk constituents.
2. For the purposes of this Part, 'milk products' means products derived exclusively from milk, on the understanding that substances necessary for their manufacture may be added provided that those substances are not used for the purpose of replacing, in whole or in part, any milk constituent.

The following shall be reserved exclusively for milk products.

- (a) the following names used at all stages of marketing:
 - (i) whey,
 - (ii) cream,
 - (iii) butter,
 - (iv) buttermilk,
 - (v) butteroil,
 - (vi) caseins,
 - (vii) anhydrous milkfat (AMF),
 - (viii) cheese,
 - (ix) yogurt,
 - (x) kephir,
 - (xi) koumiss,
 - (xii) viili/fil,
 - (xiii) smetana,
 - (xiv) fil;
 - (b) names within the meaning of Article 5 of Directive 2000/13/EC actually used for milk products.
3. The term 'milk' and the designations used for milk products may also be used in association with a word or words to designate composite products of which no part takes or is intended to take the place of any milk constituent and of which milk or a milk product is an essential part either in terms of quantity or for characterisation of the product.

4. The origin of milk and milk products to be defined by the Commission shall be stated if it is not bovine.
5. The designations referred to in points 1, 2 and 3 of this Part may not be used for any product other than those referred to in that point.

However, this provision shall not apply to the designation of products the exact nature of which is clear from traditional usage and/or when the designations are clearly used to describe a characteristic quality of the product.

6. In respect of a product other than those described in points 1,2 and 3 of this Part, no label, commercial document, publicity material or any form of advertising as defined in Article 2 of Council Directive 2006/114/EC*** or any form of presentation, may be used which claims, implies or suggests that the product is a dairy product.

However, in respect of a product which contains milk or milk products, the designation 'milk' or the designations referred to in the second subparagraph of point 2 of this Part may be used only to describe the basic raw materials and to list the ingredients in accordance with Directive 2000/13/EC.

PART IV. MILK FOR HUMAN CONSUMPTION FALLING WITHIN CN CODE 0401

I. Definitions

For the purposes of this Part:

- (a) 'milk' means the produce of the milking of one or more cows;
- (b) 'drinking milk' means the products referred to in point III intended for delivery without further processing to the consumer;
- (c) 'fat content' means the ratio by mass of parts of milk fat per hundred parts of milk in the milk concerned;
- (d) 'protein content' means the ratio by mass of parts of protein per hundred parts of milk in the milk concerned (obtained by multiplying by 6,38 the total nitrogen content of the milk expressed as a percentage by mass).

II. Delivery or sale to the final consumer

- (1) Only milk complying with the requirements laid down for drinking milk may be delivered or sold without processing to the final consumer, either directly or through the intermediary of restaurants, hospitals, canteens or other similar mass caterers.
- (2) The sales descriptions to be used for those products shall be those given in point III of this Part. Those descriptions shall be used only for the products referred to in that point, without prejudice to their use in composite descriptions.

- (3) Member States shall adopt measures to inform consumers of the nature and composition of the products concerned where the absence of such information is likely to cause confusion.

III. Drinking milk

1. The following products shall be considered as drinking milk:

- (a) raw milk: milk which has not been heated above 40°C or subjected to treatment having equivalent effect;
- (b) whole milk: heat-treated milk which, with respect to fat content, meets one of the following requirements:
 - (i) standardised whole milk: milk with a fat content of at least 3,50 % (m/m). However, Member States may provide for an additional category of whole milk with a fat content of 4,00 % (m/m) or above;
 - (ii) non-standardised whole milk: milk with a fat content that has not been altered since the milking stage either by the addition or removal of milk fats or by mixture with milk the natural fat content of which has been altered. However, the fat content may not be less than 3,50 % (m/m);
- (c) semi-skimmed milk: heat-treated milk whose fat content has been reduced to at least 1,50 % (m/m) and at most 1,80 % (m/m);
- (d) skimmed-milk: heat-treated milk whose fat content has been reduced to not more than 0,50 % (m/m).

Heat-treated milk not complying with the fat content requirements laid down in points (b), (c) and (d) of the first subparagraph shall be considered drinking milk provided that the fat content is clearly indicated with one decimal and easily readable on the packaging in form of "... % fat". Such milk shall not be described as whole milk, semi-skimmed milk or skimmed milk.

2. Without prejudice to point 1(b)(ii), only the following modifications shall be allowed:
- (a) in order to meet the fat contents laid down for drinking milk, modification of the natural fat content by the removal or addition of cream or the addition of whole milk, semi-skimmed milk or skimmed milk;
 - (b) enrichment of milk with milk proteins, mineral salts or vitamins;
 - (c) reduction of the lactose content by conversion to glucose and galactose.

Modifications in the composition of milk referred to in points (b) and (c) shall be allowed only if they are indelibly indicated on the packing of the product so that it can be easily seen and read. However, such indication shall not remove the obligation as regards nutrition labelling laid down by Council Directive

90/496/EEC ****. Where proteins are added, the protein content of the enriched milk must be 3,8 % (m/m) or more.

However, Member States may limit or prohibit modifications to the composition of milk referred to in points (b) and (c).

3. Drinking milk shall:

- (a) have a freezing point close to the average freezing point for raw milk recorded in the area of origin of the drinking milk collected;
- (b) have a mass of not less than 1028 grams per litre for milk containing 3,5 % (m/m) of fat at a temperature of 20°C or the equivalent weight per litre for milk having a different fat content;
- (c) contain a minimum of 2,9 % (m/m) of protein for milk containing 3,5 % (m/m) of fat or an equivalent concentration in the case of milk having a different fat content.

PART V. PRODUCTS OF THE POULTRYMEAT SECTORS

This Part of this Annex shall apply in relation to the marketing within the Union by way of business or trade, of certain types and presentations of poultrymeat, and poultrymeat or poultry offal preparations and products, of the following species

- Gallus domesticus,
- ducks,
- geese,
- turkeys,
- guinea fowls.

These provisions shall also apply to poultrymeat in brine falling within CN code 0210 99 39.

I. Definitions

- (1) 'poultrymeat' means poultrymeat suitable for human consumption, which has not undergone any treatment other than cold treatment;
- (2) “fresh poultrymeat” means poultrymeat which has not been stiffened at any time by the cooling process prior to being kept at a temperature not below – 2 °C and not higher than + 4 °C. However, Member States may lay down slightly different temperature requirements for the minimum length of time necessary for the cutting and handling of fresh poultrymeat performed in retail shops or in premises adjacent to sales points, where the cutting and handling are performed solely for the purpose of supplying the consumer directly on the spot;

- (3) “frozen poultrymeat” means poultrymeat which must be frozen as soon as possible within the constraints of normal slaughtering procedures and is to be kept at a temperature no higher than – 12 °C at any time
- (4) 'quick-frozen poultrymeat' means poultrymeat which is to be kept at a temperature no higher than -18°C at any time within the tolerances as provided for in Council Directive 89/108/EEC *****.
- (5) “poultrymeat preparation” means poultrymeat including poultrymeat that has been reduced to fragments, which has had foodstuffs, seasonings or additives added to it or which has undergone processes insufficient to modify the internal muscle fibre structure of the meat;
- (6) “fresh poultrymeat preparation” means a poultrymeat preparation for which fresh poultrymeat has been used.

However, Member States may lay down slightly different temperature requirements to be applied for the minimum length of time necessary and only to the extent necessary to facilitate the cutting and handling performed in the factory during the production of fresh poultrymeat preparations;

- (7) “poultrymeat product” means a meat product as defined in point 7.1 of Annex I to Regulation (EC) No 853/2004 ***** for which poultrymeat has been used.

PART VI. SPREADABLE FATS

The products referred to in Article 112f may not be supplied or transferred without processing to the ultimate consumer either directly or through restaurants, hospitals, canteens or similar establishments, unless they meet the requirements set out in the Annex.

The sales descriptions of these products shall be those specified in this Part.

The sales descriptions below shall be reserved to the products defined therein with the following CN codes and having a fat content of at least 10% but less than 90% by weight:

- (a) milk fats falling within CN codes 0405 and ex2106;
- (b) fats falling within CN code ex1517;
- (c) fats composed of plant and/or animal products falling within CN codes ex 1517 and ex 2106.

The fat content excluding salt shall be at least two-thirds of the dry matter.

However, these sales descriptions shall only apply to products which remain solid at a temperature of 20°C, and which are suitable for use as spreads.

These definitions shall not apply to:

- (a) the designation of products the exact nature of which is clear from traditional usage and/or when the designations are clearly used to describe a characteristic quality of the product;
- (b) concentrated products (butter, margarine, blends) with a fat content of 90 % or more.

Fat group	Sales description	Product categories
Definitions		Additional description of the category with an indication of the % fat content by weight
A. Milk fats Products in the form of a solid, malleable emulsion, principally of the water-in-oil type, derived exclusively from milk and/or certain milk products, for which the fat is the essential constituent of value. However, other substances necessary for their manufacture may be added, provided those substances are not used for the purpose of replacing, either in whole or in part, any milk constituents.	1. Butter 2. Three-quarter fat butter (*) 3. Half fat butter (**) 4. Dairy spread X %	The product with a milk-fat content of not less than 80 % but less than 90 %, a maximum water content of 16 % and a maximum dry non-fat milk-material content of 2 %. The product with a milk-fat content of not less than 60 % but not more than 62 %. The product with a milk-fat content of not less than 39 % but not more than 41 %. The product with the following milk-fat contents: - less than 39 %, - more than 41 % but less than 60 %, - more than 62 % but less than 80 %.
B. Fats Products in the form of a solid, malleable emulsion, principally of the water-in-oil type, derived from solid and/or liquid vegetable and/or animal fats suitable for human consumption, with a milk-fat content of not more than 3 % of the fat content.	1. Margarine 2. Three-quarter-fat margarine (***) 3. Half-fat margarine (****) 4. Fat spreads X %	The product obtained from vegetable and/or animal fats with a fat content of not less than 80 % but less than 90 %. The product obtained from vegetable and/or animal fats with a fat content of not less than 60 % but not more than 62 %. The product obtained from vegetable and/or animal fats with a fat content of not less than 39 % but not more than 41 %. The product obtained from vegetable and/or animal fats with the following fat contents: - less than 39 %, - more than 41 % but less than 60 %, - more than 62 % but less than 80 %.

Fat group	Sales description	Product categories
Definitions		Additional description of the category with an indication of the % fat content by weight
C. Fats composed of plant and/or animal products Products in the form of a solid, malleable emulsion principally of the water-in-oil type, derived from solid and/or liquid vegetable and/or animal fats suitable for human consumption, with a milk-fat content of between 10 % and 80 % of the fat content.	1. Blend 2. Three-quarter-fat blend (*****) 3. Half-fat blend (*****) 4. Blended spread X %	The product obtained from a mixture of vegetable and/or animal fats with a fat content of not less than 80 % but less than 90 %. The product obtained from a mixture of vegetable and/or animal fats with a fat content of not less than 60 % but not more than 62 %. The product obtained from a mixture of vegetable and/or animal fats with a fat content of not less than 39 % but not more than 41 %. The product obtained from a mixture of vegetable and/or animal fats with the following fat contents: - less than 39 %, - more than 41 % but less than 60 %, - more than 62 % but less than 80 %.

(*) corresponding to 'smør 60' in Danish.

(**) corresponding to 'smør 40' in Danish.

(***) corresponding to 'margarine 60' in Danish.

(****) corresponding to 'margarine 40' in Danish.

(*****) corresponding to 'blandingsprodukt 60' in Danish.

(*****) corresponding to 'blandingsprodukt 40' in Danish.

Note: The milk-fat component of the products listed in this Part may be modified only by physical processes.

PART VII. DESCRIPTIONS AND DEFINITIONS OF OLIVE OIL AND OLIVE POMACE OILS

The use of the descriptions and definitions of olive oils and olive pomace oils set out in this Part shall be compulsory as regards the marketing of the products concerned within the Union and, insofar as compatible with international compulsory rules, in trade with third countries.

Only oils referred to in points 1(a) and (b), 3 and 6 of this Part may be marketed at the retail stage.

(1) Virgin olive oils

Oils obtained from the fruit of the olive tree solely by mechanical or other physical means under conditions that do not lead to alterations in the oil, which have not undergone any treatment other than washing, decantation, centrifugation or filtration, to the exclusion of oils obtained using solvents or using adjuvants having a chemical or biochemical action, or by re-esterification process and any mixture with oils of other kinds.

Virgin olive oils are exclusively classified and described as follows:

(a) Extra virgin olive oil

Virgin olive oil having a maximum free acidity, in terms of oleic acid, of 0,8 g per 100 g, the other characteristics of which comply with those laid down for this category.

(b) Virgin olive oil

Virgin olive oil having a maximum free acidity, in terms of oleic acid, of 2 g per 100 g, the other characteristics of which comply with those laid down for this category.

(c) Lampante olive oil

Virgin olive oil having a free acidity, in terms of oleic acid, of more than 2 g per 100 g, and/or the other characteristics of which comply with those laid down for this category.

(2) Refined olive oil

Olive oil obtained by refining virgin olive oil, having a free acidity content expressed as oleic acid, of not more than 0,3 g per 100 g, and the other characteristics of which comply with those laid down for this category.

(3) Olive oil — composed of refined olive oils and virgin olive oils

Olive oil obtained by blending refined olive oil and virgin olive oil other than lampante olive oil, having a free acidity content expressed as oleic acid, of not more than 1 g per 100 g, and the other characteristics of which comply with those laid down for this category.

(4) Crude olive-pomace oil

Oil obtained from olive pomace by treatment with solvents or by physical means or oil corresponding to lampante olive oil, except for certain specified characteristics, excluding oil obtained by means of re-esterification and mixtures with other types of oils, and the other characteristics of which comply with those laid down for this category.

(5) Refined olive-pomace oil

Oil obtained by refining crude olive-pomace oil, having free acidity content expressed as oleic acid, of not more than 0,3 g per 100 g, and the other characteristics of which comply with those laid down for this category.

(6) Olive-pomace oil

Oil obtained by blending refined olive-pomace oil and virgin olive oil other than lampante olive oil, having a free acidity content expressed as oleic acid, of not more than 1 g per 100 g, and the other characteristics of which comply with those laid down for this category.

Appendix to Part II of Annex XIIa

Wine growing zones

The wine-growing zones shall be the following:

(1) Wine-growing zone A comprises:

- (a) in Germany: the areas planted with vines other than those included in point 2(a);
- (b) in Luxembourg: the Luxembourg wine-growing region;
- (c) in Belgium, Denmark, Ireland, the Netherlands, Poland, Sweden and the United Kingdom: the wine-growing areas of these countries;
- (d) in the Czech Republic: the wine growing region of Čechy.

(2) Wine-growing zone B comprises:

- (a) in Germany, the areas planted with vines in the specified region Baden;
- (b) in France, the areas planted with vines in the departments not mentioned in this Annex and in the following departments:
 - in Alsace: Bas-Rhin, Haut-Rhin,
 - in Lorraine: Meurthe-et-Moselle, Meuse, Moselle, Vosges,
 - in Champagne: Aisne, Aube, Marne, Haute-Marne, Seine-et-Marne,
 - in the Jura: Ain, Doubs, Jura, Haute-Saône,

- in Savoie: Savoie, Haute-Savoie, Isère (commune de Chapareillan),
 - in the Val de Loire: Cher, Deux-Sèvres, Indre, Indre-et-Loire, Loir-et-Cher, Loire-Atlantique, Loiret, Maine-et-Loire, Sarthe, Vendée, Vienne, and the areas planted with vines in the arrondissement of Cosne-sur-Loire in the department of Nièvre;
- (c) in Austria, the Austrian wine-growing area;
- (d) in the Czech Republic, the wine-growing region of Morava and the areas planted with vines not included in point 1(d);
- (e) in Slovakia, the areas planted with vines in the following regions: Malokarpatská vinohradnícka oblasť, Južnoslovenská vinohradnícka oblasť, Nitrianska vinohradnícka oblasť, Stredoslovenská vinohradnícka oblasť, Východoslovenská vinohradnícka oblasť and the wine growing areas not included in point 3(f);
- (f) in Slovenia, the areas planted with vines in the following regions:
- in the Podravje region: Štajerska Slovenija, Prekmurje,
 - in the Posavje region: Bizeljsko Sremič, Dolenjska and Bela krajina, and the areas planted with vines in the regions not included in point 4(d);
- (g) in Romania, in the area of Podișul Transilvaniei.
- (3) Wine-growing zone C I comprises:
- (a) in France, areas planted with vines:
- in the following departments: Allier, Alpes-de-Haute-Provence, Hautes-Alpes, Alpes-Maritimes, Ariège, Aveyron, Cantal, Charente, Charente-Maritime, Corrèze, Côte-d'Or, Dordogne, Haute-Garonne, Gers, Gironde, Isère (with the exception of the commune of Chapareillan), Landes, Loire, Haute-Loire, Lot, Lot-et-Garonne, Lozère, Nièvre (except for the arrondissement of Cosne-sur-Loire), Puy-de-Dôme, Pyrénées-Atlantiques, Hautes-Pyrénées, Rhône, Saône-et-Loire, Tarn, Tarn-et-Garonne, Haute-Vienne, Yonne,
 - in the arrondissements of Valence and Die in the department of Drôme (except for the cantons of Dieulefit, Loriol, Marsanne and Montélimar),
 - in the arrondissement of Tournon, in the cantons of Antraigues, Burzet, Coucouron, Montpezat-sous-Bauzon, Privas, Saint-Etienne de Lugdarès, Saint-Pierre-Val, Valgorge and la Voulte-sur-Rhône of the department of Ardèche;
- (b) in Italy, areas planted with vines in the Valle d'Aosta region and in the provinces of Sondrio, Bolzano, Trento and Belluno;

- (c) in Spain, areas planted with vines in the provinces of A Coruña, Asturias, Cantabria, Guipúzcoa and Vizcaya;
 - (d) in Portugal, areas planted with vines in that part of the region of Norte which corresponds to the designated wine area of ‘Vinho Verde’ as well as the “Concelhos de Bombarral, Lourinhã, Mafra e Torres Vedras” (with the exception of ‘Freguesias da Carvoeira e Dois Portos’), belonging to the ‘Região vitícola da Extremadura’;
 - (e) in Hungary, all areas planted with vines,
 - (f) in Slovakia, areas planted with vines in the Tokajská vinohradnícka oblasť,
 - (g) in Romania, areas planted with vines not included in points 2(g) or 4(f).
- (4) Wine-growing zone C II comprises:
- (a) in France, areas planted with vines:
 - in the following departments: Aude, Bouches-du-Rhône, Gard, Hérault, Pyrénées-Orientales (except for the cantons of Olette and Arles-sur-Tech), Vaucluse,
 - in the part of the department of Var bounded in the south by the northern limit of the communes of Evenos, Le Beausset, Solliès-Toucas, Cuers, Puget-Ville, Collobrières, La Garde-Freinet, Plan-de-la-Tour and Sainte-Maxime,
 - in the arrondissement of Nyons and the canton of Loriol-sur-Drôme in the department of Drôme,
 - in those parts of the department of Ardèche not listed in point 3(a);
 - (b) in Italy, areas planted with vines in the following regions: Abruzzo, Campania, Emilia-Romagna, Friuli-Venezia Giulia, Lazio, Liguria, Lombardy (except for the province of Sondrio), Marche, Molise, Piedmont, Tuscany, Umbria, Veneto (except for the province of Belluno), including the islands belonging to those regions, such as Elba and the other islands of the Tuscan archipelago, the Ponziene islands, Capri and Ischia;
 - (c) in Spain, areas planted with vines in the following provinces:
 - Lugo, Orense, Pontevedra,
 - Ávila (except for the communes which correspond to the designated wine ‘comarca’ of Cebreros), Burgos, León, Palencia, Salamanca, Segovia, Soria, Valladolid, Zamora,
 - La Rioja,
 - Álava,

- Navarra,
 - Huesca,
 - Barcelona, Girona, Lleida,
 - in that part of the province of Zaragoza which lies to the north of the river Ebro,
 - in those communes of the province of Tarragona included in the Penedés designation of origin,
 - in that part of the province of Tarragona which corresponds to the designated wine ‘comarca’ of Conca de Barberá;
- (d) in Slovenia, areas planted with vines in the following regions: Brda or Goriška Brda, Vipavska dolina or Vipava, Kras and Slovenska Istra;
- (e) in Bulgaria, areas planted with vines in the following regions: Dunavska Ravnina (Дунавска равнина), Chernomorski Rayon (Черноморски район), Rozova Dolina (Розова долина);
- (f) in Romania, areas planted with vines in the following regions:
- Dealurile Buzăului, Dealu Mare, Severinului and Plaiurile Drâncei, Colinele Dobrogei, Terasale Dunării, the South wine region, including sands and other favourable regions.
- (5) Wine-growing zone C III (a) comprises:
- (a) in Greece, areas planted with vines in the following nomoi: Florina, Imathia, Kilkis, Grevena, Larisa, Ioannina, Levkas, Akhaia, Messinia, Arkadia, Korinthia, Iraklio, Khandia, Rethimni, Samos, Lasithi and the island of Thira (Santorini);
 - (b) in Cyprus, areas planted with vines located at altitudes exceeding 600 metres;
 - (c) in Bulgaria, areas planted with vines not included in point 4(e).
- (6) Wine-growing zone C III (b) comprises:
- (a) in France, areas planted with vines:
 - in the departments of Corsica,
 - in that part of the department of Var situated between the sea and a line bounded by the communes (which are themselves included) of Evenos, Le Beausset, Solliès-Toucas, Cuers, Puget-Ville, Collobrières, La Garde-Freinet, Plan-de-la-Tour and Sainte-Maxime,
 - in the cantons of Olette and Arles-sur-Tech in the department of Pyrénées-Orientales;

- (b) in Italy, areas planted with vines in the following regions: Calabria, Basilicata, Apulia, Sardinia and Sicily, including the islands belonging to those regions, such as Pantelleria and the Lipari, Egadi and Pelagian islands;
- (c) in Greece, areas planted with vines not listed in point 5(a);
- (d) in Spain: areas planted with vines not included in points 3(c) or 4(c);
- (e) in Portugal, areas planted with vines in the regions not included in point 3(d);
- (f) in Cyprus, areas planted with vines located at altitudes not exceeding 600 metres;
- (g) in Malta, areas planted with vines.

The demarcation of the territories covered by the administrative units referred to in this Annex is that resulting from the national provisions in force on 15 December 1981 and, for Spain, from the national provisions in force on 1 March 1986 and, for Portugal, from the national provisions in force on 1 March 1998.’

Annex XIIb
International Organisations referred to in Article 112b(3)

- Codex Alimentarius
- United Nations Economic Commission for Europe

Annex XIIc

Part I

ENRICHMENT, ACIDIFICATION AND DE-ACIDIFICATION IN CERTAIN WINE-GROWING ZONES

A. Enrichment limits

1. Where climatic conditions have made it necessary in certain winegrowing zones of the Union referred to in the Appendix to Annex XIIa(II), the Member States concerned may allow to supplement the natural alcoholic strength by volume of fresh grapes, grape must, grape must in fermentation, new wine still in fermentation and wine obtained from wine grape varieties classifiable according to Article 112i.
2. The increase in natural alcoholic strength by volume shall be achieved by means of the oenological practices referred to in Section B and shall not exceed the following limits:
 - (a) 3 % volume in wine-growing zone A referred to in the Appendix to Annex XIIa(II);
 - (b) 2 % volume in wine-growing zone B referred to in the Appendix to Annex XIIa(II);
 - (c) 1,5 % volume in wine-growing zones C referred to in the Appendix to Annex XIIa(II).
3. In years when climatic conditions have been exceptionally unfavourable, Member States may request that the limit(s) laid down in point 2 be raised by 0,5 %. In response to such a request, the Commission under the powers as referred to in point (d) of Article 112o shall adopt the implementing act as soon as possible. The Commission shall endeavour to take a decision within four weeks after the request has been lodged.

B. Enrichment processes

1. The increase in natural alcoholic strength by volume provided for in Section A shall only be effected:
 - (a) in respect of fresh grapes, grape must in fermentation or new wine still in fermentation, by adding sucrose, concentrated grape must or rectified concentrated grape must;
 - (b) in respect of grape must, by adding sucrose, concentrated grape must or rectified concentrated grape must, or by partial concentration, including reverse osmosis;
 - (c) in respect of wine, by partial concentration through cooling.

2. The processes referred to in point 1 shall be mutually exclusive where wine or grape must is enriched with concentrated grape must or rectified concentrated grape must and an aid is paid under Article 103y.
3. The addition of sucrose provided for in points 1(a) and (b) may only be performed by dry sugaring and only in the following areas:
 - (a) wine-growing zone A referred to in the Appendix to Annex XIIa(II);
 - (b) wine-growing zone B referred to in the Appendix to Annex XIIa(II);
 - (c) wine-growing zone C referred to in the Appendix to Annex XIIa(II),with the exception of vineyards in Italy, Greece, Spain, Portugal, Cyprus and vineyards in the French departments under jurisdiction of the courts of appeal of:
 - Aix-en-Provence,
 - Nîmes,
 - Montpellier,
 - Toulouse,
 - Agen,
 - Pau,
 - Bordeaux,
 - Bastia.

However, enrichment by dry sugaring may be authorised by the national authorities as an exception in the abovementioned French departments. France shall notify the Commission and the other Member States forthwith of any such authorisations.

4. The addition of concentrated grape must or rectified concentrated grape must shall not have the effect of increasing the initial volume of fresh crushed grapes, grape must, grape must in fermentation or new wine still in fermentation by more than 11 % in wine-growing zone A, 8 % in wine-growing zone B and 6,5 % in wine-growing zone C referred to in the Appendix to Annex XIIa(II).
5. The concentration of grape must or of wine subjected to the processes referred to in point 1:
 - (a) shall not have the effect of reducing the initial volume of these products by more than 20 %;
 - (b) shall, notwithstanding point (2)(c) of Section A, not increase the natural alcoholic strength of these products by more than 2 % volume.

6. The processes referred to in points 1 and 5 shall not raise the total alcoholic strength of the fresh grapes, grape must, grape must in fermentation, new wine still in fermentation, or wine:
 - (a) in wine-growing zone A referred to in the Appendix to Annex XIIa(II) to more than 11,5 % volume;
 - (b) in wine-growing zone B referred to in the Appendix to Annex XIIa(II) to more than 12 % volume;
 - (c) in wine-growing zone C I referred to in the Appendix to Annex XIIa(II) to more than 12,5 % volume;
 - (d) in wine-growing zone C II referred to in the Appendix to Annex XIIa(II) to more than 13 % volume; and
 - (e) in wine-growing zone C III referred to in the Appendix to Annex XIIa(II) to more than 13,5 % volume.
7. By way of derogation from point 6, Member States may:
 - (a) in relation to red wine, raise the upper limit of total alcoholic strength of the products referred to in point 6 to 12 % volume in wine-growing zone A and 12,5 % volume in winegrowing zone B referred to in the Appendix to Annex XIIa(II);
 - (b) raise the total alcoholic strength by volume of the products referred to in point 6 for the production of wines with a designation of origin to a level to be determined by Member States.

C. Acidification and de-acidification

1. Fresh grapes, grape must, grape must in fermentation, new wine still in fermentation and wine may be subject to:
 - (a) de-acidification in wine-growing zones A, B and C I referred to in the Appendix to Annex XIIa(II);
 - (b) acidification and de-acidification in wine-growing zones C I, C II and C III (a) referred to in the Appendix to Annex XIIa(II), without prejudice to point 7 of this Section; or
 - (c) acidification in wine-growing zone C III (b) referred to in the Appendix to Annex XIIa(II).
2. Acidification of the products, other than wine, referred to in point 1 may be carried out only up to a limit of 1,50 g/l expressed as tartaric acid, or 20 milliequivalents per litre.
3. Acidification of wines may be carried out only up to a limit of 2,50 g/l expressed as tartaric acid, or 33,3 milliequivalents per litre.

4. De-acidification of wines may be carried out only up to a limit of 1 g/l expressed as tartaric acid, or 13,3 milliequivalents per litre.
5. Grape must intended for concentration may be partially de-acidified.
6. Notwithstanding point 1, in years when climatic conditions have been exceptional, Member States may authorise acidification of the products referred to in point 1 in wine-growing zones A and B, referred to in the Appendix to Annex XIIa(II), under the conditions referred to in points 2 and 3 of this Section.
7. Acidification and enrichment, except by way of derogation to be adopted by the Commission by means of delegated acts pursuant to Article 112e(1), and acidification and de-acidification of one and the same product shall be mutually exclusive processes.

D. Processes

1. None of the processes referred to in Sections B and C, with the exception of the acidification and de-acidification of wines, shall be authorised unless carried out, under conditions to be determined by the Commission by means of delegated acts pursuant to Article 112e (1), at the time when the fresh grapes, grape must, grape must in fermentation or new wine still in fermentation are being turned into wine or into any other beverage intended for direct human consumption referred to in Article 1(1)(l) other than sparkling wine or aerated sparkling wine in the wine-growing zone where the fresh grapes used were harvested.
2. The concentration of wines shall take place in the wine-growing zone where the fresh grapes used were harvested.
3. Acidification and de-acidification of wines shall take place only in the wine making undertaking and in the wine-growing zone where the grapes used to produce the wine in question were harvested.
4. Each of the processes referred to in points 1, 2 and 3 shall be notified to the competent authorities. The same shall apply in respect of the quantities of concentrated grape must rectified concentrated grape must or sucrose held in the exercise of their profession by natural or legal persons or groups of persons, in particular producers, bottlers, processors and merchants to be determined by the Commission by means of delegated acts pursuant to Article 112e (1), at the same time and in the same place as fresh grapes, grape must, grape must in fermentation or wine in bulk. The notification of these quantities may, however, be replaced by entry in a goods inwards and stock utilisation register.
5. Each of the processes referred to in Sections B and C shall be recorded on the accompanying document, as provided for in Article 185c, under cover of which the products having undergone the processes are put into circulation.
6. Those processes, subject to derogations justified by exceptional climatic conditions, shall not be carried out:

- (a) in wine-growing zone C referred to in the Appendix to Annex XIIa(II) after 1 January;
 - (b) in wine-growing zones A and B referred to in the Appendix to Annex XIIa(II) after 16 March, and they shall be carried out only for products of the grape harvest immediately preceding those dates.
7. Notwithstanding point 6, concentration by cooling and acidification and de-acidification of wines may be practised throughout the year.

Part II

RESTRICTIONS

A. General

- 1. All authorised oenological practices shall exclude the addition of water, except where required on account of a specific technical necessity.
- 2. All authorised oenological practices shall exclude the addition of alcohol, except for practices related to obtaining fresh grape must with fermentation arrested by the addition of alcohol, liqueur wine, sparkling wine, wine fortified for distillation and semi-sparkling wine.
- 3. Wine fortified for distillation shall only be used for distillation.

B. Fresh grapes, grape must and grape juice

- 1. Fresh grape must in which fermentation is arrested by the addition of alcohol shall be used only during the stage of preparation of products which do not fall under CN codes 2204 10, 2204 21 and 2204 29. This is without prejudice to any stricter provisions which Member States may apply to the preparation in their territory of products which do not fall under CN codes 2204 10, 2204 21 and 2204 29.
- 2. Grape juice and concentrated grape juice shall not be made into wine or added to wine. They shall not undergo alcoholic fermentation in the territory of the Union.
- 3. The provisions of points 1 and 2 shall not apply to products intended for the production, in the United Kingdom, Ireland and Poland, of products falling within CN code 2206 00 for which Member States may allow the use of a composite name, including the sales designation 'wine'.
- 4. Grape must in fermentation extracted from raisined grapes shall be put on the market only for the manufacture of liqueur wines only in the wine-growing regions where this usage was traditional on 1 January 1985, and for the manufacture of wine of overripe grapes.
- 5. Unless otherwise decided in accordance with Article 43(2) TFEU pursuant to the international obligations of the Union, fresh grapes, grape must, grape must in fermentation, concentrated grape must, rectified concentrated grape must,

grape must with fermentation arrested by the addition of alcohol, grape juice, concentrated grape juice and wine, or mixtures of those products, originating in third countries, may not be turned into products referred to in this Annex or added to such products in the territory of the Union.

C. Blending of wines

Unless otherwise decided in accordance with Article 43(2) TFEU pursuant to the international obligations of the Union, coupage of a wine originating in a third country with a Union wine and coupage between wines originating in third countries shall be prohibited in the Union.

D. By-products

1. The over-pressing of grapes shall be prohibited. Member States shall decide, taking account of local and technical conditions, the minimum quantity of alcohol that shall be contained in the marc and the lees after the pressing of grapes.

The quantity of alcohol contained in those by-products shall be decided by Member States at a level at least equal to 5 % in relation to the volume of alcohol contained in the wine produced.

2. Except for alcohol, spirits and piquette, wine or any other beverage intended for direct human consumption shall not be produced from wine lees or grape marc. The pouring of wine onto lees or grape marc or pressed aszú pulp shall be allowed under conditions to be determined by the Commission by means of delegated acts pursuant to Article 112e(1) where this practice is traditionally used for the production of 'Tokaji fordítás' and 'Tokaji máslás' in Hungary and 'Tokajský forditáš' and 'Tokajský mášláš' in Slovakia.
3. The pressing of wine lees and the re-fermentation of grape marc for purposes other than distillation or production of piquette is prohibited. The filtering and centrifuging of wine lees shall not be considered as pressing where the products obtained are of sound, genuine and merchantable quality.
4. Piquette, where its production is authorised by the Member State concerned, shall be used only for distillation or for consumption in wine-producers' households.
5. Without prejudice to the possibility for Member States to decide to require disposal of by-products by way of distillation, any natural or legal persons or groups of persons who hold by-products shall be required to dispose of them subject to conditions to be determined by the Commission by means of delegated acts pursuant to Article 112e (1).

* OJ L 109, 6.5.2000, p. 29.

** OJ L 93, 31.3.2006, p. 12

*** OJ L 376, 27.12.2006, p. 21

**** OJ L 276, 6.10.1990, p. 40

***** OJ L 40, 11.2.1989, p. 34

***** OJ L 139, 30.4.2004, p. 55

